

8th September, 1924

0

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV, Part V

(3rd September to 16th September 1924)

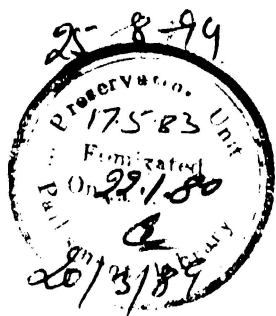
FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1924



SIMLA
GOVERNMENT OF INDIA PRESS
1924.



CONTENTS.

VOLUME IV, PART V—3rd September to 16th September, 1924.

	PAGES.
Wednesday, 3rd September, 1924—	
Members Sworn	2911
Questions and Answers	2911-47
Unstarred Questions and Answers	2947-86
Statement laid on the Table	2986-88
Petitions relating to the Indian Penal Code (Amendment) Bill— (Amendment of section 375)	2989
Governor General's assent to Bills	2989
Election of Members of the Legislature to serve on the Committee to consider the flow of Capital into India from external sources	2989
Statement of Business	2989-92
The Code of Civil Procedure (Amendment) Bill—Nomination of Mr. K. C. Neogy to serve on the Select Committee	2992
The Indian Criminal Law Amendment Bill—Nomination of Mr. K. C. Neogy to serve on the Select Committee	2992
The Indian Merchant Shipping (Amendment) Bill—Referred to Select Committee	2992-94
The Imperial Bank of India (Amendment) Bill—Referred to Select Committee	2994-95
The Land Customs Bill—Introduced	2995-96
The Cotton Ginning and Pressing Factories Bill—Introduced	2996-97
The Indian Post Office (Amendment) Bill—Introduced	2997
Monday, 8th September, 1924—	
Questions and Answers	2999-3047
Unstarred Questions and Answers	3047-49
Statement laid on the Table	3049-63
The Imperial Bank of India (Amendment) Bill—Report of the Select Committee laid on the Table	3063
The Cotton Ginning and Pressing Factories Bill—Motion to cir- culate adopted	3064-74
The Land Customs Bill—Referred to Select Committee	3074-85
The Indian Post Office (Amendment) Bill—Considered and passed	3086
Wednesday, 10th September, 1924—	
Member Sworn	3087
Questions and Answers	3087-3130
Bills passed by the Council of State	3130
The Indian Criminal Law Amendment Bill—Presentation of the Report of Select Committee	3130
The External Capital Committee—Election of Members	3130-31
Resolution <i>re</i> Recommendations of the Lee Commission—contd	3131-76

LEGISLATIVE ASSEMBLY.

Monday, 8th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

RESERVE CLERKSHIPS AND BRANCH POSTMASTERSHIPS IN BIHAR AND ORISSA.

1641. ***Kumar Ganganand Sinha** : (a) Will the Government be pleased to lay on the table a list of the accepted candidates for reserve clerkships and Branch Postmasterships in Bihar and Orissa during the years 1922 to 1924 ?

(b) Will the Government be pleased to state :

- (i) how many vacancies have occurred in Branch Postmasterships and reserve clerkships during 1922, 1923, and 1924 ?
- (ii) how many of them have been filled up ?
- (iii) what principle has been adopted in filling up those vacancies ?
- (iv) how many persons, if any, other than the registered candidates have got provisions in those vacancies and under what circumstances ?

The Honourable Mr. A. C. Chatterjee : The collection of the information asked for by the Honourable Member will entail very great labour in a large number of offices. I shall be glad to inquire into any particular case which the Honourable Member may bring to my notice where there has been substantial injustice which has not been redressed on appeal.

APPOINTMENT OF BINDESWARI PRASAD MISRA, A PROBATIONER IN THE POST AND TELEGRAPH DEPARTMENT, TO A PERMANENT VACANCY.

1642. ***Kumar Ganganand Sinha** : (1) Are the Government aware of the facts that :

- (a) Bindeswari Prasad Misra of Gogri was appointed as a probationer in the Post and Telegraph Department under the orders of the Superintendent of Post Office, Monghyr Division, Bihar and Orissa, on the 17th January 1923 ?
- (b) his name was registered and he was allowed to learn Post Office work after furnishing a security of Rs. 300 in the prescribed form and promised that he would be given a permanent appointment as soon as a vacancy occurred ?
- (c) he worked as a probationer and was attached to the Gogri Post Office for about four months ?
- (d) he has not been provided with any permanent appointment as yet ?
- (e) he will be overage for Government service in July 1925 ?

(2) If so, will the Government be pleased to state the reason for his not being appointed as yet and whether or not he is going to be appointed in future? If he is not going to be appointed, will the Government be pleased to state the reasons for the same?

Mr. H. A. Sams : (1) (a) Yes.

(b) Yes, but there was no specific promise of a permanent appointment.

(c) Yes, but the period was only 2½ months.

(d) Yes.

(e) Yes.

(2) A number of men who were enlisted as unpaid probationers before B. P. Misra and have had a longer training are still waiting for reserve clerkships and, as there was no chance of his receiving such an appointment before reaching the age of 25, his name has been removed from the list of candidates by the Postmaster-General, Bihar and Orissa. If Mr. B. P. Misra has any grievance, he has the right of appeal to the Director General which he has not yet exercised.

EXERCISE OF MAGISTERIAL POWERS BY EXECUTIVE OFFICERS IN CANTONMENTS.

1643. **Dr. H. S. Gour :** (a) Are the Government aware that by a notification, dated the 11th March, 1921, published in the C. P. Gazette of 1921, Part I, page 296, Major J. Ardoino was appointed Cantonment Magistrate, Kamptee?

(b) Is it a fact he has been given summary powers under section 260 of the Code of Criminal Procedure?

(c) Is it a fact that since the enactment of the Cantonment Act (Act II of 1924), which came into force on the 1st May, 1924, it has been the policy of the Government to appoint no Executive Officer to discharge any judicial function of a civil or a criminal character within the Cantonment area (Vide Army Department letter No. 25314-1-A.D., dated the 3rd March, 1924)?

(d) If so, how is it that Major J. Ardoino still continues to exercise magisterial powers in Kamptee though he has been appointed Executive Officer under the new Cantonment Act?

(e) Will the Government please explain whether the combination of executive and judicial functions in the same Cantonment Officer is consistent with the policy of the Government of India laid down in its letter No. 25314-1-A.D., dated Delhi, the 3rd March, 1924, paragraphs 1, 2 and 3?

(f) Do the Government propose to take steps to see that no Executive Officer of a Cantonment is given magisterial powers, or is suffered to wield them in pursuance of a notification issued before the enactment of the new Cantonment Act?

Mr. E. Burdon : (a) Yes.

(b) Yes, in 1921.

(c) Yes.

(d) Major Ardoino was required by the Local Government as a matter of practical convenience to complete the trial of two cases which he had commenced to hear in his capacity of Cantonment Magistrate. The cases in question were compounded on the 17th July 1924.

(e) No.

(f) The case of Major Ardoini which forms the subject of the Honourable Member's question was of an entirely special character which could arise only in the period of transition to the new form of Cantonment administration. The general orders which the Government of India issued will effectively prevent the exercise of judicial powers by Executive Cantonment officers in any other case.

EMPLOYMENT OF CIVILIANS AS EXECUTIVE OFFICERS IN CANTONMENTS.

1644. ***Dr. H. S. Gour** : (a) Are the Government aware that Mr. Burdon in a speech dated the 24th July, 1923, promised to very favourably consider the proposal of the Select Committee that the Executive Officer of a Cantonment should be an officer in the civil employ ?

(b) What effect have the Government given to this recommendation and how far have the Government been able to redeem the promise made by them ?

(c) Have the Government referred to the Secretary of State the terms of services which they promised to introduce ?

(d) Will the Government be pleased to state the number of military officers still employed as Executive Officers of Cantonments and those still wielding magisterial jurisdiction ?

Mr. E. Burdon : (a) Yes.

(b) The undertaking has been carried out. The Executive Officers of the temporary Cantonments Department constituted are in civil employ.

(c) The terms of service granted provisionally to members of the Cantonments Department were referred to and sanctioned by the Right Honourable the Secretary of State for India.

(d) The answer to the first part of the question is 36. The answer to the second part is *nil*.

SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS IN CANTONMENTS.

1645. ***Dr. H. S. Gour** : (a) Is it a fact that His Excellency the Commander-in-Chief, in his statement dated the 14th February 1924, stated that the combination of executive and judicial powers of the Cantonment Magistrate would cease, and that the judicial work which he performed would be transferred to the Civil Judicial staff of the Provincial Governments and that the executive powers will, in future, be vested in the Executive Officer who will also be the Secretary of the Cantonment Board ?

(b) How far have the Government been able to make good this promise and in respect of what cantonments does the Executive Officer wield both judicial as well as executive powers ?

(c) What steps do the Government propose to take for the speedy termination of the combination of such powers condemned by Government ?

Mr. E. Burdon : (a) Yes.

(b) As regards the first part of the question, the necessary orders have been issued. To the latter part, the answer is *nil*.

(c) In view of the reply to part (b), this question does not arise.

RACIAL DISTINCTIONS ON RAILWAYS.

1646. ***Mr. C. S. Ranga Iyer** : (a) Are the Government aware that Indian passengers holding tickets are not allowed entry into railway

platforms before the arrival of the trains while third class Anglo-Indian and European passengers are admitted to the platforms ?

(b) Are the Government aware that in some big stations where sleeping accommodation is provided Indian passengers find difficulty in admission and are sometimes not admitted while third class Anglo-Indians are admitted ?

(c) Are the Government aware that in overcrowded trains with hardly sitting accommodation for Indian passengers, compartments reserved " For Europeans and Anglo-Indians Only " are seen either empty or with one or two passengers therein ?

(d) Do the Government propose to take immediate steps to remedy the above racial distinctions in the Railways ?

Mr. A. A. L. Parsons : (a) and (b). The reply is in the negative.

(c) and (d). I am aware that it occasionally happens that compartments reserved for Europeans and Anglo-Indians are not fully occupied when other compartments on the same train, not so reserved, are full or practically full, and I wish to take this opportunity of explaining exactly what the policy of Government is in this matter. We do not think the reservation of intermediate class compartments for Europeans and Anglo-Indians is any longer required by traffic considerations, and we have, therefore, issued instructions for its cessation on State-managed railways. These instructions will apply to the East Indian Railway when it comes under State management at the end of this year. The reservation of intermediate class compartments has already been discontinued on all other Companies' railways.

It has also been our policy to reduce the reservation of third class compartments, and from the statement which I lay on the table the Honourable Member will see that the practice has already been reduced to very small dimensions.

Statement showing the third class accommodation reserved for Europeans and Anglo-Indians.

Railway.	Accommodation.
North-Western Railway ..	One small third class compartment on mail and fast passenger trains.
Oudh and Rohilkhand Railway	One third class compartment on the Punjab and Dehra Dun mails.
East Indian	One small third class compartment on mail and express trains.
Great Indian Peninsula ..	Third class accommodation on mail and express trains.
Bombay, Baroda and Central India.	One third class compartment on mail and fast passenger trains.
Bengal-Nagpur	One third class compartment on mail and fast passenger trains.
Madras and Southern Mahratta, Broad Gauge.	Two third class compartments on the Calcutta mails, and one third class compartment on the Bombay and Bangalore mails, and four other trains. In addition one third class compartment on twelve local trains which include four motor coaches.
Madras and Southern Mahratta, Metre Gauge.	One third class compartment on the Poona Bangalore mail and passenger trains.
South Indian	One small third class compartment on the Mettupalayam, Mangalore, and Ceylon Boat Mails, and the Trivandrum Expresses.
Burma Railways	One third class compartment on four mails, two expresses and two fast trains.

INDIAN AND EUROPEAN RAILWAY REFRESHMENT ROOMS.

1647. ***Mr. C. S. Ranga Iyer** : (1) Is it not a fact :

- (a) that the space allotted to the Indian refreshment rooms in several railway stations is much smaller than the space allotted to the European refreshment rooms, where both exist ?
- (b) that the passengers resorting to the Indian refreshment rooms are numerically much larger than those who go to the European refreshment rooms ?
- (c) that the conveniences such as lighting and water supply provided by the Railway Companies to the European refreshment rooms are much greater than those provided to the Indian ?
- (d) that in some important stations where the need for Indian refreshment rooms exists only European refreshment rooms are provided ?

(2) Do Government propose to inquire into the above state of affairs and take necessary steps to improve the same ?

Mr. A. A. L. Parsons : (1) and (2). Government have no information on the points raised by the Honourable Member. They have frequently impressed on Railway Administrations the need for improving the arrangements for refreshments for Indian passengers and specifically brought to their notice in April last the question of providing Indian refreshment rooms where they are required.

Sardar V. N. Mutalik : Have Government received any reply to their representations to the Railway Companies ?

Mr. A. A. L. Parsons : Not that I know of. We merely drew their attention to this matter.

Khan Bahadur W. M. Hussanally : Will Government be pleased to inquire if they have carried out their instructions ?

Mr. A. A. L. Parsons : If the Honourable Member can give me any specific instance we will certainly inquire into it.

Khan Bahadur W. M. Hussanally : But it is generally known that these instructions are not carried out.

PROPOSED VASAD-BORSAD-KATANA RAILWAY.

1648. ***Mr. Jamnadas M. Mehta** : (a) Will Government be pleased to state how far the project of the Vasad-Borsad-Katana Railway line has progressed ?

(b) Do Government propose to expedite the matter by providing the requisite funds in the Railway Budget for the year 1925-26 ?

Mr. A. A. L. Parsons : (a) The revised project estimate of the Vasad-Borsad-Katana Railway is being re-examined by the Agent, Bombay, Baroda and Central India Railway, and a fresh traffic survey has been ordered.

(b) Until the revised project estimate and the traffic report have been examined it is not proposed to allot funds.

Sir Purshotamdas Thakurdas : When do Government expect this matter to be decided by the Railway Board after the examination that they are carrying on at present ?

Mr. A. A. L. Parsons : I cannot give the exact date. It will not be very long with the Railway Board. They will consider the matter as soon as they have heard from the Agent.

Mr. Jamnadas M. Mehta : Are Government aware that this scheme has been under consideration for the last 25 years ?

Mr. A. A. L. Parsons : It is because it has been under examination for 25 years that we have had to revise the estimates.

Sardar V. N. Mutalik : When will the revised estimates be ready ?

Mr. A. A. L. Parsons : I am afraid I cannot say.

Sir Purshotamdas Thakurdas : Are Government aware that certain members of the Central Advisory Railway Committee brought this matter prominently to the notice of the Railway Board last January ?

Mr. A. A. L. Parsons : That is why we have asked for a revised estimate.

Mr. Jamnadas M. Mehta : Then they are tarrying too much over it.

OUTRAGE ON AN INDIAN WOMAN WORKER IN THE FEDERATED MALAY STATES.

1649. ***Mr. Jamnadas M. Mehta :** (a) Has the attention of Government been drawn to a statement from one Mr. C. R. Naidu appearing in the *Voice of India*, dated 16th June, 1924, under the title "A White Man's Lust" ?

(b) Is it true as alleged in the statement that in the Federated Malaya States an Indian woman worker was outraged by her European master under circumstances of barbarity and violence ?

(c) Have Government received any information regarding the result of the prosecution said to have been started against the offending Manager ? If so, what ?

(d) What steps, if any, do Government propose to take to prevent the recurrence of such inhuman outrage on Indian workers there ?

Mr. J. W. Bhore : (a) and (b). Yes.

(c) The Manager and Assistant Manager of the Estate concerned were tried for the principal offence and abetment thereof respectively. The former was sentenced to 12 months' rigorous imprisonment and the latter acquitted.

(d) As the Honourable Member is aware offences of this kind are punishable under the criminal law of the country concerned which must be allowed to take its course. The Government of India, however, have asked their Agent who has exercised commendable vigilance in such cases whether he considers any special steps to be desirable and on receipt of his report will decide what action, if any, they shall take.

DISMISSAL OF MR. MOHANLAL TRIBHUVANDAS, CHIEF CLERK OF THE DISTRICT TRAFFIC SUPERINTENDENT, BULSAR, B. B. AND C. I. RAILWAY.

1650. ***Mr. Jamnadas M. Mehta :** (a) Are Government aware of the existence of a body called the Bombay, Baroda and Central India Railway Employees' Association ?

(b) Are Government aware that the said Association has been working for the last four years and has 400 members on its roll ?

(c) Are Government aware that among its members are European and Anglo-Indian employees of the Bombay, Baroda and Central India Railway ?

(d) Are Government aware that on the 30th June, 1923, Mr. Man'lal Kothari, the Honorary Secretary of the Association, convened a meeting of " All Railway Employees " at Bulsar ?

(e) Are Government aware that at the said meeting speeches were made about the grievances of the railway employees only ?

(f) Are Government aware that for attending the said meeting one Mr. Mohanlal Tribhuvandas, the chief clerk of the District Traffic Superintendent at Bulsar, was dismissed ?

(g) Do Government propose to inquire into the matter and see that justice is done to Mr. Mohanlal ?

Mr. A. A. L. Parsons : (a) Yes.

(b), (c) and (e). Government have no information.

(d) Yes.

(f) He was dismissed for disobedience of orders.

(g) No. The matter is *sub judice* as Mr. Mohanlal has filed a civil suit against the Railway for dismissal.

APPOINTMENT OF PASSENGER SUPERINTENDENTS ON THE VARIOUS RAILWAYS.

1651. ***Mr. Jamnadas M. Mehta :** (a) Have Government employed any superintendents on the various railway lines ?

(b) If the answer to (a) be in the affirmative, will Government state the number of these superintendents with their salaries, allowances and other remuneration ?

(c) Will Government state the duties assigned to the said superintendents and also whether and how far they have proved useful to passengers ?

(d) Have Government received any reports from these superintendents as to how Railway administration can be improved and economised ?

(e) If the answer to (d) be in the affirmative, will Government be pleased to state the substance of those reports and the action they propose to take thereon ?

Mr. A. A. L. Parsons : (a) Yes. In response to a Resolution passed by the Assembly in the Delhi session of 1921, passenger superintendents were appointed on the principal railway lines in India.

(b) There are at present 58 passenger superintendents employed on salaries ranging from Rs. 50 to Rs. 250 per mensem.

(c) Their duties are to assist third class passengers generally in such matters as taking of tickets, finding platforms and trains, securing accommodation, and the like. On some Railways the passenger superintendents have not been found useful, and they have been abolished ; on other Railways they are considered to be performing a useful function.

(d) It is not the business of these superintendents to make suggestions as to how the Railway Administration can be improved and made more economical.

(e) Therefore does not arise.

OUTRAGE ON AN INDIAN WOMAN WORKER IN THE FEDERATED MALAY STATES.

1652. ***Sir Purshotamdas Thakurdas** : (a) Have Government seen a report in the *Voice of India*, dated the 16th June 1924, regarding the alleged conduct of a European Manager of the Sangli Regla Perak Estate in the Federated Malay States, who is said to have forcibly removed a Telugu cooly woman working on the said estate with the intention of outraging her modesty ?

(b) Have the Government of India's Agent at Penang submitted any report to them regarding this incident and if so will Government be pleased to place a copy of the said report on the table ?

(c) Has the said European Manager been tried in a court of law and if so what is the result of such trial ?

(d) Have the Government of India been able to devise any steps by which persons guilty of such attacks on cooly women can no longer work in the area served by indentured labour from India ?

Mr. J. W. Bhore : (a) and (c). The Honourable Member is referred to my reply to question No. 1649 by Mr. Jammadas M. Mehta.

(b) Copies of the reports received from the Agent of the Government of India in Malaya are laid on the table.

(d) The Honourable Member is referred to the answer given to part (d) of question No. 1649 asked by Mr. Jammadas M. Mehta.

Extract paragraph 3, from a letter No. G.C.R.-104/24, dated the 5th June 1924, from the Agent of the Government of India in British Malaya.

* * * * *

3. In the second case, I received information on the evening of 23rd that an Indian girl had been raped in Sungei Reyla estate. I proceeded by the earliest available train to Ipoh and from there went to Sungei Siput station about seven miles from Sungei Reyla estate. At Sungei Siput, I noticed a gang of about forty Telugus loitering in the bazar. When I questioned them they said they had come away from Sungei Reyla estate as one of them had been raped and they pointed out the girl. I took that girl, her husband and another labourer in my motor car and drove to the estate. After some local inspection, I commenced to inquire into the matter. The Deputy Controller of Labour, Penang (Mr. Abearne), and Extra Assistant Controller under training (Mr. A. S. Reddi—Indian) who had heard about this affair from the local police joined me and the Deputy Controller agreed that I should complete the inquiry I had already commenced and that he should help me where necessary. Briefly, the facts of the case are these. On the morning of 19th, at about 2, the Manager of the estate Mr. Johnson and the Assistant Manager Mr. Jessamine drove from the club to the lines where the labourers are living. The Manager went up to the hut of Errasami and pushed open the door and called out Geddama—Errasami's wife. Both husband and wife came out of the hut. The Manager pushed out the husband and dragged the girl to the car, lifted her into it and drove the car to the bungalow of the Assistant Manager. The Manager took the girl who was screaming the whole time into a spare bedroom and cohabited with her four times. The girl then returned home crying at about 5 A.M. Errasami had in the meantime roused his neighbours and all of them were waiting outside the lines when Geddama turned up and related her misfortunes. All the labourers, about forty in number, left the estate in a body and went to the nearest railway station Sungei Siput and also laid information at the Police Station there with the result that the two men, Manager and his Assistant, were arrested. They were both released on bail. The Manager attempted to commit suicide by swallowing some prussic acid. Happily however, the acid was dilute and the fact was discovered. Necessary medical aid was rendered and the Manager was re-arrested. During the Police investigation, however, a serious blunder had been committed owing to faulty interpretation. The complainant is a Telugu. The Police Officer, who took her statement is a Malay and the man who interpreted the Telugu

of Geddamma into Malay is a Tamil Muhammadan. Complainant is alleged to have stated to the Police that both the Manager and the Assistant Manager had intercourse with her. I spoke to the Deputy Public Prosecutor, who was in charge of the case with the result that he suggested to the Magistrate that his case against the Assistant Manager was only one of abetment in that he lent the use of his room to the Manager. The case against the Manager was fully inquired into and both the Deputy Controller of Labour, Penang, and myself watched the case and occasionally helped the Deputy Public Prosecutor. It was argued on behalf of the Assistant Manager that the Manager was to have taken the girl to the house of the Manager but that the latter changed his mind at the last moment and got into one of the rooms without the consent of the Assistant Manager. In the end, the Assistant Manager was discharged and the Manager has been committed to the Assizes (Sessions). I shall report further details after the case has been disposed of in the Assizes.

* * * * *

Extract from a letter No. 114/G.C.R.24, dated the 5th July 1924, from the Agent of the Government of India in British Malaya.

* * * * *

6. The Sungei Reyla rape case referred to in paragraph 3 of my last report was tried at the Ipoh Assizes on 23rd June. The first accused Johnson was convicted and sentenced to undergo rigorous imprisonment for one year and the second accused Jeasmine, who was first discharged in the lower court and brought up for trial at the instance of the Deputy Public Prosecutor, was acquitted.

* * * * *

Sir Purshotamdas Thakurdas : Will Government be pleased to state if persons who are sentenced for any crime like this are allowed to work in the same area after their release from jail ?

Mr. J. W. Bhore : That is a question of fact upon which I have no information.

Sir Purshotamdas Thakurdas : Will Government be pleased to make inquiries on the subject ?

Mr. J. W. Bhore : I have already said that we have called for information from our Agent on that point and further action will be dictated by the result of his report.

Mr. A. Rangaswami Iyengar : Will Government be pleased to lay the report as soon as it is received from this Agent in Malaya on the table ?

Mr. J. W. Bhore : I have already laid the reports so far received on the table.

Mr. A. Rangaswami Iyengar : No. The report that you may call for.

Mr. J. W. Bhore : I will do so.

THE INDO-EUROPEAN TELEGRAPH DEPARTMENT.

1653. ***Sir Purshotamdas Thakurdas :** (a) With reference to the Administration Report of the Indo-European Telegraph Department for 1922-23, Appendix " E ", will Government be pleased to place on the table a similar statement for the five pre-war years ?

(b) Will Government be pleased to state the total number of State telegrams between India and the United Kingdom in each of the five years mentioned in Appendix " E " of the Report referred to above ?

(c) In view of the fact that the Government of India are directly interested in the Indo-European Telegraph Department will Government be pleased to state if they have issued instructions to all Departments of

the Central Government and to all Provincial Governments that for telegraphic communication with the United Kingdom on State service the Indo-European Telegraph line should be used as far as possible ?

(d) With reference to paragraph 4 of the Report referred to above where it is stated that the interest on capital shown against the years 1919-20 to 1922-23 is the interest earned in excess of the interest charges due to Government on the capital outlay, will Government be pleased to state the rate of interest thus calculated on the capital outlay for the year 1922-23 ?

(e) Will Government be pleased to state to what account credit is taken for—

(i) the amount of interest on the capital locked up in the Indo-European Telegraph Department ; and

(ii) the net revenue for 1922-23 which latter net revenue amounts to 6.38 per cent. of the capital ?

(f) With reference to the foot-note on page 4 of the Report will Government be pleased to give details of the cost of the London Office establishment which amounted to £2,914 in the year 1922-23 ?

(g) In view of the result of the working of the Indo-European Telegraph Department for the year 1922-23, will Government be pleased to state if they still contemplate selling or leasing this Department as recommended by five members of the Incheape Committee in their Report ?

The Honourable Mr. A. C. Chatterjee : (a) A consolidated statement furnishing the figures required by the Honourable Member is laid on the table.

(b) The total number of State telegrams between India and the United Kingdom is not separately recorded, but the total numbers of all foreign State telegrams, of which the great bulk are telegrams to and from the United Kingdom, during the years in question were—

Year.	Number.
1918-19	139,018
1919-20	109,743
1920-21	73,796
1921-22	49,731
1922-23	33,585

(c) The answer is in the negative. The matter has been considered and decided in relation to the division of traffic between the different lines of telegraph communication between India and the United Kingdom.

(d) The average rate of interest charged in the year 1922-23 was 3.3252 per cent. on the Capital Expenditure to the end of 1916-17, and 5.48 per cent. on subsequent expenditure.

(e) (i) In the Indo-European Telegraph Department the interest charge is taken into account on a *pro forma* basis simply for the purpose of the Profit and Loss Account, as the whole Capital outlay has been met from revenue. Hence it is included only in the Administration Report and no account adjustment is made.

(ii) The net revenue of the Indo-European Telegraph Department is credited under the head "XV—Posts and Telegraphs".

Statement showing the number of messages and words forwarded during the years 1905-06 to 1913-14 inclusive.

	STATE.		COMMERCIAL AND PRIVATE.				PRESS.		TOTAL.				GRAND TOTAL.		ADD OR DEDUCT MESSAGES IN TRANSIT.	TOTAL.
	Gulf.		Gulf.		Persia.		Gulf.		Gulf.		Persia.		Mes-sages.	Words.		
	Mes-sages.	Words.	Mes-sages.	Words.	Mes-sages.	Words.	Mes-sages.	Words.	Mes-sages.	Words.	Mes-sages.	Words.			Mes-sages.	Words.	Words.
1905-06 . . .	3,682	152,409	204,690	2,299,808½	1,068	21,419	663	47,494	209,035	2,499,711½	1,968	21,419	211,003	2,521,130½	303	2,521,433½
1906-07 . . .	3,843	146,238	252,359	2,640,290½	2,234	19,774	919	51,736	257,121	2,838,264½	2,234	19,774	259,355	2,858,038½	2,291½	2,860,330
1907-08 . . .	3,258	138,890	264,254	2,670,050	3,035	30,829	602	39,224	268,114	2,848,164	3,035	30,829	271,149	2,878,993	3,176½	2,882,169½
1908-09 . . .	3,231	140,344	225,864	2,195,011½	2,016	35,310	597	65,409	229,692	2,400,764½	2,916	35,310½	229,908	2,436,074½	2,636	2,438,757½
1909-10 . . .	3,368	137,736	266,166	2,516,767½	4,213	48,755½	345	17,216	269,879	2,671,719½	4,213	48,755½	274,092	2,720,475½	2,636½	2,723,111½
1910-11 . . .	3,345	127,806	329,223	3,046,632½	4,268	45,359	324	14,448	332,892	3,188,886½	4,269	45,359	337,161	3,234,245½	656½	3,234,901½
1911-12 . . .	4,409	180,102	341,135	3,178,150	5,255	53,597	189	9,054	345,733	3,367,306	5,255	53,597	350,988	3,420,903	2,814	3,418,089
1912-13 . . .	3,644	165,025	387,199	3,633,004	6,081	63,410	255	13,297	391,098	3,811,326	6,081	63,410	397,179	3,874,736	4,193	3,878,929
1913-14 . . .	3,578	145,249	373,690	3,602,008½	5,049	59,222	162	5,840	377,430	3,753,097½	5,649	59,222	383,079	3,812,319½	..	3,812,319

NOTE.—Under the columns headed "Gulf" are shown messages and words accounted for in Gulf Traffic Accounts. Under the columns headed "Persia" are shown (1) messages and words originating or terminating in Persia to or from Indo-European Company's line which consequently do not appear in the Gulf Traffic Accounts, and (2) messages terminating in Persia received from Persian Crown lines.

(f) Details of the cost of the London Office establishment of the Indo-European Telegraph Department are as follows—

	£
Salary of Director-in-Chief	947
Salary of Assistant to Director-in-Chief	60½
Salary of First Clerk	731
Salary of Second Clerk	341
Salary of Third Clerk	163
Salary of Fourth Clerk	128
Total ..	2,914

(g) The Honourable Member is referred to the reply given by me to a similar question No. 46, heads (a) to (c), put by him at the Legislative Assembly meeting of the 1st February, 1924. No decision on the matter has yet been arrived at.

Sir Purshotamdas Thakurdas : May I know when Government are likely to arrive at a decision in this matter ?

The Honourable Mr. A. C. Chatterjee : I cannot give any definite promise.

Sir Purshotamdas Thakurdas : Have not Government had enough experience of the commercial utility of this Department to enable them to come to a decision ?

The Honourable Mr. A. C. Chatterjee : I think the Honourable Member is aware of the very complicated nature of the question on which a decision has to be arrived at.

Sir Purshotamdas Thakurdas : So far as I can see, the question strikes me as a very simple one in view of the results that we have seen.

AMOUNTS PAID TO INDIAN AND EUROPEAN DEPOSITORS OF THE ALLIANCE BANK.

†1654. ***Mr. Gaya Prasad Singh :** (a) With reference to starred question No. 175 of the 5th February 1924, will the Government be pleased to state if they have found out what amounts were paid to Indian and European depositors of the Alliance Bank, both in India and in Europe ?

(b) If the answer be in the negative, will the Government state their reasons ?

ALLEGATIONS CONTAINED IN THE REPORT OF THE ALLIANCE BANK OF SIMLA COMMITTEE OF INVESTIGATION.

†1655. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to the report of the Committee of Investigation, appointed at a meeting of the creditors of the Alliance Bank, held on the 1st June 1923 (*vide* the "Amrita Bazar Patrika," dated the 12th June 1924) ?

(b) Is it a fact that although written to, "the past Directors of the Bank, with one excuse or another, failed to come forward to help the investigation" ?

†For Answer to this question—see below question No. 1870 on p. 3011 *infra*.

(c) Is it a fact that, as stated by Mr. C. T. Allen of Cawnpore, he "strongly protested against the actions of those who were misusing the Bank and its funds;" and that he "finally quitted the Board as a protest against the management of the Bank's affairs"?

(d) Is it a fact that Mr. Ashworth, one of the Liquidators of the Alliance Bank, was asked for certain Bank books; but his "reply was evidently a dodge to avoid the request"?

(e) Are the Government prepared to make inquiries into the above, and report the result to the House?

ADVANTAGE SECURED FROM THE ALLIANCE BANK OF SIMLA BY MESSRS. BOULTON BROTHERS.

†1656. ***Mr. Gaya Prasad Singh**: Is it a fact that within the short period of less than two years, Messrs. Boulton Brothers managed to secure from the Alliance Bank the following advantages:

- (1) Shares of the Bank to the extent of 10 lacs.
- (2) £10,000 of St. Petersburg Loan sold to the Bank.
- (3) Rs. 13 lacs in 3½ per cent paper were taken by them upon the understanding that the money would be returned within 12 months in exchange for foreign and continental securities.
- (4) A loan of £80,000 was received by them against non-marketable securities.
- (5) The securities given for the above loan of £80,000 were returned to Boulton Brothers before the repayment of the same?

FAILURE OF THE ALLIANCE BANK OF SIMLA.

†1657. ***Mr. Gaya Prasad Singh**: Did the Government make inquiries into the circumstances that led to the failure of the Alliance Bank, before sanctioning the payment from the Imperial Bank; and in view of new facts brought to light, do the Government propose to take any action?

REPORT OF THE ALLIANCE BANK OF SIMLA INVESTIGATION COMMITTEE.

†1745. ***Khan Bahadur Sarfaraz Hussain Khan**: Will the Government be pleased to state:

- (a) If they have received the report of the Investigation Committee on the Alliance Bank of Simla Limited?
- (b) If so, will they please lay a copy of it on the table?

REPORT OF THE ALLIANCE BANK OF SIMLA INQUIRY COMMITTEE.

†1760. ***Haji S. A. K. Jeelani**: (a) Has the attention of the Government been drawn to the report of the Alliance Bank Inquiry Committee appointed to investigate into the causes of its failure?

(b) Will the Government be pleased to state whether there are any facts in the report which were not within the cognisance of the Government before they authorised the Imperial Bank to advance 50 per cent. on the security of the Alliance Bank assets to its creditors?

(c) In the light of the facts disclosed by the Inquiry Committee, will the Government be pleased to state whether from the available

†For Answer to this question—see below question No. 1870 on p. 3011 *infra*.

assets of the Alliance Bank it is possible to recover the amount advanced ?

REPAYMENT OF ADVANCES MADE BY THE IMPERIAL BANK TO THE ALLIANCE BANK OF SIMLA.

1870. ***Mr. Bhubanananda Das** : Will Government be pleased to state how much still remains to be paid by the Alliance Bank liquidators to complete the repayment of advances made by the Imperial Bank of India under Government guarantees ?

The Honourable Sir Basil Blackett : I shall take up questions Nos. 1654-1657, 1745, 1760 and 1870 together for the sake of convenience as these relate to the same subject.

Copies of the Reports of the Liquidators and of the Committee of Investigation have been placed in the Library. These will supply most of the information asked for. Government have no information beyond that contained in these Reports and in the press.

From a statement issued by the Liquidators on the 9th August which has already appeared in the press, I gather that they are able to pay a 50 per cent. dividend which will set the Government free from any financial liability in respect of their guarantee to the Imperial Bank of India.

For the rest, the matter is *sub judice* and Honourable Members have no doubt been watching the proceedings in the Court.

DISMISSAL OF HAVILDAR SANTA SINGH OF THE 8TH ARTILLERY FOR READING AN AKALI NEWSPAPER.

1658. ***Sardar Kartar Singh** : (1) Has the attention of the Government been drawn to an article headed, "*Akali Te Pardesi Akhbar parhna jurm hai. Ek Havaldar ki mulazmat se mauqufi*" (Reading of Akali Te Pardesi newspaper is an offence. Dismissal of a Havaldar), in the daily Urdu Akali of Amritsar, dated the 28th June 1924 ?

(2) (a) Is it a fact, that Santa Singh, Havaldar of the 8th Artillery stationed at Tonk, N.-W. F. P., has been dismissed from service on account of having been found reading the "Akali Te Pardesi" newspaper by the Officer Commanding ?

(b) Is it a fact that the Officer Commanding immediately after finding Santa Singh Havaldar reading the said newspaper suspended him by removing his military badges, and put him in the quarter guard ?

(c) Is it a fact that Santa Singh was handcuffed and his trial by a court-martial lasted for four days continuously ?

(d) Is it a fact that Santa Singh was fined Rs. 50 by the court-martial, was dismissed from service and was ordered to be out of bounds at once ?

(e) Is it a fact that Havaldar Santa Singh had distinguished himself on service on the battlefields of France, Chaman, Waziristan, etc., and was a recipient of several medals and certificates, and had several times officiated as a Jamadar and was about to be soon promoted to that rank ?

(f) Is it a fact that at the time of dismissal his medals and certificates were confiscated, and he was deprived of all his pay and allowances due to him ?

(g) Is it a fact that after being dismissed Santa Singh was taken in handcuffs to the railway station, Tonk, and was there ordered to leave the place at once while he was neither supplied with any railway ticket nor pass, nor was he given any money to enable him to reach his village in the Ludhiana District ?

(3) Will the Government be pleased to state under what rules or regulations was the reading of the " Akali Te Pardesi " newspaper by Santa Singh considered an offence ?

(4) Is the reading of newspapers by soldiers in the Indian Army prohibited ; if so, when were the orders to that effect issued, and how long is it intended to keep those orders in force ?

(5) What steps do the Government propose to take in the matter ?

Mr. E. Burdon : (1) Government have seen the article referred to by the Honourable Member.

(2) to (5). Government have made inquiries from which it appears that no incident such as the question describes has taken place. I may state for the information of the Honourable Member that the unit mentioned, the 8th Pack Battery, Royal Garrison Artillery, has never served in Tonk.

AMALGAMATION OF THE DISTRICT LOCOMOTIVE, CARRIAGE AND TRAFFIC OFFICES ON THE EAST INDIAN RAILWAY.

1659. ***Kumar Ganganand Sinha :** (a) Is it a fact that the District Locomotive, Carriage, and Traffic Offices under the administration of the East Indian Railway are going to be amalgamated with a view to create Divisional Offices at Howrah, Asansole, Dinapore and Delhi ?

(b) If this be so, will the Sahebganj Loop District be absorbed in the Howrah District ?

(c) Are the Government aware that for 10 or 12 years there has been no improvement in the Loop District ?

(d) Is it a fact that only a year ago, the Railway administration spent some four or five lakhs of rupees to accommodate the District Locomotive and District Engineer Offices and staff at Sahebganj ?

Mr. A. A. L. Parsons : Government have under contemplation a reorganisation of the present system of administration on the East Indian Railway, but the proposals are not sufficiently mature to enable definite information to be given on this subject.

REPRESENTATION AGAINST THE ABSORPTION OF THE SAHEBGANJ LOOP DISTRICT IN THE HOWRAH DISTRICT OF THE EAST INDIAN RAILWAY.

1660. ***Kumar Ganganand Sinha :** (a) Will the Government be pleased to state whether or not the Railway Board has received any application from Rai Sahib Khusilal, Zemindar and Vice-Chairman, Sahebganj Municipality, and Babu Rajendra Nath Ray, Pleader and Municipal Commissioner, and others, showing the injurious effect of the absorption of the Sahebganj Loop District in the Howrah District ?

(b) If so, will the Government be pleased to lay it on the table and state whether or not any reply has been given to the same ?

(c) If any reply has been given, will the Government be pleased to lay it on the table ?

(d) If no reply has been given, will the Government be pleased to give reasons for the same ?

Mr. A. A. L. Parsons : (a) Yes.

(b) and (c). A copy of the petition will be furnished to the Honourable Member. Its receipt has been acknowledged.

(d) For the reasons stated in reply to the Honourable Member's previous question no reply to the petition is possible at present.

AMALGAMATION OF THE DISTRICT LOCOMOTIVE, CARRIAGE AND TRAFFIC OFFICES ON THE EAST INDIAN RAILWAY.

1661. ***Kumar Ganganand Sinha :** (a) Is it a fact that the East Indian Railway is going to be taken over by the State from the 1st January 1925 ?

(b) If so, is there any guarantee that the proposed amalgamation of the East Indian Railway District Locomotive, Carriage and Traffic Offices will not be altered by the State management ?

(c) Have the Government satisfied themselves or not, whether such an amalgamation will sacrifice efficiency to economy, or not ?

Mr. A. A. L. Parsons : (a) Yes.

(b) and (c). As already stated in reply to previous questions by the Honourable Member, the matter is under consideration and Government are not in a position to make any statement.

PROVISION OF EXTRA WATERWAYS ON THE CHAPRA-MASHRAK BRANCH AND ON THE MAIN LINE, BENGAL AND NORTH-WESTERN RAILWAY.

1662. ***Mr. Gaya Prasad Singh :** (a) With reference to my starred question No. 1166 of the 2nd June 1924, regarding the floods in Bihar and the waterways on the Railway embankments, has the attention of the Government been drawn to the following passages occurring in the press communiqué, dated the 4th October 1921, issued by the Government of Bihar and Orissa, and published in the Bihar and Orissa Legislative Council debates, Volume III, no. 7, page 314 :

“ Mr. Bremner visited the District, and discussed the question of waterways with the Agent and Chief Engineer of the Bengal, North-Western Railway, and with the Collector. It was agreed that the waterways provided in the Chapra-Mashrak Branch were altogether inadequate, and that more will be provided either by bridges or by causeways with adequate vents at ground level. It was also agreed that more and better waterways should be given on the main line west of Siwan ? ”

(b) Will the Government be pleased to state if more waterways have been provided on the Chapra-Mashrak Railway, and on the main line, since the date of the press communiqué ? And if so, how many ; and of what dimensions ?

(c) If the answer to (b) be in the negative, will the Government be pleased to state their reasons ?

Mr. A. A. L. Parsons : (a) Government have seen the passage referred to.

(b) and (c). All the works agreed upon have been completed. A list showing the amount of extra waterway provided, is placed on the table.

List showing extra waterways provided on the Chapra-Mashrak Branch and on the main line Bengal and North-Western Railway.

The extra waterways given on the Chupra-Mashrak Branch are :—

Mile 2/6	(Chain 125·00)	=	Causeway 1,000 ft.
.. 4/6	.. 225·00	=	.. 1,000 ..
.. 5/4-5	.. 286·90	=	Bridge No. 8B (1-3' Barrel Drain) which was destroyed during the flood has been replaced by 4 spans 5 ft. arches.
.. 6/6	.. 332·15	=	A new bridge 5 spans of 4 ft. arches.

The extra waterways given on the main line are :—

In Bihar & Orissa, at mile 243/1 (Chain 3735·60)=2 spans of 6 ft. arch between Savan and Bhata Pokhar stations.

Do. at mile 249 (Chain 4050)=8 spans of 6 ft. arches between Bhata Pokhar and Mairwa stations.

In the United Provinces, at mile 260½ (Chain 235·40)=6 spans of 6 ft. arches between Bankata and Bhatpur Rani stations.

FLOODS AND RAILWAY EMBANKMENTS IN THE SARAN DISTRICT, BIHAR AND ORISSA.

1663. ***Mr. Gaya Prasad Singh** : (a) Has the attention of the Government been drawn to the following passages in the report of the Chief Engineer and Secretary to the Government of Bihar and Orissa in the Public Works Department, on the question of floods and Railway embankments in District Saran published as press communiqué, dated the 11th October 1921, Bihar and Orissa Legislative Council debates, Volume III, No. 7 :

“ A good deal of the drainage of Siwan and Gopalganj Sub-Divisions falls into the trough between the main line of the Bengal, North-Western Railway, and Saran embankment ; and flows in a south-easterly direction towards Sonepur. The drainage of the whole area north of the main line of the Bengal, North-Western Railway, i.e., of about 80 per cent. of the District crosses the main line sooner or later ? ”

“ The Daha which is the main drainage channel of Siwan and Gopalganj Sub-Divisions, is crossed just after passing Siwan station ? ”

“ There is a strong local feeling in favour of having a culvert made at this place, which is supported by the Sub-Divisional Officer, Siwan ? ”

“ In my opinion the waterway was not sufficient to pass the abnormal rain of the 15th September ; but is ample for ordinary heavy rain. Beyond Bhatapokhar station at mile 249 the line was a serious obstacle to drainage. There is a culvert near the place, but this was quite unable to take the water. The Chief Engineer of the Railway admits an afflux of 6 feet at the place where the line was cut, and the Agent has accepted the necessity of a bridge ! ”

(b) Have additional waterways been provided at Daha, and beyond Bhatapoker Station as recommended by the Chief Engineer ? If so, how many, and of what dimensions ? If the answer to the above be in the negative, will the Government be pleased to state the reasons ?

Mr. A. A. L. Parsons : (a) Government have seen the passages referred to.

(b) There was no suggestion for additional waterway at the Daha. Extra waterways have been provided at the following places :—

At mile 243—2 spans of 6 ft. arches to replace a 3 ft. opening. This is the culvert referred to as supported by the Sub-Divisional Officer, Siwan.

At mile 249 (Chain 4050)—8 spans of 6 ft. arches.

• At mile 260½ (Chain 235.40)—6 spans of 6 ft. arches.

FLOODS IN BIHAR.

1664. *Mr. Gaya Prasad Singh : (a) Has the attention of the Government been drawn to the following passages in the report of the Chief Engineer and Secretary to the Government of Bihar and Orissa, published as press communiqué, dated 11th October 1921 :

“ The Doronda-Maharajganj Branch does not seriously obstruct the drainage, but appears to hold up the water to some extent. *The question of additional waterway may be considered when the detailed report of the afflux at each opening is received ?* ”

“ The Chapra-Mashrak Branch—*The failure of the first six miles of this branch to pass the flood is the great cause of complaint against the Railway. The waterway was totally inadequate to pass the heavy flood ?* ”

“ *The water backed up against the Railway until it was levelled with the rails both in the branch and main lines. The Chapra-Mashrak line was either cut or breached early on the morning of the 16th. It would have breached in any case as the waterway was insufficient to pass the impounded water. The Chief Engineer of the Bengal North-Western Railway states that the line was cut at all the places ?* ”

“ *The wide benches are all in the first six miles where the Railway runs through low ground, and obstructs the drainage ?* ”

“ *The effect of the blocking of the drainage by the Mashrak Branch was to increase greatly the flood level immediately west of the line, with the result that almost all the houses in villages lying west of the Railway collapsed. The damage to houses and property would have been comparatively small had there been sufficient waterway to pass the flood ?* ”

(b) Will the Government be pleased to state how many waterways have been provided in this section of the Railway line as recommended in the report ; and of what dimensions ? If the answer be in the negative, will the Government kindly give the reasons ?

Mr. A. A. L. Parsons : (a) Government have seen the passages referred to.

(b) *Doronda-Maharajganj Branch.*—The afflux levels recorded did not show that any increase of waterway was necessary.

As regards extra waterways on the Chapra-Mashrak Branch, the Honourable Member's attention is invited to the list† I have placed on the table.

FLOODS IN BIHAR.

1665. *Mr. Gaya Prasad Singh : (a) Has the attention of the Government been drawn to the following passages in the report of the Chief Engineer and Secretary to the Bihar and Orissa Government published as press communiqué, dated 11th October 1921 :

“ *The only outlet being closed, the water could not get away except through the Railway sluices, which only drain a limited area ?* ”

“ *In the afternoon of the 15th the flood from the west came down, and backed up by the Mashrak Branch began flowing into the town ?* ”

“ In view of the fact that the Gogra was low, there was no reason for Chapra town suffering anything like so much damage, had there been proper arrangements for dealing with the drainage and the flood. The damage was of course intensified by the failure of the Mashrak Branch to pass the flood ? ”

(b) Will the Government be pleased to state if “ a large increase in waterway on the Mashrak Branch ” has been provided as recommended in the report referred to above ? And if not, why not ?

Mr. A. A. L. Parsons : (a) Government have seen the passages in question.

(b) The reply is in the affirmative. The Honourable Member’s attention is invited to the list† placed on the table.

PREVENTION OF FLOODS IN BIHAR.

1666. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to the proceedings of a conference of officials and non-officials held on the 30th September 1921, and published in the Bihar and Orissa Legislative Council debates, Volume III, No. 8, pages 373—374, in which it is reported that Mr. W. S. Bremner, Chief Engineer, Irrigation Branch of the Public Works Department, Government of Bihar and Orissa, stated that “ he would settle with the Railway Agent what measures should be taken to prevent future floods ” ?

(b) Will the Government be pleased to state the exact nature of the settlement referred to above, and of the measures taken to prevent future floods ?

Mr. A. A. L. Parsons : (a) Government have seen the proceedings referred to.

(b) At the request of the Railway Administration, Mr. Bremner was deputed by the Bihar and Orissa Government to discuss the question of waterways in the district affected by the exceptional flood in 1921, and, as a result, the additional waterways considered necessary to prevent future floods, have been provided.

Mr. Gaya Prasad Singh : Has the attention of the Government been drawn to a publication entitled “ Defective Waterways on the B. N. W. Railway in the district of Saran ” by George Nixon ?

Mr. A. A. L. Parsons : I am afraid I must ask for notice.

PROVISION OF ADDITIONAL WATERWAYS ON THE BENGAL AND NORTH-WESTERN RAILWAY TO MEET FLOOD SITUATION.

1667. ***Mr. Gaya Prasad Singh :** (a) Are the Government aware that in reply to question No. 419 of the 10th March 1921, relating to the “ inadequate provision of culverts and waterways on the Bengal and North-Western Railway line from Barauni Junction to Katihar Junction,” the Government stated in this House that “ judged by ordinary conditions, this section of the line is not provided with waterways to the extent that would be normally considered necessary ” ; and that “ the culverts were never intended to be flood openings, but to deal with impounded water from local rain-fall ” ?

(b) Will the Government be pleased to state if additional waterways have been provided on this Railway since the date of the reply to meet

flood situations ? If the reply be in the negative, will the Government kindly give the reasons ?

Mr. A. A. L. Parsons : (a) Yes, but the Honourable Member will no doubt have noticed that the reply went on to say that the amount of waterway provided was in accordance with the unanimous decision of a committee, representing all interests which met to consider the question at Bhagalpur on 5th December 1898. The inference was therefore plain that the question was decided with due regard to the special conditions obtaining in the locality.

(b) The reply is in the negative and the reason for not providing more waterway is given in the reply to the first portion of the question.

Mr. Gaya Prasad Singh : Are Government aware of the fact that in reply to a question on the recent floods in Bihar, the Local Government in the course of a statement in the Bihar and Orissa Legislative Council on the 29th August 1924 stated as follows :

“ Several telegrams have been received from the residents of Saharsa, Makna Bazar, Mansi, Pasraha and Khugaria reporting that scores of villages were flooded, cattle were dying for want of fodder and that people were in great distress. They prayed for more outlets in the B. N. W. Railway line in various places.”

What steps do Government propose to take in the matter ?

Mr. A. A. L. Parsons : I must ask for notice.

Mr. Gaya Prasad Singh : Do the Government propose to take any action on this ?

Mr. President : The Financial Commissioner has very properly asked for notice.

PREVENTION OF FLOODS IN NORTH BENGAL.

1368. ***Mr. Gaya Prasad Singh :** (a) With reference to question No. 149, asked in the Council of State on the 18th March 1924, regarding floods in North Bengal, will the Government be pleased to publish the recommendations of Rai Bahadur Ralla Ram, I.S.O., who was specially appointed by the Railway Board to undertake the investigation of the subject ?

(b) Will the Government be pleased to state if additional waterways on the (i) Santhar Jamalgunj Railway section ; (ii) Santhar-Kahaloo section ; and (iii) Sara-Serajgunj Railway line, have been provided, as recommended in the report ?

(c) If the answer to the above be in the negative, will the Government be pleased to state their reasons ?

Mr. A. A. L. Parsons : (a) Six copies of the Report by Rai Bahadur Ralla Ram, I.S.O., on the Northern Bengal floods are already in the Library.

(b) and (c). The position is as follows :

(i) *Santhar-Jamalgunj section.*—The desirability of additional waterway has been recognised and a special survey for the purpose has recently been completed. No waterway has, however, been provided pending the abandonment of the Metre gauge railway embankment.

(ii) *Santahar-Kahaloo section*.—460 feet of additional waterway have been so far provided against the 480 feet recommended, and it is considered that the slightly reduced provision will prove adequate.

(iii) *Sara-Serajgunj Railway*.—A bridge with about 600 feet of waterway has been completed which give 50 per cent. more additional waterway than was recommended.

PROPOSED CONSTRUCTION OF A RAILWAY FROM MUZAFFARPUR TO SITAMARHI.

1669. ***Mr. Gaya Prasad Singh** : (a) With reference to my starred question No. 119 of the 4th February 1924, regarding the construction of the Muzaffarpur-Sitamarhi Railway line, have the Government asked for the views of the Government of Bihar and Orissa on the subject, as promised ; and will the Government be pleased to lay on the table a copy of the reply ?

(b) Has the attention of the Government been drawn to the following question asked in the Bihar and Orissa Legislative Council on the 25th July 1921 :

“ Are the Government aware that great inconvenience is felt by the inhabitants of the Sitamarhi Sub-Division, in coming to its District Headquarters, Muzaffarpur, for want of a direct Railway line between the two ? ”

to which the following reply was given by the Government :

“ The necessity for the proposed line has been brought to the notice of Government by the Commissioner of the Division ; and it has been included in the list of Railway projects recently prepared for early construction ” ?

(c) Has the attention of the Government been drawn to the following reply given by the Government of Bihar and Orissa in the Local Legislative Council, on the 22nd November 1921 on this subject :

“ The suggested line has been included in the list of new Railway projects for early construction, which has been sent to the Railway Board ? ”

(d) Will the Government be pleased to state if they are prepared to sanction the early construction of a direct railway between Muzaffarpur and Sitamarhi ?

If the reply be in the negative, will the Government kindly give their reasons ?

Mr. A. A. L. Parsons : (a) The matter is still under correspondence with the Government of Bihar and Orissa and the Government are not in a position to lay on the table a copy of the papers.

(b) and (c). The reply is in the affirmative.

(d) In view of the reply given to (a) above the Government are not at present in a position to say if and when the Muzaffarpur-Sitamarhi Railway will be sanctioned for construction.

Mr. Gaya Prasad Singh : Are Government aware that in reply to a question on this subject in the Bihar and Orissa Legislative Council on the 19th August 1924 the Local Government stated “ that Government are unable to give any date as to when the construction of the line in question will be taken in hand. The matter is now under correspondence with the Railway Board. ” ?

Mr. A. A. L. Parsons : I was not aware of the fact, Sir, but I am glad that the opinion expressed by the Government of Bihar and Orissa coincides with that which I have just given to the Honourable Member.

COMPLAINT AGAINST THE HOWRAH RAILWAY STAFF.

1670. ***Mr. Gaya Prasad Singh** : With reference to my starred question No. 1106 of the 30th May 1924, regarding the complaint against the Howrah railway staff, will the Government be pleased to state what punishment has been inflicted upon the booking clerks concerned ?

***Mr. A. A. L. Parsons** : The only information Government possess is that the booking clerks concerned were adequately punished. Government do not know the exact form which the punishment took.

PROVISION OF A LATRINE AND FEMALE WAITING ROOM AT AHMADPUR JUNCTION STATION ON THE EAST INDIAN RAILWAY.

1671. ***Mr. Gaya Prasad Singh** : (a) Has the attention of the Government been drawn to a signed letter headed " Railway grievances," published in the " Amrita Bazar Patrika," dated the 22nd June 1924 ?

(b) Is it a fact that there is no latrine or female waiting room at Ahmadpur Junction Station on the East Indian Railway ?

(c) What steps have been taken to remedy the grievances complained of ?

Mr. A. A. L. Parsons : (a) Yes.

(b) Yes. Government understand that the traffic does not warrant the provision of a female waiting room and that the provision of a latrine is under consideration.

(c) Government understand that No. 1 Up Ahmadpur-Katwa train generally runs punctually, and that in June this train missed its connection with No. 27 Up East Indian Railway train at Ahmadpur on only one occasion. Also Government are informed that the interval between the former and latter train at Ahmadpur has recently been increased to 25 minutes.

ALLEGATIONS AGAINST THE STAFF OF THE BENGAL, NORTH-WESTERN RAILWAY.

1672. ***Mr. Gaya Prasad Singh** : (a) Has the attention of the Government been drawn to a signed letter headed " Ways of Railway Staff," published in the *Searchlight* of Patna, dated 8th June 1924 ?

(b) Are the allegations made therein with reference to the staff of the Bengal, North-Western Railway substantially correct ? And what action has been taken in the matter ?

Mr. A. A. L. Parsons : (a) No.

(b) A copy of the Honourable Member's question and of this answer has been sent to the Agent in order to draw his attention to the fact that such an article was published.

Mr. Gaya Prasad Singh : With regard to the answer given to part (a) of my question, I beg to point out that I enclosed a cutting of the *Searchlight* newspaper along with my question. I presume it has been made over to the Government for answer ?

Mr. A. A. L. Parsons : It must have been mislaid. Sir. I have not seen it.

Mr. Gaya Prasad Singh: I think the Legislative Department ought to look into the matter. I sent it.

INCOME-TAX ASSESSMENT.

1673. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the "Amrita Bazar Patrika," dated the 26th June 1924, in which a paragraph has appeared relating to the judgment of the Patna High Court, in the case of the Honourable Mr. Sachidanand Sinha, who moved against the assessment of his income-tax without giving him an opportunity of filing his objections?

(b) Will the Government be pleased to state how much public money has been spent in defending the reference at the Patna High Court?

(c) Is there any truth in the statement made in the newspaper referred to that "there are many cases of illegal assessment and unnecessary harassment which do not come to light, and in which the parties find no relief"? Do the Government propose to take any steps to control Income-tax Officers in enhancing assessments?

The Honourable Sir Basil Blackett: (a) The Government have seen the paragraph.

(b) The Government have not the information desired.

(c) No.

ECONOMY IN MILITARY EXPENDITURE.

1674. ***Mr. Gaya Prasad Singh:** (a) Have the Government of India appointed any Committee for the purpose of making recommendations for economy in the military expenditure, as stated by Mr. Thurtle in the House of Commons (*vide* "Amrita Bazar Patrika," dated 26th June 1924)?

(b) If so, who are the members of the Committee; and what sum, if any, has been sanctioned for the inquiry?

The Honourable Sir Basil Blackett: (a) The answer is in the negative. The Honourable Member probably has in mind the Sub-Committee of Council mentioned in my reply to Mr. K. Rama Aiyangar's question No. 1561 on the 11th June 1924, which has been engaged in examining the probable military expenditure for 1925-26 on behalf of the Council as a whole.

(b) The Sub-Committee referred to was composed entirely of Members of Council. No extra expenditure was involved.

SIR SANKARAN NAIR'S BOOK "GANDHI AND ANARCHY".

†1675. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the evidence of Sir Sankaran Nair, published in the Press, in the course of which he stated that "the materials for the book "Gandhi and Anarchy" were supplied to him by the Government of India, the Government of Bengal, and other Provincial Governments; and a large number of copies were purchased by them"?

(b) Will the Government be pleased to state in detail what materials were supplied to Sir Sankaran Nair by the Government of India and how many copies of the book were purchased by them?

(c) Was Sir Sankaran Nair asked by the Government to write his book "Gandhi and Anarchy" in opposition to Mahatma Gandhi's

† For answer to this question, see p. 3022 *infra*.

movement ; and have the Government made any pecuniary contribution towards the production of the book ? If so, how much ?

SIR SANKARAN NAIR'S BOOK " GANDHI AND ANARCHY ".

†1678. ***Mr. C. S. Ranga Iyer** : (a) Will the Government be pleased to state if it is a fact that they suggested it to Sir Sankaran Nair to write the book " Gandhi and Anarchy " ?

(b) Was any material supplied by the Government to Sir Sankaran Nair to write that book ? If yes, what was the nature of the material supplied ?

(c) Was any other help rendered to Sir Sankaran Nair ? If so, what was the kind of help rendered ?

(d) Was any chapter of the book written by any official of the Government of India ?

(e) Were any copies of the book bought by the Government of India ? If so, how many copies ? At what price ? To what use were the purchased copies put ? Were they circulated free ?

TRANSLATION OF SIR SANKARAN NAIR'S BOOK " GANDHI AND ANARCHY ".

†1679. ***Mr. C. S. Ranga Iyer** : Was Sir Sankaran Nair's book " Gandhi and Anarchy " translated into any of the vernaculars ? Was the translation carried out at the instance of the Government ? What is the cost which the translation involved ? Into how many languages was the book translated ? Were any of the translated copies circulated free ? If so, how many and in what Provinces ?

DEFAMATORY PASSAGE IN SIR SANKARAN NAIR'S BOOK " GANDHI AND ANARCHY ".

†1681. ***Mr. C. S. Ranga Iyer** : Did the defamatory passage in the book " Gandhi and Anarchy " occur in the translation ? Was the deletion of the defamatory passage in the second edition of the book done at the instance of the Government ?

SIR SANKARAN NAIR'S BOOK " GANDHI AND ANARCHY ".

†1705. ***Haji S. A. K. Jeelani** : (a) Will the Government be pleased to state whether it is a fact that Government assistance had been sought and obtained by Sir Sankaran Nair in the preparation of his book " Gandhi and Anarchy " ? If so, will the Government be pleased to state what is the nature of the assistance rendered and the object of the Government in rendering such assistance ?

(b) Did Sir Sankaran Nair write that book of his own accord or was it suggested to him by the Government ?

(c) How many copies of Sir Sankaran Nair's book " Gandhi and Anarchy " were bought by the Government and what use was made of them ?

SIR SANKARAN NAIR'S BOOK " GANDHI AND ANARCHY ".

1897. ***Sardar V. N. Mutalik** : Will Government be pleased to state :—

- (1) whether it is a fact that this Government instructed Sir Sankaran Nair to write the book, " Gandhi and Anarchy " and whether Government had seen the manuscript before its publication ?

- (2) whether Government have spent any amount for its publication ?
- (3) whether Sir Michael O'Dwyer consulted the Government or the Secretary of State before filing the suit against Sir Sankaran Nair ?
- (4) whether there was any correspondence between this Government or the Secretary of State, on the one hand, and Sir Michael O'Dwyer or Sir Sankaran Nair on the other hand, with regard to the libel suit between the knights ? and if so, will Government be pleased to place the correspondence on the table ?
- (5) whether any expenditure was incurred by this Government or the Secretary of State, in connection with the suit and, if any, for what party ?

The Honourable Sir Alexander Muddiman: Sir, with your permission I will answer questions Nos. 1675, 1678, 1679, 1681, 1705 and 1897 on the same subject together. In February 1922, Sir Sankaran Nair, at his own request, was supplied with the official reports of certain debates in the Imperial Legislature, newspaper reports and debates in certain Provincial Legislatures, a copy of the Repressive Laws Committee's Report and certain statements containing lists of important riots and disorders, which had already been laid on the table of this House. Apart from the supply of that material, which consisted entirely of public documents, the Government of India afforded no assistance of any kind to Sir Sankaran Nair in the publication of his book. The book was not inspired by them and manuscripts were not seen by them prior to publication. So far as they are aware no chapter of the book was written by any official of the Government of India. I have no information as to whether any Provincial Government gave any assistance to Sir Sankaran Nair or not.

2. The Home Department purchased three copies of the book at a cost of Rs. 2-8-0 each for official use. The Director of Public Information purchased 18 copies, some of which were sent by him to his correspondents and some kept for his own use. I understand that the book was translated into Urdu and Hindi under the auspices of the Publicity Officer, United Provinces, but I have no information as to the number of copies published in these languages, or the use made of them, or of the cost of translation. The passages, which formed the subject of the libel action, occur in the Urdu edition, and it may be presumed in the Hindi edition also. The Government of India had no concern in the deletion of any passages from the second edition of the book.

Sir Michael O'Dwyer did not consult the Government of India before filing his suit, and I have no reason to suppose that he consulted the Secretary of State. Both parties asked the Government of India for certain official documents and these were supplied to them. I am not prepared to lay the correspondence on the table. Government incurred no expenditure in connection with this suit, except in the supply of the documents referred to above and correspondence connected therewith.

Mr. Gaya Prasad Singh: Is it a fact that the Government of India subsequently deputed an officer of their own to hunt up evidence on the strength of which Sir Sankaran Nair was subsequently convicted ?

The Honourable Sir Alexander Muddiman: I have not learnt yet of the conviction of Sir Sankaran Nair.

• **Mr. Gaya Prasad Singh:** The exact statement has appeared in the *Amrita Bazar Patrika* of the 8th July 1924.

APPROVAL OF THE LEGISLATIVE ASSEMBLY TO CERTAIN CONTRACTS.

1676. ***Sir Purshotamdas Thakurdas:** With reference to Diwan Bahadur Ramachandra Rao's Resolution passed by the Assembly recommending that the Assembly's approval be obtained by Government regarding certain contracts, and with reference to the reply given to unstarred question No. 249 on the 27th May 1924 that the Government of India's decision is that they cannot be bound by the said Resolution, will Government be pleased to state the grounds on which their said decision was arrived at ?

The Honourable Mr. A. C. Chatterjee: The grounds for the Government of India's decision were the same as were taken by the Honourable Member for Railways and myself in opposing the Resolution.

ALLEGATIONS AGAINST ASIATIC CLERKS AND INDIAN MONEY-LENDERS IN THE REPORT OF THE COMMISSION ON AGRICULTURE APPOINTED BY THE ZANZIBAR GOVERNMENT IN 1922.

1677. ***Sir Purshotamdas Thakurdas:** (a) With reference to question No. 1150 put in the Assembly on 2nd June last drawing the attention of Government to allegations against Asiatic clerks and Indian money-lenders in the Report of the Commission appointed by the Zanzibar Government in 1922, will Government be pleased to give replies to sections 3, 5, 6 and 7 (a) of the said question ?

(b) Has the attention of Government been drawn to a memorandum on the report of the said Commission by Mr. Yusufali Esmailjee Jivanjee, a Member of the Protectorate Council, Zanzibar ?

(c) If the reply to the above be in the affirmative, do the Government of India propose to draw the attention of the Government of Zanzibar to the various points made out by Mr. Yusufali in his memorandum after his experience of the conditions in Zanzibar ?

Mr. J. W. Bhore: Part (a). Sections 3, 5 and 6 of question No. 1150 of 2nd June 1924. The Government of India regret that they have no information regarding the qualifications of the members of the Commission. They understand that copies of the Commission's questionnaire were sent to certain leading Indians who were asked *inter alia* for particulars regarding the indebtedness of the agricultural classes, but no replies were received from them on these points. No Indian witnesses were examined orally. As the Commission took no minutes of evidence it is not possible to comply with the Honourable Member's request for a copy to be placed in the Library of the House.

Part (b). The reply is in the negative. If the Honourable Member will be so good as to furnish me with a copy of the memorandum the matter will be looked into.

Part (c). The Indian member of the Protectorate Council complained in Council of certain specific observations and received an assurance that his complaint had been made under a misapprehension. He was also invited to discuss all contentious points with the Vice-Chairman of the Commission but did not avail himself of the offer. In the circumstances the Government of India are not prepared to take any action in the matter.

Sir Purshotamdas Thakurdas: With reference to the Honourable Member's reply to part (a) of my question, will the Honourable Member be pleased to say if he has any information as to whether any Indians were asked to give evidence before the Commission on the whole reference to the Commission? I understand that some Indians were asked to give certain information which they perhaps could not do, but were they asked to give evidence on the whole reference?

Mr. J. W. Bhole: I regret I cannot give an answer to the Honourable Member's question because the reply from the Zanzibar Government is not quite clear on that point.

Sir Purshotamdas Thakurdas: Will the Government be pleased to get a clear reply from them?

Mr. J. W. Bhole: If the Honourable Member thinks it is worth while I will attempt to do so.

Sir Purshotamdas Thakurdas: I think it will be very useful to know how decisions were taken by the Commission without examining a single Indian witness on the point. May I inquire if the Honourable Member is disposed to say that Government will make inquiries?

Mr. J. W. Bhole: I think the Government will be prepared to do so. (For questions Nos. 1678 and 1679—see p. 3021 *ante*.)

CONTRIBUTION BY GOVERNMENT TOWARDS THE LOSSES SUSTAINED BY SIR SANKARAN NAIR IN THE O'DWYER-NAIR CASE.

1680. ***Mr. C. S. Ranga Iyer:** Do the Government propose to pay towards the losses sustained by Sir Sankaran Nair in the O'Dwyer-Nair case? Do they at least propose to give Sir Sankaran Nair £500, the amount of damages awarded to Sir M. O'Dwyer?

The Honourable Sir Alexander Muddiman: Numbers 1678, 1679 and 1681 have already been answered. As regards 1680, which relates to payments, the answer is in the negative.

Mr. Chaman Lall: As regards part (2) of question 1681, was the deletion done at the instance of Government?

The Honourable Sir Alexander Muddiman: I have already answered that question.

(For Question No. 1681—see p. 3021 *ante*.)

MR. JUSTICE MCCARDIE'S JUDGMENT, IN THE O'DWYER-NAIR CASE.

1682. ***Mr. C. S. Ranga Iyer:** (a) Will the Government be pleased to state if a complete transcription of Justice McCardie's judgment in the O'Dwyer-Nair case has been transmitted by the Secretary of State to the Government of India?

(2) Have the Government been asked to express their opinion on the extra-judicial matters raised by Justice McCardie in the light of the Hunter Commission Report?

(c) If yes, will the Government be pleased to lay on the table a copy of the document containing their opinion on the subject ?

The Honourable Sir Alexander Muddiman: (a) A complete transcript of Mr. Justice McCardie's summing up has been received and published in the Government of India Gazette of the 26th August 1924.

(b) and (c). I invite the Honourable Member's attention to the Resolution of the Government of India published in the Gazette of India Extraordinary of the 1st September 1924.

SIR SANKARAN NAIR AND THE ROUND TABLE CONFERENCE OF 1922.

1683. ***Mr. C. S. Ranga Iyer:** (a) Did the Government ask Sir Sankaran Nair to preside over what is known as the "Round Table Conference" early in 1922 ?

(b) Did Sir Sankaran submit any report of the Conference to the Government ? If yes, will they be pleased to place the report on the table ?

The Honourable Sir Alexander Muddiman: (a) The answer is in the negative.

(b) Does not arise.

An Honourable Member: Are the Government aware that Sir Sankaran Nair made a statement in the Press that he communicated to the Government, as the report says, his views about a Round Table Conference ?

The Honourable Sir Alexander Muddiman: That I am not aware of, Sir.

Diwan Bahadur T. Rangachariar: May I ask Mr. Ranga Iyer on what information he has based his question ?

The Honourable Sir Alexander Muddiman: That question is not addressed to me ?

Mr. K. Ahmed: May I ask, as a matter of principle and under the rule that we abide by, whether in putting this question my Honourable friend from Madras is entitled to put a specific question to my Honourable friend from the United Provinces under the circumstances ?

Mr. C. S. Ranga Iyer: If, I have not misunderstood Mr. Rangachariar's question, I say, I based my information on a statement which appeared in the Press and the statement was attributed to Sir Sankaran Nair. I was also told that the attention of Sir Sankaran Nair was drawn to that statement. Personally I have not seen any statement in the Press made by Sir Sankaran Nair or anybody else contradicting that statement, and I have reason to believe, at any rate I had reason to believe it until the Honourable the Home Member answered my question, that Sir Sankaran Nair made some statement either orally or in writing to the Government of India with regard to a Round Table Conference.

Mr. President: It may be an appropriate moment now for me to point out to the Chamber that Members putting questions on the paper are held to be responsible for any statement of fact they may contain, and that it is undesirable for them to seek to protect themselves by using the authority of a newspaper for facts about which they themselves are uncertain.

Mr. Chaman Lall: May I know whether it is within the knowledge of the Honourable Mr. Rangachariar that this statement is not based on facts ?

Mr. President: As I pointed out to the Honourable Member who asked this question, it is his business to satisfy himself of the facts which he incorporates in his question. If another Honourable Member challenges his accuracy, it is not for the challenger but for the challenged to substantiate the statement.

Pandit Motilal Nehru: May I ask whether it is the duty of a Member to carefully sift the facts which appear in the Press before putting a question ?

Mr. President: I have pointed out to the Chamber that it is desirable for Honourable Members to remember the terms of Standing Order 15 (ii). Members putting questions on the paper are supposed to make themselves responsible for any statement of fact they contain. In this case I do not suppose much harm has been done. But the principle is laid down in the Standing Order.

Mr. M. A. Jinnah: May I know what is the responsibility of a Member of this House who puts a question that is based on a newspaper report ?

Mr. President: I have had occasion more than once, before admitting a question, to ask the Member point blank whether he would make himself responsible for a certain statement, for it seemed to me that the publication of the statement might lead to trouble. In some cases Members have satisfied me, in others they have not. In this case I can leave it to Mr. Rangachariar and Mr. Ranga Iyer to settle between themselves.

PURCHASE FROM MESSRS. ARMSTRONG WHITWORTH AND COMPANY OF LOCOMOTIVES FOR THE BENGAL NAGPUR RAILWAY.

1684. ***Mr. Devaki Prasad Sinha:** (a) Has the attention of Government been drawn to Reuter's cable, dated Geneva, the 30th June 1924 announcing that "Messrs. Armstrong Whitworth and Company in the face of very strong foreign competition have secured an order for 37 heavy main line locomotives for the Bengal Nagpur Railway" ?

(b) Was this purchase made through the Government of India, or through the Indian High Commissioner ?

(c) What foreign competition was referred to in this cablegram ? Will Government be pleased to lay on the table a comparative statement of quotations received from England as well as from other foreign countries ?

(d) What were the reasons for accepting the offer of Messrs. Armstrong Whitworth and Company ?

Mr. A. A. L. Parsons: The Government's attention has been called to the Reuter's cablegram, referred to by the Honourable Member, but as the purchase was made in England by the Railway Company, in accordance with the terms of its contract, Government have no detailed information on the subject. They presume (1) that the tender notice was published and in accordance with the usual practice in the technical journals in England, (2) that tenders were received from British and foreign manufacturers, and (3) that the Board of Directors on the advice of their

Consulting Engineers accepted what was considered to be the most advantageous tender.

INDUSTRIAL UNEMPLOYMENT IN INDIA.

168E. ***Mr. Devaki Prasad Sinha** : (a) Has the attention of Government been drawn to Reuter's cable, dated Geneva, the 30th June 1924, containing a summary of the speech made by the Honourable Mr. A. C. Chatterjee on behalf of India ?

(b) Is it a fact that Mr. Chatterjee stated at Geneva that " There was no industrial unemployment in India and that the Government had already adopted an excellent system of dealing with occasional unemployment in agriculture " ?

(c) What " excellent system " does the Honourable Mr. Chatterjee refer to ? How far has it met the demands of " Occasional unemployment " ?

(d) Have the Government of India made any inquiry into the question of industrial unemployment in this country ? On what materials did the Honourable Mr. Chatterjee make the statement that there was no industrial unemployment in India ?

The Honourable Mr. A. C. Chatterjee : (a) Yes.

(b) and (c). The statement in question is not a quotation from my speech, the official record of which I shall be happy to show to the Honourable Member if he is interested. I stated that, ordinarily speaking, there is no unemployment among industrial workers in India. This is a fact which is well known to all who are acquainted with the demand for industrial labour in India, and it was confirmed by the inquiries made by the Government of India in 1920. I went on to allude to our system of famine relief, a system which, inasmuch as it provides not merely relief but actual employment on a large scale when necessary, is in advance of any system of employment exchanges or unemployment insurance in other countries.

(d) The Honourable Member is referred to Bulletin No. 10 of the Bulletins of Indian Industries and Labour, which contains the results of the inquiries made in 1920. The Government of India have endeavoured to maintain constant touch with the industrial situation in India since that date.

Mr. N. M. Joshi : May I ask whether the Honourable Member has got more recent information ? He talks of 1920. I want to know whether there has been any unemployment since 1920, and whether the Honourable Member is aware that on State and Company-managed railways in India thousands of people have been discharged during this period. Not only that, but is the Honourable Member aware that in his own Department in the Government presses people in large numbers have been discharged, and whether all these people who have been discharged from railways as well as from Government presses have found employment, and whether there is a great deal of unemployment in the country at present ?

The Honourable Mr. A. C. Chatterjee : In answer to the very lengthy question of my Honourable friend, I can only state that we endeavour to the best of our ability to keep in touch with the situation in the country, and I have no reason to believe that the men who were discharged have not found employment elsewhere.*

Mr. N. M. Joshi : Does the Honourable Member undertake to give employment to the people who are being discharged from the railway workshops as well as from his own printing presses ?

The Honourable Mr. A. C. Chatterjee : Certainly not.

Mr. Chaman Lall : May I ask the Honourable Member if he is prepared, firstly, to institute an inquiry into the question of unemployment in India in industrial centres, and, secondly whether he would inform the House of the terms of reference of the 1920 Inquiry Committee as well as the conclusions arrived at by that Committee ?

The Honourable Mr. A. C. Chatterjee : I have no reason to believe that there is unemployment at present in industrial centres and I am not prepared to institute an inquiry. As regards the terms of the inquiry of 1920, I have already referred the Honourable Member to a published bulletin.

Mr. N. M. Joshi : May I ask, Sir, if the existence of thousands of unemployed will not convince my Honourable friend of the existence of unemployment, what will convince him of its existence ?

The Honourable Mr. A. C. Chatterjee : The Honourable Member, Sir, has put a hypothetical question.

Lieut.-Colonel H. A. J. Gidney : May I ask the Honourable Member if he will tell us of any single specific attempt on the part of Government to relieve unemployment as it exists to-day in India, and, secondly, since unemployment in England has necessitated such extensive and extraordinary relief action on the part of the British Government, does it redound to the credit of the Indian Government, surrounded as they are to-day by unemployment of their own creation, for the Honourable Member in charge to so unsympathetically say that they do not propose to start an inquiry ?

Mr. President : Questions of credit seem to me to be hypothetical.

Sir Purshotamdas Thakurdas : May I ask the Honourable Member if he can tell us what are the normal sources of information of the Government of India enabling them to come to any conclusion regarding adequate employment or unemployment of either the industrial or agricultural population in India ?

The Honourable Mr. A. C. Chatterjee : The reports of our district officers.

Sir Purshotamdas Thakurdas : Regarding industrial unemployment, Sir ?

The Honourable Mr. A. C. Chatterjee : Yes.

Mr. Chaman Lall : Will the Honourable Member put them on the table of the House ?

The Honourable Mr. A. C. Chatterjee : No.

Sir Purshotamdas Thakurdas : Will the Honourable Member be pleased to say whether the industries of India are mainly located in districts or in cities ?

The Honourable Mr. A. C. Chatterjee : Cities are included in districts.

Mr. M. A. Jinnah : What, Sir, is the latest date of that report ? Can the Honourable Member give us the date of that report ?

The Honourable Mr. A. C. Chatterjee : We receive reports every fortnight.

Pandit Shamlal Nehru : May I inquire, Sir, whether recruitment from England does not create unemployment in India ?

The Honourable Mr. A. C. Chatterjee : Certainly not ; we were only discussing industrial unemployment.

Pandit Shamlal Nehru : I mean industrial unemployment. Eighty people have already come from England, to Tatas.

Sir Purshotamdas Thakurdas : Will the Honourable Member please place the latest copy of the departmental report received from district officers on the table ?

The Honourable Mr. A. C. Chatterjee : I have already said that I was not prepared to place these reports on the table.

Mr. Gaya Prasad Singh : Will the Honourable Member state the reasons for refusing to place the reports on the table ?

Mr. President : I think Honourable Members may put other questions down on the paper.

OPIMUM POLICY OF THE GOVERNMENT OF INDIA.

1686. ***Mr. Devaki Prasad Sinha :** (a) Has the attention of Government been drawn to a resolution passed by the All-India Congress Committee at its last sessions at Ahmedabad, condemning the opium policy of the Government of India ? Do Government propose to revise their opium policy in the light of facts recently disclosed by Miss La Motte and by Mr. C. F. Andrews ?

(b) What are the difficulties against the sale and manufacture of opium in India being confined to strictly medicinal purposes ?

The Honourable Sir Basil Blackett : (a) The Government have seen a report to that effect in the press. Statements made *ex parte* by Miss La Motte, and Mr. Andrews do not appear to the Government to afford strong ground for a revision of the Opium policy of the Government of India. That policy has been strictly in accordance with the obligations accepted by them as parties to the Hague Convention. If it were to be reconsidered, it would have to be reconsidered in the light of ascertained facts.

(b) The primary difficulty of confining the use of opium in India to strictly medicinal purposes, were such a policy decided on, is a practical one. The number of qualified medical practitioners trained in accordance with some authoritative curriculum is so small in comparison with the population that to restrict the use of opium and its allied products to such persons as can obtain prescriptions from qualified medical practitioners would be to deprive an overwhelming majority of the population of the use of opium as a medicine. On the other hand, to accept prescriptions from unqualified persons might merely give such persons an illegitimate source of income without doing anything towards effectively restricting the consumption of opium.

Mr. N. M. Joshi : May I, Sir, ask Government whether they are not aware that their present opium policy is not approved of by a large section of the public in India? I would also like to ask them one question as to why they oppose the restricted use of opium for medicinal purposes. The Government of India insist upon the use of opium in India for all legitimate purposes and I want to know from them what they consider to be legitimate purposes.

Mr. President : The Honourable Member is too fond of argumentative questions. He must make his questions shorter.

Mr. N. M. Joshi : I wanted to explain my question fully, Sir.

Mr. President : The Honourable Member may assume that the Government are sufficiently intelligent to understand his questions.

The Honourable Sir Basil Blackett : I cannot claim that I have sufficient intelligence to understand the explanation. I think I understood the question. I did my best to answer the last part of the question, the question about restriction to medicinal uses. The Honourable Member is incorrect in stating that the Government oppose such restriction. I explained the difficulties as to the practical working of any such restriction. As regards the first part of the question, it is difficult to find any policy of the Government of India which is not opposed by some section of the people of India.

Mr. N. M. Joshi : I want to ask Government whether they are not aware that a large section, the majority of the public opinion, in India is opposed to their policy?

The Honourable Sir Basil Blackett : That, Sir, is a matter of opinion.

Mr. N. M. Joshi : I am not asking about an opinion. I am asking them whether they are aware or not. That is a question of fact.

The Honourable Sir Basil Blackett : The answer then is in the negative.

Mr. N. M. Joshi : I also want to know if they had not opposed the restriction of the use of opium to medicinal purposes, why they insisted at the League of Nations meetings in using the word "legitimate" instead of "medicinal" purposes.

The Honourable Sir Basil Blackett : That, as the Honourable Member is aware, involves a long explanation, and he is probably already in possession of the documents from which he can get an answer.

Khan Bahadur W. M. Hussanally : Are the Government of India prepared to appoint a Committee to ascertain the public opinion upon this question in India?

The Honourable Sir Basil Blackett : That is a question, Sir, which may come up in due course.

TRAVELLING AND DAILY ALLOWANCES DRAWN BY MR. J. H. GREEN, WHILE SECRETARY OF THE INDIAN MERCANTILE MARINE COMMITTEE.

1687. ***Dr. H. S. Gour :** Will the Government be pleased to state :

- (1) If it is a fact that Mr. J. H. Green who worked as Secretary, Indian Mercantile Marine Committee, was, before his appointment as Secretary, a Superintendent in the Department of Education, Health and Lands?

- (2) If so, what was his pay as Superintendent and as Secretary and what were the other terms of his latter appointment ?
- (3) Whether one of the terms of his new appointment was the grant to him of travelling and daily allowances in accordance with rules in force before 1st June 1923 ?
- (4) If reply to (3) is in the affirmative, is it a fact that he drew travelling allowance in accordance with those rules while he drew daily allowance in accordance with the new rules which came into force from 1st June 1923 and which were more favourable than the old ones ?
- (5) What was the amount so drawn in excess of that admissible to him in accordance with the terms of his appointment and whether the same has been recovered ?
- (6) By whom was this irregularity brought to the notice of Government ?
- (7) Was it found that the irregularity was committed in ignorance of the rules or intentionally ?
- (8) Was this irregularity brought to the notice of the Education Department and was it given due consideration when he was promoted to the post of Registrar in the Education Department ?

The Honourable Sir Charles Innes : (1) Yes.

(2) Mr. Green's pay as Superintendent was Rs. 720 per mensem plus Simla house-rent allowance of Rs. 500 for the Simla season. His pay as Secretary to the Indian Mercantile Marine Committee was Rs. 900 per mensem without any house-rent allowance. He was also allowed double first class fare for journeys by rail and steamer with the Committee and a daily allowance of Rs. 10, with exemption from the 10 days halt rule, for periods of halt with the Committee at places other than Simla.

(3) No. The terms, as for other members of the Committee, were special to the appointment.

(4) Does not strictly speaking arise. It is correct, however, that the Supplementary Rules governing travelling and daily allowances were amended on the 1st June 1923, so as to permit an officer travelling to draw daily allowance on the days of arrival at, and departure from, a place of halt, and it is correct that Mr. Green afterwards drew daily allowance on such days.

(5) Rs. 47-8-0. The amount has been recovered from Mr. Green.

(6) By the Audit Officer.

(7) The allowance was drawn by Mr. Green, and also by all the other members of the Committee, with the approval of the President, who did not understand that this amendment of the Supplementary Rules did not apply to the Committee.

(8) No.

INTERNATIONAL OPIUM CONFERENCE OF THE LEAGUE OF NATIONS.

1688. ***Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to state if the International Opium Conference of the League of Nations

is to be held in Europe in next November ; and will any representatives from this country be deputed to express India's opinion on the Opium question at the Conference ? And if so, how is the selection to be made ?

(b) Will the Government kindly state how many such Conferences have been held in the past ; and the names of India's representatives, if any ; and the method of their selection ?

The Honourable Sir Basil Blackett : (a) Yes. Two conferences will be held in November and it has been decided to send Mr. Campbell to represent India at the conferences.

(b) No international conference has been held on the subject since the Hague Conference in 1911. The League of Nations has often discussed the question of international control of opium and other drugs and the representatives of India on the League from time to time, with whose names no doubt the Honourable Member is quite familiar, have represented the Government of India on this question also. The League of Nations has also created a Standing Advisory Committee on opium, and on this committee Mr. Campbell has all along represented the Government of India. He was chosen because of his knowledge of this subject.

Mr. N. M. Joshi : May I know whether the Government of India will take steps to ascertain the opinion of this House on this question before they issue instructions to Mr. Campbell for these Conferences ?

The Honourable Sir Basil Blackett : The Honourable Member will find an answer to that exact question in a previous answer given by me to the effect that the Government had no objection if occasion offered to the discussion by this House of the question.

Mr. N. M. Joshi : Will Government give facilities for discussion by allotting a day ?

The Honourable Sir Basil Blackett : That is a question which should be addressed to the Leader of the House.

Mr. N. M. Joshi : May I, Sir, ask the Leader of the House ?

The Honourable Sir Alexander Muddiman : I should like to consult my Honourable Colleague.

TRANSMISSION TO THE INTERNATIONAL OPIUM CONFERENCE OF THE OPINION OF THE ALL-INDIA CONGRESS COMMITTEE ON THE OPIUM POLICY OF THE GOVERNMENT OF INDIA.

1689. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the delegates of the Government of India in the past pleaded in substance before the International Opium Conference that "the Indian people always used opium as medicine, and it did not hurt them at all, and there would be widespread unrest in India if the people were deprived of their opium, as it would be the case if tea were taken away from the British people" ?

(b) Are the Government aware of the following resolution passed by the All-India Congress Committee held in Ahmedabad in June last :

"In the opinion of the All-India Congress Committee, the Opium policy of the Government of India is altogether contrary to the moral welfare of the people of India, and other countries. The All-India

Congress Committee is further of opinion that the people of India would welcome the total abolition of the Opium traffic for purposes of revenue, and is also of opinion that the production of opium is out of all proportion to the medical requirements of India " ?

(c) Will the Government be pleased to state if they are prepared to transmit the above opinion of the All-India Congress Committee to the International Opium Conference ? And if not, why not ?

The Honourable Sir Basil Blackett : (a) The Honourable Member is probably referring to the speech of His Highness the Jam Saheb before the Assembly of the League of Nations on 19th September, 1922. The only passage in that speech which comes near the version of the Honourable Member is this. " I believe I am perfectly correct when I say that Indian soldiers after a long march regard a very small dose of opium in the same light as European soldiers regard a cup of tea, or coffee or cocoa or a glass of beer or wine." This statement, it will be seen, is one based on the personal knowledge of His Highness.

(b) The Government are aware of the resolution referred to.

(c) It is open to the All-India Congress Committee to transmit its opinion direct to the International Opium Conference if that Conference is prepared to receive it.

Mr. Gaya Prasad Singh : Are Government aware of the fact that the opinion expressed by the All-India Congress Committee in the Resolution which I have quoted above, is the true representation of India's public opinion on the subject of opium policy ?

The Honourable Sir Basil Blackett : I am aware that the Honourable Member apparently thinks it is.

Mr. Gaya Prasad Singh : I have got another supplementary question. Are Government aware, Sir, that in a London cable, dated August 27th, and published in the *Amrita Bazar Patrika* of the 29th August 1924, it is reported that at the meeting of the League of Nations Advisory Committee on the opium traffic, at Geneva :

" Sir John Jordan on behalf of Britain submitted a suggestion that the quantity of the Indian opium exported to States regulating the opium smoking should be reduced by ten per cent. per annum for the decade, and Governments of Japan and Siam and Powers with possessions in the Far East should be requested to reduce their consumption of opium at the same rate ; but the suggestion was opposed by Mr. Campbell on behalf of India so it does not appear as resolution."

Is this gentleman our representative who was deputed to the League of Nations ?

The Honourable Sir Basil Blackett : I can inform the Honourable Member that the first statement is incorrect.

Pandit Shambhu Dayal Misra : What is the correct statement, Sir ?

Mr. Gaya Prasad Singh : I want to know who is this Mr. Campbell ?

The Honourable Sir Basil Blackett : This Mr. Campbell is the gentleman to whom I referred in the answer to the last question.

Mr. Gaya Prasad Singh : I would like to know what are his qualifications to represent us in the League of Nations.

The Honourable Sir Basil Blackett : He is a very great authority on the subject of opium.

Mr. Gaya Prasad Singh : What are his qualifications, educational and otherwise, and what experience has he of India ?

The Honourable Sir Basil Blackett : He is a very distinguished member of the distinguished Indian Civil Service.

Mr. K. Ahmed : Do Government propose for the benefit of the country to make a statement repudiating the allegation made against them and publish that statement in the newspapers ?

The Honourable Sir Basil Blackett : I do not know whether the country would really be greatly benefited by such a statement.

Mr. K. Ahmed : Will the Honourable Member take it from me, a representative of the people of this country, that it will be beneficial. Do Government propose to publish a statement both for their own benefit and for the benefit of the country on a matter like this ?

The Honourable Sir Basil Blackett : I am not sure that I shall personally derive any benefit from it ; but I will consider the matter.

Pandit Motilal Nehru : May I know, Sir, what is the correct version of the facts mentioned in the report just read out by my friend, Mr. Ganga Prasad Singh, and whether it is not a fact that the representative of India declined to enter into an arrangement by which the export of opium could be reduced from time to time ?

The Honourable Sir Basil Blackett : I think it is not a fact that any proposal for the reduction of opium was made on behalf of the British Government.

Pandit Motilal Nehru : Not on behalf of the British Government but on behalf of the Governments concerned, the names of which have just been mentioned by my Honourable friend ?

The Honourable Sir Basil Blackett : That is correct.

Mr. Gaya Prasad Singh : I beg to offer a cutting from the *Amrita Bazar Patrika*, dated the 29th August 1924.

The Honourable Sir Basil Blackett : I believe it was a personal suggestion made by Sir John Jordon. He had no authority to make that statement.

Pandit Shamlal Nehru : May I know if Mr. Campbell has any experience of opium ?

The Honourable Sir Basil Blackett : I am not aware, Sir, that he personally indulges in opium.

Mr. Gaya Prasad Singh : What experience has Mr. Campbell of India ?

Mr. A. Rangaswami Iyengar : May I know whether Government will take immediate steps to correct this wrong impression which has been created on the public ?

The Honourable Sir Basil Blackett : I hope that mention of this in public here will do something to achieve this result.

Mr. A. Rangaswami Iyengar : Would this be cabled out ?

UNINTERRUPTED FLOW OF THE GANGES FROM HARDWAR TO THE SAGOUR ISLANDS.

1690. ***Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to state what steps have been taken to secure the uninterrupted flow of the

Ganges from Hardwar to the Sagour Islands ; and have the Government received representations on the subject ?

(b) Will the Government be pleased to lay on the table the views of the Government of the United Provinces on the subject, referred to in reply to question No. 28 of the 15th February 1921 in this House ?

The Honourable Mr. A. C. Chatterjee : (a) Free openings have been made in the weirs which span the Ganges at Hardwar and Narora, which ensure an uninterrupted flow of water down the river throughout the year; no representation in the matter has recently been received by the Government of India.

(b) The views of the Government of the United Provinces are embodied in their resolution No. 1741-IW|IB-2-W-9N, dated the 22nd August 1923, which was published in the Local Government's Gazette dated the 25th August 1923, a copy of which is laid on the table.

No. 1741-I.W.|IB-2-W-9N.

RESOLUTION.

IRRIGATION BRANCH.

Dated Naini Tal, the 22nd August, 1923.

In 1916, in deference to Hindu religious sentiment, a two-feet notch was made in the weir across the Ganges river at Narora in order to give a free flow of water down the river at all times of the year. As experience had shown the danger of cutting into weir, it was decided to keep the sill of the notch only one foot below the crest of the weir ; and in normal years the volume of water passing through the notch is 40 cusecs up to the end of November, gradually dropping to ten cusecs by the end of December and to four cusecs by the middle of January. It remains at four cusecs from the middle of January till the end of April, when it begins to increase with the advent of the snow water, and reaches its maximum of 40 cusecs by the middle of May.

2. In 1920 the Sri Bharat Dharma Mahamandal and the All-India Hindu Sabha submitted through this Government memorials addressed to His Excellency the Viceroy and Governor General of India. The memorialists urged that the two-feet notch was not sufficient to meet the requirements of Hindu sentiment, that the sacred stream of the Ganges should flow in its natural course from its source to its mouth, and prayed that an opening be made in the weir down to the river bed so as to increase the volume of water to a minimum of 600 cusecs at all times of the year. Sir Harcourt Butler's Government thought it advisable, before coming to any decision on these memorials, to ascertain the views of the Legislative Council, and the non-official members of that body were therefore asked to appoint a committee to consider the questions involved, and to give their opinions thereon. The Committee so appointed submitted its report in May 1922. They found that the two-feet notch was not by itself sufficient to maintain a running stream at all times of the year, and that when the river is very low it would not maintain any stream at all ; and they recommended that a minimum flow of 300 cusecs should be allowed at Narora.

3. The report of the Committee was published with resolution No. 1677|III—677, dated the 12th October, 1922, for the purpose of eliciting public opinion on the important proposals contained therein. Altogether 431 opinions have been received. Of these, 81 (principally from Hindu religious societies) support the Committee's recommendations ; whilst 350, submitted by zamindars and cultivators belonging for the most part to the Hindu community,—are definitely opposed thereto. One of the latter opinions is signed by over 18,000 persons, residents of 180 villages and including many Hindu *raises*, and urges that all that is necessary is that an extra supply of water should be passed down on the occasions of the principal Hindu bathing festivals.

4. The Governor in Council has given careful consideration to the recommendations of the Committee. He realises and respects the strength of the religious sentiment, which has inspired the demand for a free flow of water down the sacred river at all times of the year ; he is anxious to meet this demand to the fullest extent possible ; and he agrees with the Committee that it is not adequately met by the existing notch at Narora. But for the reasons indicated below, he is convinced that it is neither necessary nor desirable that a minimum uncontrolled supply of 300 cusecs should be provided throughout the year.

(1) In making their recommendation, the Committee seem to have been largely influenced by the belief that as regards the supply of water for irrigation the period of difficulty is " limited from about the middle of March to the middle of May." The grounds for this belief are not clearly stated in the report, and in any case the facts are quite otherwise. The average monthly supplies of the Ganges river in the ten years ending 1920 were as follows :

November.	December.	January.	February.	March.	April.	May.
Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.
15,700	10,400	8,400	8,500	9,500	11,300	18,800

As this table shows, the supply of water in the river diminishes rapidly with the close of the monsoon, and generally becomes insufficient to meet the needs of the canal by the beginning of December.

The supply continues to fall throughout the period December to April, when with the melting of the snows it commences to increase and continues to increase as the weather becomes hotter. The real period of difficulty is thus not that between the 15th March and 15th May, but that between the 15th December and 15th March. Since this latter period includes the greater part of the *rabi* season, it follows that, even were the amount of water allowed to pass restricted to 300 cusecs, the loss entailed by the adoption of the Committee's proposal would be far greater than doubtless they supposed. But, in fact, owing to the varying water levels at the weir, if a minimum flow of 300 cusecs were to be maintained, the average volume of water passing during the period in question would be much greater than 300 cusecs. The loss in revenue alone would amount to about two lakhs of rupees per annum, and it is unnecessary to emphasise the effect of this reduction on the provincial finances. But a still more serious consideration is the damage which would be inflicted on the cultivators of the areas affected. From 30,000 to 40,000 acres of *rabi* and from 15,000 to 20,000 acres of early *khari*f would be deprived of canal irrigation. As the Committee justly observe " the lower Ganges Canal has been running ever since its opening in 1878, and in the areas through which it passes conditions have been created which cannot be entirely ignored. The owners and tillers of the soil fertilised by the canal water have acquired rights and privileges and have accepted liabilities which should not easily be disturbed."

(2) The main reason however, which led the Committee to recommend a discharge of 300 cusecs was the small depth of water which they found at Ramghat, a bathing place five miles down the river from Narora. It is necessary, therefore, to point out that a discharge of 300 cusecs or even of 600 cusecs at Narora would not guarantee a supply of water of sufficient depth for bathing at Ramghat. Much of the existing supply at Ramghat comes by percolation, and a supply of water sufficient for bathing purposes could be ensured only by training the river into a definite channel at that place. This, however, is not practicable because a flood of water might at any time come down when the canal is closed on account of the winter rains. Moreover, Ramghat has to a great extent been abandoned as a bathing place in favour of Bajghat, which is conveniently situated on the railway and is above Narora.

3. In order to ensure the flow recommended by them, the Committee propose that :

- (a) the two-feet notch should be closed,
- (b) the cross-walls of the fish ladder should be removed, and the first under-wall in the fish ladder lowered as far as possible to allow a deeper sheet of water to pass through it than is at present possible ;
- (c) the stone grooves for planking the fish ladder should be permanently closed ;
- (d) the ten-feet wide opening thus secured should form the passage for the unobstructed and continuous flow of the sacred stream and should be named the " Ramdhara," and

- (e) since the Ramdhara could not discharge 300 cusecs at all times of the year, vent No. 23 should be altered so as to take the shape of the letter V and be used for a supplementary discharge of uninterrupted Ganges water to supply the balance required.

These proposals raise difficulties which do not seem to have been brought to the notice of the Committee. On the one hand the alteration of vent No. 23 would often result in more water being discharged than the Committee themselves recommend; on the other hand, if the whole supply were to be passed through the fish ladder, as was suggested as an alternative, it would be necessary, owing to the varying conditions of water levels of the weir, to lower the crest of the weir to an extent which would seriously endanger its safety.

5. For these reasons the Governor in Council has come to the conclusion that it is not practicable to give effect in their entirety to the recommendations of the Committee. Fortunately, however, the choice does not lie between the adoption of their proposals and the maintenance of the existing arrangements. The Governor in Council is indebted to Mr. Jwala Prasad, Superintending Engineer, for an alternative scheme, which avoids or minimises the difficulties inherent in that of the Committee, will secure the principal object which they had in view, and should satisfy all reasonable Hindu opinion. The main features of this scheme which the Governor in Council has approved, are as follows :

- (a) A minimum perpetual supply of 150 cusecs will be provided throughout the year; of this at least 80 cusecs will be passed through an unfettered and free opening over the existing fish ladder, the grooves of which will be entirely closed to prevent any possibility of planking, and the balance will be passed through the sluices.
- (b) A minimum supply of 300 cusecs will be maintained from the 15th March to the 15th December.
- (c) A minimum supply of 600 cusecs will be maintained on Purnamashi days and on the occasions of any other festivals for which this increased supply may be found to be necessary.
- (d) A minimum discharge of 1,000 cusecs will be passed for three days at the Kartiki-Purnamashi and for one day at the Somwati-Amawas.

An uncontrolled flow of water will thus be secured at all seasons of the year, and ample supplies will be provided on the occasions of all important bathing festivals. The loss to the State and to the cultivators concerned, though less than the proposals of the Committee would have entailed, will be undoubtedly heavy. The State will lose about 1½ lakhs in revenue and the cultivators will lose about 12 lakhs.

The Governor in Council cannot regard these results with equanimity; the province can ill afford any curtailment of its slender revenues; and the deprivation or reduction of canal water will bring hardship to many cultivators. He is willing however to accept them as the price of the settlement of a difficult problem, and in the confident hope that the Hindu community will recognise that by the concessions now announced the claims of religious sentiment have been generously met.

By order,

(Sd.) A. C. LAURIE,

Joint Secretary to Govt., United Provinces.

Mr. Gaya Prasad Singh : Will the Government be pleased to ascertain from the Government of the United Provinces whether sullage is still allowed to flow into the Ganges at Hardwar and what progress has been made with the Hardwar drainage scheme ?

The Honourable Mr. A. C. Chatterjee : I have no reason to suppose that sullage is still allowed to flow into the river and I do not propose to make any inquiry.

Mr. Gaya Prasad Singh : In this connection I beg to refer my Honourable friend to a cutting from the *Amrita Bazar Patrika*, dated 29th June 1924, in which, Sir, there is a letter from the Secretary,

Hindu Maha Sabha to the Secretary, Municipal Board, Hardwar Union. That letter reads as follows :

“ Would you please let me know what progress, if any, the Hardwar Drainage Scheme has made up to now ? Complaints regarding the flow of sullage into Shri Ganga Ji continue as before and naturally the public are anxious to know when this injurious as well as sacrilegious practice would come to an end.”

This is the letter to which I have referred, and I can hand over a copy of it to my Honourable friend.

The Honourable Mr. A. C. Chatterjee : I have no doubt that the United Provinces Government would have inquired into this matter if there were any definite complaints.

Mr. Gaya Prasad Singh : Will the Honourable Member satisfy himself and satisfy the House whether such an inquiry has been made or not ?

The Honourable Mr. A. C. Chatterjee : The residents of Hardwar can have questions put in the United Provinces Legislative Council.

Mr. Gaya Prasad Singh : Are Government aware that Hardwar is a very important religious centre which is visited by a large number of pilgrims from all parts of India who are interested in this matter, as their health is exposed to the risks of epidemics ?

LOCATION OF BRITISH TROOPS AT MUZAFFARPUR.

1691. ***Mr. Gaya Prasad Singh :** (a) With reference to my starred question No. 31 of the 1st February 1924, regarding the location of a detachment of British troops in Muzaffarpur, has the attention of the Government been drawn to the following reply given in the Bihar and Orissa Legislative Council on the 25th July 1921 :

“ It moved to Muzaffarpur about 26th February, and returned to Dinapur on 9th March. The move was made by order of the Military authorities to relieve a temporary congestion at Dinapur, where for a short period there were two battalions simultaneously. The Local Government had nothing to do with the move ” ?

(b) Will Government kindly state on what other occasions prior to February 1921 such a move was made to relieve any temporary congestion at Dinapur ?

(c) Will the Government be pleased to lay all papers in this connection on the table ? And if not, why not ?

Mr. E. Burdon : (a) Yes. This referred to a *temporary and casual* move of a detachment of British troops to Muzaffarpur.

(b) So far as the Government of India are aware, no such move was made prior to February 1921 to relieve any temporary congestion at Dinapore.

(c) Government are not prepared to lay on the table the papers in question as they are of a confidential nature and are not suitable for publication.

Mr. Gaya Prasad Singh : Why are the Government not in a position to lay the papers on the table ? Is it because they will drag the skeleton out of the cupboard ?

LOCATION OF BRITISH TROOPS AT MUZAFFARPUR.

1692. ***Mr. Gaya Prasad Singh** : (a) Has the attention of the Government been drawn to the following reply given in the Bihar and Orissa Legislative Council on the 24th January 1922 on the subject of the location of troops in Muzaffarpur :

“ One Company of British troops has been sent to Muzaffarpur. They have been sent with the knowledge and approval of Government. Government are not aware that any panic has been caused by the presence of the troops, and they do not propose to withdraw them ” ?

(b) Is it not a fact that in reply to my starred questions Nos. 31 and 33 of the 1st February 1924, the Government stated that the troops were first despatched to Muzaffarpur “ at the request of Lord Sinha’s Government,” and also that “ the Government of India complied with the request made by the Local Government ” in this matter ?

(c) In view of the statements made in the Bihar and Orissa Legislative Council, and the reply given in the Assembly, to which reference has been made, will the Government definitely state which authority is responsible for the location of troops in Muzaffarpur ?

(d) Is it not a fact that the decision to locate troops in Muzaffarpur was arrived at during the ill-health of Lord Sinha, who was then the Governor of Bihar and Orissa, and behind his back, in concert with a few indigo planters ?

(e) Are the Government prepared to give reasons for their refusing to publish all papers on this subject, and treating them as confidential ?

Mr. E. Burdon : (a) Yes. This, as is obvious from the date and terms of the reply, referred to another occasion, namely, the *permanent location* of a company of British Infantry at Muzaffarpur.

(b) Yes. This reply referred to the troops which are permanently stationed at Muzaffarpur.

(c) The Government of India are responsible for the permanent location of troops at Muzaffarpur. In arriving at a decision, they were guided by the views of the Local Government.

(d) The Honourable Member’s attention is invited to the reply given by me on the 1st March 1924 to his starred question No. 537.

(e) Government do not consider it would be in the public interest to make public the correspondence of the subject.

Mr. Gaya Prasad Singh : I have got many supplementary questions.

12 Noon. Are Government aware, Sir, that in reply to a question on this subject in the Bihar and Orissa Legislative Council on the 19th August 1924 (an official copy of which I hold in my hand) the Local Government stated that :

“ The question of locating troops at Muzaffarpur was under consideration between the Local Government and the military authorities for several months before Lord Sinha resigned. A decision was arrived at sometime after his resignation.”

In reply to my question on the 1st of February 1924, the Government in this House stated that the troops were moved “ at the request of Lord Sinha’s Government ”. Again, on the 1st of March 1924 when I asked another question on the same subject, the reply given was :

“ There is nothing in the records of the Government of India to show whether the application for troops made by the Government of Bihar and Orissa was or was not the personal decision of Lord Sinha.”

The two statements appear contradictory. Will the Government please state which is the correct statement ?

Mr. E. Burdon : There is no conflict between the two statements.

Mr. Gaya Prasad Singh : The Local Government state that the decision to locate troops was arrived at shortly after Lord Sinha's resignation.

Mr. E. Burdon : The troops which afterwards were permanently located at Muzaffarpur were first sent while His Excellency Lord Sinha was Governor of Bihar and Orissa.

Mr. Gaya Prasad Singh : Who was responsible ?

Mr. E. Burdon : I have just answered that question.

Mr. Gaya Prasad Singh : I want to know the name of the Governor who was at the head of the Province, when the decision was arrived at.

Mr. E. Burdon : I have told the Honourable Member in answer to previous questions that the Government of India deal with Governments and not with Governors, and they base their decisions on the recommendations of Local Governments and not on the personal opinions of Governors.

Mr. Gaya Prasad Singh : Are Government aware that since the location of troops at Muzaffarpur not a single occasion arose on which the troops were called out ?

Mr. E. Burdon : I do not know whether that is a fact. If it is, the result is very satisfactory !

Mr. Gaya Prasad Singh : That was the information given in the Bihar and Orissa Legislative Council in August last.

FRACAS BETWEEN SOLDIERS AND THE INHABITANTS OF MUZAFFARPUR.

1693. ***Mr. Gaya Prasad Singh :** (a) Will the Government kindly state the result of inquiry into the fracas that occurred in Muzaffarpur on the 2nd November 1923 between some soldiers and a few inhabitants, and admitted by the Government in the Assembly on the 1st February 1924, and 1st March 1924 ?

(b) What was the nature of the investigation into the occurrence ; and are the Government prepared to place all the papers on the table in this connection ? If not, why not ?

Mr. E. Burdon : (a) A case under sections 147 and 325, Indian Penal Code, was instituted, and a counter-case under sections 147 and 304, Indian Penal Code, was made the subject of inquiry by the police. The evidence produced did not justify the prosecution of the accused in either case.

(b) Information of the occurrence was given to the District Magistrate who at once visited the spot. The town inspector of police, under his orders, commenced the investigation, which was continued by the Superintendent of Police under the supervision of the Deputy Inspector General of Police. Government are not prepared to place the correspondence on the table as it is of a confidential nature.

Mr. Gaya Prasad Singh : Is it not a fact that in reply to a question of mine on the 1st February 1924, Government stated that there was only

one case of friction, whereas in reply to questions in the Bihar and Orissa Legislative Council on the 20th August 1924, Government stated that there were three cases of friction ?

Mr. E. Burdon : At the time I gave the answer to the question the Government of India had only received a report of one case of friction.

Mr. Gaya Prasad Singh : Will Government call for a report in the other two cases also ?

Mr. E. Burdon : If the Honourable Member will show me the question and answer in the Bihar Legislative Council, I will go into the matter further with him.

Mr. Gaya Prasad Singh : Do the Government propose to pay compensation to the family of the man who lost his life at the hands of the soldiers ?

Mr. E. Burdon : The matter is one for the Local Government. I have no information on the point.

OCCUPATION BY THE MILITARY OF THE CIRCUIT HOUSE AT MUZAFFARPUR.

1694. ***Mr. Gaya Prasad Singh :** (a) Is the Circuit House in Muzaffarpur in occupation of the military ? And, if so, how long, and is any rent being paid for their residence ? And, if so, how much ?

(b) Is it a fact that owing to the Circuit House in Muzaffarpur being occupied by the military, high officials are put to inconvenience when they have to go out on their inspection tours ?

(c) Is it a fact that owing to the Circuit House in Muzaffarpur being occupied by the military, a private bungalow has been rented, and converted into a Circuit House for other officials ? And, if so, since when, and on what rent ?

(d) Will the Government kindly state whether the rent of the hired bungalow is paid out of the Civil or the Military estimates ?

Mr. E. Burdon : The Government of India have no information on the subject, but are inquiring. I will let the Honourable Member know the result as soon as possible.

CORRESPONDENCE WITH LOCAL GOVERNMENTS REGARDING THE RECOMMENDATIONS OF THE LEE COMMISSION.

Sardar V. N. Mutalik : With reference to my question No. 1896,† I understand that the Honourable the Home Member is not prepared to answer it to-day ?

The Honourable Sir Alexander Muddiman (Home Member) : The main urgency in the Honourable Member's question has already been dealt with as the correspondence was laid‡ at our last meeting in answer to an unstarred question and I will answer the remainder in due course.

† 1896. *(a) Will Government be pleased to place on the table copies of the correspondence between the Central Government and the Local Governments on the recommendations of the Lee Commission, including the views of the Provincial Governments on the recommendations ?

(b) Will Government be pleased to state whether any instructions had been issued by the Government to Provincial Governments for obtaining the views of the Provincial Legislatures on the recommendations of the Lee Commission ?

(c) Will Government be pleased to place on the table the opinions of the Provincial Legislatures, if any of them have expressed any opinion ? And will Government be pleased to state whether all the Provincial Governments offered any opportunity to the Legislatures to express their views ?

‡ Vide Appendix "A" to these debates.

RULES RELATING TO THE CLASSIFICATION, CONTROL, ETC., OF THE SERVICES IN INDIA.

Mr. A. Rangaswami Iyengar : Will the Government be pleased to state :

- (a) what were the circumstances that led to the publication for general information of Notification No. F-472-II-23, in the Gazette of India in June last of the Rules made by the Secretary of State in Council under sub-section (2) of section 96B of the Government of India Act relating to the classification, control of the services in India and the procedure in cases of dismissal, suspension, removal or reduction of officers in the said services ;
- (b) why these Rules were not published earlier for general information as and when they were framed ;
- (c) whether all or any of them were laid before both Houses of Parliament in accordance with section 129A of the Government of India Act, and if so, when ;
- (d) whether the Fundamental Rules made under the same section regulating the conditions of service of the civil services which came into force in 1922 and the several subsequent amendments thereunto have been similarly published for general information and previously laid before Parliament ; if not what the reasons are for not doing so ?

The Honourable Sir Alexander Muddiman : (a) and (b) . The rules which came into force on dates preceding the 21st June, 1924, were communicated to the Local Governments concerned and to the Departments of the Government of India immediately they were made. It was considered unnecessary to publish them for general information until other connected rules had been sanctioned by the Secretary of State in Council. The rules were published on the 21st June, 1924, because the resolution of the Secretary of State in Council making those portions of the rules which came into effect from the 21st June, 1924, definitely prescribed that they should have effect from the date of publication by the Governor General in Council in the Gazette of India.

(c) Section 129A of the Government of India Act applies only to rules under the Act for which no special provision is made as to the authority by whom they are to be made. The rules under part VII-A of the Act are made as indicated in that part by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India. That is, the provisions of section 129A have no application to the rules, and the Government of India assume that they have not been laid before the Houses of Parliament.

(d) The Fundamental Rules referred to by the Honourable Member were published in the Supplement to the Gazette of India of the 19th November, 1921. They also were made under section 96B of the Act in the manner prescribed in section 96E, and section 129A has no application to them.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the question as to the rules made by the Secretary of State, having, by section 129A, to be laid before the Houses of Parliament, is not a matter which this Government will refer to the Secretary of State for his opinion ?

The Honourable Sir Alexander Muddiman : I am satisfied with the opinion I have given the House.

DIFFERENTIAL TREATMENT OF APPEALS OF MEMBERS OF THE ALL-INDIA AND PROVINCIAL SERVICES.

Mr. A. Rangaswami Iyengar : (a) Will the Government be pleased to state the reasons which have induced the Secretary of State to adopt in the enactment of Rules, the differential treatment therein laid down between the All-India and the Provincial Services in respect of their rights of appeal against punitive orders ?

(b) Whether any instructions have been issued as to the manner in which the Governor by himself is to sit in appeal over punitive orders made against Provincial Services men made by the Local Government, i.e., either by "the Governor acting with Ministers" or by "the Governor in (Executive) Council", under Rule XVIII ? If not, in what manner do the Government propose to make this right of appeal a reality ?

(c) What is the reason for the provisions in Rules XVII and XVIII to the effect that while an All-India Service man can appeal directly to the Governor General in Council against an order of the Local Government and can appeal again as of right up to the Secretary of State in Council, the Provincial Services man can only appeal from the Local Government (which includes the Governor) to the Governor and thereafter to a very limited extent to the Governor General or the Secretary of State in Council ?

The Honourable Sir Alexander Muddiman : (a) and (c). The differential treatment between the All-India and the Provincial Services in respect of their rights of appeal to which the Honourable Member refers has been introduced in accordance with the policy underlying the enactment of section 96B of the Government of India Act. In regard to that policy, I would merely refer the Honourable Member to Annexure IV to the report of the Committee on the Division of Functions. The idea in regard to the All-India Services was that the structure of the services, their duties and the general conditions of their employment should remain as far as possible untouched by political changes. The rules therefore purport to be and are merely a re-codification of the existing rules. So far as the Provincial services however are concerned, the intention of the rules was to give the local authorities as complete powers as possible and accordingly to restrict as far as possible the rights of appeal of officers to authorities outside the province in which the officers in question are serving.

(b) Under clause VII (4) of the Instrument of Instruction issued to all Governors, they are required to safeguard the members of the services employed in their provinces in the legitimate exercise of their

functions and in the enjoyment of all recognised rights and privileges, and to see that the Local Government orders all things justly and reasonably in their regard. No further instructions have been issued. The intention, however, is that the members of the services who are given a right of appeal to the Governor should have a definite appeal against the order of the Local Government whether it was an order made by the Governor acting with his Ministers or by the Governor in Council.

Mr. A. Rangaswami Iyengar : May I point out that my question has not been answered ? My question was, in what manner do Government expect the Governor by himself to act in appeal over an order made by him along with his Executive Council or along with his Ministers ?

The Honourable Sir Alexander Muddiman : I have explained it in my answer and it is this. When the Governor hears the appeal in his capacity as Governor he will hear in a semi-judicial manner and will discharge the functions which the Instrument of Instructions direct him to exercise.

Mr. A. Rangaswami Iyengar : That is, he sits in judgment over himself according to the answer just given ?

The Honourable Sir Alexander Muddiman : I take it that the Honourable Member's point is that the Governor may have been a party to the order before, but that will not be his personal order but an order for which the Local Government is responsible.

Mr. A. Rangaswami Iyengar : Would that carry out the principle laid down in the Instrument of Instructions that he will deal justly and fairly with the claims of these people in the Services who are entrusted to his special protection ?

The Honourable Sir Alexander Muddiman : I hope so.

SPECIAL POWERS OF THE GOVERNOR OF MADRAS IN RESPECT OF PATRONAGE,
ETC.

Mr. A. Rangaswami Iyengar : With reference to the answer to my unstarred question No. 255, dated the 27th May last, will the Government be pleased to state :

- (a) What decisions have been come to with reference to the special powers claimed on behalf of the Governor in Madras in respect of patronage and appointments by virtue of the instructions in the Despatches of the Court of Directors in 1846 and 1847 ?
- (b) Whether the Statutory Rules in the Notification No. F.-472-H.-23 have been communicated to the Government of Madras and are intended to supersede any such pre-existing powers ?
- (c) Whether the Governors of Provinces have been, in pursuance of the Instrument of Instructions or of other directions from the Government of India or Secretary of State, invested with any special powers of controlling Ministers in the transferred Departments in the exercise of their authority over the officers subordinate to them including normal disciplinary action not of an immediately punitive character ?
- (d) If so, will the Government be pleased to lay the same on the table ?

The Honourable Sir Alexander Muddiman : (a) In a reply which I gave to the Honourable Member's question on the 27th May I stated that complete papers in regard to the despatches of the Court of Directors issued in 1846 and 1847 had been called for from the record room in Calcutta. It was later found that the papers in the record room were not complete, and ultimately the complete despatches were obtained from the Madras Government. The examination of these papers is still proceeding and Government are not yet in a position to make a statement on the subject. It appears possible that they may find it necessary to address Local Governments in the matter.

(b) The statutory rules referred to supersede preceding rules dealing with the matters to which they relate.

(c) and (d). In reply to one of the earlier questions of the Honourable Member I have cited the provisions of the Instrument of Instructions which relate to this matter. They indicate the manner in which the Governor is expected to exercise the powers entrusted to him, and the Governor is, of course, a member of the transferred side of the Government in the same way as he is a member of the reserved side. The main provision regulating the exercise of the authority of a Local Government over officers of the public services is contained in rule 10 of the Devolution Rules. Under that rule, the personal concurrence of the Governor is required before certain orders may be passed to the disadvantage of an officer of an All-India Service or of a Provincial Service and also for the posting of an officer of an All-India Service, and, further, under sub-section (3) of section 52 of the Government of India Act, the Governor is given power, if he sees sufficient cause to dissent from the opinion of his Ministers, to require action to be taken otherwise than in accordance with their advice. No other instructions have been issued. Part (d) of the question does not, therefore, arise.

DEPUTATION OF SIR BHUPENDRA NATH MITRA TO LONDON IN CONNECTION WITH THE OUTSTANDING CLAIMS IN DISPUTE BETWEEN HIS MAJESTY'S GOVERNMENT AND THE GOVERNMENT OF INDIA.

Mr. A. Rangaswami Iyengar : (a) With reference to the outstanding claims in dispute between His Majesty's Government and the Government of India, will Government be pleased to state what steps they are taking to hasten the settlement of these claims ?

(b) Will Government be pleased to state if it is a fact that they have decided to depute Sir Bhupendra Nath Mitra to London in this connection ?

(c) If the reply to (b) be in the affirmative, will Government be pleased to state the powers of Sir Bhupendra Nath Mitra for this purpose, and whether they intend sending any non-official elected Members of the Assembly to go into the question with the help of Sir Bhupendra Nath Mitra for the purpose of report to this Assembly ?

The Honourable Sir Basil Blackett : The Government of India have been in close consultation with the Secretary of State, with a view to expediting a settlement, and Sir Bhupendra Nath Mitra has been deputed to visit England with a view to discussion with the Departments of His Majesty's Government. The answer to the last part of the question is in the negative.

Sir Purshotamdas Thakurdas : Do Government expect to place before this House the result of Sir Bhupendra Nath Mitra's discussions in London regarding the subject matter of this question ?

The Honourable Sir Basil Blackett : I have already stated on previous occasions that the Government will do their best to keep this House in touch with any important developments.

Mr. A. Rangaswami Iyengar : May I know exactly what the powers of Sir Bhupendra Nath Mitra are with reference to the discussions which he is going to have with His Majesty's Government ?

The Honourable Sir Basil Blackett : He is deputed to discuss the matter with the departments of His Majesty's Government. Those are his powers.

Pandit Motilal Nehru : How far will that commit us or the Government of India ?

The Honourable Sir Basil Blackett : He cannot bind the Government of India without the approval of the Government of India ; he has no powers in that sense.

Diwan Bahadur M. Ramachandra Rao : May I ask the Honourable Member whether he is merely an agent of the Government of India, or whether he has any independent powers ? Is he their plenipotentiary ? Has he any final powers ?

The Honourable Sir Basil Blackett : He has no final powers.

Diwan Bahadur M. Ramachandra Rao : It means that on every occasion he has to make a reference to the Government of India before coming to an agreement with His Majesty's Government ?

Mr. A. Rangaswami Iyengar : May I know if, when questions are referred to the Government of India for settlement in respect of these several claims, this House will be informed as and when they occur, so that we may keep in close touch with the exact settlement that has got to be made ?

The Honourable Sir Basil Blackett : With reference to the last question I cannot add anything to the answer which I have already given to Sir Purshotamdas Thakurdas. With regard to the previous question, Sir Bhupendra Nath Mitra's powers are very real powers to discuss. They are not powers to arrive at a settlement without further reference to the Government of India.

Mr. K. Ahmed : Will it be convenient to Government to allow Mr. Rangaswami Iyengar or any other Honourable Member of this Assembly to accompany Sir Bhupendra Nath Mitra and help him or be helped by him, and thus bring relief to the situation ?

Sir Purshotamdas Thakurdas : Are the powers of Sir Bhupendra Nath Mitra to discuss with His Majesty's Government restricted only to questions in dispute so far as the claims are concerned, or do they also extend to the capitation charges which I understand is a question still hanging fire between His Majesty's Government and the Government of India ?

The Honourable Sir Basil Blackett : I hope very much that he would be able to make progress with the latter question as well as with the outstanding questions.

Sir Purshotamdas Thakurdas : May I take it then that Sir Bhupendra Nath Mitra has instructions to examine the question of capitation charges also ?

The Honourable Sir Basil Blackett : Yes.

Sir Purshotamdas Thakurdas : Do the Government of India not think that it would be to the interest both of this House and of themselves if some non-official Members elected by this Assembly were deputed to accompany Sir Bhupendra Nath Mitra in this connection ?

The Honourable Sir Basil Blackett : The answer is in the negative.

Mr. M. A. Jinnah : Do I understand that the powers of Sir Bhupendra Nath Mitra would be to press the conclusions which the Government of India have already arrived at on the subject ? Is that the limitation ?

The Honourable Sir Basil Blackett : That is not a limitation. That is undoubtedly a statement of one part of his errand.

Mr. M. A. Jinnah : What else will he be in a position to do ?

The Honourable Sir Basil Blackett : To endeavour to arrive at a settlement for submission to the Government of India.

Sir Purshotamdas Thakurdas : Is there any constitutional objection to deputing Members from this House to go into the question in order that Government may have very few questions to answer and very few complaints to listen to from this House when the question is finally settled by the Government of India ?

The Honourable Sir Basil Blackett : I think there is a constitutional objection. This House is not the Executive Government.

Sir Purshotamdas Thakurdas : Members of this House need not go with executive powers, but only to examine and satisfy this House that the settlement arrived at is the proper settlement.

The Honourable Sir Basil Blackett : I am content to let the Honourable Member have the last word.

Sir Purshotamdas Thakurdas : Then I am afraid the inference is the Honourable Member has no reply to my question.

Sardar V. N. Mutalik : Is there anything in the constitution which prevents Government from doing this ?

The Honourable Sir Basil Blackett : In any well arranged constitution the Executive Government does the executive work and it is not done by Parliament.

Sardar V. N. Mutalik : Is it not the practice to take up some Members of this House in an executive capacity ?

The Honourable Sir Basil Blackett : I think this is a question of which notice had better be given.

UNSTARRED QUESTIONS AND ANSWERS.

EXPENDITURE BY GOVERNMENT IN CONNECTION WITH THE O'DWYER-NAIR LIBEL SUIT.

347. **Mr. T. O. Goswami :** (a) Was any money spent by the Government in connexion with the O'Dwyer-Nair libel suit, which has recently

been disposed of by Mr. Justice McCardie at Westminster,—namely, for securing evidence, etc. ?

(b) If so, what is the total amount so spent ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to paragraph 3 of my statement made in reply to starred question No. 1675 and other questions bearing on the same subject.

THE O'DWYER-NAIR LIBEL SUIT.

348. **Mr. T. C. Goswami :** (a) What steps do Government propose to take to contradict Mr. Justice McCardie's *obiter dicta* regarding Government's unjust treatment of General Dyer and to uphold their position in 1920 in the matter of General Dyer's responsibility in Amritsar ?

(b) Has Government's attention been drawn to the following passage appearing in the "Statesman" (Dak edition, dated 24th July), under the heading "Indian Affairs in London", from the London Correspondent of the paper, regarding Mr. Justice McCardie's *obiter dicta* in the O'Dwyer-Nair libel suit?—

"From an additional reply given by the Under-Secretary of State it appears that the Government of India is to be given an opportunity of making any statement it may think relevant and called for on perusal of the judge's full judgment in the case. If Lord Reading and his advisers intend to take advantage of the opportunity thus afforded them, it is hoped here that they will do so quickly and allow oblivion to overtake the discussion."

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to the reply I gave to Mr. C. S. Ranga Iyer's starred question No. 1682.

SIR SANKARAN NAIR AND THE ROUND TABLE CONFERENCE OF 1922.

Mr. C. S. Ranga Iyer : I take it that my friend the Honourable Diwan Bahadur Rangachariar stood up in this House to put a question to me more in affection for an old comrade than to know the source of my information. I take it also that he was present in England, but I do not know if he was present in Justice McCardie's Court from day to day. In either case he has not told us whether he has got a message for this House from my old fellow countryman, Sir Sankaran Nair. I am not concerned here with Sir Sankaran Nair's second thoughts, with what he may have communicated to Diwan Bahadur Rangachariar, but my question was based on Sir Sankaran Nair's reported statement in Justice McCardie's Court, and, until the Diwan Bahadur is prepared to prove to the contrary, I must stand by it and with due respect to you, Sir, I think there was every "desirability" in view of that statement to put this question in the House.

Diwan Bahadur T. Rangachariar : The question about which I asked Mr. Ranga Iyer on what authority he based that question was No. 1683, that is, whether the Government asked Sir Sankaran Nair to preside over what is known as the Round Table Conference early in 1922. It was in connection with that question, I asked, on what information he based that statement. If Sir Sankaran Nair admitted this, I was not aware of it and

I apologise for having raised the question, but, if Sir Sankaran Nair has not admitted it, I still persist in asking whether it is right that we should impute to a public man conduct of that sort without information being available.

Mr. C. S. Ranga Iyer : My statement related to the very same question that the Diwan Bahadur just read out, 1683, and Sir Sankaran Nair, to the best of my information, made that statement in Justice McCardie's Court and, so long as the Diwan Bahadur is not able to prove to the contrary, I stand by that statement and I have nothing more to add than that I accept the Diwan Bahadur's apology until he has proved to the contrary. If he proves to the contrary, I am prepared to apologise.

Pandit Madan Mohan Malaviya : I know that Sir Sankaran Nair was not asked by the Government to preside over that Conference. It was on my invitation and that of some friends who were organising the Conference that he agreed to preside over the Conference.

Mr. C. S. Ranga Iyer : What I am concerned with is Sir Sankaran Nair's own statement.

STATEMENT LAID ON THE TABLE.

Mr. J. W. Bhore (Secretary, Department of Education, Health and Lands) : I lay on the table the information promised in reply to questions Nos. 1373, 1374 and 1375 by Mr. Gaya Prasad Singh asked on the 9th June 1924, regarding the Emigration Depôt at Benares.

Statement No. 1 showing the names and other particulars of the Recruiting Agents employed for the Emigration Depôt at Benares.

Copy of the notes recorded by visitors in the Inspection Book maintained at Benares Emigration Depôt.

Statement No. 2 showing the number of emigrants recruited by the Emigration Depôt at Benares for despatch to Mauritius.

EXPLANATORY NOTE.

Statement No. 1.—The heading of column 7, namely "Number of emigrants required to recruit under the license" shows the maximum number of emigrants which the Emigration Agent concerned was authorised to recruit under his license.

None of the Agents mentioned in the statement acted as Emigration Agents in indenture labour days. They received fixed salaries.

Statement No. 2.—The total number of adult male labourers to be recruited by the Emigration Commissioner for Mauritius within the period 31st May 1923 to 30th May 1924 was limited to 1,500. Out of this 303 were recruited by the Emigration Depôt at Benares only.

Visitors Book.—In his remarks, dated the 29th October 1923, Mr. Krishna Kumar stated that he was informed by the Emigration Commissioner that the rule of one single man to every five did not apply in the case of sweepers. No such exemption was sanctioned by the Government of India. His statement dated the 20th November 1923, that the orders of the Government of India were to send 1,500 families and 168 sweepers is incorrect.

List of Recruiting Agents in the districts whence emigrants for Mauritius were brought and accommodated in the Benares Depôt established under rule 18 of the rules made under the Emigration Act for despatch to Port of Embarkation at Calcutta.

Name of Agents.	Residence.	Qualifications and Antecedents.	District in which authorized to recruit.	Pay.	M. A. and T. A.	No. of emigrants required to recruit under license.	Number actually recruited.	REMARKS.
Harnam Singh.	V. Churhi Tahsil Jageaon Dist. Ludhiana.	Alliterate military retired Havildar directly selected by Sir Walter Hon'ble Colonial Secretary.	Delhi	45	Re. 1 p. d. plus Ry. fare.	500	123	Held licence for Benares also.
Jamil Khan	Nadma Sarai Tahsil Ghazi Dist. Azamgarh.	Personally known to the Colonial Secretary of Mauritius who directly selected him for the post, an Urdu-knowing man of respectability and good character.	Do.	Do.	Do.	Do.	121	Held licence for Meerut, Benares and Azamgarh.
Fida Ali	Mohalla Pirzada, Amroha Dist. Moradabad.	Knows Urdu and some English. Character and respectability certified by two Hony. Magistrates of Amroha, Dist. Moradabad, the place of his residence.	Do.	40	Do.	200	28	
Allay Ahmed.	Do.	An Urdu-knowing man. Certified to be a man of respectability and good character by two Hony. Magistrates of Amroha, Dist. Moradabad, the place of his residence and recommended by the Tahsildar of Delhi for appointment.	Do.	Do.	Do.	Do.	4	
Abdul Rah-man.	Benares city	Produced certificate of respectability and good character but on being found unsatisfactory he was made to resign after a few days.	Benares	30	Do.	500	NW	Resigned.
Raja Singh	Chinagaon Thana Barhi Dist. Arrah.	A military Havildar with knowledge of Hindi, possesses good testimonials from the military officers personally known to the Collector of Benares.	Do.	Do.	Do.	Do.	8	
Abdul Majid	Misir Bazar Ghazipur.	English-knowing hand was an extra clerk in Opium Department. Certified to be a man of respectability and good character after enquiry by the Collector of Ghazipur.	Ghazipur.	35	Do.	Do.	Do.	
Mohd. Shaif	Shadiabad Tahsil Ghazipur.	A Zamindar of Ghazipur Dist. with knowledge of Urdu. Respectability and good character certified by the Tahsildar of Ghazipur.	Do.	30	Do.	Do.	1	
Sh. Mashar Hussain.	Rajdepur Katwalli Ghazipur.	A Zamindar of Ghazipur, knows Urdu. Certified to be a man of respectability and good character by the Tahsildar of Ghazipur.	Do.	Do.	Do.	Do.	..	
Ibrahim Khan.	Baanipur Katwalli Ballia.	Knows Urdu and Hindi. Respectability and good character certified by the local police.	Ballia	Do.	Do.	Do.	..	Retired after a short time owing to illness. NW.
Hira Tewari	V. Dinjanpur Tahsil & District Ballia.	Retired military Havildar with knowledge of Hindi. Did excellent work in supplying recruits during the war and was awarded several medals. Strongly recommended by the Tahsildar of Ballia who certified him to belong to a good family and to bear a very good character.	Do.	Do.	Do.	Do.	..	

Name of Agents.	Residence.	Qualifications and Antecedents.	District in which authorised to recruit.	Pay.	M. A. and T. A.	No. of emigrants required to recruit under licence.	Number actually recruited.	REMARKS.
Dr. Gauhar Ali.	Mohalla Sakienabad Kotwali Ghazipur.	A medical private practitioner. Knows English and Urdu well and certified to be a man of good character and respectability by the local police.	Ballia	85	Rs. 1 p. d. plus Ry. fare.	500	1	
Subhan Khan	Mianpur Jaunpur.	A Zamindar with previous experience of recruiting, recommended by Collector of Jaunpur as a suitable man for agentship; knows some Urdu.	Jaunpur	30	Do.	Do.	6	
Sayed Zabair Hassan	Kadlipur Deogaon Azamgarh.	Passed Vernacular Final Examination. Studied English up to S.L. Standard. Worked as Hackney Carriage Inspector, Benares Municipal Board. Comes of a respectable Sayed family of Azamgarh. Personally known to Emigration Commissioner.	Do.	45	Do.	Do.	45	Held licence for Benares also.
Barkat Ali	Mohalla Balwaghat Jaunpur.	An Urdu-knowing man. He did good work in recruitment during the war as remarked by Naib Tahsildar of Jaunpur who was the then recruiting officer of Jaunpur. Respectability and good character certified by Suudri Pd. Hony. Magistrate Khan Bahadur Halder Husain, Chairman Dist. Board, Jaunpur, and others.	Do.	30	Do.	200	5	
Ram Bahad Panday.	V. Nagina Parkana Bhompur Dist. Gorakhpur.	Aliterate military Jamadar. Recommended by Collector of Gorakhpur as a man of respectability and good character. Has passed Vernacular Final Examination.	Gorakhpur.	Do.	Do.	500	Nil.	
Mahanand Lal.	V. Kartiha Pargana Barl, Jaunpur.	Knows Urdu and Hindi, respectability and character certified by Khan Sahib Shaikh Mohammad Musanna, Deputy Collector, Gorakhpur.	Do.	30	Do.	500	Nil	Dismissed for misconduct.
Jagannath	V. Barhi P. O. Barhi District Gorakhpur.	English knowing military Jamadar of respectability and good character. Recommended by Collector of Gorakhpur.	Do.	35	Do.	Do.	21	
Mohammad Qasim.	Mian Bazar Gorakhpur.	English-knowing man, worked in military department as soldier clerk. Also recommended by Personal Assistant to Collector of Gorakhpur.	Do.	30	Do.	Do.	..	
Burroler Singh.	Pacca Bazar Basti.	A Chhatri of strong good character and respectability as recommended by the Honorary Magistrate of Basti, Has some recruiting experience.	Basti	35	Do.	Do.	6	Held licence for Gonda also.
Jafar Khan	Mausa Sauraha, Dist. Basti.	English-knowing man. Respectability and good character certified by Tahsildar of Basti.	Do.	Do.	Do.	Do.	3	
Ram Lal Aray.	V. Thanakhas Tahsil Harriya, Basti.	Knows Urdu and Hindi. Certified to be a man of respectability and good character on inquiry by local officers.	Basti	35	Do.	500	16	Held licence for Gonda also.

Name of Agents.	Residence.	Qualifications and Antecedents.	District in which authorised to recruit.	Pay.	M. A. and T. A.]	No. of emigrants required to recruit under license.	Number actually recruited.	REMARKS.
M. Imam Ali	V. and Tahsil Harriya, Dist. Basti.	A Punjabi Mohammadan with knowledge of English. Certified to be a man of respectability and good character by C. B. Rai, Dy. Collector, Basti, and Tahsilidar, Basti.	Basti	30	Rs. 1 p.d. plus Railway fare.	300	26	Held licence for Gorakhpur also.
Mohd. Yusuf	Kotwali Asamgarh.	An English-knowing man with antecedents. Certified by Tahsilidar of Asamgarh; has some previous recruiting experience.	Azamgarh.	Do.	Do.	500	N/A.	
Sayed Abu Jafar.	Mahul Asamgarh.	An influential jagirdar of Mahul Estat. Personally known to Collector of Asamgarh. Did excellent work in Aman Sabha; has passed vernacular final examination.	Do.	45	Do.	Do.	3	
Mohd. Yaqub Ali.	V. Kand P. O. Suwalipore Dist. Hamirpur.	Knows Urdu, worked as Manager Singer Sewing Co., character and respectability certified by the Tahsilidar, Karwi.	Banda	35	Do.	200	..	Held licence for Hamirpur also
M. Latifat Hussain.	Nawab's Baradari, Banda.	Knows Urdu, recommended by Mirza Mohd. Hassan, Dy. Collector, Banda. Certified by him to belong to a respectable family and to bear a good character.	Do.	Do.	Do.	Do.	..	
Mansur Hussain.	Mohalla Ketiya Benares city.	Studied up to Matriculation. Worked as a copyist in Civil Court, Banda. Certified to be a man of good character and respectability by Tahsilidar of Karwi.	Do.	Do.	Do.	Do.	..	
Noor Ahmad	Mohalla Ali-ghale, Jhansi.	Knows good English and Urdu, related to Ali Ahmed retired Police Court Inspector; has been loyal to Govt. during recent disturbances at Jhansi. Respectability and good character certified by local Hony. Magistrate.	Jhansi	Do.	Do.	200	N/A.	
M. Muhammad Alum	Mohalla Moghalpura Fyzabad.	Knows English and Urdu very well. Belongs to Royal Moghal family. Certified by Mr. Hopkinson, I.C.S., Joint Magistrate of Fyzabad, as having come of a respectable family and to bear a good character.	Fyzabad.	Do.	Do.	500	16	
Mohammad Haq.	Mohalla Submandi, Fyzabad.	A Vernacular-knowing man with some previous experience of recruitment. Recommended by Mr. Jafr, Deputy Magistrate, Fyzabad, and Commandant, Fyzabad Regiment. Character, respectability and suitability certified by the above Deputy Collector, Govt. Pleader and other citizens.	Do.	Do.	Do.	Do.	2	

Name of Agents.	Residence.	Qualifications and Antecedents.	District in which authorized to recruit.	Pay.	M. A. and T. A.	No. of emigrants required to recruit under license.	Number actually recruited.	REMARKS.
Hari Das Bannerji.	Mohalla Rakabganj Fyzabad.	Nominated and recommended by Collector of Sultanpur, a well connected Bengali young man with very good knowledge of English.	Fyzabad.	45	Re. 1 p. d. plus Ry. fare.	250	..	Held license for Sultanpur also.
Shaikh Sabir Ali.	Mohalla Tak-sal Fyzabad.	An Urdu-knowing man. Certified to be a man of good character and respectability by Govt. Pleader and other citizens of Fyzabad and was appointed after the Dist. Officer was satisfied of his suitability.	Do.	35	Do.	200	4	
Kunwar Bahadur.	Mohalla Chaoni Bahraich.	Nominated and recommended by Deputy Commissioner, Bahraich, as suitable men for agentship. Know English and Urdu well.	Bahraich	Do.	Do.	Do.	10	
M. Asghar Ali.	Do.	Ditto. ditto.	Do.	Do.	Do.	Do.	6	
Abdul Aziz	Maharajganj Gonda.	Nominated for appointment by Dy. Commissioner of Gonda after holding an inquiry into his antecedents through Tahsildar and Superintendent of Police, Gonda. Knows Urdu and has experience of recruitment having been a sub-agent in 1913 at Gonda.]	Gonda	40	Do.	Do.	25	
Thakur Luraj Pal Singh.	V. Kulihipur P. O. Chitpalgarh, Dist. Partabgarh.	Nominated and recommended by Deputy Commissioner, Partabgarh, as belonging to a respectable family and to bear a good character. A local Zamindar with knowledge of English and Hindi. He worked very well as Aman Sabha lecturer in Partabgarh District.	Partabgarh.	35	Do.	Do.	N/G.	
Babu Ram .	Mohalla Ban-nitola Fatehpur town Barabanki.	Nominated by Tehsildar of Fatehpur, Dist. Barabanki, for appointment. Certified to be a man of good character and respectability by the aforesaid Tahsildar and Shaikh Bagur Husain, Hony. Magistrate. Knows Urdu only.	Barabanki	Do.	Do.	Do.	N/G.	
Sayed Amjad Hussain.	Naka Hing Lala Lucknow.	An Urdu-knowing Sayed of Lucknow. Certified to be a man of good character, respectability and suitability by M. A. Majid, Deputy Collector, Lucknow.	Lucknow.	35	Do.	200	13	
Umrao Khan.	Patana Lucknow.	Possesses good certificates of supplying recruits during war and personally known to Deputy Commissioner, Lucknow. Knows Urdu.	Lucknow.	Do.	Do.	Do.	17	
Ahmed Hasan.	Mohalla Aqab Kalan Delhi.	An Urdu-knowing man appointed on the recommendation of Tahsildar, Delhi, who certified his good character and respectability.	Delhi.	Do.	Do.	Do.	N/G.	

Statement No. 2 showing the number of Emigrants recruited by Emigration Depot, Benares, for despatch to Mauritius.

MALES.			FEMALES.			TOTAL.				REMARKS
Married men accompanied by their families.	Single men both married and unmarried.	Unmarried boys (dependants).	Married women.	Unmarried women.	Unmarried girls (dependants).	Men.	Women.	Children.	Total.	
1	2	3	4	5	6	7	8	9	10	11
114	189*	67	111	NZ.	88	803	111	105	519	Column No. 1 includes two aged parents. Column No. 2 includes :— (a) 122 sweepers recruited under special orders. (b) 22 men discharged at Benares Depot for being single as the recruitment of single men was totally stopped since about the end of January 1924 on Govt. of India's refusal to raise the ratio of single men required by rule No. 23 of the Emigration Act—vide telegram dated 21st January 1924.

* There being no column in any of the prescribed registers, married and unmarried persons could not be sorted separately.

(Sd.) GADA HUSAN,

Emigration Commissioner,

Benares Depôt.

In pursuance of rule 18 of the Emigration Rules, 1923, made by the Governor General in Council, I inspected the place of accommodation for intending emigrants proposed by the Emigration Commissioner and found the situation suitable for the purpose in every respect.

J. H. DARWIN,

District Magistrate.

BENARES ;

The 3rd August 1923.

In pursuance of rule 20 of the Emigration Rules, 1923, made by the Governor General in Council, I appoint Khan Bhadur Moulvi Maqbul Alam, Pleader, and Babu Mala Pershad, Honorary Magistrate, as members of the visiting committee who will inspect the Depôt for Emigration to Mauritius at an interval of 2 months.

M. Sheo Mohal Lall, Deputy Magistrate, Benares, will visit and inspect the Depôt at least once in a month.

J. H. DARWIN,

District Magistrate.

BENARES ;

The 9th August 1923.

I went round the place to-day with Khan Sahib Munshi Gada Husen. Arrangements for recruiting are in progress. Only one male cooly has so far been secured. The recruiting of families is presenting difficulties, but they will gradually be overcome.

Sheds have been put up for accommodation of emigrants. Latrines for males and females separately are in course of construction. There are temporary structures capable of being taken down and the materials sold after the close of the work.

SHIVA MOHAL LALL,
Deputy Collector.

September 3, 1923.

I paid a visit to the Emigration Depôt to-day. K. S. M. Gada Husain Sahib was away to see the District Magistrate and I was shown round by M. Zahir Husain, an Assistant Clerk.

The tin sheds have been partitioned into compartments of suitable size and the latrines for males and females have been completed.

There were two emigrants one a *Chamar* with his wife and another a Muhammadan single. I had a talk with them and both appeared happy at the prospect of being sent to Mauritius and appeared to understand the terms of their engagements. None had any complaint to make.

I was given to understand that 50 emigrants recruited at Delhi will soon arrive.

SRIKRISHEN KUMAR,
Emigration Magistrate.

The 20th September 1923.

Arrangements must be made at once to clear the latrine drains with water and phenyle used. The shed is not so clean as it ought to be. The *chulhas* must be removed at once from inside to the proper place pointed. Lanterns are not fixed at proper places their stands ought to be coal-tarred and fixed at places shown. Tell the house owners' mali to remove at once the manure collected besides the path to the emigrants' shed.

GADA HUSAIN,
Emigration Commissioner.

The 23rd September 1923.

I inspected the Emigration Depôt to-day and found 63 males and five females and children. I asked them for reason of going Mauritius. They answered me that they are going with their own wishes.

MALA PERSHAD,
Member of the Visiting Committee.

The 24th September 1923.

I had come to the Depôt for the examination of emigrants under rules 24 and 26 and was asked by the Emigration Commissioner, to have a look round the place.

Accommodation.—There are 5 compartments 17' X 15' and one room 20' X 14'. This gives a superficial area of 1555 sq. ft. I understand orders have been received not to collect more than 100 emigrants at any one time and the accommodation of 15 to 16 sq. ft. per man appears amply sufficient.

I am informed that some emigrants had to be sent back to their homes as they were unwilling to proceed to Mauritius. The sweepers appeared to be under a delusion that they would be able to earn 2¼ a day ordinarily. Perhaps it was explained to them by the recruiter that if they worked extra hours they would be able to earn 1½ more per diem in addition to their daily wages 1¼ and they took it that 2¼ a day would be earned ordinarily and not in special cases. The Emigration Commissioner had already removed this delusion and though on the first question I put them some said they would get 2¼ a day for their wages on further questioning they all appeared quite prepared to be satisfied with 1¼ a day. By repeated questions I have

satisfied myself that none of the sweepers is dissatisfied with the terms on which he is prepared to migrate. I have satisfied myself also that whatever the misunderstanding what they were actually told was that they would or could earn 1½ per day in addition to 1¼ a day by working extra hours.

No emigrant had any complaint to make.

KRISHN KUMAR,
Emigration Magistrate.

The 3rd October 1923.

Seen note of Magistrate-in-charge of emigration work. The capacity of the Depôt will be considered as sufficient for a maximum of 100 coolies at a time.

J. H. DARWIN,
District Magistrate.

The 4th October 1923.

Inspected. There are 93 men and women. I asked them several times, they are going with their own desires.

One Lachmi Ray came on the 3rd October 1923 and was registered on the same date. Afterwards on 12th October his uncle came and met him and wanted his discharge. The officer of the Emigration Depôt discharged him at once.

MALA PERSHAD,
Member.

The 15th October 1923.

One Samuel Dayal Christian who was present in Emigration Depôt and want to go in Mauritius and want to go with very gladly. There are very clear place and management of their food, etc., are very nice.

MALA PERSHAD,
Member.

The 15th October 1923.

I visited the Depôt to examine emigrants under rules 24 to 26. I had a talk with some of the emigrants I had passed in my last visit. All are still happily awaiting departure and none had any complaint to make. Some requested that their departure be expedited as they are losing pay every day they are delayed.

I notice that one emigrant No. 61, whom I had passed last time, was afterwards persuaded by his uncle who came to see him not to go and was discharged by the Emigration Commissioner.

S. KRISHN KUMAR,
Emigration Magistrate.

The 15th October 1923.

Visited the Depôt to-day and passed 5 emigrants. A letter has been received from the Protector of Emigrants. The letter is not before me as I am writing this inspection the Emigration Commissioner has taken it to the Collector. I had however read it and it is to the effect that agreements be supplied; that as laid down in notification No. 282, dated 22nd March 1923, no emigrants shall have entered into an agreement to labour for more than a month. In my opinion that is a condition on which they are engaged; the condition finds a mention in the memorandum over the signature of Mr. Walter handed over to each emigrant and I have not been able to assist the Emigration Commissioner in coming to a decision as to what other form this agreement could take. However the Emigration Commissioner told me that the Collector has directed that I should certify to this agreement having been made. I therefore drafted a certificate and the Emigration Commissioner has taken it to get it approved by the Collector. I explained individually to each of the 81 emigrants collected before me that they shall not have entered into an agreement to labour for more than one month. Hitherto I have passed 88 emigrants the following 7 were not put up, they having gone out: (1) Tota, (2) Bansi, (3) Piara, (4) Nibal, (5) Taruf, (6) Baroo, (7) Tanwana. These 7 can be sent to my house and after I have explained this condition to them, as I did to the 81 present, I shall sign this certificate in the form approved by the Collector.

I may mention that when the Emigration Commissioner calls the Emigration Magistrate he may very kindly see that all the emigrants intended to be put up before him are so put up and not allowed to go out. This would curtail the number of his visits to the Depôt and enable him to do the work at the Depôt in comparatively less time.

As I was writing the note Emigrant Ram Sarup ३ came to me and said he is not willing to go as he left his wife at home. He should be discharged and sent home.

I am afraid similar difficulties may arise later on with certain other single men who appear keen just now. Of the 88* men passed hitherto only 11 men are with families. Rule 23 lays down that "men who are unmarried or unaccompanied by their wives shall not be assisted to emigrate to any one country in any one year to a number exceeding one in five of the total number of persons so assisted." The Emigration Commissioner cannot of course at this stage of recruitment look to the proportion but the chances are that sufficient men with families may not be forthcoming and the rule may under the proviso to it have to be modified. This time alone will show.

KRISHN KUMAR,
Emigration Magistrate.

The 18th October 1923.

I paid a visit to the Depôt on October 15, and found things in a satisfactory condition; one emigrant was sick but under medical treatment a doctor was due to appear soon after my visit.

Complaints had been made in the newspapers that coolies were being deceived into consenting but this I found was not the case. I questioned a number of them. They knew the terms and expressed their willingness to emigrate. The Magistrate in charge doing his duty thoroughly.

While I was at the Depôt the relative of one cooly came and wanted the cooly to return to his home. The cooly was reluctant to do so but when the relative insisted, the Commissioner told him he had better go.

There is some agitation outside for permission to enter the premises. I propose to add Rai Bahadur Munshi Ravmandan Pershad, M.L.C., to the members of the Visiting Committee. Apart from that, the members of the Local Board are all authorised to inspect. This would seem to me quite sufficient. The Commissioner has however been kind enough to allow other visitors to come in occasionally. The matter is one which remains in his discretion. He cannot be expected to allow persons with no representative status to enter.

J. H. DARWIN,
Collector.

The 19th October 1923.

I passed 12 more emigrants to-day. I questioned them all one by one to find if any one was a runaway from home after a quarrel with parents or wife but find them all saying that their relatives at home are aware that they are going to Mauritius. Again of the 12 only one is taking his wife with him. But these are sweepers and the rule of one single man to every 5 sent as the Commissioner told me does not apply to sweepers who are to be sent in addition to the numbers of emigrants sanctioned.

Some men of the batches I had passed before the 18th instant had complained to me on 18th that they were not given the clothing they were promised. I told them that they were not to be given any clothing under the rules and asked them if they wanted to proceed to Mauritius or go back home; they said they would go to Mauritius. I found they needed no clothing and our chief clerk who was with me told me that clothing was being given to a few who actually need it. This needed no interference by me and as I had finished my note of 18th October before this complaint was made I make mention of it to-day, so that the Emigration Commissioner may kindly take the trouble of making it known to recruits that they should not under any circumstances hold out to any recruits a promise which the rules do not permit.

These 12 are the only recruits in the Depôt to-day. They have no complaints to make except that they have not yet received the clothing they expected, namely, the uniform and the blankets and the advance 30 per head. The Emigration Commissioner is away and the chief clerk will please let me know what the promises to these men are and what they would actually get at Calcutta. If they are to

* The 88 include 53 sweepers in whose case there is no fixed proportion of men with families to single men.

get a uniform and 2 blankets each at Calcutta as they say they have been promised I may be informed. The advance I know they will get here.

Mangat says he was employed in the N. W. Ry. at Delhi and his 2 days' pay is due; that he has come away with the consent of the Railway authorities and that his pay be made over to his brother Nanka who is still in the employment of the Railway. His application to this effect may be forwarded. A similar application from Bhagwana to the Municipal Board at Ghaziabad may also be forwarded.

KRISHN KUMAR,
Emigration Magistrate.

The 29th October 1923.

Chief Clerk's note perused. The emigrants can be sent. I have passed them.

(Sd.) S. K. K.

The 29th October 1923.

Learning that an Emigration Depôt has been opened at Benares, I was naturally greatly concerned about it and most anxious to visit it. There was also some concern expressed in the papers, I thereupon wrote to Mr. Darwin if I could visit the place. Mr. Darwin very courteously wrote back to say that I could go and later also wrote to say that as a Municipal Commissioner, I was entitled to come here whenever I wanted to. I therefore availed myself of this opportunity and paid a visit to this place on the afternoon of October 30. Moulvi Guda Hussain Sahab, the Emigration Commissioner, was not in the station and I am thankful to Babu Chhannu Lal for having taken me round the whole place and shown me everything and everyone here without reserve or hesitation. As to the situation and the arrangement I have nothing or very little to say. The only complaint I have is that more than one family can be and is being housed as necessity arises in the same enclosure, or rather within the same partition walls of the large enclosure especially constructed for the purpose. This is totally wrong and I know for a fact that one of the chief complaints of housing in the poorer parts of garden is that many families occupy the same room. This is morally very deleterious. Family life of even the humblest is sacred and I do think that either all men should be in one enclosure and all women in another, or if they insist on living even here as families, each family must be separated from the other.

I should like to add here that I, as a humble servant of my country, cannot look at this problem from a purely economic standpoint. I almost cried as I saw these poor countrymen of mine about to be sent abroad as "Coolies" to give the impression to all mankind that we are a nation of "Coolies" and nothing else. I felt anguished at heart that I had not 1|4| per day to offer to every single one of them and to take them away with me. Economics is a cruel demon. It will make us do anything; these people are not going I emphatically assert on their own authority for love of Mauritius or desire of seeing other lands, but for money. It is shameful for any of us that our countrymen should go out like that and cannot be retained here. Englishmen are recruited for service in India to be our rulers. We are recruited to be coolies. How long will this last?

I will close with only one observation. I find that a number of Bhangis are also being sent. The published notices distributed broadcast only mentions sugarcane fields. This Bhangi recruiting should also be mentioned. There is a lack of Bhangis in India everywhere. They are very necessary for our national economy. Why should they go? They must be retained; and I think local bodies would retain them at any cost, if they knew they are going away.

I think Babu Chhannu Lal again for his courtesy to a frankly hostile visitor. I repeat I have no complaints against the arrangements apart from the one mentioned above. I hate the whole institution; and am very sorry if my countrymen have anything to do with it in any capacity. I indeed want to write in this book for I knew my feelings were strong but was prevailed upon to do so only by the repeated and kindly request of Babu Chhannu Lal.

(Sd.) SRI PRAKASA,
Municipal Commissioner, Benares.

The 30th October 1923.

Postscript.

On coming back from the Emigration Depôt, I thought some words I had written in the Inspection Book were not clear and there was likelihood of misunderstanding so I write this and am sending it to Babu Chhannu Lall with the request that he would paste it below my note. I hope and trust he would oblige me and do so. I am not unaware of the fact that emigration from one country to another is the commonest of things. I recognise that men and women in all ages and all countries would emigrate from one place to another in search of fame or fortune. I know that large posters in England specially on omnibuses loudly cry out to the passers by "Why not emigrate to Australia? Plenty of land and plenty of wages. It is the workman's paradise." But so far as I am aware there is no Governmental institution and Government Officer in any way connected with or taking any active interest in promoting such emigration in England. Our complaint is that India's Government in embodying alliance with the Government and capitalists of other lands actively promotes this sort of emigration from India. That makes it so objectionable, so hateful. If they went of their own accord no one would complain or even have the right to complain at all and then why do people emigrate from other lands? Certainly not, as we do to be coolies in other peoples' sugar-cane estates, or to be bhangis carrying other peoples' nightsoil day in and day out.

(8d.) SRI PRAKASA,

*Member, Municipal Board, Benares.**The 30th October 1923.*

I visited the emigration Depôt to-day. I notice that since my last inspection Mr. Sri Prakash has paid the Depôt a visit. There is nothing to show that his note has been seen by the District Officer and I would commend it to his notice if he has not. The only point to which Mr. Sri Prakash took exception was that accommodation did not exist for each family separately. The Emigration Commissioner has given his explanation and I am inclined to agree with him that it will not be an easy job to provide accommodation on the scale recommended by Mr. Sri Prakash. What is humanly possible with the accommodation available is being done. For example to-day there are 7 pairs among the 14 souls present. Of these 3 pairs are high castes Brahmans or Kshattriyas, others are Chamars. The Brahmans and Kshattriyas are being lodged in a separate building, not in a separate compartment of the building, intended for those who have no caste scruples. They are quite happy with arrangements made. All those 7 pairs have been to Trinidad and can talk a little broken English. They are happy to go to Mauritius where they expect the labour conditions to be much better than here in India. It is interesting to hear them tell their reasons for choosing to leave again the country of their birth.

None had any complaint to make. I had a look round the latrines also. I find from the water that there was that Phenyle is being regularly supplied, but in spite of it and in spite of the fact that the number of males to-day is under a dozen, the male latrine was emitting a stench. The sweeper might be told to make proper use of the Phenyle that is supplied.

I understand the orders are to send 1,500 families and 168 sweepers. So far the recruitment has been as follows:

I. Towards 1,500—					
Pairs	..	..	..	..	11
Singles	..	..	..	..	37
II. Towards sweepers—					
Pairs	..	..	..	..	7
Children	..	..	..	..	5
Singles	..	..	..	..	60

It has not thus been possible to maintain the proportion of single to pairs in the ratio of 1 : 4 to 1.

I am informed that at Calcutta about 450 Fiji returned emigrants have chosen to go to Mauritius. A very large number of the 450 consists of families.

The Emigration Commissioner is away in Calcutta and the Chief Clerk who is a smart man without doubt is carrying on the work very properly.

S. KRISHN KUMAR,
Emigration Magistrate.

The 20th November 1923.

As I was leaving the Chief Clerk drew my attention to the fact that the present lot of men are not satisfied with the rations they get. At present they get 12 ch. flour and rice, half and half, and 3 ch. Dal; they want 1 *seer* ata and rice, half and half, and 3 ch. Dal. They did not make this complaint to me when I had questioned them before, but on ascertaining again I find that they are really feeling that they have not been getting enough to eat. If they can eat the quantity they want I see no reason why they should not get it.

S. K. KUMAR.

The 20th November 1923.

In consequence of statements publicly made of unwise or unlawful action on the part of employees of this department, I called to make inquiry to-day. The Commissioner is absent in Calcutta but Babu Chhannu Lal kindly gave me every possible facility. The internal arrangements of the Depôt for the accommodation of the coolies seem quite satisfactory. I satisfied myself by questioning each inmate personally that they had not been misinformed in reference to the conditions of emigration, that they understood them perfectly, and willingly accepted them. It happens that all those residents to-day are returned emigrants from Trinidad and Jamaica. They had come back in each case with good savings which have been quickly spent and the men and women find there is no place or satisfactory work for them in their home villages. They are glad to return. What I have seen satisfies me that some of the criticisms I heard are without foundation.

J. C. JACKSON,

Member, Benares Distt. Board.

The 21st November 1923.

Inspected the Emigration Depôt to-day; there were about 19 persons. I asked them. They are going with their wishes.

MATA PERSHAD,

Member.

The 24th November 1923.

I visited the emigration depôt at about 9 A.M. to-day. The number of intending emigrants at present in the depôt is 18. Most of these people are returned emigrants who do not find economic and to some extent social conditions in their villages suited to their interests and are anxious to go out again as soon as possible.

What a sad commentary on our present administration and the conditions created and buttressed up by it! The physical needs of the inmates of the barracks seem to be well attended to. I find nothing particular to speak about. As there are practically no fresh emigrants, if I may use the term, it is difficult to say if any coercion has been exercised or not.

SAMPURNANAND,

Member, Municipal Board, Benares.

The 29th November 1923.

I inspected the emigration depôt to-day at 11-30 A.M. There were about 19 persons as I saw on 24th November; they were in good condition.

MATA PERSHAD,

Member.

The 30th November 1923.

I visited the place and made inquiries from certain emigrants. As it is about sunset and my notes may take some time I propose to send it on later to be pasted in this book.

RAVI NANDAN PARSAD, M.L.C.

Member.

The 8th December 1923.

I visited this Depôt this evening. There are 49 souls including 19 sweepers and 2 infants, and found every thing all right with them. One Chhedi Brahman returned emigrant of Trinidad had brought with himself a widow named Janki as his sister some 5 years ago. She was living with him in India and was admitted in the Depôt as his dependant. Few days ago she had a concubinage with Kashi another returned emigrant of the same country present in this Depôt, with the consent of Chhedi who had brought her with him here. All 3 concerned came the day before yesterday to the Emigration Commissioner and reported all what they were willing to do. The Commissioner directed them all to go to the Police Station to report, which was done. The said officer did so as to the safeguard of the connection made. Specially because the woman is a widow and might not prove otherwise.

MATA PERSHAD,
Member.

The 11th December 1923.

I visited the Depôt this morning and examined 47 emigrants intending to proceed to Mauritius. They were found willing to proceed there and were granted permission as required under rule 26 of Emigration Rules. I ascertained the fact regarding Mst. Janki's story given in the inspection note of Babu Mata Pershad and found it correct.

SAIYID ZAMIN HUSAIN, *Khan Sahib,*
Emigration Magistrate.

The 12th December 1923.

I visited the Depôt this afternoon and questioned almost all the emigrants. They are all satisfied with the arrangements, food, etc. They full well understand the conditions on which they are emigrating to Mauritius. They have been provided with meat to-day. I also ascertained the fact referred to by Mr. Zamin Husen and there is nothing objectionable in the matter.

M. KHALIL, B.A., LL.B.,
Member of the Visiting Committee.

The 12th December 1923.

Fifteen emigrants were registered this morning and 2 were unwilling to emigrate—16 emigrants have been advanced Rs. 30 each. The two unwilling men have been allowed to go back to their home (Begamabad), their railway fare at Rs. 8 each total Rs. 16 has been paid to Md. Jamil Khan and he has been directed to purchase railway tickets for them.

S. ZAMIN HUSEN.

The 16th December 1923.

Twenty-six emigrants were registered this evening—this includes the dependents.

S. ZAMIN HUSAIN,
Emigration Magistrate.

The 19th December 1923.

I visited the Depôt this afternoon and found one family consisting of four souls and one single. There is nothing to note—a batch of 40 sweepers is expected from Delhi to-morrow.

M. KHALIL, B.A., LL.B.,
Member of Visiting Committee.

The 9th January 1924.

I inspected the Depôt this morning and registered 67 souls. I put questions to Din Mohamed and he assured me that he could not procure any employment for himself in this part of the country and so he was prepared to emigrate to Mauritius Island.

S. ZAMIN HUSAIN,
Emigration Magistrate.

The 11th January 1924.

I inspected the Depôt this afternoon and found about 66 emigrants. I asked them why they were going to other country—they assured that they are going with their own wishes.

MATA PERSHAD,
Member, Honorary Magistrate.

The 14th January 1924.

I inspected the Emigration Depôt this morning at 10-30 and inquired individually from each emigrant—who stated that he had given his consent. The number emigrants to-day, male 36, female 13, and children 17. As the Emigration Commissioner was out—Babu Chhanulal has very kindly show me the place, for which I thank him.

Y. N. UPADHAYA,
Municipal Comr. and M.L.C.

The 17th January 1924.

Visited the Emigration Depôt this morning and registered 16 souls—6 souls have been discharged as they were not willing to emigrate.

S. ZAMIN HUSAIN,
Emigration Magistrate

The 5th February 1924.

I inspected the Depôt this evening. There are five pairs excluding two babies with their parents in the Depôt. I put several questions to them and they answered the questions very satisfactorily. They are all pleased, happy and quite willing to go to the Island (Mauritius). There is nothing particular to note.

M. KHALIL, B.A., LL.B.,
Member.

The 29th February 1924.

I inspected the Depôt this morning at 9 A.M. It is a bit early and the clerks have not come. There are 28 emigrants in the Depôt. They are willing to emigrate and they understand the conditions on which they are going to Mauritius.

S. ZAMIN HUSAIN,

The 19th March 1924.

I inspected the Depôt this morning at 10 A.M. There are 53 intending emigrants. They have no complaints—they are properly fed and kept. I registered 53 emigrants.

S. ZAMIN HUSAIN,
Emigration Magistrate.

The 11th April 1924.

I inspected the Depôt this morning at 10 A.M. and registered 24 emigrants. They appeared to be happy and they understood well the conditions under which they were allowed to emigrate. It struck me that 2 families of Saiyads were willing to leave for Mauritius and they insisted on their going there. This shows that respectable families are also preferring to go to Colonies though this may be due to their poverty. Everything is satisfactory.

S. ZAMIN HUSAIN,
Emigration Magistrate.

The 24th April 1924.

I inspected the Depôt this morning at 10 A.M. and registered 51 emigrants. They understood the conditions on which they were allowed to emigrate—they expressed their willingness and said that they were not under any deception.

S. ZAMIN HUSAIN.

The 30th May 1924.

(Remarks were made in Urdu language and have been translated into English.)
I inspected the Emigration Depôt to-day. It contained pairs of men and women together with their children. They expressed their willingness to get recruited and go out as emigrants. They know the object of their visit abroad.

MOHAMMAD FARUQ, *Khan Bahadur,*
Dy. Supdt. of Police, Benares City.

The 3rd October 1923.

(Remarks were made in Hindi and have been translated into English.)
To-day at about 4 P.M. I inspected this Depôt. During this month up to to-day only 40 men and women have been recruited. Out of this those recruited up to the 18th have already been despatched. At present the recruited coolies consist of two classes. There are some who speak of their return from Jamaica and also say that they don't like to remain in India. They who say so belong to the Faizabad District. The one class consists of Brahmin men, women and children and have sufficient accommodation at their disposal. The other class consists of Chamars, men, women and children. For these also accommodation is sufficient. They have also medical arrangements. The coolies consist of one Thakur of the Faizabad Dist. and one Chedi Brahmin who says he has returned from Jamaica and is very clever. He is ready to answer when others are questioned.

SATYA DEV SARDA,
Member, District Board, Benares.

The 29th November 1923.

I inspected this Depôt to-day. At present it consists of 18 coolies, both men and women. Out of them, there is one Brahmin boy, named Sukhdev who looks 12 years of age approximately. Looking at this boy I am of opinion that whereas in other civilised countries boys of such ages are reformed, in this country such boys are recruited as coolies. Will this country ever remain dependent? Whereas in other countries to be called a coolie is a great disgrace, in this country it is boasted of by the people. This scene I only saw in this Depôt. Whomever I questioned he replied that he was going out with great pleasure. In our own country we haven't got room for ourselves, i.e., we get only one anna daily-wage here in this country while there we would get Rs. 1-4 daily.

KRISHN CHAND SHARMA,
Member, Municipal Committee, Benares.

The 30th November 1923.

To-day at about 10 in the morning I inspected this place. At present there are only 3 or 4 men. One named Din Mohammad says that if he could get a job here he would refrain from going to Mauritius. The Emigration Commissioner should give this man sufficient opportunity.

SATYA DEV SARDA,
Member, District Board, Benares.

The 5th January 1924.

To-day I again inspected this depôt. At present, there are 84 men, women and children. Coolies number 64 and majority of them are Mohammadans and belong to the Province of the Punjab. Some of them belong to this Province. One is a Pandit.

KRISHN CHAND SHARMA,
Member, Municipal Committee, Benares.

The 29th April 1924.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

REPORT OF THE SELECT COMMITTEE LAID ON THE TABLE.

The Honourable Sir Basil Blackett (Finance Member) : I beg to lay on the table the Report of the Select Committee on the Bill to amend the Imperial Bank of India Act, 1920.

THE COTTON GINNING AND PRESSING-FACTORIES BILL.

The Honourable Sir Charles Innes (Commerce Member) : With your permission, I propose slightly to vary the motion on the order paper. I beg to move :

“ That the Bill to provide for the better regulation of cotton ginning and cotton pressing factories be referred to a Select Committee consisting of :

Diwan Bahadur T. Rangachariar,

Sir Chimanlal Setalvad,

Sir Purshotamdas Thakurdas,

Seth Kashturbhai Lalbhai,

Baba Ujagar Singh Bedi,

Mr. R. A. Wilson,

Pandit Shamlal Nehru,

Mr. Harbilas Sarda, and

Myself,

and that the number of members whose presence shall be necessary to constitute a meeting of the Committee be five.”

When I introduced this Bill a few days ago I was concerned merely to prove that there were malpractices and abuses in cotton ginneries which deserved the attention of the House. I attempted to prove that statement by referring to the authority of the Indian Cotton Committee, particularly to paragraph 219 and following of that Committee's report. That Committee after prolonged investigation and inquiry throughout India found that there was overwhelming evidence that serious malpractices and abuses exist in these ginneries and factories. They found also that those malpractices injure the reputation of Indian cotton and thereby reduce the price which the cultivator gets for that cotton. That was a point on which they laid great stress. Well, Sir, all Local Governments have endorsed the statement of the Indian Cotton Committee that these abuses and malpractices exist. To-day I am asking the House merely to agree in principle that legislation is required to tackle these abuses and these malpractices. The actual proposals we have made in this Bill will no doubt be carefully scrutinised in this Committee which I want the House to agree to. It may be said that this is just the sort of abuse which the trade should be left to deal with by themselves. On that point the Indian Cotton Committee definitely reported that the trade unaided could not deal with the abuse. They further said that legislation should be undertaken to enable the trade to deal with these malpractices and abuses. They made various suggestions as to the restrictions which should be put on cotton ginneries and cotton presses and they made a further proposal that those restrictions should be made effective by a system of licensing of ginneries and presses in India. That was the recommendation of the Indian Cotton Committee. When we got their report in 1919, we referred those recommendations to all Local Governments. The letter was published. Local Governments consulted Chambers of Commerce and non-official opinion and they reported practically unanimously in favour of the wholesale adoption of the Indian Cotton Committee's report. At the time when we got those replies the Central Cotton Committee had come into existence and the first thing we did was to refer the whole question to the Central Cotton Committee. The Central Cotton Committee, as the House knows, represents the cotton trade in all its branches, growers as well as the trade

itself. Their report was to the effect that there were three essential conditions to improvement, the adequate marking of bales to enable ownership to be established, the maintenance of the records of ownership and compulsory statistical returns. Those are the main features of the Bill which I am putting before the House to-day, but in the Central Cotton Committee there was a good deal of difference of opinion about this question of licensing. The Central Cotton Committee were only prepared to go as far as to say that they thought that Local Governments might be enabled by central legislation to impose licensing if they thought it necessary. We got that report at the end of 1921 and again we consulted all Local Governments, and all Local Governments again consulted Chambers of Commerce. They were more or less generally in favour of this enabling clause but the Government of India on further consideration, especially of the report of the Provincial Cotton Committee of the Punjab, on which the growers and the trade were strongly represented, thought that the best plan in the first instance is to drop even this enabling clause regarding licensing.

We propose to confine our Bill entirely to those points which the Central Cotton Committee regarded as essential. We are not placing any very severe restrictions upon ginneries and factories, but what we are doing is that we are enabling the trade to protect itself and the cultivator against these malpractices and abuses which injure so much the reputation of Indian cotton which do so much to prevent the Indian cultivator from getting an adequate price for his crop. If the House will agree to a reference to a Select Committee, all it means is that they agree that legislation is necessary to deal with these evils. In support of that statement I have quoted the authority of the Indian Cotton Committee. I have quoted also the fact that Local Governments generally have agreed with these proposals we are putting forward. Our precise proposals will no doubt be gone through most carefully by the members of the Select Committee. I have specially made it my aim in proposing Members for the Select Committee to propose Members not only representing the cotton trade but also the interests of the grower. In these circumstances, Sir, I hope that the House will agree to the motion which I have just moved.

Mr. M. S. Aney (Berar Representative) : Sir, I rise to move the amendment :

“ That the Bill be circulated for eliciting public opinion thereon by 31st of December 1924.”

In support of the motion I desire to make only a few observations.

In the first place I think that the subject of controlling the working of cotton ginning and cotton pressing factories should be left to the Provincial Governments and the Central Government should not, as far as possible, interfere in the matter.

The subject really comes within the category of transferred subjects, *vide* Entries Nos. 26, 27, 28 and 29 of Part 2 of Schedule I and, unless there is a strong case, the Central Government is not justified in interfering.

From the report of the Central Cotton Committee it is perfectly clear that the circumstances relating to the cotton cultivation, cotton trade and cotton industry differ in different Provinces. And therefore they have dealt with the question for each Province separately.

A uniform legislation by the Central Legislature to regulate them may not necessarily be a panacea for the evils existing everywhere.

[Mr. M. S. Aney.]

The Indian Cotton Committee bitterly complains in its report of the evils arising out of the multiplication of small ginning factories in the Madras Presidency. On the other hand, the Agricultural Department of the Central Provinces was of the definite opinion some time ago that the best method to save the cultivators from the evils of the pool system obtaining in certain important Cotton Centres in the Central Provinces and Berar as well as the best way to secure the proper price to the cultivator was to encourage him to get his cotton ginned before taking it to the market and therefore to provide facilities by encouraging the establishment of small ginning factories run by the power of an oil engine. The agricultural unions in Berar at any rate looked upon this proposal as a satisfactory solution of some of the difficulties which appeared insuperable to the Indian Cotton Committee. It has to be seen how far the process of encouragement is to succeed if this Bill be passed into law.

Besides, in the Central Provinces and Berar, the existing cotton market law has already given some of the powers to the cotton market committees that are established there. For example, the standardisation of weights and measures used in the cotton markets is already provided for by the municipal laws of the Central Provinces and the cotton market laws of Berar. I have only referred to these things just to show how conditions regarding this subject differ in different Provinces.

The second question which I wish the House to consider seriously is whether the control which is sought to be established on the factories can be better exercised by such local Committees as the Cotton Market Committees or by the Government through such agency as this law may create. I do not venture to give any definite opinion on the question without further examination and without being in possession of all the information which those that are directly interested in the trade and industry may be in a position to place at our disposal.

But if I am allowed to judge the matter by such previous experience as we had regarding grain control during the war time, I am inclined to think that the governmental control of trade through an official agency is certainly not an unmixed blessing. Such a power vested in the officials oftentimes degenerates into a form of weapon of harassment to businessmen and a dangerous temptation for corruption which the officials concerned in the majority of cases find it difficult to withstand.

Even if we recognise the necessity of some control, we must know clearly the purpose which we have in view. If this control is intended only for securing statistical accuracy I have no doubt that the Bill goes very much beyond requirements. But if it be intended to protect the trade against damping, adulteration or other malpractices in the interest of foreign purchasers of Indian cotton, I am afraid that the framers of the Bill have perhaps failed to take proper account of the conditions of the cotton trade as they exist at present.

The Indian Cotton Committee has been harping on the point that the reputation of Indian cotton has very much suffered in the foreign markets and the Central Cotton Committee probably neglecting its legitimate and primary function of providing facilities for research work regarding the possibilities of long staple cotton cultivation and similar work of a scientific nature in its advisory capacity has been flooding the Government of India every year with suggestions to redeem this lost reputation of the Indian cotton.

It may be some consolation to the Honourable Members of this House that the Government of India, though not jealous of the reputation of Indian manhood in foreign lands, the human commodity, if I may so use the expression, is, at any rate, showing very commendable zeal in saving the reputation of an Indian commodity of commerce like cotton. This extra zeal for the reputation of Indian cotton has been to me a mystery.

I do not see from the figures of exports of Indian cotton published by the Government of India any indication of this loss of reputation of Indian cotton in foreign markets. The pre-war average of the export of cotton bales from India was 2,407 thousand bales. In 1921-22 it was 2,989 thousand bales and in 1922-23 it had risen to 3,362 thousand bales. If the loss of the reputation of Indian cotton had told on the export trade and thus affected both the revenues of the Government of India as well as the material prosperity of the Indian cultivators and others engaged in the cotton business in the country, I would have very well understood the anxiety of the Government of India to investigate into the question promptly and take immediate steps to remedy the evils also in the best interests of the country. But the figures of exports do not disclose any diminution of the trade and therefore the question certainly need not be treated as one of urgency.

I even go further, Sir, and urge that the question of adulteration and malpractices in the Indian cotton trade has not yet been properly investigated. Although I do admit to some extent the existence of this evil, I feel that the conclusions of the Cotton Committee regarding the true sources of these malpractices and even the suggested remedial measures based on these conclusions cannot be accepted as the last word. It was at one time thought that cotton cultivators are to some extent responsible for it and this Assembly has passed the Cotton Transport law. Now it is suspected that the petty merchants in conspiracy with the owners of ginning and pressing factories practise the fraud and we are asked to pass the present law to remedy the evil. But is it known to the Honourable Members of this House that the petty merchants as well as the Indian cotton cultivators are solely at the mercy of the agents of big foreign companies in the Indian cotton markets? It is these agents who purchase the cotton on a large scale in these markets and it is they who virtually rule the markets.

The conditions of the Indian cotton markets have materially altered during the last five or six years. There is no important cotton market in Berar at any rate where we do not meet with the agents of the big European, American and Japanese cotton purchasing firms. They purchase the cotton directly from the cultivators in these markets and get it ginned and pressed. But if, in spite of this, there is a good deal of adulteration, I think that the matter requires a fresh and searching investigation. Who is the culprit? I do not want to rush headlong to any conclusion and give an off-hand answer. But I certainly think that the thing requires to be properly investigated. Is it that the agents practise fraud on their principals? So long as the foreign companies were not directly dealing with the Indian cultivators in Indian markets, there were grounds to suspect that the fault possibly lay with the cultivators or the petty Indian merchants or the ginning and pressing factory owners. But as I have said the situation has materially altered and it is necessary to give all those owners of Indian factories and

[Mr. M. S. Aney.]

Indian cultivators a fair opportunity of expressing their opinion on the provisions of the Bill before this House can be asked by the Government to adopt it.

I ask the Honourable Members of this House to bear in mind that they are passing a penal law and a little negligence on the part of owners in regard to the maintenance, production and preparation of registers or submission of returns or structural construction of their factory buildings is being penalised. And therefore it is all the more necessary for you, Sir, to hear them and receive suggestions from them before making up your minds finally on the merits of the Bill.

Sir, there is another consideration also which I wish to urge. The element of Indian population which is bound to be affected by this piece of legislation occupies a very important part in the economic and public life of my Province. Nearly 520 factories in the Central Provinces and Berar employing on an average 38,650 persons will be affected by this law. The importance of this class is already recognised by the Government in constituting the factory owners of the Central Provinces and Berar as a separate constituency for the Provincial Council as well as for the municipal bodies of various towns in the Province. So their importance also requires that neither the Government nor the Honourable Members of this House should hasten to pass an *ex parte* order against them. It is an intelligent, influential and public-spirited class of citizens.

I conclude therefore with a fervent appeal to the Honourable Member in charge of the Bill as also the Honourable Members of this House to adopt my motion and thus give them an opportunity of having their say on the principles underlying the Bill as well as the detailed provisions of the Bill.

This Bill was introduced on the 3rd of September. It was published in the Gazette of India on the 6th. And I therefore need not say that it has not yet reached the distant places where the factories sought to be controlled by it are generally situated.

In this connection I may also remind the Honourable Members of this House, that the cotton transport law to which the present Bill is rightly described in the aims and objects as being supplementary, was not pushed through the Legislature in haste. Government immediately after its introduction in the Assembly published it and circulated it for public opinion and then referred it to a Joint Committee of the two Houses. This House gave its assent to that Bill on receiving the Report of the Joint Committee. So, in pressing my amendment, I have a strong precedent to rely upon and I am confident that the Government and this House will adopt the same procedure this time and adopt my motion for circulating it for public opinion. With these words, I commend the motion to the House.

Mr. Narain Dass (Agra Division : Non-Muhammadan Rural) : Sir, I beg to support the amendment moved by the Honourable Mr. Aney. I think cotton pressing and ginning goes on mostly in the districts. Gentlemen coming from big trade centres like Bombay and other places have knowledge of exporting the pressed cotton bales, but as regards what processes are really involved in pressing and ginning the cotton, in what places this is being done, and so forth, these gentlemen know very little. I think the Bill as it stands would mean undue interference with large industrial interests, and those who are really engaged in

that trade, who carry it on in so many districts, are the persons who happen to be the least consulted. I do not think that gentlemen living in large trade centres have the right to prescribe certain methods, to prescribe certain marks and labels to the various other proprietors and owners of the factories scattered almost all over the country and carrying on trade under different conditions, under different circumstances. Sir, until the cultivation and growth of cotton in various parts of the country is brought under certain regulation, until we adopt Western methods and bring under a certain degree of uniformity the cultivation and culture of cotton and reduce it to certain well-defined methods, I think it would be going too far, it would be rather putting the cart before the horse, to take up legislation like this. Sir, the production of cotton in any district depends on a variety of circumstances. For example, a district using the same sort of seed cannot produce cotton of the same quality always,—rather in the same season the quality of the cotton differs very much. At the very beginning it is perhaps just of an inferior quality; as the season advances, it becomes of a better quality, and then at the end of it the quality of the cotton falls off. So to be obliged to put the same mark on a number of bales ginned in a certain factory would mean nothing: it may simply mean that the contents of a certain bale were ginned in a certain factory. But there can never be any guarantee as to the quality of cotton which forms the contents of that package. Then, Sir, I submit that there has not been anything like universal complaint of any admixture or any sort of adulteration going on in the ginning factories. It is mostly to their self-interest to gin the cotton as they get it from the bazaar and to see that the cotton is quite pure. There is no complaint at all that they adulterate it to any the least extent. Many of us coming from the United Provinces or from the Central Provinces or from Berar know very well under what circumstances cotton is being ginned and pressed. Almost every district has got not only one but a number of factories, and they are doing their work very honestly and in a business-like manner. I do not think there will be any the least necessity for interfering with their work, and the Bill as it stands will really encroach upon the liberty of businessmen. Sir, I think we should at least consult those who are really concerned with the ginning and pressing work, and that the Bill should be postponed for at least six months to get opinions thereon. I am sure the Bill will not improve the quality of cotton but would mean a great vexation to the trade.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, while one cannot help sympathising to a certain extent with the wish of the Honourable Member from Berar, my friend, Mr. Aney, who suggested that the Bill should be circulated in order to enable owners of gin and pressing factories in his district at least to express their opinion on the draft Bill, I must very strongly protest against the indictment that my Honourable friend has thought fit to pass on the principles underlying this Bill. Sir, I think it would help this House if I stated at the very start that I happen to be concerned for the last 25 years in the work of cotton ginning and pressing, and I happen to belong to that class which it is proposed to bring under better regulation by this Bill. I might say at once that I had something to do with the conception of the principles underlying this Bill and I had

[Sir Purshotamdas Thakurdas.]

a good deal to do in seeing the Bill through the Central Cotton Committee, an organization consisting of 35 members, mostly of members who are non-official merchants interested in the cotton trade of India from various parts of the country. If, therefore, my Honourable friend, Mr. Aney, or my Honourable friend, Mr. Narain Dass, wishes in the slightest degree to insinuate or to allege that the Bill comes before this House without the sanction of the people whom it affects, I wish most emphatically to challenge them and say that they are either under a misapprehension or they are misinformed.

The Bill comes here, Sir, with the full support of the principles approved in most cases unanimously, and in some cases by a substantial majority of that statutory body created by this very House, namely, the Indian Central Cotton Committee. I therefore wish that my friend, Mr. Aney, had put forward his grounds for the Bill being circulated not on the general indictment that he has chosen fit to pronounce in this House but on the very simple ground that the Bill was only published a few days ago and has not had time to get to the people whom it is likely to affect. With that ground of his, every one will sympathise. Against the rest, I protest emphatically. What does my Honourable friend from Berar suggest? The first is, why should there be an all-India legislation on this question and why not leave it to every provincial Government to legislate for gins and presses in their boundaries as they may best like to do. I would give him a very straight reply and very short one too. The fact is that cotton is not marketed by provincial boundaries, cotton is marketed all in one place and the mill-owners of India who are the consumers are not restricted by provinces nor are exporters similarly restricted. It is, therefore, most necessary that the broad principles on which this Bill is based should be uniform all through. And what are those principles, Sir, against which we have had such vehement opposition from my Honourable friend there or my esteemed friend over there? The Bill only makes provision for the maintenance of registers, marking of bales in order that there may be uniformity, and thirdly for gin and press owners preserving returns, a thing which in ordinary business firms one would have thought they might have done; but owing to the various stages of literacy that is enjoyed by the various people who are interested in this business, and various ideas of economy that prevail in the minds of gin and press owners and for other reasons which I need not go into here, adequate returns and records are not at present preserved. I say that as a gin and press owner myself and I think it is only right that this Assembly should insist that everybody who handles the raw produce of the cotton cultivator should have certain definite records, so that in case of any mischief having to be traced, it can be traced to the originating place. The third point, Sir, is for adequate provision for scales and weights being maintained. I wonder if my Honourable friends take objection to that; and the last is some structural requirements to be observed in order that when the raw produce is being ginned no excuse may be available for pure cotton being mixed with seed or seed cotton by an accident. These are the very simple underlying principles of the Bill which my Honourable friend thought fit to assail or to take exception to. The next thing that he suggests is this and there again there is a misunderstanding and I wish to clear it up. My Honourable friend says that he apprehends that damping

or watering may be prevented by legislation for the purpose of the foreign purchaser. I heard a good deal of the word "foreign," "foreign," in his speech. I really wonder if my Honourable friend thinks that the only buyers of Indian cotton are foreigners and that the Indian mill-owners do not buy anything at all of it. May I ask if he really thinks that watering should be allowed to go on if it really can be checked? The Honourable Member in charge of this Bill has said that the Central Cotton Committee were of opinion not only that there should be better regulations, but that there should be a system of legislation of licensing of gins and presses. The Government of India wish a better case to be made out than that there will not be any suffering by those who may be innocent and to that extent that part of the recommendation of the Central Cotton Committee is being held in abeyance, I hope, by them and had not been rejected. But the principles underlying this Bill, Sir, appear to me to be very necessary for the welfare not only of the foreign buyer, as my Honourable friend tried to make out, not only of the indigenous consumer, the Indian mill-owner, but of all those for whom my friend there and my friend over here plead, namely, the cotton grower and the cotton cultivator. I will only give one instance, Sir. This very Assembly, I think, less than a year back or approximately a year back passed what is now known as the Cotton Transport Act, perhaps under protests of a melancholy nature similar to what we have heard here. I wish my Honourable friend there would get a copy of the press communiqué recently issued by the Government of Bombay where they have said that after definite experience for one year they have come to the conclusion—and this is the conclusion which is endorsed by the commercial community—that the Cotton Transport Act has benefited the cotton grower by lakhs upon lakhs of rupees a year—and that in one year only, Sir. I have very great pleasure in commending this measure to the House.

Regarding the question whether it should be referred to a Select Committee or not, even if the Bill is referred to a Select Committee now, I wish the Honourable Member to bear in mind that the Bill cannot come into operation for the coming cotton season. The cotton season will begin within two months more; and if the Select Committee were appointed now, I expect the Honourable the Commerce Member does not wish the Select Committee to carry through its consideration and submit a report to this House this session. Therefore, even at the very best the Select Committee's Report can come up for consideration of this Assembly next February. If there is a general feeling in the House that the Bill should be sent out for circulation and opinions be called in by the end of this year, the Select Committee can meet in February, sit down to work and submit their report, and the Bill may be passed into law before the end of the winter season at Delhi. I have said that not a single season would be lost by this being accepted, and I wish to suggest to the Honourable Member in charge that he may think over this. If there was the question of a single season being lost by adopting this suggestion of my Honourable friend over there, I perhaps would have been the first to oppose it, for every season that is lost means lakhs of rupees loss, avoidable loss, to the cotton cultivator. The motion of Mr. Aney entails no loss of time in the Bill coming into operation, which can at the earliest be for the season 1925-26; if the House wish that more time should be available to those interested in this Bill to make necessary representations to this House, I hope that the Honourable Member in charge may see his way to accept this amendment.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars : Landholders) : I rise, Sir, to support the motion that has been brought forward by my friend. In the first

1 P.M.

place, I would refer to some remarks that have fallen from the Honourable Sir Purshotamdas Thakurdas. He said that the Select Committee may be appointed just now ; the Select Committee may decide to have opinions and the Bill may be circulated, the Select Committee may sit in February and have the report in the next session. What does this mean ? This means that the House is committed to the underlying principle of the Bill. I first want to ask whether the House agrees to that proposition. If the House agrees to that proposition, then it means very little whether the Select Committee is nominated just now or whether the Select Committee sits and reports after February, after the opinions are invited. I think the best course would be both for Government and for the House to postpone the consideration of this matter for some time. In the meanwhile the Bill may be circulated for eliciting opinion on it.

The next question, Sir, which I want to refer to is the report of the Bombay Government. I was present on the occasion in the Bombay Council when the first Bill of this nature came up for consideration in that Council. This Bill, even then, was considered as a contest between the capitalists and the Members from the mufassil. If anybody would refer to those debates, he will find that the Bill for controlling the cotton transport was strongly opposed by the section which represented the cultivators. I may also mention here, Sir, that it was strongly opposed by those Members who came from constituencies which were mainly cotton-growing constituencies. After all, Sir, we cannot help this competition. There will always be a difference of opinion between the capitalists or the people staying in the cities and the people in the mufassil, who are mere cultivators and supply for the commercial requirements of the commercial population in the cities. I say that it was a wise suggestion from the Honourable Member from Berar to consider whether it was not right to have provincial legislation or an All-India legislation on this matter. I do not know what argument there is in the statement that because the mills are situated in one locality and as they are the best purchasers, the Indian Legislature should take in its hands the question of legislation. Nor do I understand the argument that because cotton is exported from one port, this House should take into consideration this legislation. Personally, I think it would be desirable to leave this matter to the Provincial Governments if they are willing to accept the responsibility of legislating on this matter. They know best the local conditions. They are well conversant with the factory owners and they will be the best judges to legislate on such matters. This Bill really interferes with the trade itself. I wondered when the Honourable Member in charge of this Bill said that unaided trades should be left unaided to adjust themselves. At the same time he now considers that this is a thing which the trade is not able to do unaided. Trade ought to adjust itself and I suppose the merchants will take care of themselves in this matter. Why should not the merchants themselves move in the matter ? Why should they not enter into communication with the gin owners and the press owners and constitute a machinery by which everything can be adjusted without the intervention of Government ? I think the suggestion made by the Honourable Member from Berar should be accepted by this House and the Central Government may embark on this legislation in the February session.

Mr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : I come, Sir, from a constituency where cotton is grown in abundance. There are many cultivators who are my friends. During the last year at the time of the election campaign I was told—I shall be glad if my information is wrong—that the doings of the Cotton Committee and the Transport Act were not to the benefit of the agriculturists themselves. It may have helped the agents. It may have helped the foreigners to discern one variety from the other, but it has not helped the agriculturists. On the other hand, it has increased their difficulties. This time, in the present condition, I think it will create another difficulty for them. When the cotton is to be brought to the gin—it cannot be kept as it were in the open—it will have to be kept in different sheds for avoiding damping and mixing. Consequently, the cost of the sheds will go to increase the cost of ginning, and that increase will be borne by the agriculturists. Everyone knows that it is the question of demand and supply that determines the price. If there is a certain price at a certain time and if the ginning takes up some more of it, it is the agriculturist who will get less and consequently something will come in his way by an enactment of this sort. The Marketing Act as well as the Transport Act, I am told just now here, have benefited the agriculturists, whereas the actual impression is that they come in their way a good deal and consequently have interfered with the legitimate profits of the agriculturists themselves. It is with this consideration that I should like to say, although I am not ready to say anything regarding the frauds in the trade, that if these are facts, they should, of course, be adjusted. But, in order that the agriculturists may be given a hearing and in order that the people in the distant corners of the district may know what is going to be enacted for them, it is absolutely necessary that the Bill should be circulated. I have no objection to a certain period of time within which this should be done. Consequently, I would rather accept the amendment of my friend, Mr. Aney, and request the House to support it in the interest of the agriculturists so that they may find out what comes in their way and the traders themselves can find out how they can protect their own interests as well as the interests of the agriculturists.

The Honourable Sir Charles Innes : Sir, I have very few words to say upon this motion. Most of what I have to say has already been said for me by my friend Sir Purshotamdas Thakurdas. I just want to refer very briefly to what the Honourable Member from Berar said on one or two points. He stressed very much his argument that legislation of this kind should not be all-India legislation but should be left to Provincial Governments. Well, Sir, that was a point which was directly referred to the Local Governments for their opinion and their opinion was generally unanimous to the effect that this legislation should be undertaken by the Government of India and not be left to different Local Governments. Just let me read an extract from the reply of the Government of the United Provinces. This is what they say :

“ The conclusion of the Governor, acting with his Ministers, is that All-India legislation should be introduced to compel marking of bales sufficiently to enable ownership to be established, and also to compel the submission of statistical returns. This Government thinks that the suggested legislation should certainly be All-India. Marking of bales and submission of statistics on an All-India system are likely to be much more effective than marking and statistics by methods differing from province to province.”

That shows that we have taken this action with the concurrence of the Local Governments.

[Sir Charles Innes.]

Then, Sir, I just want to add something to what Sir Purshotamdas Thakurdas said about the Select Committee. Sir Purshotamdas Thakurdas said that, as the Bill had only been published a few days ago, we ought not to make any attempt to rush it through the Assembly this session. That was not my intention, Sir, and for that very reason I did not say so in the motion that I have just moved. I did not suggest that the Assembly should instruct the Select Committee to report by a certain date. I said nothing on that point. What is the result under the rule? Such report should be made not sooner than three months from the date of first publication, unless the Assembly orders the report to be made sooner. This Select Committee cannot submit a report in less than three months. The Bill will be published and there will be ample opportunity for everybody who is concerned, who has any apprehensions, to submit representations to the Government of India, and they will be put before the Select Committee. I hope that point will satisfy the House that I have no intention of rushing the Bill through the Assembly. We have had it under discussion for four solid years and I do not want to make another reference to Local Governments. I should like the Bill to be examined by a Committee of this House. That Committee will consider any representations that may be brought up against the Bill and will submit a report to this House next Delhi session. If the House then thinks that the Bill ought to be circulated it is always open to any Member to move a motion to that effect. I hope that the House will be satisfied and agree to my motion that this Bill should be referred to a Committee of the House.

Sir Purshotamdas Thakurdas : May I just ask one question? The Honourable Member in charge said that the Bill could be sent for circulation even after the Select Committee had reported on it. I understood that in another Select Committee meeting a responsible member of the Government in this House said that the Bill having been submitted to Select Committee could not be circulated. If what the Honourable the Commerce Member says is a fact, namely, that the Bill can be circulated after the Select Committee's Report is available, may I put it to the Honourable Member that that would cause still more delay in case Honourable Members make up their minds in February next that the Bill should be circulated; and that, therefore, the shortest and swiftest method would be to put this motion off until the Delhi session?

Mr. President : The original question was :

“That the Bill to provide for the better regulation of cotton ginning and cotton pressing factories be referred to a Select Committee.”

Since which an amendment has been moved :

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st day of December 1924.”

The question I have to put is that that amendment be made.

The motion was adopted.

THE LAND CUSTOMS BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to move :

“That the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India be taken into consideration.”

As I explained when this Bill was introduced, this is to some extent an *interim* measure designed to deal with the difficulty of collecting duties on the frontiers of foreign territory by land. At present, only in the case of Madras and Bombay does there exist any power to collect duties on the land side. Those duties are collected under two old Acts, Madras Act VI of 1844 and Bombay Act XXIX of 1857. Both those Acts have been found for some time to be insufficient and badly in need of amendment, and, in addition, they do not apply to other frontiers. The frontier that we have particularly in mind at the present moment is the Burma-Siam frontier. Owing to two causes, the development of communications in Burma and Siam, and the very high duties on certain articles, such as matches, saccharine, gold thread and other things which are light articles and can easily be transported, a regular trade is growing up, which is quite legitimate, between Siam and Burma, in goods which would be liable to customs duties, if they came in by sea. Cigarettes are one of our difficulties, matches are another, as I have already mentioned. I have here a letter on the subject of cigarettes :

“ Importation of cigarettes by land into Burma is increasing, as is evidenced by the quantity of cigarettes in the Rangoon market, which are being sold at considerably lower rates than those imported by sea. We are afraid that after the monsoon is over even larger quantities of cigarettes will be brought into Burma from Siam, overland. We cannot sit idle and allow our trade to be interfered with much longer, but naturally we are loth to avail ourselves of this particular method of importing cigarettes, if the Government intend to take proper action to protect legitimate trade.”

There are similar difficulties owing to the insufficiency of the existing Madras Land Customs Act with reference to the importation of saccharine and gold thread from Pondicherry and some of the European Settlements in India proper. Our object in introducing this Bill now is, therefore, that we may be able to deal with these difficulties, protect legitimate trade in these imported articles and protect our own revenue which is liable to serious inroads if this smuggling into Madras is not checked and also the importation by land into Burma. Our intention originally was to introduce a bigger Bill to consolidate and amend the law relating to sea customs, which is badly in need of bringing up to date, and to incorporate in it clauses dealing with land customs ; but it will probably be six months before we are ready with such a Bill, and possibly a year before such a Bill can be carried through all its stages. In the meantime we do not desire to lose our revenues.

I see there is a motion down to circulate this Bill for opinion or refer it to a Select Committee. As regards circulation I would urge that it is very important that we should get this Bill through this session, if we are to deal with the conditions on the Burma-Siam frontier. As soon as the rainy season is over a big trade in dutiable articles by a method which brings them in free of duty will undoubtedly spring up there unless we have power to deal with it. Circulation could not add very much to the knowledge on which we are acting. There are really three Governments concerned, the Madras Government, the Bombay Government and the Burma Government, at the present moment. All of them are in favour of this Bill and the Madras Government in particular are very urgent that it should be passed, so that they may cease to be in the anomalous position of our agents for the collection of land customs and not our agents for the collection of sea customs. As regards the Select Committee, the Bill is a fairly simple one. Its clauses are taken straight or almost straight

[Sir Basil Blackett.]

from the Madras and Bombay Acts which it is proposed to repeal, and from the Sea Customs Act. In one or two cases they do perhaps improve on their originals, but not in a way that makes any serious modifications in the existing state of affairs. So far, therefore, as Madras and Bombay are concerned, the changes are of comparatively little importance in the matter of changing the existing state of affairs except that they enable the Government of India to do its own work instead of doing it through the agency of the Provincial Government. In the case of Burma, it is, of course, a new power, but it is a power that we desire to possess in order to deal with special circumstances on that developing frontier. I would suggest, therefore, that there is not a great deal for a Select Committee to consider and that this is one of those Bills which might more desirably be dealt with in the House itself. We are prepared to explain the Bill clause by clause when we proceed to its consideration in detail. Any questions or particulars that may arise on particular clauses we shall be in a position to deal with here. I do not know that any exact precedents exist as to what Bill should be referred to Select Committees and what should not. There has been a tendency in this second Assembly to refer more Bills to Select Committees perhaps than during the previous Assembly. But I think that this is a Bill that might very well be taken in the House, and from our point of view it has this advantage that there are already a good many Select Committees on various Bills and Committees on other subjects sitting, and, regard being had for the time of the House and the desirability of getting this Bill through this session, we should very much prefer that the Bill should be taken in the House.

I beg to move that the Bill be taken into consideration.

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhamadan Rural) : I beg to move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st day of December, 1924.”

My reasons are these. When the amendment of the Tariff Act was made in March last there was a considerable amount of misapprehension that the Act, as amended, would prejudicially affect the subjects of Native States or British subjects who had dealings with Native States (*Voices* : “ Indian States ”), Indian States—that is better, and I accept the amendment—and a number of telegrams were received by those who were interested in these States ; as I happen to represent a constituency which is connected with nearly 300 Indian States, I was flooded with telegrams making the most piteous appeals not to make it possible for Government to revive the Land Customs frontier and, with it, the horrible state of things that prevailed for fifteen years at Viramgam and Ranpur making the life of the people almost miserable day in and day out. At that time the Honourable Member in charge of the Bill, Sir Charles Innes, made it quite clear that the Bill did not intend to make any change with respect to the law as it prevailed in respect of these Indian States, that there was legislation in existence in some provinces which could, if necessary, be put in force and land customs frontiers formed on the frontiers of these Indian States, and that the amendment of the Tariff Act was only intended to make it possible for Government to make good the revenue which they were losing on the Siam-Burma frontier and other foreign frontiers. On that representation and also on the assurance given by Sir Charles Innes that there was no intention whatsoever, to apply this measure to the Indian

States the House agreed to pass it. Well, Sir, now a measure is brought forward which jointly with the Tariff Act amended last March will touch not only the Indian States which would have been touched before March 1924 but will involve other States which contain nearly one-third of the total population of this country. Moreover, the people who are going to be affected by the Bill before the House are not merely the subjects of these Indian States as some people assume. Persons residing in British districts, our multi-millionaires and captains of industry as also the wage-earning classes, who originally hailed from these Indian States, who have settled in Bombay, Calcutta and other places, and who maintain a constant intercourse between these States and the British territories, will be equally affected. That is the position which, if this measure is passed, will come into being ; until now, the huge Indian States in Central India, Rajputana, and the Sikh States in the Punjab who have not got sea-ports were not touched by any legislation of this kind. It is the first time that a legislation of this character will affect them and they do not know to-day that they are going to be legislated about, and yet, without their knowledge, without giving them any opportunity to put forward their views of the matter, we are asked to pass a piece of legislation which will vitally affect their economic and social existence. Further, Sir Charles Innes had promised that the Tariff Act would not be applied to the Indian States, but the legislation before the House contains no indication that it is to be confined to the Siamese-Burmese frontier and the European settlements in India. If that was made clear, no case for circulation would then exist. Again, the Bill assimilates the procedure of the Sea Customs Act. Anybody who will give a moment's thought to this question will realise that the Sea Customs Act and the Land Customs Act cannot be on the same footing. They are vitally different. For the administration of the Sea Customs Act there are certain well-known ports where alone the landing, exporting and importing of goods can take place. But the matter is quite different when you are concerned with a land frontier. Just take the case of Kathiawar. Imagine a land frontier of one hundred miles. Under the Sea Customs Act in a frontier of 100 miles there will be two or three ports and people will have their goods landed or exported only at these ports. Along a land frontier the population on both sides of the whole of the frontier are in constant intercourse day after day, and hundreds of people have lands on this side of the frontier and on that side of the frontier, and yet the Bill proposes that all communications of goods across the frontier shall take place through certain stations. What can be the result ? Suppose two persons are living within a mile's distance of each other, one on each side of the frontier, and suppose after this Bill becomes an Act a certain route is prescribed for the passage of goods. It then becomes imperative on the persons living there first to carry the goods to the prescribed station on their side of the frontier, ten, fifteen, or twenty miles, and, come back the same distance on the other side of the frontier to the place where they want to go ; if they were allowed to cross the frontier at the nearest point ten minutes would be sufficient for work which under this legislation could only be done in ten hours. And more often it will not be worth while at that rate. Take a concrete instance. Suppose I have to carry five seers of ghee or other agricultural produce from an Indian State one mile across the frontier to British territory. Under the proposed measure I must go to a Land Customs station ten miles from my village and, having passed through all the formalities of this measure, I must cross the frontier there and go ten miles again to reach my destination in British territory. That is the

[Mr. Jamnadas M. Mehta.]

condition of things to which people will be reduced on both sides of the frontier, not merely Indian State subjects but British subjects as well, if this Bill becomes an Act ; and therefore I have moved that it be circulated for opinion. Just see how the matter stands ; only on the 3rd instant leave for the introduction of this Bill was asked for. To-day on the 8th, we are asked to consider and pass it. The people concerned do not know that such a piece of legislation is hanging over their heads. Their number cannot be less than five crores and without giving them any opportunity to represent their case, we are asked to legislate, on such an important matter, a thing unheard of ; and I hope that this House will not tolerate anything of the kind.

We are told that the Bill merely reproduces the legislation in existence in Bombay and Madras. Nothing of the kind. You go far beyond. You make this legislation more drastic than the Provincial Acts are. In the Statement of Objects and Reasons we are told that there are certain defects in these local Acts, that these defects are reported to hamper seriously the attempts of the land customs administration to cope with the extensive smuggling over the land frontiers which has sprung up recently and that the substitution of more effective provisions has for these reasons become a matter of urgency. Therefore, this Bill goes far beyond the local legislation now existing in Bombay and Madras. I will point out one or two instances. Under the Bombay Act, XXIX of 1857, which is now sought to be repealed and replaced by the proposed legislation, there is a provision made for punishing vexatious seizure of goods by Land Customs officers ; but this Bill takes away that right. Further, I do not find in the Bombay Act any provision so drastic as clause 7 of this Bill which says :

“ Any person who conveys or attempts to convey to or from any foreign territory or to or from any land customs station any goods by a route other than the route, if any, prescribed for such passage under this Act, shall be liable to a penalty not exceeding one thousand rupees, and the goods in respect of which the offence has been committed shall be liable to confiscation.”

I would not mind if that was done subject to judicial investigation, but there is no provision for judicial investigation. It is to be a purely executive act. The officers who seize the goods are to decide whether to inflict the one thousand rupees fine or to confiscate the goods or to do both. Casar is to be both prosecutor and judge. Clause 7 therefore is more draconian than the previous legislation, and yet the Honourable Sir Basil Blackett has gone further and proposes to add a new clause (c) to that clause 7 which says :

“ or aids in so passing or conveying any goods, or knowing that any goods have been so passed or conveyed, keeps or conceals such goods or permits or procures them to be kept or concealed.”

I submit Sir, you cannot allow that kind of legislation to be enacted in such a hurry without proper investigation. One more objectionable feature is that, whether the goods are dutiable or not, we are to ask for a permit the absence of which is made penal. If I want to leave Bombay for a place in Kathiawar and if I do not choose to go by the prescribed customs station but by some other route, then, Sir, I must ask for permission for a permit from some Customs Officer located either in Viramgam or Ranpur, and I must ask for a permit saying that I want to take from Bombay to Kathiawar Rs. 500 worth of such and such goods which may not be dutiable under the Indian Tariff Act. The permit may come in

5 days or 7 days or 10 days or in a month and it may happen that I must either go without those goods or go a day after the fair. That is the effect of clause 5. These drastic provisions cannot be passed without further investigation and without knowing the opinions of those whom they affect so vitally. I think there ought to be some limit to hurry in legislation. We are legislating for a certain class of people who do not know the provisions of the proposed measure, and to pass it without giving them an opportunity to represent their case is certainly not passing legislation but issuing Ordinances. Therefore I move that in view of the promise of Sir Charles Innes when the Tariff Act was sought to be amended—I will read that promise—he said on page 450 on the 11th February 1924 (Legislative Assembly Debates) :

“ As far as I know, none of the Indian States at present is declared to be foreign territory for the purposes of these powers ”,

and then he said :

“ As far as I know it is not intended to do that at present..... ”

The Honourable Sir Charles Innes : Is that a promise. I made a statement of fact that, as far as I know, it is not intended to do that at present.

Mr. Jamnadas M. Mehta : If that is not some kind of assurance on which we voted, I do not know what it is. The word “ promise ” is not there.

The Honourable Sir Charles Innes : As far as I know the position is exactly the same at the present moment.

Mr. Jamnadas M. Mehta : The Honourable Sir Charles Innes said :

“ As far as I know it is not intended to do that for the present ”,

and now you do it. On that promise votes were secured and to-day we know that that promise comes to nothing. On that day it was worth a lot. In view of that promise, for what it is worth, in view of the fact that the people for whom we are legislating do not know what the effect of this legislation will be on them, in view of the fact that this legislation goes far beyond the legislation now in force in Bombay and Madras, and in view further of the fact that it is going to affect the States which were never affected by such legislation in this country, and, lastly in view of the severity of some of its clauses, it would not be wise for this House to proceed without asking the opinions of those who are going to be vitally affected by it. If, as I said at the outset, the Indian States are let out of this legislation, I will allow this Bill to be considered here and now. I do not want that the Government should lose any revenue unnecessarily or that *bonâ fide* merchants should be penalised or that those who are engaged in smuggling should get the better of the honest merchant ; but I certainly do stand for a position that those for whom you legislate shall know what is proposed to be done, that their views shall be heard and that before their views shall be heard you shall not proceed with this kind of legislation.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, I beg leave to make a few remarks, not with the object of hampering the progress of the Bill but with the object of eliciting some explanation from the Honourable Member in charge of the Bill. But before I proceed with the remarks which I intended to make, I should like to make a few observations on the motion which has been made by my Honourable friend Mr. Jamnadas Mehta. He seems to assume that this Bill enables

[Sir P. S. Sivaswamy Aiyar.]

the Government to impose customs duties by virtue of these provisions. So far as I have been able to study the provisions of this Bill, it seems to me purely a processual measure, not a Bill which imposes any customs duties, not one which enables the Government to levy any duties at all, but simply one which enables the Government to collect the duties which may be leviable under other enactments in a more effective manner. That, so far as I understand, is the scope of the Bill. The feelings of alarm to which my Honourable friend has given expression seem to me therefore to have been very unnecessarily excited. There is no question in this Bill of subjecting to any fresh duties goods which would otherwise pass from any of the Native States into British India or from India into Native States. The question whether any goods should pass from the Native States into British India or *vice versa* free of any duty raises very wide issues. If, according to the existing practice, such goods have been passed free, the practice should certainly be kept up; and I may also add that, in view of the interlacing of the territory of Indian States and of British India, it is desirable to have some arrangement by which goods can be passed free, something like a Zollverein. But that is a question which raises very wide issues. Supposing an Indian State is not willing to reciprocate the arrangement, I should be most unwilling to let their goods pass into our territory free of any duty at all. That is a matter which has to be decided upon principles of its own and that question of policy does not arise for consideration here. As I have pointed out, the question of the liability to duty does not arise under this Act at all and most of the objections of my Honourable friend Mr. Jamnadas Mehta fall to the ground.

Another objection which he brought forward was that this Bill is a little more drastic, that some of its provisions are more effective, than the provisions of the Acts which they are intended to replace. But that is the very object of this Bill. If the provisions of the Acts which it is intended to replace served their purpose equally well, I could not understand the object of bringing forward a new measure for doing that which the existing law will enable us to do as effectively. I see no objection therefore to the provisions of clause 7 on that account.

Then again, my friend pointed out that there is no provision for a judicial investigation and for a condemnation by a court and the imposition of a penalty. I see no clause in this Bill taking away the power of the courts, and I should be surprised if it could be held that the customs officer or some other person has the authority to impose a penalty of one thousand rupees, or anything of that kind. The Bill merely creates an offence. The ordinary law will then apply and the penalty will have to be enforced by the courts so far as I can see. I see my friend Mr. Lloyd shaking his head. Of course if it is intended that the jurisdiction of the courts with regard to the liability of a person for penalty under clause 7 is meant to be taken away I should like to know of it.

Mr. A. H. Lloyd (Member, Central Board of Revenue) : Might I draw attention to the fact that one of the sections of the Sea Customs Act sought to be extended is section 182? Section 182 of the Sea Customs Act gives Collectors of sea customs power to adjudicate. That means that a large number of offences under the Sea Customs Act are adjudicated by Customs Collectors and not by the Courts.

Sir P. S. Sivaswamy Aiyer : Well, it may perhaps be a matter for consideration whether that provision should or should not be extended. It is not proposed to be done by this Act but indirectly by the application or extension of one of the provisions of the Sea Customs Act. I confess I have not had the advantage of reading the Sea Customs Act in connection with this Bill, but if that provision is in force in the Sea Customs Act and has worked without hardship, I for one see no particular objection to importing that provision into this Bill for the purpose of a more effective realization of the duties leviable under the Indian Tariff Act and Indian Tariff Rules.

Now, Sir, the observation which I myself originally intended to make was in connection with the difficulty I have felt under clause 5, sub-clause (3), of the Bill. It says:

“(3) Any Land Customs Officer, duly empowered by the Chief Customs-authority in this behalf, may require any person in charge of any goods which such Officer has reason to believe to have been imported, or to be about to be exported, by land from, or to, any foreign territory to produce the permit granted for such goods; and any such goods which are unaccompanied by a permit, or which do not correspond with the specification contained in the permit produced, shall be detained and shall be liable to confiscation.”

What I wish to point out is this. The words “any goods which he has reason to believe to have been imported” appear to me to be too wide and the whole clause is expressed without any qualification or regard to distance or time. One does not know.....

Mr. President : If I allow the Honourable gentleman to proceed on that line I shall have to allow a debate. Then we shall have two debates, one now and one on clause 5 when we come to it. I think matters of detail of that kind had better be reserved.

Sir P. S. Sivaswamy Aiyer : If the difficulty I feel is not explained, I shall not be disposed to support the reference to a Select Committee.

Mr. President : We are discussing the circulation of the Bill. The Honourable Member cannot be deprived of his opportunity. If the Bill proceeds at all the opportunity will arise.

The original question was.....

(Mr. Patel rose in his place.)

If Honourable Members wish to continue the debate we must adjourn now. [Other Members rose.] As there is a desire to continue, we had better take it up when we resume at ten minutes to three.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock. Mr. President in the Chair.

Mr. President : The Assembly will now resume debate on the motion:

“That the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India be taken into consideration.”

Since which an amendment has been moved:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st day of December 1924.”

The Honourable Sir Basil Blackett : Sir, taking advantage of the luncheon interval, I have been able to discuss with some of our friends as to the procedure on this Bill. I understand that the difficulty that they feel is with regard to the extension of this Bill to Indian States. There is a good deal of misapprehension on the point, because we already have power under the Madras and Bombay Acts to treat Kathiawar exactly in the way that Mr. Jamnadas Mehta was so much afraid of our treating her under this Bill. There is no new power in respect of Kathiawar, there is no new power in respect of Indian States which are affected by the Madras and Bombay Acts. It is no part of the intention of the Government in introducing this Bill to proceed to apply the provisions of this Bill to any Indian State. The purpose of the Bill is, as stated by me, primarily to deal with foreign European Settlements in India and with foreign States on the borders of India, not merely of British India but of all India. I am prepared, if it meets the wishes of the House, to substitute for the motion which I originally moved a motion for reference to a Select Committee, and I am prepared in the Select Committee to consider to the best of my ability in consultation with legal advisers the possibility of confining the operation of this Bill to foreign States, properly so called. That will not be at all contrary to the intention with which we introduced the Bill, and, in view of the importance which attaches to getting it through quickly, I hope the Select Committee, if that is agreed to, will be able to come to a swift decision, because both the Government and the House must remember that, if we do not get this Bill through soon, we are taking the responsibility of seriously upsetting the legitimate trade of traders in many parts of India as well as of losing revenue which is the tax-payer's due.

Mr. V. J. Patel (Bombay City : Non-Muhammadan Urban) : Sir, in view of the statement made by the Honourable Sir Basil Blackett, I would advise my Honourable friend, Mr. Jamnadas Mehta, not to press his motion to a division. The whole object of the motion of my friend, Mr. Jamnadas Mehta, is to see that what we considered to be an assurance given by the Honourable Sir Charles Innes is carried out in substance, namely, that the Tariff Act, as amended in the March session of this Assembly, was not meant to apply to Native States. Sir Basil Blackett when he spoke in support of his motion pointed out that a huge quantity of cigarettes was coming into Burma through Shan territory, and if this measure is not passed soon, Indian revenues will suffer and there will also be unfair competition amongst merchants, and that therefore it is necessary that this measure should be passed without much delay. A good case for taking this measure into consideration at this session has been made out. At the same time care should be taken that the power which has been vested in the executive to declare any territory 'a foreign territory' should not be exercised by them to the detriment of the residents of Indian States, in accordance with the promise given by Sir Charles Innes. If this is made clear by the Select Committee by making the necessary amendments in the present Bill, so that it may not be possible to extend the provisions of this Bill to territory other than the Burma-Shan frontier and other frontiers of foreign European Settlements, I think all that Mr. Jamnadas Mehta needs will have been provided for. I do not know whether a formal motion has been moved by anyone regarding reference to a Select Committee. I take it that Sir Basil Blackett has moved that the matter be referred to a Select Committee ?

The Honourable Sir Basil Blackett : I am prepared to do so, if I have not done so.

Mr. V. J. Patel : And also that the terms of reference to the Select Committee should contain instructions that the Committee do amend the Bill so as to restrict the operation of its provisions to the Burma-Shan frontier and other frontiers of foreign European Settlements. If this is done by clear and unambiguous provisions in the Bill, I shall have no objection, but I would not merely rely on the intentions and promises which Sir Charles Innes or Sir Basil Blackett might hold forth, because we find that within a few months such promises are attempted to be explained away. I clearly remember I voted for the amendment of the Tariff Act in March last, simply because I was assured by those who were serving on the Select Committee at that time that the Bill was not going to be applied to Native States at all (*The Honourable Mr. A. C. Chatterjee* : " Indian States ") but it was being enacted for the purpose of meeting that particular contingency, namely, to enable Government to levy duties on imports from the Shan frontier into Burma. Before I resume my seat, I would once again advise my friend, Mr. Jammadas Mehta, to withdraw this particular motion in favour of the motion that the Bill be referred to a Select Committee with instructions that the Committee do so amend the Bill as to confine it to certain frontiers only.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, I think there is some confusion in the minds of some Honourable Members when they say that in the Select Committee the matter was discussed and thereafter an assurance was given that the Tariff Act should not apply to the Indian States. That is not quite correct. As far as I understand, Sir, what happened was this. Under the old Act, I mean the Tariff Act--which was sought to be amended by the Bill which was introduced by Government at the last session, the Government already had power by notification to declare any Indian State to be a foreign territory. They already had those powers, and therefore the question then really was to deal with the particular emergency that had arisen, namely, whether the Siamese Frontier should not be brought under the Act as it stood. The Act therefore was sought to be amended for that purpose. We gathered at the time that there was a very strong feeling regarding the position of Indian States and I think the prime mover was my Honourable friend Mr. Dumasia and he brought the question to the front in the course of the debate. Then, Sir Charles Innes, speaking on behalf of the Government, gave his assurance to this extent that the Government had no intention for the present to declare by notification Indian States as foreign territory. Well, now, the Bill before us, Sir, is undoubtedly a very comprehensive Bill. Therefore, so far as the law which enables the Government to levy the duty is concerned, that law is already there and they can declare under the present Tariff Act Indian States as foreign territory. But they have got the machinery for collecting that duty only in two Presidencies, the Bombay Presidency and the Madras Presidency. They propose now to do away with that and substitute this Bill, which is a comprehensive Bill, and which will apply to the whole of India. But although this Bill is a machinery provided for the purpose of collecting duty, it is open to the Government under the present law by notification to declare any Indian State as foreign territory. Once that is done,

[Mr. M. A. Jinnah.]

then this Bill can be utilised for the purpose of collecting duty. Therefore, it is a very comprehensive Bill, but after hearing Sir Basil Blackett, I do not wish to make any proposal from my side yet,—but after hearing him, I am satisfied that if we can find a solution and confine this machinery, which is after all a machinery for collecting duty, to properly called foreign territories and foreign States, that is, if we can make some provision which will exclude the Indian States, I think on this side of the House we shall be satisfied. I do not wish to make any particular suggestion just now. But I think it is a matter which might be threshed out in the Select Committee.

Mr. N. M. Dumasia (Bombay City : Non-Muhammadian Urban) : Mr. President, we welcome the announcement made by the Honourable the Finance Minister that there is no intention to apply this Bill to Indian States and impose customs barriers against Indian States. He has removed a great deal of misapprehension and we are grateful to him for the same. I may say that my friend the Honourable Mr. Jinnah has correctly stated the facts as they happened in the Select Committee. At the Select Committee which was appointed at my instance the Honourable Sir Charles Innes made it clear that Local Governments had these powers but as customs duty had become an Imperial item, the Central Government were only taking these powers to themselves which already existed on the Statute-book. He then assured the Committee that there was no intention of extending the operation of the Tariff Bill to the Indian States. I may mention the further fact that when the Viramgam customs barrier was removed, there were new treaties with the States possessing ports at Kathiawad and according to those treaties, I think, Government cannot impose customs barriers without infringing those treaty rights. I am glad that the misapprehension has been removed and I hope the Select Committee will return the Bill in such a revised manner that we shall have no fear that the Act would operate against any Indian States.

Mr. Jamnadas M. Mehta : Sir, in view of the statement made by the Honourable Sir Basil Blackett, I have very great pleasure in withdrawing my motion for circulating the Bill for opinion. I shall be very glad to accede to his suggestion, namely, to refer the Bill to a Select Committee with the proviso that he should find out some way by which the operation of this Bill will be restricted to foreign States outside India's border and to European Settlements in India. My only apprehension was about Land Customs duties on the inland frontier, the working of which was a perfect nightmare to the people of Gujarat and Kathiawar for fifteen years. That apprehension will now be removed.

Mr. President : Is it your pleasure that the motion for circulation be withdrawn ?

The motion was by leave of the Assembly withdrawn.

Mr. Jamnadas M. Mehta : Sir, I move :

“ That the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India be referred to a Select Committee consisting of—

Sir Sivaswamy Aiyer,

Diwan Bahadur M. Ramachandra Rao,

Mr. M. A. Jinnah,

Mr. N. M. Dumasia,

Mr. A. H. Lloyd,
 Mr. N. C. Kelkar,
 Mr. V. J. Patel,
 The Honourable Sir Charles Innes,
 Mr. Cocks,
 The Honourable Sir Basil Blackett, and
 myself,

with instructions that it shall not be necessary for more than 4 members to form a quorum and to report by the 15th of September 1924 ;

and with this understanding that a basis shall be found for excluding the Indian States.

Mr. President : Further amendment moved :

“ That the Bill be referred to a Select Committee consisting of—

Sir Sivaswamy Aiyer,
 Diwan Bahadur M. Ramachandra Rao,
 Mr. M. A. Jinnah,
 Mr. N. M. Dumasia,
 Mr. A. H. Lloyd,
 Mr. N. C. Kelkar,
 Mr. V. J. Patel,
 The Honourable Sir Charles Innes,
 Mr. Cocks,
 Mr. Jambadas Mehta, and
 The Honourable Sir Basil Blackett,

that the number necessary to constitute a meeting be 5, and that the Committee do report on or before 15th September 1924.”

The Honourable Sir Basil Blackett : Sir, I have pleasure in supporting the motion, which I hope will enable us to find a satisfactory solution of the difficulty which is merely one of wording and not one of substance between us. I would like to say that, if the House agrees to this motion, it is proposed to call a meeting of the Committee to-morrow morning at 11 O'Clock.

Mr. President : The original question was :

“ That the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India be taken into consideration.”

Since which an amendment has been moved :

“ That the Bill be referred to a Select Committee consisting of—

Sir Sivaswamy Aiyer,
 Diwan Bahadur M. Ramachandra Rao,
 Mr. M. A. Jinnah,
 Mr. N. M. Dumasia,
 Mr. A. H. Lloyd,
 Mr. N. C. Kelkar,
 Mr. V. J. Patel,
 The Honourable Sir Charles Innes,
 Mr. H. G. Cocks,
 Mr. Jambadas Mehta, and
 The Honourable Sir Basil Blackett,

that the number of members necessary to constitute a meeting be 5, and that the Committee do report on or before the 15th September 1924.”

The question is that the Bill be referred to that Select Committee.

The motion was adopted.

THE INDIAN POST OFFICE (AMENDMENT) BILL.

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, I beg to move :

“ That the Bill further to amend the Indian Post Office Act, 1898, for certain purposes, be taken into consideration.”

In asking for leave to introduce this Bill, a few days ago, I explained the objects of the motion and I do not wish to take up the time of the House by repeating what I said on that occasion. I beg to move that the Bill be taken into consideration.

Mr. President : The question is :

“ That the Bill further to amend the Indian Post Office Act, 1898, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 1, 2, and 3 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Mr. A. C. Chatterjee : I beg to move that the Bill be passed.

Mr. President : The question is that the Bill be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 10th September, 1924.

*APPENDIX " A ".

Correspondence between the Government of India and Local Governments on the recommendations of the Lee Commission.

LETTER FROM THE HONOURABLE MR. J. CRERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, TO ALL LOCAL GOVERNMENTS, No. F-172|24-ESTS., DATED SIMLA, THE 18TH JUNE 1924.

SUBJECT.—*Recommendations of the Royal Commission on the Superior Civil Services in India.*

I am directed to address you regarding the method of considering the Report of the Royal Commission on the Superior Civil Services in India. His Majesty's Secretary of State for India attaches great importance to the point emphasised in paragraph 108 of the Report regarding the interdependence of the recommendations. The words used by the Commission are—" Finally in submitting this our Report we wish to emphasise that we regard its main proposals as vitally interdependent, and that unless all are given effect to, violence will be done not merely to the spirit of compromise which has inspired our agreed conclusions, but to the whole structure of our recommendations." The Secretary of State is of opinion that the Report must be considered as a whole and that a decision on general principles must be reached before details are examined. I am to say that the Government of India agree that it is desirable as a preliminary step to arrive at once at a general decision as to whether the main outlines of the Report are acceptable. In arriving at this decision, however, it is not possible altogether to ignore the consideration of certain important factors containing elements of practical detail.

2. The Government of India consider therefore that the following procedure may facilitate the disposal of the Report. They propose to address the Government of Madras, etc., in separate letters dealing with each of the main proposals of the Report. These letters will go only so far into detail as seems necessary for the purpose of reaching practical conclusions on important issues. But the Government of India do not propose to await the answers to these letters before deciding whether the main outlines of the Report can be accepted. They think that it should be possible for Local Governments, when the main points which arise out of the general recommendations have been stated, to arrive rapidly at a general appraisal of the main features of the Report. I am therefore to request that the Government of India may be informed in reply to this letter and in advance of the replies to the more detailed letters dealing with each individual point, whether the Government of Madras, etc., accept the following general propositions. In arriving at a decision I am to ask that the point mentioned in paragraph 1 of this letter regarding the interdependence of the main recommendations may be specially borne in mind. A proposition which there might be some reluctance to accept, if it stood by itself, might prove acceptable as part of the general scheme.

- (a) That the All-India Services operating in reserved fields should continue to be appointed and controlled by the Secretary of State ;
- (b) That the Services operating in transferred fields (with the exception of the Indian Medical Service regarding which a further reference will be made) should, as far as future recruits are concerned, be appointed and controlled by Local Governments, existing members of these Services retaining all their present rights and status ;
- (c) That the integrity and efficiency of the Services should be protected by the constitution of a Public Service Commission and the enactment of Public Service Act ;
- (d) That recruitment of Indians for the All-India Services dealing with the reserved departments should be increased to the percentages recommended by the Commission ;
- (e) That relief in the matter of pay should be given to the Services approximately on the Scale proposed—reserving for the moment the question of the exact form which the relief should take and whether relief should be given to Indians in receipt of overseas pay ;

* Vide page 2950 of Legislative Assembly Debates, dated 3rd September 1924.

- (f) That provision should be made for passages for officers and their families at a cost approximately equivalent to Rs. 50 a month for each Officer ;
- (g) That the pensions of the Uncovenanted Services should be increased by Rs. 1,000 a year as proposed by the Commission in paragraph 70 of the Report.

3. With regard to point (e) it will be observed that the Commission disagreed as to the necessity of extending relief to officers holding administrative posts with the exception of those on a pay of Rs. 1,750—100—2,150. The opposing views are set out in Appendix IV of the Report. In stating therefore whether the scale of relief in the matter of pay is accepted I am to ask that it may be indicated whether, without committing itself to the actual details, the Government of Madras, etc., accept generally the view of the English or of the Indian Commissioners.

4. I am to explain that, as stated in the Indian Legislature on the 27th May the Secretary of State and the Government of India are of opinion that whatever measures of relief may be finally sanctioned should have effect, as recommended by the Commission, from the 1st April 1924.

5. In view of the strongly expressed desire of the Secretary of State that some preliminary agreement on these main propositions should be reached at a very early date, I am to request that the Government of India may receive the views of the Government of Madras, etc., not later than the 21st July.

ENDORSED BY THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT,
No. F-172-24-ESTS.

Copy forwarded to the Chief Commissioner, N. W. F. P., Coorg and Delhi, for information and with the request that any observations he may have to make should be submitted to the Government of India not later than the 21st July 1924.

LETTER FROM N. E. MARJORIBANKS, ESQ., C.S.I., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, NO. 472|O.-1, DATED OOTACAMUND, THE 23RD JULY 1924.

I am directed to communicate the views of His Excellency the Governor in Council on the main recommendations of the Report of the Royal Commission on the Public Services, as desired in your letter No. F-172|24-Ests. The Honourable the Ministers have been consulted and their views when they materially differ from those of His Excellency the Governor in Council are briefly indicated. I am to enclose a copy of their Memorandum.

2. His Excellency the Governor in Council accepts in principle the propositions (1) that All-India Services operating in the reserved fields should continue to be appointed and controlled by the Secretary of State, and (2) that the services operating in the transferred fields should as far as future recruits are concerned be appointed and controlled by Local Governments, the rights of existing members being safeguarded. The considerations set out in Professor Coupland's minute attached to the Commission's Report appear conclusive on this matter. There will, however, be difficulties in the practical application of the principle in case of services that operate or may hereafter operate both in reserved and transferred fields. His Excellency the Governor in Council is not sure that these difficulties are insurmountable but it is unnecessary at present to enter upon a detailed examination of the subject.

The Honourable the Ministers while not objecting to existing members of All-India Services, whether working in the reserved or transferred field, continuing under the control of the Secretary of State, would recruit all future officers on a provincial basis.

3. Subject to the more detailed report on the subject called for in your letter No. F-178|14|24, dated the 1st July 1924. His Excellency the Governor in Council welcomes the proposals of the Commission that a Public Service Act should be passed and a Public Service Commission set up. Not only does he regard these measures as most desirable, but he also considers it necessary that Provincial Public Service Commissions should be established to safeguard the present and future Provincial Services and even the subordinate services.

4. Subject to the two reservations that follow, His Excellency the Governor in Council accepts the ratio of recruitment of Europeans and Indians proposed by the Commission.

For the Judicial Branch of the Civil Service, His Excellency the Governor in Council considers that a higher proportion of Indians in the cadre than one-half should be attained in the period specified by the Commission. He would further

point out that in paragraph 35 of the report no mention is made of the system of recruitment direct from the bar which at present obtains. Whether the recruitment be by promotion from the Provincial Service or from the bar, the result will presumably be attained by the gradual listing or reservation of a certain number of the District and Sessions judgeships.

In the case of the Forest Service, on the other hand, His Excellency the Governor in Council considers that the recommendation cannot be supported that European recruitment should be reduced to 25 per cent. and is of opinion that the rate of such recruitment should remain for the present at the rate of about one-half. The reasons that compel His Excellency the Governor in Council to make this recommendation will be stated in detail in replying to your letter No. F-178|10|24-Ests., dated the 21st June 1924. Broadly they are that it is difficult to find suitable Indian recruits for this work which is uncongenial to them and that it is particularly necessary to maintain a strong European element at the present juncture when the department is entering on an era of considerable development.

The Honourable the Ministers are generally opposed to any further European recruitment save for special reasons and on special short term contracts, till the proposed proportion of Indians in the respective cadres has been reached.

5. His Excellency the Governor in Council agrees with the Royal Commission in their recommendations that relief should be given to the services approximately on the scale proposed, reserving for the moment the question of the exact form which the relief should take, and accepts the position that relief should be given to Indians now in receipt of overseas pay. On the further question referred to in para. 3 of your letter under reply, I am to say that His Excellency the Governor in Council supports the recommendations of the English Commissioners and the President of the Royal Commission in regard to the need of extending relief to officers holding administrative posts. Not only do the arguments advanced in support of this view appear to have much greater weight than those urged against the recommendation, but it will produce unjustifiable anomalies to refuse this relief. For example, the present pay of the Third Member of the Board of Revenue and the Revenue Secretary to Government is Rs. 3,000 which is also the total emoluments including overseas pay of the junior Secretaries to Government. Unless therefore the recommendations of the English Commissioners are accepted the result will be that the Revenue Secretary and the Third Member of the Board will be worse off by Rs. 200 per mensem than the junior Secretaries—a result which can hardly have been contemplated even by the Indian Members of the Commission. Further, if the other recommendations of the Commissioners are accepted, but this particular one is not, it would also result that the head of a department such as the Director of Agriculture would be inadequately remunerated. At present the difference in remuneration between him and the senior officers subordinate to him varies from Rs. 250 per mensem to Rs. 500 as the maximum pay of the Selection Grade is Rs. 1,750 whereas his pay is Rs. 2,000—2,250. Unless the proposal of the English Commissioners is accepted this difference would be reduced by from Rs. 50 to Rs. 300 and this would be insufficient to mark the difference between a Head of a Department and the officer under him. The subject will be further commented on in replying to your letter No. 178|11|24-Ests., dated the 21st June 1924.

The Honourable the Ministers have no special objections to urge to the proposals of the Royal Commission on the matter but consider that any relief granted should not involve the presentation of a heavy bill and should not exceed the average savings effected in the next few years by Indianisation and provincialisation.

6. His Excellency the Governor in Council agrees that provision should be made for the grant of passages for officers and their families on the scale recommended by the Royal Commission. It is observed that the recommendation is for the grant of passages on this scale and that the figure of Rs. 50 per mensem is only an estimate of the financial effect. The Commission do not limit their recommendations by this figure.

The Honourable the Ministers while not objecting to giving relief consider that the matter requires further investigation on the ground that some steamer fares have been reduced.

7. His Excellency the Governor in Council accepts the recommendations that the pensions of the Uncovenanted Services should be increased by Rs. 1,000 a year as proposed by the Commission in para. 70 of the Report.

The Honourable the Ministers are opposed to any increase to the pensions of the Uncovenanted Services.

8. The Honourable Sir Muhammad Habibullah having been a member of the Royal Commission does not desire to associate himself with the proposals in this letter in so far as they differ from those of the Royal Commission.

The Memorandum of the Ministers.

The memorandum containing the view of the combined Government of Madras on the questionnaire relating to the organization of services stated, in reply to Question No. 1, that generally speaking there have been in this province no difficulties between Ministers and members of the All-India Services serving in transferred departments and it was hoped that any irresponsible criticism of services will be diminished as further subjects are transferred and the sense of responsibility in the legislature is increased, and further stated that owing to the number of officers now on the cadre of the Imperial Services, recruitment may be shut down almost entirely for the present. There may then be a gradual readjustment on a provincial basis by the replacement of officers retiring, by officers of the Provincial Services. The rights of existing officers being protected it was also considered desirable to give them the option of retiring or continuing to serve under the provincialised system. In the light of the answer given by this Government general propositions have to be considered.

(a) and (b). Under the existing constitution, we would have no objection to the All-India Services now operating both on the Reserved as well as Transferred fields of the Government being controlled by the Secretary of State, though we would prefer that control being transferred to the Governor General in Council. So far as the future recruits are concerned, in the existing state of affairs, differentiation of recruits in either part of the Government is likely to lead to practical difficulties. There is no reason to depart from the position taken up by this Government in answer to Questionnaire No. 1 (Royal Commission) in regard to future recruitment of Services.

(c) We agree to the appointment of Public Service Commission and the passing of Public Service Act.

(d) In the proposals of the combined Government, it was suggested that recruitment to the All-India Services may be shut down almost entirely. Therefore, it will follow that further recruitment to the cadre must not be resorted to until a proper proportion of Europeans and Indians is reached. It is on the basis of this understanding that the replies to questions relating to pay, passage and pension were agreed to. We are therefore unable to agree to the proposition as stated. If it be decided that there should be recruitment, we would suggest that the rate of recruitment of Indians should be such as to reach the proportion in ten years, instead of fifteen years that is worked out in the Report. The rate of progress should be accelerated by larger percentage of recruitment of Indians. But this Government "after careful consideration and having regard to all the circumstances" proposed the fixing of the minimum of Europeans at about 50 in a cadre of 148. There is no reason to depart from this proposal. In the case of Police, this Government was of opinion that the reduction of the European element to 40 would go to the limit of safety (out of 85 posts on the cadre). In the case of the P. W. D. we are surprised at the recommendations of the Commission that the existing proportion should continue where the two branches—Roads and Buildings and Irrigation—are combined. This is opposed to the principle of Indianisation and inconsistent with the recommendation itself that one branch of the P. W. D. should be provincialised. Therefore the two branches must be provincialised.

(e) Some relief was proposed by this Government, but the form in which that relief should be given was not determined. Any relief that is proposed should not involve the province in a heavy bill and it should not exceed the average savings effected in the next few years by this provincialisation or Indianisation.

(f) The rates of passage were very high at the time when the question was raised, but subsequently, certain Liners reduced the passage rates. The concession was intended to be purely temporary while the high cost of passage prevails, until matters return to normal conditions. Therefore the question whether any relief on this ground is now needed requires further investigation. Temporary relief may be given.

(g) We don't agree to any increase of pensions to uncovenanted services.

TELEGRAM FROM THE GOVERNMENT OF BOMBAY, DATED THE 26TH JULY 1924.

Your letter No. F-172/24-Ests., dated 18th June regarding acceptance of main outlines of Lee Commission's Report. Bombay Government accept the seven propositions enumerated in your second paragraph. I am however to state that a minority

of Executive Council do not accept first proposition that Secretary of State should control All-India Services in reserved fields. They consider it essential that control of All-India Services should pass entirely to Public Services Commission to be appointed in India. Their acceptance of remaining proposition (b) to (g) is dependent upon the acceptance of this transfer of control from Secretary of State to Public Service Commission.

LETTER FROM A. N. MOBERLY, ESQ., C.I.E., I.C.S., OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, NO. 8258-A., DATED THE 9TH JULY 1924.

SUBJECT :—*Recommendations of the Royal Commission on the Superior Civil Services in India.*

I am directed to refer to your letter No. F-172-24-Ests., dated the 18th June 1924, on the above subject and to say that the Government of Bengal accept the general propositions enumerated in paragraph 2 subject to the following observations as regards points (c) and (e) :

(c) Whilst the Government of Bengal accept the general proposition that the integrity and efficiency of the services should be protected by the constitution of a Public Service Commission, and the enactment of Public Service Acts, they desire to explain that they do not necessarily accept the opinion of the Royal Commission regarding the detailed functions of the Public Services Commission as expressed in paragraphs 27 to 30 of the Report, and propose to deal with this question in a separate communication.

(e) The Government of Bengal accept generally the view of the English Commissioners as to the necessity of extending relief to officers holding appointments outside the time-scale.

2. The Government of Bengal agree that whatever measures of relief are finally sanctioned should have effect from the 1st April 1924.

LETTER FROM G. B. LAMBERT, ESQUIRE, C.S.I., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES, NO. 3328, DATED NAINI TAL, THE 8TH JULY 1924.

SUBJECT :—*Recommendations of the Royal Commission on the Superior Civil Services in India.*

I am directed to reply to the Home Department letter No. F-172-24-Ests., dated June 18th, 1924. The Honourable Home Member, the Raja of Mahmudabad, is unable to agree with the opinion expressed in this letter, and I am to enclose a separate minute in which his views are stated.

2. Like the Secretary of State, the Governor in Council is much impressed by the importance of the point emphasised in paragraph 108 of the report of the Royal Commission namely the inter-dependence of the various recommendations made. He realises the care and skill with which numerous conflicting interests have been reconciled, the delicate nature of the balance represented by the sum of the detailed recommendations, and the danger that if any of the main proposals are rejected violence will be done to the whole scheme of the Commission. With this consideration prominently before him, the Governor in Council finds himself able to support all the general propositions (a) to (g), referred to in paragraph 2 of your letter. In nearly every instance indeed the recommendations of the Commission accord with the advice tendered by the Governor in Council in answer to the questionnaires issued at the outset of the Commission's tour, and where the opinions previously expressed vary slightly from those embodied in the Commission's final recommendations, the divergence is more a matter of detail than of principle. It is not necessary for the Governor in Council to indicate at this stage his reasons for accepting the principles laid down by the Commission. These will be given, as he understands the Government of India desire, in reply to the separate letters dealing with each main proposal which have since been received.

3. With regard to the point raised in paragraph 3 of your letter, I am to say that the Governor in Council without committing himself to details, in general strongly supports the views of the English Commissioners.

4. It is observed that the Secretary of State and the Government of India are of opinion that whatever measures of relief may be finally sanctioned should have effect, as recommended by the Commission, from April 1, 1924. I am to say that the Governor in Council attaches great importance to this pronouncement as mitigating the effects of the unavoidable delay in carrying out the Commission's recommendations.

Minute of the Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur, K.C.S.I., K.C.I.E., of Mahmudabad, Home Member.

I regret I am unable to associate myself with the draft letter proposed to be sent to the Government of India in connection with the Lee Commission Report.

After going through the Lee Commission Report, I frankly confess that the recommendations of the Commission are far from being satisfactory. Without going into the details, I offer a few observations on only those important points on which the Government of India have particularly asked the opinion of the Governor in Council :

- (a) I still believe that All-India Services should no more be controlled by the Secretary of State and that the Government of India should appoint and control members of All-India Services.
- (b) I agree that the services operating in transferred fields, with the exception of the Indian Medical Services, should be appointed and controlled by Local Governments.
- (c) I agree on principle that a Public Services Commission should be appointed, and I reserve my opinion with regard to details.
- (d) I adhere to my opinion expressed before the Lee Commission that the recruitment for Imperial Services should altogether be stopped from Europe.
- (e) I am opposed to the scale of pay proposed by the Commission both for Europeans as well as Indians in receipt of overseas pay.

In view of the present financial difficulties of the Government I am opposed to both (f) and (g).

ALI MUHAMMAD KHAN.

The 6th July 1924.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, NO. 26-CAMP-GAZETTE, DATED THE 30TH OF JULY 1924.

I am desired to refer to your letter No. F-172|24-Ests., of the 18th of June, 1924, and to convey the following views of the Governor in Council on the seven general propositions summarized in paragraph 2 of your letter. In formulating these views the Governor in Council has given due weight to the point emphasized in paragraph 108 of the Commission's Report regarding the interdependence of their recommendations, to which reference is made in the first paragraph of your letter. It should however be understood that in accepting the main outlines of the Commission's recommendations the Governor in Council does not feel himself precluded from criticizing them in detail at a later stage.

2. This Government accepts the principle that the All-India Services operating in reserved fields should continue to be appointed and controlled by the Secretary of State. Without endeavouring to forecast at this moment the changes in the constitution of the services which may result from the reconsideration of the Government of India Act which will be undertaken in 1929, the Governor in Council considers that for the present it is necessary to retain the general principle of appointment and control by Secretary of State. Any modification of this principle would be likely seriously to impair the chance of securing suitable recruitment to these services.

3. As regards the principle that the Services operating in transferred fields (other than the Indian Medical Service) should, as far as future recruits are concerned, be appointed and controlled by Local Governments, the Governor in Council recognizes that this change is the logical outcome of the existing constitution. He foresees that it will almost inevitably mean the practical cessation of—or at any rate a very marked reduction in—European recruitment for the Services affected, and that probably it will lead eventually to the merging into a single cadre of the existing All-India and Provincial Services operating in transferred fields. Nevertheless the Governor in Council would accept the proposed change subject however to the following provisos :

- (a) That existing members of the All-India Services in question should, as recommended by the Royal Commission, retain all their present rights and status. The expression "present rights" should be strictly interpreted and should include, for example, the prospects of existing members of those Services of promotion to the selection grade of their cadre. This is a point of detail, but one of vital importance

to members of Services in which the size of the selection grade has been fixed at a certain percentage of the total cadre. Under the new proposal the cadre of the All-India Services operating in transferred fields will gradually diminish as retirements take place, but it would not be fair on present members of those Services that the number of selection appointments should be correspondingly diminished.

- (b) That a strong and impartial Public Service Commission should be established and a suitable Public Service Act passed.

4. The Governor in Council, as shown above, accepts the recommendation that the integrity and efficiency of the Services should be protected by the constitution of a Public Service Commission and the enactment of a Public Service Act. He desires to emphasize the necessity of making the Public Service Commission a strong and impartial body wholly removed from political influences. There is one point of detail in connection with this proposal to which I am directed to invite attention, as it does not form the subject of reference in your letter No. 178/14/24-Ests., dated the 1st July 1924, dealing with the detailed proposals regarding the Public Service Commission. The Royal Commission has recommended (on page 15 of its report) that an officer dissatisfied with the orders of the Government of India should retain his right of appeal to the Secretary of State, *provided that his case is certified by the Public Service Commission as a fit one for such appeal.* The Governor in Council has reason to believe that grave objection to this proviso will be taken by officers of the All-India Services and he is of opinion that such officers should retain their right of appeal to the Secretary of State without any qualification of the nature suggested. He does not conceive that it is part of the functions of a Public Service Commission to decide in what cases such an appeal would lie.

5. As regards the question whether the recruitment of Indians for the All-India Services dealing with the reserved departments should be increased to the percentages recommended by the Commission, the Governor in Council observes that the Royal Commission's proposals contemplate the Indianization of the four Services concerned (Indian Civil Service, Police, Irrigation Department and Forest Department) on a somewhat more rapid scale than was recommended in my letter to your address No. 26225-Gazette, dated the 25th of October, 1922. At the same time the Governor in Council is prepared to accept the percentages recommended by the Royal Commission as a general guide suitable for application to India as a whole, subject however to the general qualification that suitable proportions of Indian and European recruits must be fixed for each province with reference to its special circumstances. In this connection I am desired to draw attention to the arguments stated in paragraph 7 of my letter of the 25th of October, 1922, against a too rapid reduction of European recruitment for the Indian Civil Service and Police in the Punjab and to explain that since that letter was written the difficulties consequent on the paucity of British officers of these two Services have increased rather than diminished.

As regards the other two Services affected, the Governor in Council is of opinion that the ratio of recruitment proposed for the Forest Department (75 per cent. Indian and 25 per cent. European) is unsuitable for the Punjab in existing conditions. He would prefer a smaller percentage of Indian recruits for some years to come. Similarly as regards the Irrigation Branch of the Public Works Department the proportion in the existing cadre is 58 per cent. European and 42 Indian. Recruitment on the basis proposed by the Royal Commission (40 per cent. European, 40 per cent. directly recruited Indians and 20 per cent. Indians promoted from the Provincial Service) would involve Indianization on a scale which the Governor in Council considers too rapid for application to the Punjab. I am to add, however, that the Honourable the Revenue Member of this Government is prepared to accept the percentages proposed by the Royal Commission for the Forest and Irrigation Departments as suitable.

There is one other point to which I am desired to draw attention in regard to this proposal. An enhancement of the rate of promotion from the Provincial to the All-India branch of a Service is likely to prejudice the prospects of officers now holding inferior appointments in the All-India Services of reaching superior appointments, unless it is definitely laid down that officers promoted from Provincial Services are to be appointed in the first instance to inferior appointments in the All-India Services. This point is of considerable importance in present circumstances, as most of the recruits joining the All-India Services since the War are considerably older than pre-war recruits. In the case of the Police, for example, it is estimated that the recently joined recruits will not be confirmed in the rank

of Superintendent of Police till after they have completed 10 years' service. This period would be considerably prolonged if the number of Superintendships open to the Provincial Service Officers is enhanced.

6. I am now desired to deal with the question "whether relief in the matter of pay should be given to the Services approximately on the scale proposed by the Royal Commission". The Governor in Council conceives that the object of increasing the emoluments of the Services is two-fold, first to attract to the Indian Services British recruits of the required stamp, who are not at present forthcoming in sufficient numbers, and secondly to allay the discontent and remove the financial embarrassments of officers already in the Services, a matter which in itself has important reactions on the question of recruiting. Whether the relief proposed by the Royal Commission is likely to attain the first object the Governor in Council is not in a position to pronounce, but he confesses to considerable scepticism on the point. It is, however, clear that the relief proposed will not be accepted by existing Members of the Services as adequate to remove their financial embarrassments. He has received within the last few days a number of memorials from the various "Service" Associations in the Punjab, all of which regard the Royal Commission's proposals in this respect with keen disappointment. I am desired to enclose as an appendix to this letter an extract from a communication received from the Civil Engineers' Association, which the Governor in Council considers faithfully reflects the average "Service" point of view regarding these proposals.

Nevertheless, while in doubt whether the recommendations of the Royal Commission will suffice to attract British recruits to the Indian Services and while entertaining no doubt that these recommendations will not fully allay the existing discontent among the Services, the Governor in Council is of opinion that it would be politic to accept the relief now offered rather than to attempt to reopen the whole question. The considerations which make for this conclusion are obvious, and it is perhaps unnecessary to enlarge on them; indeed, the Governor in Council believes that even those members of the Services which now express disappointment at the recommendation of the Commission, would themselves appreciate the undesirability of any such attempt. There is a further point. The Governor in Council fears that if the measure of relief recommended by the Royal Commission be not granted at an early date, this province, which has already suffered severely from retirements on proportionate pension, will have to face further losses of officers from this cause. He would, therefore, accept the relief proposed, but he presumes that the expression used in your letter "approximately on the scale proposed" will not be interpreted as meaning anything less than the relief recommended by the Royal Commission.

7. The Governor in Council agrees in principle to the recommendation that provision should be made for passages for officers and their families at a cost approximately equivalent to Rs. 50 a month for each officer; he does not for the moment enter on a discussion of the detailed proposals, many points in which require separate consideration.

8. The Governor in Council is in favour of the proposal made in paragraph 70 of the Royal Commission's Report that the pensions of the Uncovenanted Services should be increased by Rs. 1,000 a year.

9. With reference to paragraph 3 of your letter under reply the Governor in Council has no hesitation in accepting the view of the English Commissioners as stated in appendix IV (i) of the Report, that relief in the matter of emoluments should be extended to officers, holding posts above the time-scale, but he would not extend such relief to any officers already in receipt of Rs. 4,000 per mensem or more. The Honourable Sardar Bahadur Sundar Singh, Revenue Member of this Government, however, prefers the view taken by the Indian Commissioners on this question.

10. I am desired to add that as the Ministers are concerned with the questions discussed in paragraphs 3 and 4 of this letter, the Governor in Council has consulted them on these questions and will forward their opinions at a later date.

EXTRACT FROM A REPRESENTATION FROM THE CIVIL ENGINEERS' ASSOCIATION, REGARDING THE REPORT OF THE ROYAL COMMISSION ON THE SUPERIOR CIVIL SERVICES IN INDIA.

* * * * *
* * * * *

2. The recommendations are extremely disappointing, not only "in re" but also "in modo". In response to a definite request, my Association was

at some pains to furnish the Royal Commission with domestic budgets and other statements, conservatively framed, exhaustively checked, and fully explained, every item of which the Association was prepared to justify; but these statements, upon the accuracy of which my Association based its case, the Commission found itself unable to "examine in detail", and dismissed as affording merely "strong evidence" of a state of affairs already admitted by Government, by the Macdonnell Committee, and by the preamble to the present report, a state of affairs, in fact, beyond the need of proof.

3. Again even if the direct evidence presented by the Association at the request of the Commission, be ignored, the report itself in paragraphs 44 to 48 (iii) affords ample circumstantial evidence that the requests coupled with that evidence were extremely moderate, and that the ultimate recommendations of the Commission are inadequate. My Association is in fact unable to trace any logical sequence between the paragraphs referred to, and the actual recommendations pre-faced by the remaining two sub-paragraphs of paragraph 48.

4. The members of this Association do not deny the need for economy in any administration, but they had been led to look to the Royal Commission as an impartial Tribunal to decide between the various Governments in India on the one hand, and members of the services on the other. They feel that if it has not been possible for the Commission to examine in detail the evidence of the Association; equally it cannot have been possible to determine either the exact financial resources of the various Governments in India, or the precise need and justification for economising at the expense of the superior services. In fact it appears that while one set of evidence has been discounted, the other has been presumed.

5. While my Association believes that at this stage it will be obligatory for the Local Government to confine itself to the consideration and criticism of the actual proposals contained in the report of the Commission, nevertheless it feels that the Local Government should be under no misapprehension as to the feelings of members of the Association with respect to the proposals. The Association still adheres to the carefully prepared and moderate demands which it laid before the Royal Commission as the minimum which will "do something towards restoring the real pay of existing services to the level which proved attractive twenty years ago"; it believes that the recommendations of the Commission are by no means final and are merely a small advance towards that minimum, and that this fact is clearly recognised by the Commission itself by the publication of the minute of Sir Reginald Craddock; and it dissociates itself completely from the expressions of satisfaction which have appeared in the European Press.

* * * * *
* * * * *

TELEGRAM FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, No. 790, DATED 21ST JULY 1924.

Your letter F-172-24-Ests, dated 18th June. Local Government strongly supports view that commissions report should be treated as a whole and that there should be least possible divergence from any particular recommendation in order not to upset balance involved in their conclusions. Further having regard to great discontent of superior services with present conditions it is essential there should be no whittling down of commissions recommendations especially as these have been published and have been accepted by all the services as a compromise, it being generally understood that the Secretary of State would treat them as such and would give effect to them at once. On the seven main points set out in paragraph 2 of your letter this Government advocates acceptance of the commissions recommendations subject to remarks below. Reference paragraph 3 of your letter this Government accepts generally the view of the English Commissioners contained in Appendix IV (1). Finance Member and two Ministers are against retention of any All-India Services being in favour of recruitment throughout on Provincial basis as set out in their reply to commissions questionnaire. Finance Member considers that commissions proposals go too far in case of transferred services and not far enough in case of reserved services and that Ministers will not find it possible to recruit any Europeans for former unless Secretary of State prescribes minimum proportion. His Excellency the Governor and the Home Member were strongly opposed to this differentiation of Burma from the Indian Provinces and indeed regarded proposal as wholly impracticable. Constitution of a Central Public Service Commission is accepted but it is necessary that Burma should have her own separate commission to deal with own Provincial Services for reasons set out

in this office letter 24-T, dated 6th June 1921. Proposed increase pensions un-covenanted services opposed by Finance Member except for present incumbents and future European entrants and accepted by education Minister subject to proviso that proposals as a whole throw no heavy burden on tax payer. Ministers prefer their original proposals as regards rates of pay, etc., and smaller proportion of Europeans in reserved services as fulfilling conditions they consider essential namely no additional burden on tax payer. They however accept commissions main recommendations as these were presented as vitally inter-dependent and result of compromise. Sir Harcourt Butler has been so deeply impressed during his experience for nine years as head of a Provincial Administration by the grave and legitimate discontent in the European services and its effect on the administration that he considers it absolutely necessary to accept the solution now offered and regards the removal of that discontent as essential to the working of the reforms which as they are extended will need more and more all the support which the diminishing European element can give them.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, Esq., C.B.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA, APPOINTMENT DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 1689-A.R., DATED RANCHI, THE 22ND JULY 1924.

SUBJECT.—*Recommendations of the Royal Commission on the superior Civil Services in India.*

I am directed to reply to your letter No. F-172, dated the 18th June 1924, enquiring whether the Local Government accept the general propositions contained in the report of the Royal Commission. It has not been possible in the time allowed by the Government of India to obtain many individual opinions, but Heads of Departments have been consulted, and the opinions of the Honourable Ministers are added as annexures to this report. Speaking generally, the criticisms advanced have been either that the proposals are too expensive, or, on the contrary, that they may fail to attract the right class of recruit. Otherwise, there is a general recognition of the fact that the scheme proposed by the Commission must be regarded as a whole, being in fact a reasonable compromise, the details of which it would serve no useful purpose to reopen. The Governor in Council generally accepts this view, as the need of an expeditious settlement appears to him to be the paramount consideration.

2. On the specific proposals mentioned in paragraph 2 of your letter the views of the Local Government are as follows :

(a) His Excellency in Council agrees that it is desirable that officers of the All-India Services operating in reserved fields should continue to be appointed and controlled by the Secretary of State. This is an inevitable corollary to the system of diarchy, unless the Secretary of State was willing to make the requisite delegation to the Government of India, and it was established that recruits of satisfactory quality to the services concerned could be obtained under these altered conditions. Since it is to the ultimate control of the Secretary of State that the services, as now constituted, attach the utmost importance, any change would inevitably hasten their dissolution, and, if that result is to be avoided, is to be most strongly deprecated.

(b) Equally as a corollary to the system established by the Reforms, His Excellency in Council accepts the proposition that the services operating in transferred fields (the matter of the Indian Medical Service being excepted for subsequent examination) should, qua future entrants only, and without derogation of the rights of existing incumbents, pass to the control of the Ministers. That there will be a deterioration in the standard of recruit obtained, the practical disappearance of the European element, and loss of efficiency is probable, but the change is consistent with the status accorded to the Ministers under a system of diarchy, and as it is supported by them, it should not be opposed.

(c) Reserving for the present any opinion on points of detail, His Excellency in Council would welcome the appointment of a Public Services Commission as a safeguard to the maintenance of efficient standards and proper methods of recruit-

ment ; also as a source of practical help to Local Governments (should they require its assistance) in the actual examination of candidates, though appointments made by promotion or nomination could never be effectively controlled by such a body and should be excluded from its sphere. If, however, as is apparently contemplated, such a Commission is also to operate as a disciplinary body and a court of appeal for service grievances, questions of difficulty may arise, regarding which an opinion is not now expressed. The enactment of Public Service Acts is theoretically expedient as some guarantee to the Public Services of continuity and fairness of treatment. No Act, however, is unalterable, and the true safeguard to any public servant to be recruited in future should be a legally enforceable contract stating specifically the conditions of his appointment.

(d) As regards the rate of Indianization of the Services, I am to refer to Mr. Rainy's letter No. 173-A., dated the 6th January 1923, as indicating that on the merits or finality of any endeavour to fix racial recruitment on a basis of percentages the Local Government are not unanimous, and the majority are sceptical as to the soundness of the procedure. However, as the point is one to which the Indian members of the Commission doubtless attached great importance, it becomes an integral part of the compromise, and should be accepted as such.

(e) Speaking generally, and subject to the further consideration of points of detail, the proposals of the Commission in the matter of the pay of Services appear to the Governor in Council to follow a fair line of compromise, and as regards existing incumbents he would accept them as such. Also if the non-alteration of the basic pay is to be regarded as an essential part of the compromise, he would let it stand on that ground, but he is doubtful whether (as regards future recruitment) it falls within that category, and it is certain that widely voiced Indian political opinion would welcome a lowering of the basic or Indian rate, while it is more than probable that a scale of pay in excess of the market rate is at present being offered for the type of Indian officer who is, in fact, being secured. If so, the expediency of starting the Services of the future upon a needlessly high scale of pay is open to the gravest question. Indianization is widely advocated in the interests of economy, and if an economy can be effected, over and above the gradual disappearance of overseas pay, it is not right that it should be neglected.

For European officers the total emoluments suggested by the Commission are not extravagant. Any alteration in the basic rates would, of course, entail consequential changes in overseas pay.

The Local Government are not unanimous in the matter of the extension of relief by the benefit of remission of overseas pay at privileged rates, to officers holding administrative posts. The Honourable Mr. Sinha and the Honourable Ministers, agreeing with the Indian Commissioners, consider that in these posts there should be no difference in the pay of Europeans and Indians. His Excellency in Council, on the contrary, believes that the need for assistance, which is the only true criterion, is as cogent in the later days of service as in the earlier, and except where the post carries with it an increased pension, as for example in the case of High Court Judges or, as proposed by the Commission, in the case of Governors and Members of the Executive Council, he would extend this benefit to all European officers. The anomaly caused by the proposed exclusion of the lowest executive administrative grades from the concession can perhaps best be removed by giving Deputy Inspectors-General of Police, Superintending Engineers and Conservators of Forests higher incremental pay than they draw at present (though not, as proposed by the Commission, the maximum pay of the post), and by admitting them also to the remittance benefit.

In this matter His Excellency in Council is in entire agreement with the views expressed by Lord Lee. The existence of prize posts, as also the proposed increase of pensions to officers holding high administrative posts, does, in fact, offer one of the chief inducements to recruitment, and the argument is not tenable that because in the later days of his service an officer might just be able to carry on, therefore nothing need be done for him. In the first place, if married, he will certainly not carry on without difficulty ; his scale of expenditure will necessarily have gone up and his liabilities will be heavier. Moreover the theory that it will suffice if Government servants at different stages of their career are barely solvent, ignores the course of events in any other following or profession of repute. If a man devotes years of hard and solid work to progress therein, he is entitled to look forward to some reward ; this is an incentive to him to work, and his employer benefits by the work done. The Government in this country has benefited greatly by the Service tradition of hard work, and if that disappears there will be a distinct pecuniary loss to the State, to say nothing of the moral consequences

involved. Whereas the rewards available to even the most successful officers are small.

(f) The question of relief in the matter of passages for European officers is one to which the Services attach the utmost importance, and any relief in that respect, combined with assistance in the matter of home remittances, will help greatly to arrest the exodus on proportionate pensions. The principle underlying the proposals of the Commission (subject to subsequent detailed examination) commends itself heartily, therefore, to the Governor in Council.

(g) The increase proposed in the pensions of the uncontented services appears to the Governor in Council to be reasonable and justifiable.

ANNEXURE A.

Minute by the Honourable Babu Ganesh Datta Singh, Minister of Local Self-Government, Bihar and Orissa.

The report of the Lee Commission is practically based on compromise and the recommendations are interdependent, *vide* paragraph 108. Under the circumstances no useful purpose is likely to be served in examining the recommendations in detail and offering suggestions thereon. I apprehend the financial condition both of the country and the province may stand in the way of their accepting the recommendations as they are not in a position to shoulder any additional burden except at the cost of some vital development projects.

G. D. SINGH.

The 10th July, 1934.

ANNEXURE B.

Minute recorded by the Honourable Sir Muhammad Fakhur-din, Minister of Education, Bihar and Orissa.

It is very difficult to express any definite opinion on the several questions asked by the Government of India in the absence of any public opinion threshed out either in the provincial Legislative Council or the Legislative Assembly. We had already expressed our views in our evidence, written and oral, before the Lee Commission.

It appears that the report of the Commission is based on a compromise spirit and the various recommendations made in the report are interdependent. Paragraph 108 of the report also requires that unless all the proposals are given effect to violence will be done not merely to the spirit of compromise which has inspired their agreed conclusions, but to the whole structure of their recommendations. This recommendation has added further to our difficulty in giving any definite opinion on the various recommendations, but I think at present we have only to give our opinion on the main features of the report, and I propose to answer them as follows :

Paragraph 2.—(a) Though personally I have no objection in accepting the recommendation that All-India Services operating in reserved fields should continue to be appointed and controlled by the Secretary of State, but I think it would be wiser and more expedient to delegate this function to the Government of India. This would be also consistent with the popular feeling. The Right Honourable V. S. Srinivasa Sastri described his feeling in the following terms:—“ If the constitution was to confer any degree of self-government at all upon the people of India, if the Government of India was to have a modicum of independence of the Imperial Parliament in internal affairs as was proposed, we all thought that the dependence of our country upon the Secretary of State for the recruitment of our services was a mark of degradation. Now, we wish, before the provinces stand on their own feet, that the place of the Secretary of State shall be taken hereafter in these matters by the Government of India, and no political party in India which wishes to command a modicum of respect from the electors can acquiesce in the continuance of the Secretary of State as the final arbiter over our services. “ The Secretary of State and his Council have to be deprived of most of the powers they now enjoy.”

I think this feeling will find expression in the various provincial councils and the Legislative Assembly.

(b) I accept this recommendation.

(c) I have no objection to the constitution of the Public Services Commission and the enactment of Public Service Acts. At present I am not required to offer any remarks on the details of the powers of the Public Service Commission with regard to the services operating in the transferred fields.

(d) I have no suggestions to offer, as I have already given my views in regard to the percentages of Indians and Europeans in my evidence and the recommendation of the Commission is a compromise. But I am afraid, this will also be a subject matter of hot discussion in the Councils.

(e), (f), (g). I do not wish to make any differentiation between Europeans and Indians in respect of the overseas pay in the matter of relief. If the services have got a genuine grievance they are certainly entitled to relief. But in regard to the recommendations referred to in clauses (e), (f) and (g) the only difficulty which I could point out is the difficulty of finance. It is doubtful if this province will be in a position to bear any large additional burden.

I do not think that we should make any recommendation or anything more than what has been recommended by the Lee Commission. If we once begin to disturb the recommendation made by the Commission in favour of the services, there will be no justification in the Government refusing to comply with the request of the public and the Members of Council to decrease the amount of emoluments recommended by the Commission. It is mainly for this reason that I have accepted generally all the recommendations made by the Commission and referred to in the letter from the Government of India.

FAKHR-UD-DIN.

The 9th July, 1924.

LETTER FROM A. E. NELSON, Esq., O.B.E., C.I.E., I.C.S., CHIEF SECRETARY TO GOVERNMENT, CENTRAL PROVINCES, No. 2759-III-1268, DATED NAGPUR, THE 21ST JULY 1924.

SUBJECT :—*Recommendations of the Royal Commission on the Superior Civil Services in India.*

I am directed to reply to the Government of India letter No. F-172-24-Ests., dated the 18th June 1924, asking for the views of the Local Government on certain general propositions arising out of the Report of the Royal Commission on the Superior Civil Services.

2. The Local Government desires strongly to support the view expressed in paragraph 108 of the Report that the main proposals are interdependent and should be accepted as a whole. They, therefore, deprecate a detailed re-examination of the merits of each proposal, and recommend that the report should be accepted as a whole, although on some matters the views of the Commission differ from the proposals made by this Government. They would prefer to confine their recommendations to the removal of any anomalies or inconsistencies in the Report.

3. The first proposition is that the All-India Services operating in the reserved fields should continue to be appointed and controlled by the Secretary of State. The proposal put before the Royal Commission by the Local Government was that the Secretary of State's control should be maintained over the Indian Civil Service and the Police, but that in the other two reserved services (Forests and Irrigation) the European element should be an all-India Service controlled by the Secretary of State and the Indian element should be a Provincial Service controlled by the Local Government. In making this recommendation the Local Government was influenced mainly by considerations of economy. The question has now been re-examined in the light of the arguments advanced by Professor Coupland in his minute attached to the report. Having regard to these arguments and the fact that there is a strong desire among Indians for equal treatment, while the extra expenditure involved in equal treatment will not be excessive, the Local Government is now prepared to support the recommendations of the Royal Commission that all the four services should continue to be appointed and controlled by the Secretary of State. The Honourable Mr. Standen, however, while agreeing that the advantages to be

derived from acceptance of the Commission's report as a whole warrant acquiescence in proposals which would not otherwise commend themselves, desires to state his view that if on consideration of opinions expressed by Local Governments or in the Legislature, the Secretary of State so amends the proposals of the Commission as to disturb the balance of conflicting views represented by the report, the question of the recruitment by Local Governments to indianized posts now in the cadre of All-India Services should be reconsidered on the ground that it is of great importance for the future welfare of the country that the scale of pay should be reduced as soon as possible to that which is sufficient to attract the type of man required and that the least objectionable means of doing this is by provincialization of indianized posts. He further desires to say with reference to Mr. Coupland's note on "the control of the services," that this course will not affect the ability of the Secretary of State to discharge his constitutional responsibility. The business of the reserved departments is already largely conducted by officials provincially recruited and the transfer of some more posts to provincial recruitment will not necessarily prejudice the position of the Secretary of State. It would be a question in each case whether the measure of transfer proposed was such as to affect the maintenance of the desired standard of administration.

4. The second general proposition is that the services operating in transferred fields (with the exception of the Indian Medical Service regarding which a further reference will be made) should, as far as future recruits are concerned, be appointed and controlled by Local Governments, existing members of these services retaining all their present rights and status. The opinion of the Local Government previously recorded coincided with that of the Royal Commission with one exception. In the Education Department a recommendation was made in favour of reserving 12 posts for Europeans to be recruited and controlled by the Secretary of State. In view of the unanimous conclusion of the Royal Commission the Local Government does not desire to press this proposal and accepts the general proposition as it stands.

5. The third general proposition is that the integrity and efficiency of the services should be protected by the constitution of a Public Service Commission and the enactment of Public Service Acts. The Local Government accepts this recommendation without committing itself at present to any opinion on the scope of the Commission's activities.

6. The fourth general proposition is that recruitment of Indians for the All-India Services dealing with the reserved departments should be increased to the percentages recommended by the Commission. The Local Government accepts the percentages for recruitment recommended by the Commission. In its recommendation to the Royal Commission the Local Government, while agreeing with the principle of complete Indianisation of the Indian Forest Service, expressed the opinion that it should proceed only at the rate at which suitable material became available. In accepting, therefore, the percentage of Indian recruitment (75 per cent.) suggested for this service, the Local Government assumes that the Royal Commission was satisfied that Indian recruits with the necessary qualifications will be available to the extent required.

7. The fifth general proposition is that relief in the matter of pay should be given to the services approximately on the scale proposed, reserving for the moment the question of the exact form which the relief should take and whether relief should be given to Indians in receipt of overseas pay. The Local Government accepts this proposition in its general form. With regard to the necessity of extending relief to officers holding administrative posts with the exception of those on a pay of Rs. 1,750—100—2,150, the Local Government desires to support the views of the English Commissioners recorded in Appendix IV of the report. Under the alternative scheme the difference in emoluments between administrative posts and senior posts in several departments will be so small as to give rise to serious anomalies and practical difficulties in filling the administrative posts. These will be explained more fully in reply to the detailed letter of the Government of India on the subject. The Honourable Sir M. V. Joshi, Home Member, dissents from this conclusion, and supports the view expressed in the minute recorded by the Indian members of the Royal Commission.

8. The sixth general proposition is that provision should be made for passages for officers and their families at a cost approximately equivalent to Rs. 50 a month for each officer. The Local Government accepts this proposition in principle, reserving the right to consider whether the legitimate claims of the services cannot be satisfied by the grant of passage money at a lower rate and to examine the accuracy of the estimate that Rs. 50 per mensem is required.

9. The seventh proposition is that the pensions of the Uncovenanted Services should be increased by Rs. 1,000 a year as proposed by the Commission in paragraph 70 of the report. This proposition, which deals with one of the most pressing requirements of the services, is also accepted by the Local Government.

TELEGRAM FROM ASSAM, SHILLONG, No. 4115-AP., DATED THE 22ND JULY 1924.

Reference your F-172-24-Ests., June 18th, 1924, regarding recommendations of the Commission. Government of Assam feel difficulty in dealing with question owing to uncertainty of future constitutional position but their views on main points stated in paragraph 2 of your letter are as follows. They accept proposition (a) but Ministers would stop recruitment of Europeans for 5 years and if European recruitment continues would withhold from future recruits option of retaining all-India status in event of Departments being henceforth transferred. This will be further discussed in reply to your 178-9-24-Ests. of 20th June. They agree to (b) and regard (c) as an essential condition to (b). As regards (d) they are unable to state definite view until they have examined your F-178-10-24-Ests. of 21st June in detail with special reference to Assam. They accept (e) so far as Europeans are concerned. As to (f) they agree that passages should be provided on scale proposed by Commission. They agree to (g). As regards paragraph 3 views of English Commissioners are supported by European members of Government and those of Indian Commissioners by Indian members of Government.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

LETTER FROM THE HONOURABLE MR. J. CRERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, TO ALL LOCAL GOVERNMENTS, No. F-178|9|24-Ests., DATED SIMLA, THE 20TH JUNE 1924.

With reference to my letter No. 172|24-Ests., dated the 18th June 1924, I am directed to address you on the main problems connected with the control and organisation of the All-India Services which arise out of the recommendations of the Report of the Royal Commission on the Superior Civil Services in India. The main recommendations briefly are :

- (a) that the Services operating in the reserved field as specified in paragraph 13 of the Report should continue to be appointed and controlled by the Secretary of State in Council ;
- (b) that the Services operating in the transferred field as specified in paragraph 14 of the Report (with the exception of the civil side of the Indian Medical Service which will be treated separately) should, so far as future recruits are concerned, be appointed and controlled by Local Governments. Existing members of these Services, however should retain all their present rights and status as officers of All-India Services.

2. These two main recommendations are derived from the application of the same principle, namely that the Services should be controlled by the authority which is ultimately responsible for the administration of the subjects. It would seem, therefore, that the policy advocated should be regarded as a whole.

3. The Commission have not explained in their Report the constitutional basis of these proposals, and indeed it is suggested that the Members, though agreed on the conclusions, did not all accept the general principle stated above, which appears to give logical coherence to the proposals. The theoretical justification of the proposals, however, is fully given in paragraphs 1 to 12 of the Minute by Professor Coupland on the control of the Services. It is not necessary to repeat the arguments contained in this Minute, but the Government of India would invite the special attention of the Government of Madras, etc., to the considerations there set forth.

4. Apart from the arguments based on the existing constitution, there are practical considerations which may be urged in favour of both sides of the policy of the Commission. It has been asserted that in present conditions the transfer of the control of the Secretary of State to the Government of India in regard

to the Services in the reserved departments would give rise to feelings of such discontent and distrust as would probably be fatal to continued recruitment from England. On the other hand, in the transferred departments it is urged that Ministers, though they have been served well and loyally by the members of the Services, feel that in practice the existing system is an undesirable restriction on their powers. The proposal of the Commission that Ministers should be enabled to build up gradually their own Services may be held to give a completeness to the system of transfer of subjects which has hitherto been lacking.

5. At the same time both the main conclusions of the Commission with regard to the control of the All-India Services run counter to views which have been widely expressed on the one hand by politicians and on the other by officials. There has been, as explained in paragraph 12 of the Report, a demand on the part of Indian political opinion for the transfer of the control of the Services on the reserved side to the Government of India. It appears however that the Services must in essentials be under the control either of Parliament or of the Legislative bodies in India, and that if the Government of India ceases to be responsible to Parliament in regard to the control of the Services, it must tend to become responsible to the Indian Legislature. It has to be considered whether this position would be consistent with the existing constitution. On the other hand it may be argued that the change advocated in the control of the Services in the transferred departments will in effect in most cases mean a complete cessation of recruitment of Europeans in these Services and that this will lead to an appreciable deterioration in the efficiency of the administration. With reference to this argument the question arises whether considerations of efficiency are decisive with reference to the transferred subjects, and also whether, as the new system develops, it will be found that the policy of the Ministers rather than the personnel of the Services under them will, in the last resort, determine the standards of efficiency.

6. It should be recognised that the acceptance of the proposals of the Commission comes very near to establishing in effect for the future the principle that, when the transfer of a subject takes place, it should be accompanied by the transfer of the Service dealing with that subject, with the proviso that the rights of the existing members are fully safeguarded. This principle appears to be assumed in the detailed recommendations made by the Commission in paragraph 74 (v) of the Report for the treatment of future British officers when the field of service for which they have been recruited is transferred. The Government of India would be glad to learn the views of the Government of Madras, etc., on this principle and on the actual suggestions made by the Commission in paragraph 74 (v).

7. Before deciding that the Services in the transferred departments should be made over to the control of Ministers dependent on the votes of the Legislative Councils, it is desirable to form some picture of the conditions under which these Services will work and the safeguards that may be provided for them. It would be natural that full powers should be conferred on Local Governments in regard to the existing provincial services both in the reserved and in the transferred departments as well as in regard to the new provincial Services which would perform the functions of the old All-India Services on the transferred side. Delegation of powers would be made by the Secretary of State in Council by means of rules under section 96-B (2) of the Government of India Act. Such rules may either delegate the power of making rules to Local Governments or may authorise the Indian Legislature or local Legislatures to make laws regulating the Public Services. In paragraph 22 of the Memorandum of the Government of India which forms Annexure IV to the Report of the Committee on Division of Functions, it was stated that the Government of India considered that Ministers should not take the Provincial Services entirely into their own hands until they had put questions of recruitment, pay, pensions, etc., on a legal basis by legislation. I am to ask whether it would be preferable to adopt the method of legislation for governing these matters or to allow Local Governments to make rules. If it is decided that legislation should be undertaken the further question will arise whether such legislation should be central or provincial. In view of the differing conditions in the various Provinces and the body of regulations already in force in each province providing for the selection of officials, their promotion, punishments, appeals, etc., it might be held to be more convenient that these matters should be defined by local legislation and that no attempt should be made by undertaking All-India legislation to cast them into a uniform mould irrespective of local conditions. If local legislation were undertaken, it would presumably govern the subordinate as well as the provincial services.

8. It would appear that the points to be dealt with in such legislation might include :

- (a) methods of recruitment, whether by examination or by selection committees, and the qualifications of candidates ;
- (b) regulations for promotion and transfer ;
- (c) regulations for discipline, security of tenure and appeals ;
- (d) rates of pay, pensions and provident funds ;
- (e) conditions of service generally including leave.

The Government of India propose to address the Government of Madras, etc., in a separate letter regarding the functions of the Public Service Commission which might in certain circumstances have an important bearing on the recruitment and protection of the Provincial Services.

9. The future of the provincial civil medical administration has been discussed in chapter III of the Report. It might be held that inasmuch as civil medical administration is a transferred subject effect should be given as far as possible in organising a civil medical service to the general principle that may be adopted for Services working in transferred subjects. In the case of the civil medical service, however, the problem is complicated by the desirability of maintaining an adequate military reserve in civil employ and by the problem of providing treatment by British medical officers for British civil servants. The extent to which the actual proposals of the Commission succeed in reconciling these various considerations will require somewhat careful examination, and the Government of India will address the Government of Madras, etc., later on this subject.

10. The Commission contemplate that the Irrigation branch of the Indian Service of Engineers should remain an All-India Service, while the Buildings and Roads branch will, so far as future recruitment is concerned, be provincialised. It is understood that this proposal would present no difficulty in those provinces where the two branches have already been separated. [In some provinces, however, this process has not been carried out. I am to enquire what are the views of the Local Government with regard to the treatment of the Indian Service of Engineers in Madras, etc.]

(In Assam the whole of the public works administration is reserved. The proposals of the Commission therefore contemplate the whole cadre of the Indian Service of Engineers in Assam remaining as an All-India Service. I am to ask whether the Government of Assam support this proposal.)

11. It will be noted that the proposals of the Commission apply only to the Services working in the Governors' provinces. There will remain a certain number of officers in each of the Services, the future recruitment of which it is proposed to provincialise, who will be working directly under the Government of India in central institutions such as Pusa, Dehra Dun or Muktesar or under the minor administrations. There will also be certain officers of the Indian Educational Service engaged on European education which is a reserved subject. The question how these officers are to be obtained in future will form the subject of separate communications.

12. If the proposals of the Commission are accepted, an important point in connection with the organisation of the Services in the reserved departments will remain for decision, namely whether Indians in these Services should continue to be appointed and controlled by the Secretary of State or should be appointed and controlled by the Local Governments or the Government of India. The Commission have not referred explicitly to this point, but from their silence it may be inferred that they intended the existing system to continue, and that they rejected the proposals which had been made to them for a differentiation in the status of Indians and Europeans. It has been left for Professor Coupland in paragraphs 13 to 15 of his Minute on the control of the Services to explain the justification for this conclusion. The arguments on both sides are fully stated by Professor Coupland. I am to ask whether the Government of Madras, etc., accept the view that the balance of advantage lies in maintaining the equal status of Indians and Europeans in these Services. If this view is accepted a further question arises, whether Indians recruited in future should be able, if the field of service for which they have been recruited is transferred, to claim all the privileges which are recommended for British recruits in paragraph 74 (b) of the Report. Indian recruits would presumably be forthcoming without these

- () To Assam only.
- [] To provinces only in which separation has not been made.
- [To Madras, Bombay and B. and O. only.]

inducements. To offer them the privilege of retirement on proportionate pension may be thought unnecessary. Whether they should be allowed to retain their All-India status is a more doubtful point. I am to ask whether in the opinion of the Government of Madras, etc., it would be reasonable to inform them at the time of recruitment that they would be liable to be placed later under the control of provincial Governments, but that existing rates of pay would be guaranteed to them.

13. If the general position of maintaining the equal status of Indians and Europeans is accepted, there is one point of importance which has to be faced. Those who advocate the provincialisation of Indians in these Services lay stress on the claim that the Services in a Province should be staffed by men of that province, and they point out the serious danger, in the event of unrestricted competition, of candidates from one or two provinces obtaining an altogether disproportionate share in these vital Services. It may at once be conceded that it is necessary to prevent these Services from being swamped by men from the one or two provinces which are intellectually most advanced. But to rule that only men belonging to a particular province should serve in that province would involve an undoubted lowering of the general standard of the Service in the backward provinces, where there would not be a sufficient supply of men of the standard required. To meet these conflicting considerations it has been suggested that it might be reasonable to prescribe a certain minimum of natives of each province who must be recruited each year. This number might perhaps be three-quarters of the average annual direct recruitment of Indians into the Service in that province. The remaining one-quarter would be open to free competition. Men would be posted primarily to their own provinces. If more men from one province passed than the number of vacancies in that province, the surplus would be distributed among other provinces where the number of provincial men fell short of the total number of provincial vacancies. The effect of this system would probably be that provinces like Bengal and Madras would be staffed entirely by Bengalis and Madrasis. On the other hand, even the most backward provinces would have three-quarters of their own men among their directly recruited Indians. I am to ask the views of the Government of Madras, etc., on this suggestion.

14. To sum up I am to ask for the views of the Government of Madras, etc., on the following points :

- (1) whether the services operating in the reserved field should continue to be appointed and controlled by the Secretary of State in Council ;
- (2) whether the services operating in the transferred field, with the exception of the civil side of the Indian Medical Service, should, so far as future recruits are concerned, be appointed and controlled by Local Governments, existing members of these services retaining their present rights and status as officers of All-India Services ;
- (3) whether the principle can be accepted that when the transfer of a subject takes place it should be accompanied by the transfer of the service dealing with that subject, the rights of existing members being safeguarded ;
- (4) whether the suggestions made by the Commission in paragraph 74 (v) of the Report for dealing with British members of the Services, if and when a transfer of the subject for which they have been recruited takes place, appear generally reasonable ;
- (5) whether full powers should be conferred on Local Governments in regard to all classes of provincial services ;
- (6) whether the provisions safeguarding the provincial services should depend on rules or legislation, and if on legislation whether such legislation should be central or provincial ;
- (7) whether there is any difficulty in giving effect to the proposals of the Commission regarding the treatment of the two branches of the Indian Service of Engineers ;
- (8) whether Indians in the Services in the reserved field should continue to be appointed and controlled by the Secretary of State in Council ; if so, whether arrangements of the kind suggested in paragraph 13 of this letter for securing for each province a reasonable proportion of natives of that province are suitable ;

- (9) what conditions should be prescribed for future Indian recruits in the All-India Services to govern the circumstances contemplated in (4) above.

15. In conclusion I am to request that in view of the great importance of arriving at an early decision on these general questions, the Government of India may receive the reply of the Government of Madras, etc., to this letter not later than the 4th August 1924.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

LETTER FROM N. E. MAJORIBANKS, ESQ., C.S.I., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, PUBLIC DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. 547, DATED FORT. ST. GEORGE, THE 4TH AUGUST 1924.

In reply to your letter No. F-178|9|24-Esta., dated the 20th June 1924, I am in the first place to say that as intimated in my letter No. 472|O.-1, dated the 23rd July 1924, His Excellency the Governor in Council accepts in principle the propositions (1) that All-India Services operating in the reserved fields should continue to be appointed and controlled by the Secretary of State, and (2) that the services operating in the transferred fields should, as far as future recruits are concerned, be appointed and controlled by Local Governments, the rights of existing members being safeguarded.

2. So long as there are reserved services and so long as Parliament retains direct jurisdiction over the fields of administration where these services are employed, the control must be with the Secretary of State. On the other hand, where the field of administration is transferred the services employed therein should not be subject to extra-provincial control. It follows also in the opinion of His Excellency the Governor in Council that when the transfer of a subject takes place it should be accompanied by the transfer of the services dealing with that subject, the rights of existing members being safeguarded.

3. In the practical application of these principles there will however be some difficulties arising from the facts that some services are employed both in reserved and transferred fields and that individual members of reserved services are employed in the administration of transferred subjects. In this Presidency the most notable instance of the kind is the Indian Engineering Service which is employed both on Irrigation, a reserved subject, and on Roads and Buildings, a transferred subject. The question of dividing the service into two separate branches has more than once been discussed and the general conclusion reached has been that the division would not only involve considerable increase in expenditure on establishment but would not conduce to economy in work or efficiency. The territorial charges of Irrigation and of Buildings and Roads in this Presidency are coterminous as major and minor systems of irrigation are scattered all over the country and it is impracticable to isolate irrigation areas. A separate executive and other staff for each branch would not have enough work to occupy them whole time. For the time being, therefore, until Irrigation becomes a transferred subject, His Excellency the Governor in Council considers that the Indian Service of Engineers must be an exception to the proposed rule, so far as that portion of the service working in the transferred field of Roads and Buildings is concerned; and must remain an All-India Service appointed and controlled by the Secretary of State.

As stated in paragraph 11 of the letter under reply certain officers of the Indian Educational Service are engaged on European education which is a reserved subject. It is noted that this case will be dealt with separately.

Lastly certain officers of the Indian Civil Service, a reserved service, are employed in the administration of transferred subjects, e.g., in the appointments of Excise Commissioner, Registrar of Co-operative Societies, Director of Industries. Such officers will also remain an exception to the general rule.

4. Subject to these exceptions, His Excellency the Governor in Council considers that all services engaged on transferred subjects may be provincialized and placed under the control of Local Governments provided that questions of recruitment, pay, pension and the like are placed on a legal basis by legislation and a Public Service Commission is set up. The constitution and functions of such a Commission will be discussed separately in replying to your letter No. F-178|14|24-Esta., dated 1st July 1924. In regard to the legislation referred to, His Excellency the Governor in Council considers that an Act should be passed by the Central Legislature as early as possible for the benefit both of the existing Provincial services and of the services that will be provincialized. Such legislation should deal in broad lines with the subjects enumerated in paragraph 8 of the letter under reply and should reserve sufficient rule-making power to Local Governments to enable them to adapt the main provisions of the Act to the special conditions of each province.

5. The provincialization of the services employed on transferred subjects further involves the safeguarding of the rights and status of existing members as officers of All-India Services. The proposals of the Royal Commission to secure this end in the case of British members of the services are contained in paragraph 74 (v) of their report. His Excellency the Governor in Council accepts these proposals but feels constrained to point out that they do not meet the consequences of the prospective loss of career involved. It is insecurity of career that is more calculated to deter candidates of the right stamp than any other reason. For this however His Excellency the Governor in Council sees no practicable remedy. As regards officers already in the service, while it might be contended that those who entered within the last fifteen years ought to have been aware of the inevitable result of the Indianization of the executive Government which began in 1909-10, the same cannot be said of older entrants : indeed, few of those who entered service before the declaration of August 1917 can have been in a position to forecast later developments. However, as the proposals proceed on the idea that those who are willing shall stay on under personal safeguards and work under the new conditions, His Excellency the Governor in Council finds it difficult, more especially in view of the mixed motives that must influence individual officers, to make any stipulation that provision should be made for compensating transferred officers for loss of careers in addition to granting them proportionate pension.

6. In regard to the question raised in paragraph 12 of the letter under reply, His Excellency the Governor in Council is of opinion that the balance of advantage decidedly lies in maintaining the equal status of Indians and Europeans in the reserved All-India Services and he has no objection to the arrangements proposed in paragraph 13 of your letter for securing for each province a reasonable proportion of natives of that province.

7. On the further question whether Indians recruited in future should be able, if the field of service for which they have been recruited is transferred, to claim all the privileges which are recommended in paragraph 74 (v) of the Commission's Report in the case of British recruits, His Excellency the Governor in Council, while disinclined to make any racial distinction, cannot see that there is equal reason to promise to Indian recruits the same terms as to proportionate pensions as the Commission proposes in the case of British recruits, if, as presumably will be the case, Indian recruits will continue to seek service, notwithstanding the prospect of 'transfer,' as readily as heretofore.

8. The Honourable the Ministers, I am to say, adhere generally to the views expressed by them in the memorandum forwarded with my letter No. 472|O-1, dated the 23rd July 1924. In regard to the particular points discussed in this letter they are opposed to the retention of the Indian Engineering Service as an All-India Service and consider that it should be wholly provincialized notwithstanding that it is employed in part on the reserved subject of Irrigation. They consider that the conditions, etc., of Provincial Services should be regulated by provincial rather than central legislation. They are opposed to the proposals of the Royal Commission in paragraph 74 (v) of their report whether applied to British officials or Indian.

EXTRACT FROM A TELEGRAM FROM THE GOVERNMENT OF BOMBAY, DATED THE 6TH AUGUST 1924.

* * * * *

62. My telegram of the 6th August regarding your five letters on Lee Commission's Report. Government has arrived following decisions, subject so far as minority

concerned to reservation already stated with regard to Secretary of State controlling.

Your letter No. 178-9-24. Questions 1 and 2 accepted, also 3 save that minority would limit safeguarding of rights to existing members, and not future recruits.

Question 4 accepted except by minority.

Questions 5 and 6 will be dealt with in reply to letter on Public Service Commission.

Question 7. No difficulty.

Question 8 accepted save that minority object generally to Secretary of State controlling as previously explained.

Question 9 future Indian recruits should not have right of retirement on proportionate pension ; they should be warned accordingly before recruitment.

* * * * *

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, No. 9223-A.,
DATED THE 2ND AUGUST 1924.

I am directed to refer to your letter No. F-178/9/24-Esta., dated the 20th June 1924, regarding certain recommendations of the Royal Commission on the superior Civil Services in India. The views of the Government of Bengal have been asked on 9 points and I am to reply to these points *seriatim* as follows :—

(1) & (2). As intimated in letter No. 8258-A., dated the 9th July 1924, the Governor in Council has already accepted these two recommendations.

(3) The Governor in Council accepts the principle that when the transfer of a subject takes place, it should be accompanied by the transfer of the service dealing with that subject the rights of existing members being safeguarded.

(4) The Governor in Council considers that the suggestions made by the Commission in paragraph 74(V) of the Report for dealing with British members of the services if and when a transfer of these subjects for which they have been recruited takes place appear generally to be reasonable. I am to point out, however, that the Report only mentions that existing members of All-India Services operating in the transferred field will retain all the rights of officers of an All-India Service and that future British recruits to an All-India Service may retain their All-India status if and when the field of service for which they have been recruited is transferred. I am to suggest that this privilege might be definitely extended to existing members of All-India Services now operating in the reserved field. I am further to suggest that in order to avoid difficulties of interpretation, the right to retire on proportionate pension should be extended to all officers recruited before the 1st of January 1920.

(5) The Governor in Council is of opinion that full powers should be conferred on local Governments in regard to all classes of provincial services.

(6) This Government has already agreed in the letter referred to above to the enactment of Public Service Acts. The Governor in Council considers that these Acts should be provincial and should govern the subordinate as well as the provincial services. Security of tenure, pensions, etc., as regards individuals would, however, have to be provided by contract and not left open to arbitrary variation by the legislature as against officers already in service, and a certain amount of detail, *e.g.*, in connection with examination rules, would have to be left to be regulated by rules made under the Acts.

(7) There would be no difficulty in Bengal in giving effect to the proposals of the Commission regarding the treatment of the two branches of the Indian Service of Engineers.

(8) & (9). The Governor in Council accepts the view that at present, at any rate, the balance of advantage lies in maintaining the equal status of Indians and Europeans in the All-India Services in the reserved departments. He would also agree to give Indians in the All-India Services all the privileges recommended in paragraph 74(V) of the Report. If these officers are fairly treated, retirements on proportionate pension are not likely to be numerous.

2. The Governor in Council agrees to the suggestion made in paragraph 13 of the letter under consideration.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES,
No. 3764, DATED THE 26TH JULY 1924.

I am directed to reply, on behalf of the Governor in Council, to the Home Department letter No. F-178-9-24-Ests., dated the 20th June 1924. The questions raised will be dealt with in paragraphs corresponding with the headings in paragraph 14 of that letter, where the points at issue are summed up under nine heads. The reply is subject to the note of the Honourable Home Member forwarded as an annexure to this Government's letter No. 3328, dated July 8, 1924. A copy of that note* is attached for reference. (1) "Whether the services operating in the reserved field should continue to be appointed and controlled by the Secretary of State in Council".

The Governor in Council has already intimated his general acceptance of this proposal in reply to letter No. F-172-24-Ests., dated June 18, 1924. The constitutional argument in favour of recruitment and control by the Secretary of State is complete. As long as there is a Government which is at least partially responsible through the Secretary of State to the Parliament of Great Britain, it is essential that that side of it which is so responsible should be able to command the services of officers appointed and controlled by the authority whose agent it is. Further, experience during the last three years has amply demonstrated that only on this condition can the requisite European element in the services be obtained. The only alternative controlling agency, *viz.*, the Government of India is, in fact if not in theory, becoming more and more amenable to the Indian legislature and is barred by that consideration. There is no hope that men will be forthcoming from England for service in India, if their destinies are ultimately to be controlled by the Indian Legislature.

(2) "Whether the services operating in the transferred field, with the exception of the civil side of the Indian Medical Service, should, so far as future recruits are concerned, be appointed and controlled by Local Governments, existing members of these services retaining their present rights and status as officers of All-India Services".

This proposal was also accepted in the reply referred to under (1). In his reply to the questionnaire of the Royal Commission the Governor in Council dealt with this question in some detail. He realised that the completeness of a Minister's responsibility for a subject which has been transferred, is impaired unless the Minister is empowered to determine the conditions of employment of his agents and to exercise full control over them. It was not suggested that this consideration must necessarily override all others, and it was recognised in the case of the most important of the services concerned, namely the Educational, that any decline in efficiency, such as might result from the practical cessation of recruitment from Europe, would have serious and far-reaching results. Nevertheless the conclusion was faced that even in regard to this important service the balance of argument was in favour of establishing full ministerial control. In the sphere of primary and university education the exercise of Government control through European agency is already at a minimum, because recent legislation has greatly enlarged the powers both of local bodies and of universities. Secondary education is still formally controlled by Government, but the extent of that control has in practice been greatly weakened by the changes just referred to, and the influence of European officers is a factor of rapidly decreasing strength. The Governor in Council, though not without serious misgivings, thinks that the entire educational service had better now be made over to the control of the responsible Minister.

In the Buildings and Roads branch of the Indian Service of Engineers, the tendency is to transfer obligations to local bodies, and probably more will be done in this direction in future. A decided move along these lines has recently been made in this province. Such provincial work as remains rarely requires the finest professional skill; and it should be possible to leave it to an agency similar to the educational agency contemplated above. It may be hoped that pressure from the Legislative Council and the extended employment of big contractors will provide sufficient safeguards against deterioration.

The same general considerations apply to the Indian Agricultural Service and the Indian Veterinary Service. It is undoubtedly of the utmost consequence to this agricultural country that everything possible should be done to improve its crops and cattle. At the same time there is no such compelling argument in favour of maintaining a service of officers recruited by the Secretary of State as

can override the arguments in favour of letting Ministers select their own men. In all the four services named above the Governor in Council would stop therefore the present type of recruitment. He does not pretend to welcome this conclusion, but he sees no practical alternative.

(3) "Whether the principle can be accepted that when the transfer of a subject takes place it should be accompanied by the transfer of the service dealing with that subject, the rights of existing members being safeguarded".

If it were at this stage necessary to lay down any such general principle, it would be difficult to resist the conclusion here suggested. It would, however, be sounder to refuse to enunciate new principles which are not yet inevitable. There is no reason why the Government of India should tie their hands now, when the problem to be settled may eventually be settled in circumstances widely differing from those of the present day. If the question had to be answered now, there would seem to be only one possible reply, but the Governor in Council does not regard it as sound policy to affirm any principle of general application until the question as a whole has arisen in practical form. It is not by any means certain that logic or constitutional theory will shape all future developments. It is impossible to foresee the mould into which Indian political development may run. What seems inevitable to-day may be susceptible later on of variation, by agreement or otherwise, in an altogether different atmosphere. It is accepted that the subjects hitherto transferred should involve the transfer of the services employed upon them. This would seem to meet all requirements at the present stage.

(4) "Whether the suggestions made by the Commission in paragraph 74 (v) of the Report for dealing with British members of the Services, if and when a transfer of the subject for which they have been recruited takes place, appear generally reasonable".

The proposals are accepted as generally reasonable. There can be no objection to the alternatives allowed by (a) and (b) of paragraph 74 (v) in the Commission's report. With regard to (c), however, the wisdom of restricting eligibility for proportionate pension to one year is not apparent. The danger is that this restriction will in practice force into retirement officers who might otherwise continue to serve. There was established a time limit when the existing rules of retirement on proportionate pensions were first promulgated in 1921. It was recognised later that the time limit would drive into retirement a number of officers who were content to stay so long as the gate of exit was not finally locked and barred. The same considerations apply here with added force. The Governor in Council is of opinion that the right to retire on proportionate pension should be unrestricted. He believes that this will result in greater stability and in fewer premature retirements. In any case account must be taken of the fact that officers have leave due to them when they decide to retire. In the 1921 rules the apparent liberality by which a decision was postponed till March 1924 was neutralised by the condition that all leave had to be taken before that date. If any time limit is placed on eligibility for proportionate pension on the transfer of a reserved service, it should be designed to permit of adequate experience of the new system without the risk of losing leave due. With regard to the Commission's proposal regarding the statutory commission of 1929, it seems unnecessary to formulate a decision now. If, however, a decision is considered to be required, the Governor in Council recommends that the right to retire on proportionate pension should be unrestricted. The concession should obviously be extended to officers who joined the services since 1st January 1920. Any such radical alteration of the conditions of service as is involved in the transfer of a service hitherto reserved to the transferred side of the Government should be treated as creating a new situation which entitled all officers then in service to elect for this equitable measure of relief.

(5) "Whether full powers should be conferred on Local Governments in regard to all classes of provincial services".

There seems no alternative to complete provincial control of the services operating in the transferred departments. Any other solution would perpetuate the complaint which exists to-day, namely that the Ministers and legislatures which are responsible for transferred subjects have not full control of the services concerned with those subjects. No limitation of complete control can be justified in regard to any of the items discussed in the Government of India letter. In the United Provinces the Ministers have already protested against the rules which empower the Governor in Council to regulate the recruitment, etc., of the existing provincial services working in the transferred sphere, and the Governor in Council has supported them. If the All-India Services dealt

with in this reference are transferred, the transfer should be complete. The immediate safeguards must be looked for in the Public Service Acts and in the Public Service Commission; and the ultimate safeguards in the possibility of altering the rules under section 96-B (2) of the Government of India Act to meet new conditions. In regard to the services, which administer the reserved subjects the powers of superintendence and control now vested in the Secretary of State and the Government of India must of course be retained; but, subject to this condition, the Governor in Council can see no objection to the transfer of full authority to Local Governments. In practice these services are already regulated by Local Governments and the few restrictions which still exist, can safely be removed.

(6) "Whether the provisions safeguarding the provincial services should depend on rules or legislation and if on legislation whether such legislation should be central or provincial".

In the case of the services in the transferred departments, the provisions contemplated should depend, as far as possible on legislation. It is impossible indeed to embody in legislation the very numerous provisions which affect the constitution, recruitment, pay, pensions, leave, promotion, transfer and discipline of a number of services. Legislation can, on many points, only provide for the framing of detailed rules. But the object should be to leave as little as possible to rules which can be easily changed and to embody in the Acts all fundamental principles on which the stability of the services depend.

The treatment of this subject is of vital importance to the future stability of the administration. Any marked deterioration in the quality of the services will strike at the roots of good government. The services have hitherto enjoyed in essentials full security from political pressure. Popular control in India will inevitably be capricious at the outset and every reasonable precaution should be adopted to forestall the reaction of political influences on the efficiency and security of the services. The services which administer the reserved subjects stand on a different footing. Their efficiency will not suffer if their recruitment and regulation remain in the hands of the Executive Government. In their case there is not the same need for the security promised by legislation. At the same time it is not improbable that, if legislation regulating the services in the transferred departments is proposed, there will be a demand, which it may be difficult to resist, for its extension to the reserved services. The Governor in Council thinks that it should be left to each Local Government to decide, if and when the time comes, whether the legislation to be undertaken should include these services.

The legislation should be provincial for reasons both constitutional and practical. If the services operating in the transferred field of Government are to be made over to the control of Ministers, their regulation must rest with the legislature, to which Ministers are responsible; and even in the case of the services, which administer the reserved departments, it is difficult to see how their pay, pensions and provident funds which are subject to the vote of the Legislative Council, could be regulated by central legislation. It would be impossible moreover to provide by such legislation for conditions which differ so widely from province to province. The central legislature could at most lay down a few broad principles, and even an enactment so restricted would be resented by Indian opinion as an unwarrantable intrusion into the provincial sphere.

(7) "Whether there is any difficulty in giving effect to the proposals of the Commission regarding the treatment of the two branches of the Indian Service of Engineers".

This proposal presents no difficulty in the United Provinces.

(8) "Whether Indians in the Services in the reserved field should continue to be appointed and controlled by the Secretary of State in Council; if so, whether arrangements of the kind suggested in paragraph 13 of his letter for securing for each province a reasonable proportion of natives of that province are suitable".

The Commission have rejected without discussion (and therefore for reasons which can only be conjectured) the suggestion pressed on them by many witnesses that only the holders of that proportion of posts which was reserved for Europeans should in future constitute the All-India Services, and that the other vacancies as they occurred should be filled by Indians as members of provincial services. The case for and against a differentiation in the status of Europeans and Indians has, however, been fairly summarised in paras. 13 to 15 of the minute

by Professor Coupland. Undoubtedly differentiation would secure certain substantial advantages. Indians would be recruited, as provincial opinion desires, on a provincial basis, and the best material available would be obtained on rates of pay markedly lower than those which are now being paid. Nor is the Governor in Council much impressed by some of the counter arguments advanced by Professor Coupland. It does not seem to him incompatible with the responsibility of Parliament for the reserved field of Government to separate a public service, which operates in a reserved department, into two sections, one of which would be recruited and controlled by a Provincial Government; the reserved departments have for long been administered largely through the agency of provincial services. Again, he is unable to see that this separation would necessarily reduce the benefits derived by Indian officers from association with English officers, or that it would prejudice the development of the constitution. He does, however, attach importance to the second and third of Professor Coupland's arguments. Indian opinion, always sensitive of racial distinctions, would resent the division of Europeans and Indians into two services, and attacks, inspired by racial antagonism, on the European officers, so far from diminishing would tend to increase. Moreover—a point not touched upon by Professor Coupland—if the posts to be held by Indian officers were included in provincial services, the recruitment of officers to fill these posts would in practice be controlled by the Legislative Council, since their pay and pensions would be subject to its vote. The stability and the ordered progress of India have hitherto been dependent on public services controlled by the Secretary of State, and it is important that his control should not be reduced further than is inevitable. The Governor in Council acquiesces therefore in the view that the balance of advantage lies in maintaining the equal status of Indians and Europeans in these services.

At the same time there is no reason, so far as the United Provinces are concerned, why the retention of an All-India status should connote the acceptance of candidates from other provinces. The United Provinces rank as one of the educationally backward provinces, but they have done well at the last two examinations for the I. C. S. and are quite prepared to find their own staff. The Indian Services in these provinces are probably equal to those of any other province, if not actually in intellectual capacity, at least in many of the other attributes of administrators. The unifying ideal of services drawn from different provinces is far ahead of the times, and it is certain that public opinion in this province would be unanimous in favour of provincial recruitment. If the supply of suitable candidates in the more technical services ran short, it would be easy to arrange for their provision from elsewhere. This should be the only reason for going outside the province.

(9) "What conditions should be prescribed for future Indian recruits in the All-India Services to govern the circumstances contemplated in (4) above".

Future Indian recruits must abide by the political changes of their own country. The Governor in Council sees to reason whatever for making special provision for them provided that the rights of existing members of the services are safeguarded. He thinks that they should be informed at the time of recruitment that they would be liable to be placed later under the control of provincial governments, and he would not guarantee that the existing rates of pay would continue to be paid after such transfer. Future Indian entrants will join the services with their eyes open to the possibilities. Their risks are in no way comparable with those undertaken by Europeans who leave distant homes on what can only in future be regarded as an adventure of great hazard. The European element is retained because it is necessary and the safeguards in this instance are a necessary preliminary to securing that element. There seems no reason to think that Indian recruits will not always be available for services in their own provinces on any reasonable terms.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18859-GAZ., DATED THE 4TH AUGUST 1924.

I am directed to refer to your letter No. F-178|9|24-Ests., of the 20th of June 1924, on the above subject and to convey the following views of the Governor in Council on the nine questions summarized in paragraph 14 of your letter.

2. The Governor in Council accepts without hesitation the recommendation that the Services operating in the reserved field should continue to be appointed and controlled by the Secretary of State in Council. It is true that certain incidents in the actual exercise of that control have in the past proved embarrassing both to the Government of India and to Provincial Governments; while there have been occasions on which the services may have had reason to doubt whether its exercise really tended

to give them that sense of security which they felt to be essential to contented working. Nevertheless, both on the theoretical and practical side, the arguments used by the Royal Commission in favour of their recommendation are really conclusive. Whatever attractions may be presented by the claim of politicians that control over members of these services should be handed over to the Government of India, the existing form of constitution demands that control should rest with the authority to which the Government of India is itself subordinate in respect of the subjects entrusted to the services in question; while the retention of the control of that authority is, if this Government be not mistaken, essential in the interests of recruitment. It is certain that the devolution of control to the Government of India would, rightly or wrongly, be viewed with suspicion by existing members of the services.

3. The Governor in Council also accepts the recommendation that the Services operating in the transferred field, with the exception of the civil side of the Indian Medical Service, which is not now under consideration, should be appointed and controlled by Local Governments, existing members of these Services retaining their present rights and status as officers of All-India Services. He would, however, qualify this acceptance by two stipulations, first that the transfer to Local Governments of control over the Services in question should be accompanied by the establishment of a strong and impartial Public Service Commission; and secondly, that the present rights and status of existing members of these Services should be carefully defined, preferably by rules made by the Secretary of State in Council under Section 96-B. (2) of the Government of India Act. The Governor in Council has reason to believe that some apprehension is felt by members of the Services in question in regard to this latter point. The members of the Indian Educational Service in the Punjab have represented that the institution of a selection grade, which now constitutes the most substantial factor in the prospects of the existing members of the service, be assured to them in future, and that in any reduction of the cadre of the service which may hereafter be affected under the proposals for provincialization, the present number of posts in the selection grade should be retained, so that the prospects of advancement which existing members now enjoy may not be in any way impaired. The point of this representation is that the number of selection grade posts has been fixed on a percentage of the total cadre, and it would appear to be inevitable that as existing members of the Service retire the total strength of the cadre must be diminished.

4. The next question referred to in your letter is whether the principle can be accepted that when the transfer of a subject takes place it should be accompanied by the transfer of the Service dealing with that subject, the rights of existing members being safeguarded. No specific recommendation to this effect was made by the Royal Commission, though as pointed out in your letter, the principle appears to be assumed in paragraph 74 (v) of the Report. Having accepted the recommendation that the services dealing with the present transferred subjects should be provincialized, the Governor in Council considers that it must logically follow that future transfers should be accompanied by a similar provincialization.

5. In paragraph 6 of your letter you further ask for the views of this Government on the actual suggestions made by the Commission in paragraph 74 (v) of their report. Though the point is not entirely free from doubt, it is assumed that these suggestions in paragraph 74 (v) (c) refer to all existing members of the services, both British and Indian, operating in reserved fields. If so, the Punjab Government regards the proposals as generally reasonable. There does not appear to be adequate reason to exclude Indian Members now in All-India Services from the right of retirement on proportionate pension if the field in which their service operates is transferred after 1929. There is one point in this connection in regard to which the Report is somewhat obscure. It has been represented to the Local Government, and evidence to this effect was, it is understood, given before the Royal Commission, that the privilege of retirement on proportionate pension should be extended to officers who joined an All-India Service after the passing of the Government of India Act, subject to the condition that the privilege must be exercised before the publication of the Report of the Statutory Commission of 1929, even though such officers may continue to work in the reserved field. Many such officers joined when it was impossible to foretell on what lines the reformed constitution would develop and it is, in the opinion of the Governor in Council, only reasonable that if the conditions of their service are radically changed they should be given the privilege of retirement on proportionate pension. It would appear from the final sentence of paragraph 74 (v) (c) of the Report that the Royal Commission considered this claim to be reasonable, but only in the case of the transfer of the subject on which such officers are engaged. The Governor in Council (the Honourable Sardar Bahadur Sardar Sundar Singh, Majithia, dissenting) would go somewhat further

and would extend this privilege to officers who continue to be employed in a reserved department, provided they joined the service before the 1st January 1923. By that date the lines on which the new constitution was likely to develop were clearly marked.

6. In regard to the question whether full powers should be conferred on Local Governments in regard to all classes of provincial services, the Governor in Council considers that all future members of Provincial Services must be subject to the unfettered control of Local Governments acting either as Executive Governments or with their Legislatures. As regards present members of the provincial services, I am to point out that certain rules affecting the provincial services have been made by the Secretary of State under Sections 45-A., and 96-B. (2) of the Government of India Act, and to urge that any delegation of power now made, to whatever authority, should safeguard the position given to the present members of the Provincial Services by the existing rules.

7. The sixth question propounded in your letter is whether the provisions safeguarding the Provincial Services should depend on rules or legislation, and if on legislation whether such legislation should be central or provincial. On this question the Governor in Council holds that the rule-making power conferred by Section 96-B. (2) of the Government of India Act must be delegated to Local Governments; but that Local Governments must in the interests of the services be bound by certain fundamental restrictions to be laid down by the legislature, such as, that no rule will be valid as against a Government servant if it operates to reduce the pensionary prospects held out by the rules in force when he entered the service; that no order of dismissal or reduction be made without an explanation being demanded; that all officers adversely affected by any order be given at least one appeal; and so forth. This list of restrictions is not of course exhaustive. As restrictions of the kind indicated would be fundamental, the Governor in Council considers that they should be universal, and embodied in an enactment of the Central Legislature.

8. As regards the seventh question referred to in paragraph 14 of your letter, the two branches of the Indian Service of Engineers have already been separated in the Punjab. There would be, therefore, no difficulty in giving effect to the recommendation of the Royal Commission that the Irrigation Branch should remain an All-India Service, while the Buildings and Roads Branch should, so far as future recruitment is concerned, be provincialized.

9. The Governor in Council has given careful consideration to the question whether Indians in the Services operating in the reserved field should continue to be appointed and controlled by the Secretary of State in Council. He recognizes the force of the arguments summarized in paragraph 13 of Professor Coupland's Minute of the 30th of April 1924, in favour of recruiting Indians to those Services by promotion from the Provincial Services or of transferring the vacancies not filled by British recruits to the cadre of Provincial Services. He is satisfied that many Indians who have been recruited for some years past to the Indian Civil Service, and probably also to other All-India Services are no better qualified than those recruited for the Provincial Services, and that to this extent we are paying above the market rate for Indian recruits to the All-India Services. At the same time he feels that the recommendation of the Royal Commission in favour of the continuance of the present system, (which was advocated by this Government in its reply to the Commission's questionnaires) has many cogent arguments in its favour. So long as the Secretary of State is ultimately responsible for the conduct of the reserved subjects, he must have control of the whole of the services operating in that sphere. The Governor in Council at the same time considers that as far as possible the principle should be accepted that Indian recruitment to such services should be made in India, appointment merely being confirmed by the Secretary of State, and that this principle should be recognized in practice when rules regarding recruitment come under review.

As regards the subsidiary question whether arrangements of the kind suggested in paragraph 13 of your letter for securing for each province a reasonable proportion of natives of that province are suitable, the Governor in Council would prefer that the examinations in India for the All-India Services should be so organized as to admit of candidates from each province competing only among themselves. This suggestion is one that has been carried out in the examinations for the Indian Police. Experience has shown that recruits from other provinces do not as a rule make successful officers in the Punjab; and the Governor in Council has no doubt of the ability of this province to produce candidates who, taking all factors into consideration, will be as satisfactory as those who can be obtained from other provinces.

10. The ninth question propounded in your letter is whether future Indian recruits recruited to the All-India Services should be entitled, if the field of service for

which they have been recruited is transferred, to claim all the privileges recommended for British recruits in paragraph 74 (v) of the Report. The Governor in Council considers it only fair that Indian recruits should in the circumstances contemplated be given the option either to retain their All-India status or to enter into new contracts with Local Governments. Nor does he doubt that, in justice, they should be given the option to retire on proportionate pension; whatever feelings may be entertained in the political world regarding the obligation of Indian Servants of the Crown to accept without demur any political change which may affect their status as such servants, Government could not be excused if it imposed on the Indian Members of All-India Services so drastic an exhibition of altruism. There are notoriously many Indian Members of the services who feel quite as keenly as their British colleagues the disabilities imposed on them by the changes effected under the Reform Scheme.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO GOVERNMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 1965-A.R., DATED RANCHI, THE 2ND AUGUST 1924.

SUBJECT.—*Proposals of the Royal Commission on Superior Civil Services in India regarding the control and organization of the All-India Services.*

I am directed to reply to your letter No. F-178—9-24, dated the 20th June 1924, on the recommendation of the report of the Royal Commission on the Superior Civil Services in India as regards the control and organization of the All-India Services. In paragraph 2 (a) of my letter No. 1689-A.R., dated the 22nd July 1924, the Local Government accepted the proposals of the Royal Commission that officers of the All-India Services operating in reserved fields should continue to be appointed and controlled by the Secretary of State, and that, as a corollary to the system established by the Reforms, the services operating in transferred fields (apart from the civil side of the Indian Medical Service, which will form the subject of separate consideration), should, so far as future recruits are concerned and without derogation of the rights and status of existing incumbents, be appointed and controlled by Local Governments. As regards the first two points, therefore, raised in paragraph 14 of your letter under reply, I am to state that His Excellency in Council accepts both propositions.

2. As regards the remainder I am to submit the views of the local Government as follows :

(3) When the transfer of a subject takes place, it is difficult to withstand the consequence that it should be accompanied by the transfer of the service dealing with that subject. If, at some date hereafter, an attempt is made to introduce full provincial autonomy, the risks inherent in the acceptance of the principle will be real and serious, but if they are considered to be too great to be undertaken, the true remedy is the postponement of provincial autonomy, and not an attempt to restrict its actual working in a manner which would certainly engender friction, even if, given the attainment of that stage it was practical politics, which almost certainly, it would not be. In any event, the rights of existing members of the service transferred should, of course, be safeguarded.

The Honourable Sir Hugh McPherson does not accept this proposition unreservedly as regards the Indian Civil Service and the Indian Police. He considers that, whatever degree of provincial autonomy may in the future be introduced, the ultimate control of these two services must remain with the Secretary of State. This applies also to the question discussed in the next sub-paragraph.

(4) The Local Government accept the suggestions made in paragraph 74 (v) of the Commission's Report as generally reasonable. The case of future Indian recruits as regards this question is dealt with later.

(5) Subject to the safeguarding of the rights of existing members of the services, whether those services have previously been provincial services or have been transferred, His Excellency in Council thinks that full powers should be conferred on Local Governments, with such safeguards only as may be provided by rules or legislation under Section 96-B. (2) of the Government of India Act.

(6) His Excellency in Council considers that provisions designed to safeguard the provincial services can best be made by rules framed by the Local Government in exercise of the powers delegated to it under Section 96-B(2) of the Government of India Act. Rules appear to be safer and simpler than legislation. There are great difficulties about central legislation and grave objections to provincial legislation, and though the Local Legislature will doubtless attempt to influence the Executive as regards the substance of the rules, it will be less directly and completely concerned than would be the case if the matter were determined by local legislation. The only real safeguard for a future recruit will be definite rules laying down the conditions of his service, and a legally enforceable contract on which he could sue in the event of a breach of them.

The Honourable Minister in the Education Department would depend on legislation as far as the main principles are concerned, but on rules for the details. He considers that legislation should not be central but provincial, as each province is in the best position to know its own requirements and finances.

(7) Separate recruitment for the two branches of the Indian Service of Engineers has not yet been introduced in this province, but its introduction should present no difficulty. The annual number of recruits to each branch would be small, and though there might be a certain loss of elasticity the proposals of the Commission that the irrigation branch should remain an All-India Service so far as future recruitment is concerned, while the Roads and Buildings branch should be provincialized, appear to be generally suitable.

(8) In the matter of appointment and control of Indians in the services in reserved fields, it seems desirable to distinguish between recruitment by promotion and recruitment by direct appointment. So far as promoted recruits to services in the reserved fields are concerned, the appointment has hitherto always rested with the Local Government. His Excellency in Council is of opinion that, though the nominal appointment might be made on the Local Government's nomination by the Secretary of State, as has already been done in the case of promotions in the Police Service, the virtual appointment must be continued on the existing basis. So far as directly appointed recruits are concerned, there are two methods :

(a) appointment by nomination, and

(b) appointment by competition, open or limited.

In the case of nomination, which will probably be on a very restricted scale, the Local Government will virtually appoint, subject to formal confirmation by the Secretary of State. In the latter case, the appointment will be given as a result of competition, whether open competition throughout India or the compartmental system of competition by provinces (as now obtains in the Indian Police), or some such system as that advocated in paragraph 13 of your letter under reply. In all these cases His Excellency in Council considers that the appointment should be by the Secretary of State. It is only in the case of the Local Government's nominations, in respect of promoted officers and recruits appointed otherwise than by competition, that the Secretary of State's appointment would in practice be formal.

As regards the system advocated in paragraph 13 His Excellency in Council is doubtful whether the results in certain provinces might not be extremely unfortunate. The reservation of three-quarters of the average annual direct recruitment of Indians into the service to natives of the province concerned would probably admit into the service of this province candidates of very poor quality, whose place on the India list would be absurdly low. This would cause natural resentment to superior candidates from other provinces who failed to obtain appointments, and the examination, as a competitive test, would become a farce.

As regards the All-India Services on the reserved side, His Excellency in Council considers that the choice has got to be made between two principles. Either candidates should go to their own provinces in order of passing, the balance of provincial requirements (if any) being made up at the discretion of the final authority for these services, such weight as is given at present attaching to candidates' preference : or (as now in the Police) the provincial compartmental system should be frankly adopted. The suggestion of the Government of India has all the disadvantages of a compromise which infringes both principles, and the Governor in Council is unable to defend the adoption of 75 per cent. or any other figure as the minimum for provincial recruits. It is the old trouble of seeking to work to arbitrary percentages. Provincial feeling will almost certainly press for provincial recruits, either sooner or later. The Honourable Sir Hugh McPherson would be willing to accept the solution of the Government of India but on a 50 per cent. basis and with the proviso of a high qualifying minimum total of marks.

As regards service in the transferred field (*ex hypothesi* to be provincialized) it appears certain that local opinion will at once demand that recruitment be restricted to persons domiciled in the province. The Honourable Minister in the Department of Education adheres to his opinion expressed before the Royal Commission that Indians operating in reserved fields should not be appointed by the Secretary of State in Council, and he is not in favour of fixing any minimum percentage for the natives of the province.

(9) His Excellency in Council would prefer not to discriminate on racial lines as regards the conditions of service to be prescribed for future Indian recruits in the All-India Services. These gentlemen will be recruited to the reserved services on the same terms as European recruits, except that the latter will get overseas pay and certain advantages in the matter of passages and remittance benefits. Accepting this position, the question is whether, should their services be transferred at some future date, they should be entitled to the same options as are proposed to be given to European recruits [paragraph 74 (v) of the Report], and more particularly the right to go on proportionate pension. The ordinary Indian recruit will not, in fact, want to go on proportionate pension and, on the whole, His Excellency in Council considers that there is not sufficient cause for differentiation. The Honourable Minister in the Department of Education considers that no concession of the kind recommended in the report should be extended to Indian recruits but that, when recruited, they should be given to understand that they may be liable to be placed at any time under the control of the provincial Governments.

GOVERNMENT OF BURMA.

APPOINTMENT DEPARTMENT.

LETTER FROM MR. F. LEWISOHN, C.B.E., CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. 404-A.-24, DATED RANGOON, THE 30TH JULY 1924.

SUBJECT.—*Recommendations of the Royal Commission on the Superior Civil Services, in India, for the appointment and control of the Services.*

I am directed to convey the views of this Government on the nine points enumerated in paragraph 14 of your letter No. 178—9-24-Esta., dated the 20th June 1924.

(1) & (2). This Government accepts the view that the services employed in Reserved fields should be appointed and controlled by the Secretary of State and those employed in Transferred fields (other than Medical Services) should so far as future recruits are concerned be appointed and controlled by Local Governments, the existing members of these services maintaining their present rights and status as officers of All-India Services. I am at the same time to say that the Honourable the Finance Member and the two Ministers would have preferred the solution set out in their answer to the Royal Commission's Questionnaire, namely, that recruitment to the present All-India Services (whether working in the Reserved or in the Transferred fields should cease forthwith, and their duties and functions be transferred gradually to new services organized on a Provincial basis for which a minimum proportion of European recruitment would be laid down by the Secretary of State, who would recruit Europeans on behalf of the Local Government, but would not control them, although their contracts would provide for an appeal to him from any order of the Local Government affecting emoluments or prospects. I am to attach a Note in which the Honourable the Finance Member has explained his position more fully.

There is no doubt that in Burma it will for some years to come be difficult, if not impossible to find enough suitable recruits for all the technical services, such as the Service of Engineers. It will therefore be necessary for the Local Government to seek recruits from elsewhere. In replying to the Commission's Questionnaire in a sense differing from that of their colleagues, as set out above, His Excellency the Governor and the Honourable the Home Member took the view that if the principle that the Services in Reserved fields should be All-India Services and those in Transferred fields Provincial Services were adopted for the whole of India, it was politically impossible to adopt a different principle in dealing with Burma, now that Burma has been given the same measure of dyarchy as the Indian Provinces.

(3) This Government accepts the principle that when a subject is transferred, the Service dealing with that subject should be transferred also, the rights of existing members being safeguarded. The Honourable the Finance Member and the Ministers

express the view that if their solution had been accepted, the only alteration consequent on the transfer of a subject would be the reduction in the percentage of European Officers to be recruited in future.

(4) The suggestions made by the Commission in paragraph 74 (v) of the Report for dealing with British members of the Services in the case of a subject being transferred appear to this Government to be generally reasonable.

(5) This Government agrees that full power should be conferred on Local Governments in regard to all classes of Provincial Services, it being understood that it would still be open to them to recruit to these Services through the Secretary of State and, when officers are so recruited, to provide in their agreement for an appeal to the Secretary of State and any other safeguards which they may wish to provide.

(6) This Government considers that the provisions safeguarding Provincial Services should eventually depend on Provincial legislation but that it may be convenient at the start to depend on rules.

(7) This point does not arise in Burma.

(8) In view of the special conditions of this province, which have often been represented to the Government of India and which have been recognized in the first sentence of paragraph 6 of Government of India, Home Department Resolution No. 2559, dated the 1st December 1920, in which it is laid down that while the open competitive examination in London would be open to all, Indians successful in that examination would not be allotted to Burma nor successful Burmans to India, it is impossible for this Government to acquiesce in the proposals contained in paragraph 13 of your letter, and it is essential that all non-Europeans who may be appointed to All-India Services in Burma in future should be Burmans, i.e., persons born and domiciled in Burma. It follows that vacancies in the Indian Civil Service and in the Indian (Imperial) Police in Burma cannot be filled by means of open competitive examination at Allahabad. This Government therefore proposes that in addition to the open competitive examination at Allahabad there should be a simultaneous open competitive examination at Rangoon for the Indian Civil Service and for the Police. The number of Burmans to be recruited annually should then be obtained either through the open competitive examination held in London or by the open competitive examination held in Rangoon, the number of vacancies to be filled by the latter means being the total number of vacancies for the year minus the number of Burmans who secure a place in the open competitive examination in London in the preceding year. This means that, apart from the London examination, Burmans will compete for appointment in the Indian Civil Service and in the Imperial Police only with Burmans. The results of the open competitive examination at Allahabad have not been very satisfactory from the point of view of Burman candidates; of the two or three who have gone up for the examination only one has been successful. This may be in part due to the great reluctance of the young Burman to go so far afield as Allahabad for the examination. The Local Government believes that if the examination is held in Rangoon the results will be much more satisfactory. It would no doubt be necessary to prescribe a minimum qualifying mark. Should the number of candidates who qualify at this competitive examination in Rangoon be insufficient, the balance should be made up for that year by the promotion of senior officers from the Burma Civil Service and from the Burma Police Service to listed appointments, even though this may involve an increase in the number of listed appointments beyond the maximum which may be prescribed.

(9) If this system is adopted and if it is definitely decided that non-European entrants into the Services in Burma must be persons born and domiciled in Burma this Government considers that the privilege of retirement on proportionate pension should not be offered to them. They should be informed at the time of recruitment that they would be liable to be placed later under the control of the Provincial Government but that their existing rates of pay would be guaranteed.

2. With regard to the remarks on the subject contained in paragraph 12 of your letter, I am to say that this Government considers that so long as Burmans are recruited to the Indian Civil Service and to the Indian (Imperial) Police by means of open competition in London or simultaneous competition in Rangoon, Burmans and Europeans alike should be appointed and controlled by the Secretary of State.

Note by the Honourable the Finance Member on points (i) and (ii), viz., that the Services employed in reserved fields should be appointed and controlled by the Secretary of State and that the Services employed in transferred fields (other than Medical Services) should be recruited by Local Governments.

I think that these two recommendations are fundamentally unsound. Hitherto all the superior public services have been on the same footing, and it is admitted that in practice the fact that the superior services in the transferred fields have been appointed by the Secretary of State has not been detrimental to the carrying out of Ministers' policies. There is no reason why it should be; public services should be outside politics. To introduce the principle that the transfer of a subject to the control of ministers involves a change in the control of the public services by which the administration of the subject is conducted is calculated to establish the view that the services are not outside politics, and to encourage the clamour for the transfer of all reserved subjects. The services are there, not to lay down policies but to carry them out, and so long as the authority which lays down the policies to be followed is appointed by the Secretary of State, the latter is in a position to discharge his responsibilities to Parliament for the good government of the reserved subjects. It is no doubt anomalous to maintain the control of the Secretary of State over the superior services which are the agents employed by the ministers in giving effect to their policies to such an extent that his sanction is required to the creation of any new or the abolition of any existing permanent post in these services or to an increase or reduction in the pay of any post, but it is not necessary, in order to remove this anomaly, that the Secretary of State should abandon the power to declare the extent to which Europeans shall be employed in these services as the Commission proposes to do in Recommendation (ii).

The joint authors of the Report on Indian Constitutional Reforms remarked in paragraph 323 that "the English members of the services will continue to be as necessary as ever to India" and they certainly never contemplated the entire elimination of English members from any of the existing All-India Services. The present proposal is put forward to satisfy an entiring reasonable demand for the relaxation of the excessive control which is at present exercised by the Secretary of State and goes a good deal further than is necessary in Burma where it must be recognised that the retention of European recruitment in all services is for some time to come essential.

If the Secretary of State abandons the power to prescribe a minimum proportion of Europeans recruitment for the superior services ministers will find it impossible, however, convinced they may be of the necessity of continuing to recruit Europeans to a certain proportion of the posts in these services, to resist the pressure of popular opinion that all posts should be filled by Burmans. My opinion in brief is that the Commission's proposals go too far in the case of transferred subjects and do not go far enough in the case of reserved subjects.

W. J. KEITH.

LETTER FROM A. E. NELSON, ESQ., C.I.E., O.B.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, No. 2837-1275-III, DATED THE 25TH JULY 1924.

I am directed to reply to Government of India letter No. F-178|9|24-Ests., dated the 20th June 1924, asking for the views of the Local Government on the main problems connected with the control and organisation of the All-India Services which arise out of the recommendations of the Report of the Royal Commission on the Superior Civil Services in India.

2. Paragraph 14 of Government of India letter.—Points (1) and (2).—The two main recommendations of the Commission are :

- (a) that the services operating in the reserved field as specified in paragraph 13 of the Report should continue to be appointed and controlled by the Secretary of State in Council ;
- (b) that the services operating in the transferred field as specified in paragraph 14 of the Report (with the exception of the civil side of the Indian Medical Service, which will be treated separately), should, so far as future recruits are concerned, be appointed and controlled by Local Governments. Existing members of these services, however, should retain all their present rights and status as officers of All-India Services.

With regard to (a), the Local Government has no hesitation in supporting the proposals of the Commission, and rejecting any suggestions for the transfer of the Secretary of State's control to the Government of India. Such transfer would,

the Local Government agrees, probably be fatal to continued recruitment from England.

With regard to (b), the Local Government's previous recommendation was that the services operating in the transferred field, with the exception of the Indian Educational Service, should, so far as future recruits are concerned, be appointed and controlled by Local Governments, but in the Education Department twelve posts should be filled by Europeans recruited and controlled by the Secretary of State.

In view of the unanimous opinion of the Commission, the Local Government agrees that the constitutional change effected by the Government of India Act should be carried to its logical conclusion by transferring the recruitment and control of all the services working in the transferred departments to the Local Government. The risk of any loss of efficiency on this account must be faced. The acceptance of the views of the Royal Commission on this point involves the withdrawal by the Local Government of its previous recommendation in favour of the reservation of certain posts in the Educational Department.

3. *Point (3).*—From the acceptance of the proposals of the Commission regarding the control of the services working in the transferred field, it logically follows, the Local Government considers, that when the transfer of a subject takes place in future it should be accompanied by the transfer of the service dealing with that subject, the rights of existing members being safeguarded.

4. *Point (4).*—In paragraph 74 (v) of the Report the Royal Commission have recommended that in the case of all future British recruits to the All-India Services a rule should be made and a clause inserted in their contracts giving them certain options, if and when the field of service for which they have been recruited is transferred. These suggestions, which are made in the interests of recruitment, are regarded as reasonable by the Local Government. It is difficult to see what additional incentives to recruitment could be provided under a constitution which is liable to modification at regular intervals.

5. *Points (5) and (6).*—The Local Government agrees that full powers over present and future provincial services should be delegated to Local Governments by means of rules under section 96 (B) (2) of the Government of India Act. To secure the satisfactory treatment of questions connected with recruitment, pay, pension, etc., of the provincial services, the Local Government would prefer to proceed by way of legislation rather than by rules. A statute, which requires time and persuasion for its modification, is likely to give the services a stronger sense of security than a set of rules which can be altered more easily. Whether the legislation should be provincial or central depends on the service conditions in the various provinces. If, as is thought to be the case, these conditions do not vary in essentials, then the Local Government would favour central legislation. The ideal arrangement would, the Local Government considers, be an Act by the central legislature laying down on the broadest lines the conditions of service for the provincial services, supplemented by provincial legislation for the subordinate services, further supplemented in both cases by provincial sets of rules to cover the details of the respective services.

6. *Point (7).*—The proposal of the Commission that the Irrigation Branch of the Indian Service of Engineers should remain as an All-India Service, while the Buildings and Roads Branch, will, so far as future recruitment is concerned, be provincialised, presents no difficulty in this province where the two branches have already been separated.

7. *Point (8).*—With regard to Indians in the services in the reserved field, the Local Government's previous recommendation was that in the Indian Civil Service and Indian Police Service, both the Indian and European element should continue to be appointed and controlled by the Secretary of State in Council. In the other two services operating in reserved fields, *viz.*, the Indian Forest Service and the Indian Service of Engineers (Irrigation Branch), while the European element should continue to be appointed and controlled by the Secretary of State, the Indian element should be organised into a superior branch of the provincial service. In making this recommendation the Local Government was influenced mainly by considerations of economy. The recommendation of the Royal Commission is based on the principle that the services should be controlled by the authority which is ultimately responsible for the administration of the subjects. Having regard to this principle, and the fact that there is a strong desire among Indians for equal treatment, while the extra expenditure involved in equal treatment will not be excessive, the Local Government is now prepared to accept the recommendation of the Commission that both the European and the Indian element in the services operating in the reserved field should be appointed and controlled by the Secretary of State.

The Honourable Mr. Standon, however, while agreeing that the advantages to be derived from acceptance of the Commission's Report as a whole warrant acquiescence in proposals which would not otherwise commend themselves, desires to state his view that, if on consideration of opinions expressed by Local Governments or in the legislature the Secretary of State so amend the proposals of the Commission as to disturb the balance of conflicting views represented by the Report, the question of the recruitment by Local Governments to Indianised posts now in the cadre of All-India Services should be reconsidered on the ground that it is of great importance for the future welfare of the country that the scale of pay should be reduced as soon as possible to that which is sufficient to attract the type of man required and that the least objectionable means of doing this is by provincialisation of Indianised posts. He further desires to say, with reference to Mr. Coupland's note on "the control of the services", that this course will not affect the ability of the Secretary of State to discharge his constitutional responsibility. The business of the reserved departments is already largely conducted by officials provincially recruited and the transfer of some more posts to provincial recruitment will not necessarily prejudice the position of the Secretary of State. It would be a question in each case whether the measure of transfer proposed was such as to affect the maintenance of the desired standard of administration.

8. Assuming that Indians in the services in the reserved field will continue to be appointed and controlled by the Secretary of State, the next question for consideration is the best method of securing that a reasonable proportion of this Indian element shall be recruited from natives of the province concerned. The Local Government considers that there would be practical difficulties in carrying out the suggestion of the Government of India that a certain minimum of natives of each province should be prescribed who must be recruited each year. The principle which appears to the Local Government to be most suitable to the circumstances of this province is that the natives of the province should be taken first, provided they reach the requisite standard; if residents with the necessary qualifications are not forthcoming, then the appointments should be given to outsiders. In the case of services, for which recruitment is by competitive examination, this will involve the fixation of a qualifying standard.

9. Point (9).—The last question for consideration is what conditions should be prescribed for future Indian recruits in the All-India Services if the field of service for which they have been recruited, is transferred. The Local Government considers that the inducements suggested in paragraph 74 (v) of the Report for recruitment of British Officers are not required in the case of Indians and that it is not necessary either to offer them the privilege of proportionate pension or to allow them to retain their All-India status. The Local Government considers that Indian recruits might reasonably be informed at the time of recruitment that they will be liable to be placed later under the control of provincial Governments but that existing rates of pay will be guaranteed to them.

GOVERNMENT OF ASSAM.

THE GOVERNOR IN COUNCIL.

APPOINTMENT AND POLITICAL DEPARTMENT.

APPOINTMENT BRANCH.

LETTER FROM A. W. BOTHAM, Esq., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, APPOINTMENT AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. APPTT.1144—4249-A.P., DATED SHILLONG, THE 4TH AUGUST 1924.

With reference to your letter No. F.178-9-24—Ests., dated the 20th June 1924, on the subject of the main problems connected with the control and organisation of the All-India Services which arise out of the recommendations of the Report of the Royal Commission on the Superior Services in India, I am directed to communicate the views of the Government of Assam.

2. The recommendations of the Royal Commission and the Government of India's proposals which are developed from them are apparently based on the assumption that there is a clear cut distinction between services operating in the reserved field, and those operating in the transferred field; and among the former the Commissioners have included, for instance, the Indian Civil Service. This classification is

perhaps not strictly correct. As Professor Coupland has pointed out in paragraph 5 of his minute on the control of the Services at page 116 of the Report, the Indian Civil Service is at present employed both in the reserved and in the transferred field. Under Devolution Rule 11, when an officer performs duties both in a department dealing with reserved subjects and in a department dealing with transferred subjects, the decision as to the department he shall be deemed to be serving in is vested in the Governor. In cases therefore where a transfer of subject from the reserved to the transferred field takes place, and where the service hitherto dealing with that subject still retains bilateral functions after such transfer, the provisions of Devolution Rule 11 will presumably still apply.

3. Subject to these remarks, I am now to indicate the views of the Government of Assam on the several points enumerated in paragraph 14 of your letter :

- (1) The Government of Assam accept the view that services operating in the reserved field should continue to be appointed and controlled by the Secretary of State in Council.
- (2) The proposition that services operating in the transferred field, with the exception of the civil side of the Indian Medical Service, should, so far as future recruits are concerned, be appointed and controlled by Local Governments, existing members retaining their present rights and status as officers of All-India Services, is similarly accepted.
- (3) That the transfer of a subject from one field to another should be accompanied by the corresponding transfer of the service dealing with that subject, would appear to be the logical outcome of such transfer. The rights of existing members of services affected by such transfer must of course be duly safeguarded and the interests of new entrants must also receive adequate protection.
- (4) As intimated in my telegram No. 4115-A.P., dated the 22nd July 1924, the Honourable Ministers are of opinion that all future British recruits to the All-India Services should, in the event of the field of service for which they were recruited being transferred, be given merely the option of entering into new contracts with the Local Government or of retiring on proportionate pension. They feel that, if such officers were allowed to retain their All-India status, serious complications might arise. The Governor in Council apprehends that British recruitment would be seriously hampered if British officers were deprived of the option of retaining their All-India status in the event of the service for which they were recruited being transferred. On the other hand, it is undeniable that cases might arise in which it would not be in the public interest to retain an officer with an All-India status in a service under the control of a Minister, and it is not unreasonable to allow the Local Governments of the future some freedom of action in the matter. The Governor in Council accordingly suggests that in addition to the alternatives laid down in paragraph 74 (v) of the Commission's report it should be provided that, if an officer wished to remain in service retaining his All-India status and the Local Government did not agree, it should be open to the Local Government to compel him to retire on proportionate pension, granting him, in addition to all leave earned, a lump sum, which might amount to one year's pay, as compensation for the loss of his career. The Honourable Ministers would be willing to accept this compromise in lieu of their former proposal that officers, remaining after the transfer of the service to which they belong, should not in any case be allowed to retain their All-India status.
- (5) and (6). The questions whether full powers should be conferred on Local Governments in regard to all classes of provincial services, and if so, how the necessary safeguards should be provided, are closely connected and it is proposed therefore to consider them together. The whole Government are agreed that Local Governments must be given powers of control over all classes of provincial services, but they are not agreed as to the degree and scope of protection which should be afforded to these services, or as to the means through which this protection should be secured. The Honourable Ministers consider that, in as much as conditions differ in the various provinces, the enactment of the requisite safeguarding legislation should be left to the provincial legislatures. The Governor in Council, on the other hand, anticipates considerable difficulty in inducing provincial legislatures to tie their own hands by providing reasonable and adequate safeguards, and it seems certain that

if the matter was left to them, there would be great variations not only in details but also in material conditions of service between different provinces. The main principles required to guard against nepotism in making appointments and promotions, and to provide security of tenure and an adequate right of appeal against injustice, will be the same in all provinces, and in the opinion of His Excellency in Council, they should be laid down by some authority outside the provincial legislatures. It might be possible for the Secretary of State to frame Fundamental Rules laying down basic principles for general application and to give Local Governments power to frame subsidiary rules for the detailed application of these principles to the services under their control. On the other hand, if the Secretary of State is in future to have no concern with the provincial services, this course might be constitutionally incorrect, and in that case it might be best to pass a short Act through the Central Legislature, laying down the broad principles, and giving Local Governments power to frame detailed rules not inconsistent with the Act. It might also be advisable, at any rate in the case of the more important services, to devise a mutually binding legal covenant on the lines suggested in paragraph 85 of the Commission's report for members of the All-India Services.

- (7) As in Assam the whole of the Public Works Department is at present reserved, there will be no difficulty in applying the proposals of the Commission to it. For the reasons given in paragraph 14 of my letter No. 447-C., dated the 1st July 1924, dealing with the working of the reformed constitution in Assam, the Governor in Council proposes that the Public Works Department should continue to be a reserved department for the present and is unable to recommend the transfer of a portion.
- (8) The Indians employed in the reserved field referred to in this clause are presumably those belonging to All-India Services. If this presumption is correct, the Government of Assam agree that they should continue to be appointed and controlled by the Secretary of State in Council. As to whether arrangements of the kind suggested in paragraph 13 of your letter would be suitable for securing to each province a reasonable proportion of natives of that province, opinions are much divided. No candidate from Assam has hitherto succeeded in passing into the Indian Civil Service or the Indian Police Service by open competition, and those who have qualified for appointment by nomination have usually appeared low down in the lists. If, therefore, Indian recruitment for the All-India Services were confined to natives of the province, as is proposed by one of the Ministers, there would be serious risk of the general standard of efficiency being lowered. The Honourable Mr. Webster would regulate Indian recruitment by unconditioned open competition, but in that case the services in Assam would be staffed entirely by Indians from other provinces, and it is doubtful whether they would be more acceptable than British recruits. Experience moreover shows that Indians from other provinces are not infrequently apt to become discontented with service in Assam. On the whole the Governor in Council would be prepared to try a scheme on the lines indicated in paragraph 13 of your letter, provided that a qualifying standard were laid down and that no candidate who failed to reach that standard would be entitled to an appointment. Actual experience of recruitment under the new conditions, both in England and in India, will however be necessary before any scheme can be finally adopted.
- (9) As to the conditions to be prescribed for future Indian recruits in the All-India Services in the event of these services being transferred, the Honourable Ministers consider that two alternatives only should be admissible, *viz.*, either unqualified acceptance of the new conditions by the Civil Servant concerned or retirement on proportionate pension. In the opinion of the Governor in Council, the decision on this point must depend on the decision arrived at in regard to (8) above. If the admission to All-India Services operating in the provinces is to be based on unrestricted open competition, then all Indians affected by subsequent constitutional changes should be given the same protection as British recruits. If on the other hand Indian recruitment for the province is to be confined wholly or mainly to natives of the province, it would not be unreasonable to stipulate that future Indian recruits should be bound to accept transfer to provincial control provided that their existing rates of pay were guaranteed.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

LETTER FROM THE HON'BLE MR. J. CRERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, TO ALL LOCAL GOVERNMENTS, NO. F-178/10/24-ESTS., DATED SIMLA, THE 21ST JUNE 1924.

With reference to my letter No. 172/24-Ests., dated 18th June 1924, I am directed to address you regarding the proposals for Indianisation of the All-India Services contained in the Report of the Royal Commission on the Superior Civil Services in India. It will be observed that in the Services in the transferred departments it is proposed that it should be left to the local Government, i.e., the Governor acting with his Ministers to decide whether it will recruit any more Europeans. The question of Indianisation, therefore, as hitherto understood, namely the determination by the Secretary of State of certain proportions of Indians to be employed in the All-India Services, will, if the proposals of the Commission are accepted, be confined to the four Services dealing with reserved subjects, namely the Indian Civil Service, the Indian Police Service, the Irrigation Branch of the Indian Service of Engineers and the Indian Forest Service in those provinces in which the subject of 'Forests' has not been transferred.

2. In these four Services the Commission have proposed a very appreciable advance in the proportion of Indians. The present rate of recruitment for the Indian Civil Service is approximately 60 Europeans to 40 Indians; the Commission propose that it should be 60 Indians to 40 Europeans. In the Indian Police Service they suggest that the present rate of recruitment of 33 per cent. Indians should be raised to 50 per cent. In the Irrigation Branch of the Indian Service of Engineers the rate proposed is 40 Europeans to 60 Indians and in the Forest Service 25 Europeans to 75 Indians.

3. As was pointed out in the Montagu-Chelmsford Report, it is not possible to alter the personnel of a Service in a day. A Service is an organism of slow growth and the action taken now does not begin to show any effective results for some 8 or 10 years. Certain schools of Indian political opinion, impressed by the inevitably slow process of substituting Indian for European agency in the Services, have pressed for the maximum acceleration by stopping altogether, professedly for a period only, the recruitment of Europeans. The Commission, it will be observed, have not accepted this remedy. Though they have not discussed the point, it may be assumed that they were influenced by the argument that the cessation of European recruitment or even its temporary reduction appreciably below the proportion which it is designed ultimately to achieve would disorganise a Service and would render it difficult, if not impossible, to resume European recruitment later on a larger scale. If this line of argument is accepted the conclusion would be that the rate of recruitment is within fairly narrow limits the factor which really determines the ultimate composition of a Service, and that attention should therefore be concentrated rather on the present rate of recruitment than on any hypothetical eventual composition of a Service.

4. The statement of the Commission's proposals for the Indian Civil Service is somewhat obscured by a compromise between two points of view. It seems to be suggested that the object aimed at is the attainment of equal numbers of Europeans and Indians in the cadre. On the other hand the fact that the comparatively distant period of 15 years has been fixed for the attainment of that result suggests that the Commission were of opinion that any lower rate of recruitment than that which they propose would be dangerous to the country and to the future of European recruitment. If that is so, the point which has to be determined is not whether a half and half composition of the Service should be achieved in 10, 15 or 20 years, but whether a rate of recruitment of 40 Europeans to 60 Indians which may eventually lead to a 40:60 composition of the Service is approved. It is extremely difficult to conjecture the period within which this rate of recruitment would produce a half and half composition of the Service. A considerable number of retirements on proportionate pension would accelerate the period appreciably, and it must be borne in mind that there is a possibility that the required number of European recruits will not be forthcoming. These factors perhaps render any conjectures regarding the period at which equal numbers will be obtained of little practical value. But if the

attainment of equal numbers within a definite period appeals to any sentiment, I am to ask whether the Government of Madras, etc., think it would be reasonable to guarantee that this result would be achieved in not more than 15 years. The Commission however suggest in paragraph 36 of their Report that steps should be taken, if necessary, to prevent the attainment of this result in a shorter period than 15 years. I am to ask whether there is any necessity, in the opinion of the Government of Madras, etc., to impose such a restriction.

5. The Commission propose that only 80 per cent. of the recruitment should be direct, 40 per cent. going to Europeans and 40 per cent. to Indians, and that the remaining 20 per cent. should be obtained by promotion from the Provincial Service. The feasibility of this proposal appears to depend largely on whether a more suitable system can be devised for bringing officers from the Provincial Service into the Indian Civil Service. The matter requires detailed consideration and will form the subject of a separate letter.

6. The Commission recognised in paragraph 34 of their Report that there are essential differences between the various provinces. They have not however made any suggestions as to the distribution of European recruits among the provinces. It appears probable that the same proportions are not required for all provinces. The present system of distribution of Europeans is haphazard and unsatisfactory. No definite proportion has been laid down for each province. The practice has been so far as possible to assign Indians to their provinces of origin and the Europeans have been placed in the vacancies that remain. It is clearly unsound that the important question of the proportion of Europeans and Indians in the various provinces should be left to be decided by the chance results of a competitive examination. It seems desirable therefore that definite recruitment proportions should be determined for the various provinces—the whole working out at the proportion which may be finally accepted for All-India.

7. I am to suggest that the acceptance of the general proportion proposed by the Commission might possibly lead to the following proportions in the provinces:—

- (a) The standard proportion of 40--60 might be adopted for Bombay, the United Provinces, Bihar and Orissa and the Central Provinces.
- (b) In Madras and Bengal the proportion of Europeans might be one-third instead of two-fifths.
- (c) In the Punjab, Burma and Assam the proportion might be half and half.

The larger proportion of Europeans in the Punjab and Assam might be justified on account of the special circumstances of the administration and in Burma on account of the difficulty of recruiting any large number of Burmans and the prejudice against employing Indians. I am to ask whether the Government of Madras, etc., would consider such a distribution of European recruitment as reasonable.

8. The Commission have recommended that of every 100 recruits for the Indian Police, 60 should be Europeans recruited directly, 20 should be Indians directly recruited and the remaining 20 should be obtained from the Provincial Service. The question of the proportion of Indians to be drawn from the Provincial Service will, as in the case of the Indian Civil Service, be reserved for discussion in a separate letter. The present reference is confined to the general proposition that recruitment for the Police Service should be half European and half Indian. I am to ask whether this is accepted as a reasonable proportion.

9. As in the case of the Indian Civil Service it seems necessary to indicate the probable proportions of Europeans that would be recruited for the different provinces, if the half and half proportion for All-India is accepted.

- (a) The standard proportion of one half might be applied to Bombay, the United Provinces, Burma, Bihar and Orissa and the Central Provinces. Burma has been included among the Provinces to which the standard proportion might be applied, although in the case of the Indian Civil Service special treatment has been suggested and although at the present time the rate of recruitment for the Police in Burma is only 22 per cent. Indians as against 33 per cent. for most provinces. But the Government of India think it possible that there should be less difficulty in obtaining suitable Burmans for employment in the Police Service than for employment in the Indian Civil Service.
- (b) In Madras and Bengal a proportion of two-fifths Europeans might be sufficient

(c) The Punjab and Assam might be above the standard figure and for the proportion of three-fifths Europeans might be suitable. It has not been overlooked that the Punjab cadre includes 24 officers for the North-West Frontier Province where the proportion of Europeans may have to be particularly high.

10. For the Indian Forest Service the Commission recommend the recruitment of only 25 per cent. Europeans as against 75 per cent. Indians. I am to ask whether the Government of Madras,* etc., consider this suitable. It is doubtful whether there is any necessity to suggest any different proportion of Europeans for different provinces. In the case of Bombay and Burma, where Forest administration is transferred, no proportion of Europeans would be laid down, as in accordance with the general proposals of the Commission, future recruitment to the Forest Service in those Provinces would be left at the discretion of the transferred side of the local Government.

11. In the Indian Service of Engineers proposals for Indianisation are required only for the Irrigation Branch. The Commission have proposed that recruitment should be in the proportion of 40 Europeans to 60 Indians. I am to ask whether this proportion is considered suitable by the Government of Madras, etc.

(In Madras, etc., the two branches of the Indian Service of Engineers have not been separated, and the Commission have proposed that where this is the case no change should be made in the existing ratios of recruitment, the whole of the Service remaining on an All-India basis. This would mean that 50 per cent. of the combined Service would continue to be recruited in England and 50 per cent. in India; while of the 50 per cent. recruited in England 10 per cent. would be Indians. The arrangement does not at first sight appear very satisfactory and I am to ask for the views of the Government of Madras, etc., on this question generally and in particular as to the feasibility of separating the Irrigation from the Buildings and Roads Branch in the event of the general principle of the Commission's recommendations regarding the treatment of the two branches being accepted.)

[In Assam the whole of the public works administration remains reserved, The proposal of the Commission therefore may be taken to be that, as in the case of provinces where the two branches of the Indian Service of Engineers have not been separated, the existing ratios of recruitment should continue. I am to ask whether this is considered suitable by the Government of Assam.]

12. To sum up, I am to ask for the views of the Government of Madras, etc., on the following points:—

- (1) Whether the rate of recruitment of a Service should be maintained in a reasonably close relation to the ultimate composition aimed at,
- (2) whether a rate of recruitment for the Indian Civil Service of 40 Europeans to 60 Indians is accepted, with or without conditions about the attainment of a half and half composition in not more than 15 years,
- (3) if so, whether the distribution of European recruitment in the Indian Civil Service suggested for the different provinces is considered reasonable,
- (4) whether a rate of recruitment of 50 Europeans to 50 Indians is accepted for the Indian Police Service,
- (5) if so, whether the distribution of European recruitment in the Indian Police Service suggested for the different provinces is considered reasonable,
- (6) whether a rate of recruitment of 25 Europeans to 75 Indians is accepted for the Indian Forest Service,
- (7) whether the proposed rates of recruitment for the Indian Service of Engineers are accepted.

13. In view of the great importance of arriving at an early decision on these points I am to request that the reply of the Government of Madras, etc., may reach the Government of India not later than the 4th August 1924.

*Excluding Bombay and Burma.

() Madras, Bombay, Bihar and Orissa.

[] To Assam only.

**LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, No. MIS.-569,
DATED THE 7TH AUGUST 1924.**

In my letter No. 472-O.-1, dated the 23rd July 1924, the views of His Excellency the Governor in Council on the main recommendations of the Royal Commission on the superior Public Services were stated. In regard to the proposals for the Indianisation of the All-India services operating in reserved fields, His Excellency the Governor in Council accepted, subject to two reservations, the ratio of recruitment of Europeans and Indians recommended by the Commission. I am now to discuss more fully the reasons for the reservations made and to reply to the further remarks on the subject made in your letter No. 178-10-Ests., dated 21st June 1924.

2 In regard to the relation between the rate of recruitment and the ultimate composition aimed at, it appears to His Excellency the Governor in Council that the Commission took in the case of each service the composition they considered that it would be expedient to attain at the end of a given period and then fixed the ratio of recruitment which in their opinion would produce the composition desired at the end of the period specified in each case. His Excellency the Governor in Council considers that the method followed by the Commission preferable to that which appears to be suggested in the letter under reply, namely, that the ratio of recruitment should approximate to the proportion ultimately desired.

3. In the case of the Indian Civil Service, for example, the Commission considered that it would be fair and prudent to have fifteen years hence a 50—50 cadre of Europeans and Indians and they calculate that a ratio of recruitment of 40 Europeans to 60 Indians (20 of the latter from the Provincial Service) should now be adopted to produce a 50—50 cadre fifteen years hence. There is nothing in the report that avowedly draws a distinction between the various provinces, but His Excellency the Governor in Council sees no reason to take exception to the view suggested in the letter under reply that these figures and proportion are liable to modification in their application to particular provinces provided the totals approximate to the figures recommended by the Commission.

4. In the case of Madras, His Excellency the Governor in Council is prepared to agree that for the Indian Civil Service a proportion of one-third of Europeans in cadre fifteen years hence may be accepted as the standard. It is difficult to estimate what ratio of recruitment would be calculated to produce this result. The rate of retirement in the future may not improbably exceed the average considerably and there may be difficulty in getting recruits of the kind desired. If however it is understood that the Secretary of State shall have power to make such adjustments in the rate of recruitment as may be necessary to prevent the proportion of one-third being reached in a shorter period than fifteen years, His Excellency the Governor in Council would be prepared to accept a rate of recruitment of 25 per cent., i.e., of one European to three Indians.

5. I am here to refer to the first reservation made in my letter of the 23rd July. For the Judicial branch of the Civil Service in this Presidency, His Excellency the Governor in Council would propose as the standard to be reached fifteen years hence, a proportion of one European to three Indians, while the standard for the executive and judicial branches taken together would be one European to two Indians as proposed above. A greater measure of Indianisation is recommended for the Judicial branch, firstly because of the absence of anything like the Hindu-Moslem tension, which probably necessitates the continuance of the European District and Sessions Judge longer in many provinces of Northern India than in the south; secondly, because of the high quality of the work in Madras of the subordinate judiciary and Indian District and Sessions Judges in the past; and lastly, because of the admitted legal aptitude of Indian officers in South India and the comparatively high general level of legal and educational attainments amongst them.

Furthermore, His Excellency the Governor in Council observes that no provision is made in the Commission's recommendations for a continuance of the system of recruitment from the Bar which at present obtains. His Excellency the Governor in Council presumes that it is not intended to discontinue this form of recruitment. The exact method to be followed will be examined in replying to the communication promised in paragraph 5 of the letter under reply.

6. Coming next to the Police Service, it is observed that the Commission contemplate a cadre of 50—50 in 25 years' time and recommend a rate of recruitment of 50 per cent. Europeans and 50 per cent. Indians, 20 per cent. being obtained by promotion from the

Provincial Service. The letter under reply suggests a rate of recruitment of 40 Europeans to 60 Indians for Madras. His Excellency the Governor in Council, while prepared to accept a lower rate of European recruitment than in other provinces for the Indian Civil Service, does not see any sufficient justification for a similar differentiation in the case of the Police and considers that the rate of recruitment proposed by the Commission in the case of the Indian Police Service should be applied to all provinces alike.

7. In the case of the Indian Forest Service His Excellency the Governor in Council has already indicated his dissent from the ratio of recruitment proposed by the Commission— paragraph 4 of my letter of 23rd July. The evidence taken by the Commission has not been published, and accordingly His Excellency the Governor in Council does not wish to refer to it except to say that the views of this Government on this subject of the recruitment to the Indian Forest Service were not placed before the Commission : and therefore it is necessary to state them here in some detail. Whatever may be the case when the Dehra Dun College is ready to train men for the Imperial Service, the experience in this Presidency during the last three years has been that candidates suitable both by educational qualification, physique and temperament for the Forest Department are not yet forthcoming in sufficient numbers to fill 75 per cent. of the vacancies. It may be said without hesitation that if 75 per cent. of the vacancies are to be filled by local selection the standard of efficiency in the Forest Department must inevitably fall off to a very serious extent. Neither the Islington Commission nor the Lee Commission appears to have realized that it is in the case of the Forest Department not merely a matter of paper qualification nor of physique. A Forest Officer's success depends very largely on his being temperamentally suited for the lonely and sometimes strenuous life which he has to lead and it is in this direction that educated Indians have so far not shown themselves in any large numbers suited for, or willing to enter, the Forest Service. The Madras Government have just entered upon large developments in their forest policy, the outcome of which may very likely be that the ordinary routine forest work in this Presidency will be relegated to a Provincial Service while the higher and more technical branches will be in the hands of men specially trained for the purpose. It would in the opinion of His Excellency the Governor in Council be fatal to these developments if at the present juncture a rigid rule were laid down that out of every four new officers entering the department three were to be locally recruited. On this ground and also because, until this Government has seen Dehra Dun College at work, His Excellency the Governor in Council cannot form any opinion as to the material which the College will get and the finished product which it will turn out, His Excellency the Governor in Council would strongly urge that the present proportion of Indian recruitment, which amounts to about one half, should remain unchanged for a further period of at least 5 years.

8. In regard to the Indian Service of Engineers, His Excellency the Governor in Council has in another connection (my letter No. 547, dated the 5th August 1924, in reply to your letter No. F.-178-9-1924-Est., dated 21st June 1924) stated that the Irrigation branch cannot at present, with due regard to efficiency and economy, be separated from the Roads and Buildings branch and that therefore for the present the Indian Service of Engineering must remain an All-India service appointed and controlled by the Secretary of State. In the circumstances His Excellency the Governor in Council accepts the recommendation of the Commission that the existing ratio of recruitment should be maintained, namely, that 50 per cent. of the combined service should continue to be recruited in England and 50 per cent. in India ; and of the 50 per cent. recruited in England 10 per cent. (or 5 per cent. of the whole) should be Indians.

9. The Hon'ble the Ministers adhere to the views expressed by them in the Memorandum forwarded with my letter No. 472-O-1, dated the 23rd July 1924. The Hon'ble Sir Muhammad Habib-ul-lah having been a Member of the Royal Commission does not wish to associate himself with any proposal that conflicts with those made by the Royal Commission.

Extract from a telegram from the Government of Bombay, dated the 6th August 1924.

62. My telegram of the 6th August regarding your five letters on Lee Commission's Report. Government has arrived following decisions, subject so far as minority concerned to reservation already stated with regard to Secretary of State controlling.

Letter No. 178-10-24. Question 1. Yes.

Question 2 accepted without conditions. If, however, ultimate composition of half and half is aimed at suggested rate of interim recruitment will render such composition difficult to maintain after attainment.

Question 3. This Government accept 40—60 rate temporarily till 50—50 composition is attained. Thereafter this Government desire equal treatment with other Presidencies in the matter of European recruitment.

Questions 4 and 5 accepted.

Question 7. Bombay Government desire for the present 66 per cent. of European recruitment in Irrigation Branch. Minority accept Commission's proposals.

* * * * *

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, NO. 9171-A.,
DATED THE 2ND AUGUST 1924.

I am directed to refer to your letter No. F/178/10-24-Ests. dated the 21st June 1924, regarding the proposals for Indianization of the All-India Services contained in the Report of the Royal Commission on the Superior Civil Services in India. I am to say that the Governor in Council has considered the points which have been summarised in paragraph 12 of your letter and his reply to all of the questions is in the affirmative. In the opinion of the Governor in Council, no conditions need be made regarding the attainment of equal numbers within 15 years, as this depends on contingencies which it is impossible to forecast.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES,
NO. 1036, DATED THE 28TH JULY 1924.

I am directed to reply on behalf of the Governor in Council to the Home Department letter No. F.-178/10-24-Ests., dated July 21, 1924. As in the other replies the paragraphs in this letter will correspond with the headings in the summary. This letter is subject to the note of the Hon'ble Home Member which was forwarded as an annexure to this Government's No. 3328, dated July 8, 1924. A copy of the notes* is enclosed for reference.

(1) "Whether the rate of recruitment of a Service should be maintained in a reasonably close relation to the ultimate composition aimed at."

If a particular ratio of European to Indian recruitment is adopted, it will not be practicable to alter that ratio at some future date in favour of the European element. The Commission seem to have overlooked this consideration in their proposals regarding the Indian Civil Service, since, whilst their ostensible aim is the attainment of equal numbers of Europeans and Indians in the cadre, they have recommended a rate of recruitment, which if it yields that equality in 15 years, will produce a 40 European 60 Indian composition within, say, 20 years. The rate of recruitment must clearly be settled on the assumption that the Indian proportion cannot be subsequently reduced, and with regard to the composition which on this assumption will eventually be reached. The Governor in Council understands that this is what is meant by the proposition, that the rate of recruitment of a service should be maintained in a reasonably close relation to the ultimate composition aimed at, and if so, he is in agreement therewith.

(2) "Whether a rate of recruitment for the Indian Civil Service of 40 Europeans to 60 Indians is accepted, with or without conditions about the attainment of a half and half composition is not more than 15 years."

The Governor in Council is prepared to accept a rate of recruitment of 40 Europeans to 60 Indians for the Indian Civil Service. This rate in fact agrees very closely with that recommended by him in his reply to the Commission. In existing conditions it seems probable that on this basis a half and half composition of the service will be attained within 15 years. - But the Governor in Council would certainly give no guarantee that this result will be achieved in that period. A 40—60 ratio marks a very great advance upon the rate adopted only a few years ago, and there could be no reasonable ground for complaint if *per impossibile* the process should take a little longer than 15 years.

*Not printed with this letter.

(3) "If so, whether the distribution of European recruitment in the Indian Civil Service suggested for the different provinces is considered reasonable."

The Governor in Council though prepared to accept a rate of recruitment of 40 Europeans to 60 Indians, must demur strongly to the suggestion that a smaller proportion of Europeans is required in these provinces than in the Punjab, Burma or Assam. In no province, not excepting even the Punjab, are Hindu-Muhammadan relations more strained, and in none, as recent disturbances have demonstrated to conviction, is there greater need in the interests of law and order for a Strong European element. If the European recruits are to be distributed in varying proportions amongst the different provinces, he must press strongly for the assignment to these provinces of a proportion at least as large as that conceded to any other province.

(4) "Whether a rate of recruitment of 50 Europeans to 50 Indians is accepted for the Indian Police Service."

The proposal is accepted as giving a reasonable proportion.

(5) "If so, whether the distribution of European recruitment in the Indian Police Service suggested for the different provinces is considered reasonable."

For reasons which have been stated above, the Governor in Council considers that the proportion of European officers allotted to these provinces should be at least as large as that assigned to any other province.

(6) "Whether a rate of recruitment of 25 Europeans to 75 Indians is accepted for the Indian Forest Service."

The Governor in Council views this proposal with grave misgiving. Indians of the right stamp are especially difficult to secure for the Forest Service. The value of the forests is enormous; the danger of their deterioration in unskilled hands or in consequence of changes made under political pressure is very great. The Governor in Council would prefer not to go beyond a 50 per cent. rate of recruitment for the present. At the same time if the recommendations of the Royal Commission are to be treated as interdependent, then in view of other and more vital considerations the Governor in Council thinks it better to acquiesce in this particular proposal than to dissent from it.

(7) "Whether the proposed rates of recruitment for the Indian Service of Engineers are accepted."

This proposal is accepted.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18836-GAZETTE, DATED THE 4TH OF AUGUST 1924.

I am directed by the Governor in Council to reply to the questions summarized in paragraph 12 of your letter No. 178-10-24-Ests., dated the 21st June 1924. The Punjab Government have already, in replying to paragraph 2 (d) of your letter No. 172-24-Ests., dated the 18th of June 1924, accepted generally the rates of recruitment for the various services proposed by the Royal Commission, subject to the proviso that in the provincial allotment of recruits regard should be had to the special conditions of the Punjab.

2. (1) "Whether the rate of recruitment of a Service should be maintained in a reasonably close relation to the ultimate composition aimed at".

For the reasons given by the Government of India the Punjab Government accept this proposition.

(2) "Whether a rate of recruitment for the Indian Civil Service of 40 Europeans to 60 Indians is accepted, with or without conditions about the attainment of a half and half composition in not more than 15 years."

With regard to the first part of this proposition, I am to invite a reference to paragraphs 7 and 8 of Punjab Government letter No. 26225-Gaz., dated the 25th of October 1922. Since that letter was written, the difficulties arising from the paucity of British officers of the Indian Civil Service in the Punjab have increased rather than diminished. The following statement showing the number of Executive and Judicial appointments in

the Punjab held by Europeans and Indians respectively in June 1924 illustrates clearly the need for caution in increasing the rate of Indian recruitment for the Indian Civil Service :—

(a) Executive Branch.	Appointments.	Europeans.	Indians.
	Commissioners	3	2
	Deputy Commissioners	18	11
	Settlement Officers	2	2
	Sub-Divisional Officers	5	13
(b) Judicial Branch.	District and Sessions Judges ..	8	13

The Governor in Council would accordingly urge most strongly that a rate of recruitment for the Indian Civil Service of 50 Europeans to 50 Indians should, in practice, be maintained for the Punjab. Subject to this reservation he has no objection to the adoption of a 40—60 rate of recruitment for India as a whole.

With regard to the second part of the proposition, the Governor in Council considers that the prescription of any period for the attainment of a half and half composition in the Indian Civil Service is to be avoided. It is likely that circumstances will lead to the antedating of the process rather than its retardation but the true method of changing the composition of the Service is by the acceleration of recruitment.

(3) "If so, whether the distribution of European recruitment in the Indian Civil Service suggested for the different provinces is considered reasonable."

As indicated above the Governor in Council considers the half and half distribution proposed for the Punjab in paragraph 7 (c) of the letter of the Government of India, to be not only reasonable but necessary.

(4) "Whether a rate of recruitment of 50 Europeans to 50 Indians is accepted for the Indian Police Service."

The remarks made in the reply to question (2) above apply with equal force to the Indian Police Service, the position in June 1924 being illustrated by the following statement :—

	Appointments.	Europeans.	Indians.
Deputy Inspectors General	4	..
Superintendents of Police	23	13

The Governor in Council is prepared to accept a rate of recruitment of 50 Europeans to 50 Indians for the Indian Police Service as a whole, but would prefer a lower rate of Indian recruitment for the Punjab.

(5) "If so, whether the distribution of European recruitment in the Indian Police Service for the different provinces is considered reasonable."

The Punjab cadre of the Indian Police Service serves the North-West Frontier Province, Baluchistan and Delhi. The proportion of Europeans required for police appointments in these three administrations has, so far, been high and will possibly remain so. In order that the true rate of Indianisation may be preserved in the Punjab the Governor in Council would suggest that the posts in the North-West Frontier Province, Baluchistan and Delhi should be excluded from the calculation. For the Punjab alone he would accept a proportion of 3-5ths Europeans as suitable, and would deprecate a distribution of European recruits at any lower rate.

(6) "Whether a rate of recruitment of 25 Europeans to 75 Indians is accepted for the Indian Forest Service."

The Governor in Council considers that the rate of Indian recruitment proposed is dangerously high for the Punjab. The Punjab cadre of the Indian Forest Service serves not only the Punjab but the North-West Frontier Province and Baluchistan; and much of the Forest work done immediately under the Punjab Government lies in Indian Will States. The number of posts in the cadre is 39. Of these posts 10 are already held by Indians and I am to urge that for the Punjab the percentage of European recruitment should be higher than that now proposed. The Governor in Council would be prepared to accept a rate of one-third Europeans and two-thirds Indians.

(7) "Whether the proposed rates of recruitment for the Indian Service of Engineers are accepted."

The rate of Indian recruitment proposed for the Indian Service of Engineers (Irrigation Branch) the cadre of which in the Punjab is already largely Indianised appears to the Governor in Council to be unduly high, so far as the Punjab is concerned. The financial prosperity of the province depends largely upon the efficiency of this department and the fact that its officers in the Punjab discharge functions in regard to assessment which are closely akin to those of Revenue officers makes it advisable that a considerable European element should for the present at all events, be retained. The following statements illustrate the position of the Department as it stands at present.

(a) Number of Indians and Europeans actually serving in the cadre of the Indian Service of Engineers. (Irrigation Branch.)

	Chief Engineers.	Superintending Engineers.	Executive Engineers.	Assistant Executive Engineers.	Total.
Indians		3	16	28	47
Europeans	3	11	55	17	86

(b) Posts in the department as a whole actually held by Indians and Europeans respectively (including members of the Punjab Engineering Service; temporary Engineers and subordinates in charge of sub-divisions).

	Chief Engineers.	Superintending Engineers.	Divisional Officers.	Sub-Divisional Officers.	Total.
Indians		4	22	141	167
Europeans	3	14	49	38	104

The Governor in Council recommends that if the rate of recruitment proposed for the Service as a whole is accepted a half and half allotment of recruits may be made to this province.

GOVERNMENT OF BURMA.

APPOINTMENT DEPARTMENT.

LETTER FROM MR. F. LEWISOHN, C.B.E., CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 404-A-24, DATED RANGOON, THE JULY 1924.

SUBJECT:—*Recommendation of the Royal Commission on the Superior Civil Services in India for Indianization of the Services.*

I am directed to convey the views of this Government on the seven points enumerated in paragraph 12 of your letter No. 178—10-24-Ests., dated the 21st June 1924.

(1) This Government agrees that the rate of recruitment to Services must be maintained at a reasonably close relation to the ultimate composition aimed at.

(2) & (3) This Government accepts the recommendation of the Commission that the ratio of recruitment for the Indian Civil Service in Burma should be 40 Europeans and 60 Burmans on the assumption (which would appear to be approximately correct) that this will produce a 50-50 cadre in about 15 years. This Government does not consider it necessary that any definite guarantee should be given that a 50-50 cadre will be achieved in that time, but recruitment should, if necessary, be varied so as to ensure that that result is approximately achieved. Past events point to the conclusion that any decision which may be arrived at now regarding the ratio of recruitment will be varied long before 15 years are past. This Government does not consider it necessary to restrict the proportion in Burma to half and half. Although higher education is not nearly so widespread in Burma as it is in India, the level of general intelligence and natural ability is high. In fact the Local Government would strongly urge that the same proportion should be adopted for Burma as it may eventually be decided to adopt for Bombay and the United Provinces.

(4) & (5) This Government accepts the proposed rate of recruitment of 50 Europeans to 50 Burmans for the Indian (Imperial) Police.

(6) This point does not arise in this Province as the Indian Forest Service will in future become a Provincial Service in Burma.

(7) The proportion of 40 Europeans to 60 Burmans for the Indian Service of Engineers is accepted.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO GOVERNMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. 1869-A.R., DATED RANCHI, THE 2ND AUGUST 1924.

SUBJECT :—*Proposals of the Royal Commission on the Superior Civil Services in India for the increased Indianization of the All-India Services.*

I am directed to reply to your letter No. F-178-10-24-Fsts., dated the 21st June 1924, and to submit the views of the local Government on the proposals for the increased Indianization of the All-India Services contained in the report of the Royal Commission on the Superior Civil Services in India.

2. In paragraph 2 (d) of my letter No. 1689-A.R., dated the 22nd July 1924, the local Government generally accepted these proposals as being an integral part of the compromise, but, as pointed out in Mr. Rainy's letter No. 173-A., dated the 6th January 1923, opinions differ on the merits of finality of any endeavour to fix racial recruitment on a basis of percentages. Any such attempt must be speculative, and can only be accepted as offering, for the present, reasonable rates of recruitment. In the future there must inevitably be changes and adjustments that cannot now be foreseen, and there is little certainty that the assumptions now made will in practice be fulfilled. Any discussion as to what precise rates should be prescribed must be theoretical and seems unreal.

3. Subject to these general remarks, I am to report the following views of the local Government on the specific points raised in paragraph 12 of your letter :—

(1) It is desirable that the rate of recruitment should bear a reasonably close relation to the ultimate composition of the service. An immediate disproportionate reduction in the rate of European recruitment, out of consideration of the fact that the present European element in the composition of a service is comparatively high, would almost certainly at some future date, when the ideal composition had been attained, preclude any increase in the European proportion of recruitment so as to maintain the desired composition, even if in the meantime it had not been altogether killed.

(2) His Excellency in Council is prepared to accept, as part of the general compromise, the proportions suggested for the Indian Civil Service, viz., 40 per cent. European, 40 per cent. Indian directly recruited and 20 per cent. to be obtained by promotion from the Provincial Service. He anticipates no difficulty in obtaining the necessary number of recruits by promotion. At present there is a limit of 16 per cent. to listed posts, and there would seem to be no difficulty in raising this gradually to 20 per cent., without prejudicing the vested interests of existing members of the service, if the plan be followed of restricting direct recruitment to 80 per cent. of the superior posts. It is observed, however, that the Government of India propose to address local Governments separately on the subject of promotion from the Provincial Service, and the point need not therefore be further examined at present.

His Excellency in Council does not consider it desirable to impose any condition or offer any guarantee that within 15 years or any other specified period, the composition of the Indian Civil Service shall include a moiety of Indians. Nor on the other hand does he consider it necessary to take any immediate steps or prescribe any restriction which will prevent the attainment of this result in a shorter period. He would apply the rates of recruitment recommended by the Commission and leave it to future administrators to decide what action may be necessary to modify the results flowing therefrom or to meet the situation that may be created by future and unforeseen developments. The Hon'ble Sir Fakhr-ud-din considers the guarantee should be given, and no restriction imposed.

(3) As regards the inter-provincial distribution of European recruitment, the local Government accept for Bihar and Orissa the standard proportion of 40 Europeans and 60 Indians.

(4) For the Indian Police, the Governor in Council accepts as reasonable the general proposition that recruitment should be half European and half Indian.

(5) His Excellency in Council accepts the proposal that the standard proportion of one-half should be applied to the Indian Police Service of Bihar and Orissa. The Hon'ble Minister in the Department of Education would prefer the rate of 40 Europeans to 60 Indians.

(6) As regards the Indian Forest Service, this province has already obtained its full complement of staff, and it is doubtful whether for some years to come any further recruitment will be necessary. The local Government, however, accept the general rates of recruitment now proposed, *viz.*, 25 per cent. European and 75 per cent. Indian.

(7) As regards recruitment for the Indian Service of Engineers, the local Government accepts the rate of recruitment proposed by the Commission for the Irrigation branch, *viz.*, 40 Europeans to 60 Indians. The Governor in Council does not see any insuperable difficulty in recruiting separately for the Irrigation branch in a 'mixed' province; at present the two branches have been separated in this province, although they still draw upon one common cadre.

In accepting the rate of recruitment proposed by the Commission, His Excellency in Council has not overlooked letter No. E.-73, dated the 8th July 1924, from the Government of India, Department of Industries and Labour. The very elaborate statistics and calculations contained in that letter show, what is comparatively obvious without so much arithmetic, that the new rate of recruitment will take some time to produce a service composition of the same proportion, and the Hon'ble Mr. Sinha would prefer that, in order to attain proportions of 40 European, 40 Indian direct recruited and 20 Indian promoted within a period of 10 or 15 years, the recruitment ratios of 21, 53 and 26 respectively should be at once adopted. This, however, goes beyond the recommendations of the Commission, and to these recommendations His Excellency in Council would adhere.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES,
No. 2803—1276-III, DATED THE 23RD JULY 1924.

I am directed to reply to the Government of India letter No. F.-178-10-24-Esta., dated the 21st June 1924, asking for the views of the local Government on the proposals for Indianisation of the All-India Services contained in the Report of the Royal Commission on the Superior Civil Services in India.

2. The local Government accepts the principle laid down by the Government of India that the rate of recruitment of a service should be maintained in a reasonably close relation to the ultimate composition aimed at.

3. The local Government accepts the rate of recruitment suggested by the Royal Commission for the Indian Civil Service of 40 Europeans to 60 Indians, and agrees that this standard proportion should be adopted for this province subject to a re-examination of the rate when the 50-50 cadre is reached. The local Government does not consider that the circumstances of this province require steps to be taken to ensure that equality in the cadre is not reached in a shorter period than 15 years.

4. The local Government accepts the rate of recruitment of 50 Europeans to 50 Indians for the Indian Police Service, and considers that this standard proportion is suitable to the conditions of this province.

5. In accepting the rate of recruitment of 25 Europeans to 75 Indians for the Indian Forest Service, the local Government assumes that the Government of India are satisfied regarding the practicability of obtaining Indian recruits with the necessary qualifications to the extent desired. In its recommendation regarding the Indian Forest Service to the Royal Commission, the local Government, while agreeing with the principle of complete Indianisation, expressed the opinion that this should proceed only at the rate at which suitable material became available. In view of the importance of the interests involved, the local Government desires to emphasize its objection to any lowering of the standard of efficiency merely for the sake of Indianisation.

6. The proposed rates of recruitment for the Indian Service of Engineers are accepted as suitable for this province. The Royal Commission do not consider how long it will take for these rates to produce a similar ratio in the total cadre, but in a note forwarded with letter No. E-73, dated the 8th July 1924, from the Government of India, Department of Industries and Labour, Public Works Branch, the period is shown to be about 25 years. The local Government regards this as unnecessarily long and considers that the rate of recruitment should be adjusted as proposed in the aforesaid note so as to secure a service with a 40—40—20 constitution in a period of about 15 years.

GOVERNMENT OF ASSAM.

THE GOVERNOR IN COUNCIL.

APPOINTMENT AND POLITICAL DEPARTMENT.

APPOINTMENT BRANCH.

LETTER FROM A. W. BOTHAM, ESQ., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. APPTT. 1166—4250-A. P., DATED SHILLONG, THE 4TH AUGUST 1924.

I am directed to invite a reference to your letter No. 178—10—24-Ests., dated the 21st June 1924, on the subject of the proposals for Indianisation of the All-India Services contained in the Report of the Royal Commission on the Superior Civil Services in India, and to communicate the views of the Government of Assam on the points enumerated in paragraph 12 of your letter:—

- (1) The Government of Assam are prepared to accept the formula that the rate of recruitment for a service should be maintained in a reasonably close relation to the ultimate composition aimed at. There can be no doubt that Indian sentiment attaches importance to the ideal that a half and half composition should be reached within a definite period. The Hon'ble Ministers, for example, propose that in the case of the Indian Civil Service, this composition should be reached within ten years. Unless however there was a general exodus of European officers on proportionate pension, it would be impossible to attain this result in Assam, even if European recruitment were entirely suspended for the next ten years. As the Government of India have pointed out, it is extremely difficult to conjecture the period within which any specified rate of recruitment will produce the composition which it is ultimately desired to reach, and in the circumstances it does not seem possible at present to base recruitment on any other principle than that proposed by the Government of India. It is clear however that the results would be uncertain, and I am to suggest that the proportions now fixed should be regarded as provisional and subject to revision after five years in the light of the experience which will by then have been obtained.
- (2) and (3) Subject to the foregoing remarks, the Governor in Council is prepared to accept the proposed distribution of Indian and European recruitment for the Indian Civil Service. As the Government of India have recognised, the special conditions of Assam make it undesirable to accelerate unduly the process of Indianisation. There are at present only four Indian officers, all under 9 years' service, in a total cadre of 47, and in present circumstances it would not be prudent to recruit Indians in a larger ratio than 50 per cent., even if the attainment of a half and half composition were thereby delayed beyond fifteen years.
- (4) and (5) The Hon'ble Ministers consider that recruitment for the Indian Police Service in Assam should be so regulated that a half and half composition would be attained within 15 years. The Governor in Council is unable to accept this scheme as either practicable or desirable. It is from the Police Service that the largest number of retirements on proportionate pension have occurred in Assam, and in view of the special conditions of the province, surrounded as it is by hill districts inhabited by wild tribes in a primitive stage of civilisation and containing in the plains a large immigrant

population from all parts of India on the tea gardens, any sudden or drastic reduction in the European element in the Police force would be fraught with grave risks. Subject, however, to the remarks on point (1) above, the Governor in Council is prepared to accept the distribution proposed by the Government of India of European recruitment for the Indian Police Service.

- (6) The suggested rate of recruitment of 25 Europeans to 75 Indians for the Indian Forest Service is accepted.
- (7) The Government of Assam agree that with regard to the Indian Service of Engineers, the existing ratios of recruitment should continue.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

LETTER FROM THE HON'BLE MR. J. CRERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, TO ALL LOCAL GOVERNMENTS, No. 178-11/24/ESTS., DATED SIMLA, THE 21ST JUNE 1924.

With reference to my letter No. F-172/24-Ests., dated the 18th June 1924, I am directed to address you regarding the proposals of the Royal Commission on the Superior Civil Services in India about the pay of the All-India Services. These proposals are contained in Chapter VI of the Report. It will be observed that, apart from the Indian Police Service and the Indian Service of Engineers, for which certain recommendations are made which will be dealt with below, the Commission do not propose any increase in basic pay. But they propose for all Services alike an increase connected with overseas pay, which in the case of European officers in the time-scales rises to a maximum of Rs. 200 a month on a 1s. 4d. basis with effect from the 12th year of service. I am to ask in the first place whether this general scale of increase, apart from possible modifications in detail, is accepted by the Government of Madras, etc., as reasonable.

2. The Commission have failed to reach an agreement regarding the treatment of officers above the time-scales. The actual proposals of the Commission in this respect show some traces of confusion. The Commission were unanimous that officers in the selection grades in the various Services should receive the full benefit which has been recommended for officers in the time-scales. With regard to certain administrative posts which carry an incremental pay of Rs. 1,750—100—2,150, the Commission have recommended in the body of their Report that the pay instead of being fixed on an incremental basis should be fixed at Rs. 2,150 and should carry with it no remittance benefit. On the other hand, in Appendix IV where the English members set out their separate views regarding the treatment of officers above the time-scales, they have recommended that the equivalent of Rs. 200 a month on a 1s. 4d. basis should be granted to all officers, with the exception of Judges of the High Court, whose pay does not exceed Rs. 4,000 a month. In making this recommendation they had presumably forgotten the proposal to which they had already committed themselves in paragraph 55 of the Report regarding the officers on a pay of Rs. 1,750—100—2,150. Their actual proposal in that paragraph, while generous to junior officers of this rank (and indeed giving Indian Officers on promotion a rise of no less than Rs. 800 from the top of the time-scale) would have the effect of making the senior men in this grade the only officers who would not receive the full benefit of Rs. 200 a month; while those who are already on a pay of Rs. 2,150, would receive no relief at all. This can hardly have been the real intention of the English members, and their proposal should therefore be considered as one for the grant of uniform relief to all officers above the time-scales as far as the upper limit which they themselves have laid down.

3. The Indian members, on the other hand, definitely stand by the proposal made in paragraph 55 of the Report and decline to go beyond it—that is to say they propose that no administrative officers except those holding what they have described as the lower administrative posts such as Deputy Inspector Generals of Police, Superintending Engineers and Conservators of Forests should get any relief at all. The view of the Indian members

is based on two grounds. In the first place they hold that the financial conditions of these officers do not call for relief. In the second place they are opposed to introducing any differentiation between the pay of Europeans and Indians in administrative posts.

4. With regard to the latter point it has to be considered what are the circumstances which are held to necessitate absolute equality of remuneration in administrative posts, when a differentiation amounting to Rs. 450 a month is accepted as reasonable in posts on the time-scales. It is true that it might be undesirable that superior officers should draw actually less pay than officers working under their orders, and any system of differentiation in the pay of administrative posts must not ignore this consideration. It has also been argued that uniform remuneration to Indians and Europeans should be granted in the administrative posts on the ground that such posts entail obligations which are independent of domicile. This argument however hardly seems to express the real point. Overseas pay is given because an overseas domicile involves special expenditure. It is obvious that such special expenditure does not cease when an officer attains administrative rank. In effect the discontinuance of overseas pay may be held to be only formal. The real fact appears to be that the pay and overseas pay of the administrative posts have been combined, and instead of Europeans being deprived of overseas pay Indians have received it. If that is so, the practical effect of the present arrangement is that Indians on attaining administrative rank are granted overseas pay. An example may make the case clearer. An Indian officer of the Indian Civil Service, not entitled to overseas pay draws at the top of the time-scale Rs. 2,250: his European contemporary draws Rs. 2,500. When the European officer is promoted to be a Commissioner, he receives an additional Rs. 500; when the Indian officer is promoted he receives an additional Rs. 750. If the proposals of the Commission are accepted, which create a difference of Rs. 450 at the top of the time-scale between the Indian and the European, and the pay of Indians and Europeans in administrative posts remains identical, this discrepancy on promotion will be still more marked. In the light of these considerations I am to ask how far the Government of Madras, etc., attach importance to the principle of equal remuneration in the administrative posts on which the Indian members have laid stress.

5. If no special importance is attached to this principle the question whether relief should be extended to officers in administrative posts is one that should apparently be decided on a consideration of the financial necessities of such officers. The Members of the Commission are all agreed as to the necessity of relief in the lower administrative posts in the Uncovenanted Services, though their actual proposal in paragraph 55 of the Report is open to obvious objection. It would be difficult indeed not to grant the same relief to officers holding these posts as is given to officers in the time-scales. If this were not done various anomalies would arise. For instance it is not clear how it could be held that a Deputy Inspector General of Police on Rs. 2,150 requires no relief, while an officer in the higher selection grade in the Educational Service on Rs. 2,000 or a Collector at the top of the time-scale on Rs. 2,500 would each receive an additional Rs. 200.

6. Above the lower selection posts in the Uncovenanted Services come what may be described as the higher selection posts chiefly Heads of Departments which include a great variety of rates of pay. Inspectors General of Police are for the most part on a pay of Rs. 2,500 rising to Rs. 3,000, though in three provinces they are paid on a lower scale. Chief Conservators of Forests receive a pay of Rs. 2,500 rising to Rs. 2,750; Chief Engineers Rs. 2,750 rising to Rs. 3,000; Directors of Public Instruction for the most part Rs. 2,250 rising to Rs. 2,750 or Rs. 2,500 rising to Rs. 3,000 though in three provinces the pay is on a lower scale. At whatever point the relief is discontinued, it would appear that this point must be determined by pay and not by posts, and in making proposals the effect of discontinuance on posts with an incremental basis and on the ladder of promotion should not be ignored.

7. If it is not proposed to discontinue relief below Rs. 3,000 the Rs. 3,000 stage will require special consideration. This is the maximum pay of Inspectors General of Police, Chief Engineers, some Directors of Public Instruction, and various officers in the Central Services. It is also the point at which the selection posts of the Indian Civil Service start. It is the pay of Commissioners and first grade District and Sessions Judges. If it were proposed to discontinue the relief at the Rs. 3,000 stage, the effect on the scales of pay of Inspectors General of Police, Chief Engineers, etc., would have to be considered. The difference between the pay of a Collector and the pay of a Commissioner which at present

stands at Rs. 500, would also be disturbed. If this difference were reduced to Rs. 300 by leaving the Commissioners still on their existing pay, it is a matter for consideration whether the disadvantages anticipated by the Chairman of the Commission in his separate note in Appendix IV would arise.

8. Above Rs. 3,000 excluding a few isolated appointments, come Members of Board of Revenue, Financial Commissioners and Judicial Commissioners and certain Commissioners in Bombay, who all draw Rs. 3,500. Above these are Chief Secretaries in Madras, Bombay and Bengal, and one Member of the Board of Revenue in Madras and Bengal—all of whom draw Rs. 3,750. Above these are Secretaries to the Government of India and High Court Judges drawing Rs. 4,000. If it is decided to continue the full relief up to Rs. 3,000, it is a matter for consideration whether it should be carried higher and if so to what point, and whether in the highest paid appointments to which relief is extended the full relief should be given or some diminished rate. In this connection it may be borne in mind that before the revision of pay of 1919 the pay of these important posts rising to Rs. 4,000 was the same as it is now, while their incumbents were also entitled to exchange compensation allowance which added on a *1s. 4d.* basis approximately Rs. 138 to their pay. If relief is not discontinued at some lower point there might be some advantage in giving to these officers Rs. 100 a month in the shape of overseas pay in addition to the passage concession which is equivalent to Rs. 50 a month and withdrawing exchange compensation allowance finally. The present arrangement under which exchange compensation allowance is drawn by some officers and not by others is admittedly unsatisfactory. It is also a matter for consideration whether it is possible in the event of the proposal of the English Members to carry relief up to the Rs. 4,000 stage being accepted, that High Court Judges drawing Rs. 4,000 should be omitted from the relief. The particular ground on which the English Members recommended the omission of High Court Judges drawing Rs. 4,000 is not strictly accurate. The remuneration of High Court Judges is determined by the Secretary of State in Council under section 104 of the Government of India Act, and is not specifically laid down in the Act.

9. The question whether relief in the matter of pay should be confined to Europeans is one of some difficulty. On the one hand the case for relief is clearly based on the special needs and expenses of officers with European domicile. There is moreover a considerable body of Indian political opinion which holds that the existing pay of Indians in the Services, so far from being inadequate, is excessive. On the other hand Indian officers at present in the Services have urged very strongly their claim to equal treatment with the Europeans. Three main lines of argument have been adopted:—

- (a) It has been argued that hitherto Indians and Europeans have received identical treatment and that Indians entered the Services with the belief that they would continue to receive identical treatment. The argument receives some support from the action taken when overseas pay was first introduced. Although overseas pay was granted in consideration of a non-Asiatic domicile, all Indians already in the Services at the date of the introduction of overseas pay have received it. It is suggested that this forms a precedent for the extension to Indians of any further relief now given to Europeans. But the circumstances are not parallel. In many cases the increases in total pay made in 1919 were so small that, had Indians not been granted overseas pay, they would have had no increase or even a decrease on their previous emoluments, whereas the cost of living of Indians had admittedly risen considerably. There was thus a very special reason, apart from any theoretical considerations of equality, for granting overseas pay to Indians already in the Services in 1919. Further it is not strictly accurate to say that Indians and Europeans have always received identical remuneration. Exchange compensation allowance was confined to officers of European domicile and up to 1919 European officers in more than one of the Services received by means of this allowance a larger number of rupees than their Indian contemporaries.
- (b) It has been argued by many Indian Officers that in fact their expenses are as great as those of Europeans. The difficulty in this matter is that the standard of living of Indians in the Services varies greatly. There are those who live in Indian style; there are those who live in European style; and

finally there are those with overseas commitments either through education of their children in England or through marriage with English wives. It is impossible to expect that any decision will fit all these varying conditions. It is certainly impossible to base pay on a European style of living. This would, for instance, lead to the grant of overseas pay to Anglo-Indians, a position which could not be accepted. The only firm basis in this difficult matter appears to be that of domicile. This was clearly laid down by the Secretary of State in his Despatch No. 187-Public, dated the 25th December 1919 in which he announced the institution of overseas pay. He said, "as the allowance is to be granted expressly as a measure of compensation for disadvantages to which officers serving outside their own country are subject, it appears to me essential that the grant of the allowance should ordinarily be strictly confined to officers of non-Indian domicile."

- (c) Finally, it has been argued that those Indians who have been appointed by examination in London have undergone risks and incurred expenses, which justify their receiving a higher remuneration than Indians who have never left their country. In the case of the Indian Civil Service, the chief service in which Indians secure appointments in London, an advantage has hitherto been enjoyed by Indians appointed in England, because they draw overseas pay which is denied to those appointed in India. It should be considered whether the present overseas pay may be regarded as sufficient recompense for the expenses and risks of an English education.

10. A further consideration is that if the financial relief now recommended for European officers were extended to Indians, a very large differentiation in pay would be introduced between one Indian and another on grounds which it would not be easy to justify. It is not suggested that any Indian should receive an increase in pay except those who are now in receipt of overseas pay. But this privilege is based in many cases on no more reasonable ground than the chance date of appointment. There are many Indians who are in receipt of overseas pay who have never been out of India. It is difficult to see how a fortuitous advantage of this nature could be made the basis of a differentiation amounting to as much as Rs. 450.

11. On the other hand it may be argued that those Indian officers who have overseas commitments may reasonably receive special treatment. It is true that these commitments are voluntary and can therefore be distinguished from those of European officers. But the Commission have suggested in paragraph 54 of their Report that Indian members of the Services who are already entitled to overseas pay should be granted the full relief, if they can satisfy the High Commissioner that they have a wife or children in Europe. I am to ask for the views of the Government of Madras, etc., on this recommendation.

12. Apart from this special recommendation it will be noted that the Commission have made a proposal which is a compromise. They do not suggest that the remittance concession should be granted to Indian officers except those who have overseas commitments. But they propose that the overseas pay of Indians should be increased by the sum of Rs. 50 from about the age of 30. If the form of relief which the Commission propose is finally accepted, it may be necessary to accept this proposal which is an integral part of the scheme as it stands. But I am to enquire whether in the opinion of the Government of Madras, etc., there is any justification in theory for extending financial relief at the present time to Indian officers in the services.

13. The Commission have not proposed any reduction in the existing basic pay of Indians. It is pointed out in the paragraph 43 of the Report that there are many who hold that the basic pay is excessive. It is argued that Indianisation will entail some loss of efficiency and that the country should insist on the *quid pro quo* namely cheapness. It is recognised that the European Services have set a high standard of pay and it is felt that, as those Services cease to be predominantly European, the standard of pay should be brought down to a level which really suits Indian conditions.

14. The Government of India fully recognize the force of these arguments and the increasing importance for the future of the finances of India that an excessive standard of remuneration for Indians in the public services should not be established. At the same time there are considerations which support the conclusions of the Commission. The introduction of overseas pay in 1919 effected a considerable economy in the payment of

Indians. This economy has been disguised by the fact that the existing Indian members of the Services received overseas pay. But its effect will be felt increasingly every year. It must be remembered that any reduction in basic pay now carried out will in the same way make its effect felt only gradually, as it obviously cannot be applied to Indians already in the Services. The present basic pay is somewhere in the neighbourhood of the pre-war pay of the Services. The increase of pay now proposed would be confined practically to Europeans. This means in effect a further economy on the pay of Indians as compared with Europeans. The economy in fact is represented roughly by the whole increase that the rise in prices since the War has entailed. This is by no means a negligible saving. If the proposals of the Commission are accepted, Indian officers of the future in the Superior Services from the 12th year of service onwards will be receiving Rs. 450 a month, or with the passage concession Rs. 500 a month, less than their European contemporaries.

15. There is a further consideration of some importance in this connection. In the case of the Services in the transferred departments the remuneration of future entrants will be at the discretion of the transferred side of the Government. Provinces will therefore be able to experiment with lower pay in these Services, if there should be a political demand for this. It might be argued that it would be an advantage, pending the result of the experience thus gained, if the basic pay of the Services in the reserved field remained unaltered.

16. The Commission have proposed that the main relief in the matter of pay should be provided by means of a remittance privilege. Every European officer in receipt of overseas pay is to be allowed to remit the whole of his overseas pay at the rate of 2 shillings to the rupee. This scheme maintains a nominal equality between the overseas pay of Indians and of Europeans. But it entails certain obvious disadvantages :—

- (a) In order to give the Europeans the relief proposed, it is necessary to increase the overseas pay of Indians by Rs. 50. If it is held that this is not really justified on practical grounds, an expenditure of approximately 2 lakhs a year would be incurred without any real necessity.
- (b) The scheme rests on the conversion of rupees at the rate of 2 shillings. This may be attacked as an extravagant rate, thus diverting attention from the real point to be considered, which is whether the actual relief given to the Services is a reasonable amount. Further it would create what might prove to be an embarrassing precedent by granting a right to convert money at 2 shillings to the rupee.
- (c) The scheme nominally bases the relief required by officers on the necessity of actually remitting money to England. But the young married officer with his wife and family in India does not require to make any remittances to England and may yet be in urgent need of assistance. These officers will require their overseas pay in rupees in India, and having been given the privilege of remitting their rupees to England at a favourable rate will then be forced to bring the money out again to India—re-converting it into rupees. This process is clumsy and open to misconception.

17. If the remittance scheme proposed by the Commission is not accepted, there remain the alternatives of giving the relief by a simple addition to the rupee overseas pay or of making an addition to overseas pay and stating the whole or part of the overseas pay in sterling. If overseas pay were stated in sterling, it would be disbursed in London. If an officer required the money for expenditure in India, he would have to make his own arrangements for remitting it to India. Indians would however have their overseas pay expressed and paid in rupees in India.

18. The following considerations might be advanced in favour of this scheme :—

- (a) It is natural that overseas pay should be stated in overseas currency. This has the advantage of emphasising the special nature of this overseas pay.
- (b) The rupee pay of all officers, both Indian and European, would be the same. This might be held to have certain advantages but this condition would not arise, unless the whole of overseas pay were stated in sterling.
- (c) The payment of the money in England is likely on an average to be at least as convenient to European officers as payment in India. Whether the money is paid in England or in India, there will be a considerable number of officers who wish to expend it in the other country. At the present time large numbers

of officers have to make remittances to England every month. Under the scheme suggested, a number of officers would no doubt have to bring their overseas pay from England to India. Those, on the other hand, who are at present remitting from India to England would be saved the trouble.

- (d) The reduction in the number of rupees drawn in India is likely on the whole to promote economy and saving.
- (e) The effect of stating overseas pay in sterling is to make the rupee value vary with the fluctuations of the rupee. This may prove acceptable to the services, as it gives them a kind of insurance against the consequences of a fall in the value of the rupee, though at the same time they would draw fewer rupees if the value of the rupee rises.

19. Enquiries have been made from the Secretary of State whether overseas pay disbursed in sterling in London would be liable to British income-tax. He has replied that so long as an officer is not chargeable to British income-tax as a person residing in the United Kingdom, no liability to British income-tax would arise in respect of disbursements of overseas pay in London. There appears, therefore, to be no objection to the proposal on this ground.

20. If both the remittance privilege of the Commission and the scheme for stating overseas pay in whole or part in sterling are rejected, the final alternative is to make an addition to the overseas pay in rupees. This alternative has the merit of simplicity, though certain attractive features in the other schemes are missing. If this alternative were adopted officers of over 12 years' service would receive Rs. 450 a month overseas pay instead of the present Rs. 250, and all idea of exchange compensation and of making payments vary with the rate of exchange would be dropped,

21. It will be noted that the proposals of the Commission give an uneven amount of increase in the first 12 years of service. This arises from the fact that the Commission has employed alternately two different principles, that of length of service and that of age. The existing overseas pay is based on the principle of age. Excluding the Police who are treated somewhat differently, all officers on first joining get Rs. 150 overseas pay. This is raised to Rs. 200 at approximately age 30 and to Rs. 250 at approximately age 33. The Commission have proposed that some of their concessions should be given after a particular number of years' service and others should be given when an officer reaches a particular rate of overseas pay, the latter being determined by age.

22. The proposals of the Commission work out as follows, excluding the Police :—

- (a) The benefit for all Services starts at the 5th year of service irrespective of age. The benefit is Rs. 75.
- (b) This is increased to Rs. 175 at the age of 30.
- (c) The benefit decreases to Rs. 125 between age 33 and the 12th year of service.
- (d) It increases to Rs. 200 at the 12th year of service.

23. This combination of two different principles leads to some confusion. If a decision is to be made between the two, it would seem desirable that the relief should be given on the basis of age and not of length of service. This would be consistent with the decision which the Secretary of State made in 1921 that overseas pay should be fixed on the basis of age and not of length of service. This conclusion could be justified on the ground that the relief to be given is required mainly by married men, and men in all Services tend to marry about the same age.

25. If the form of relief recommended by the Commission is accepted, it may be advisable to accept their proposals as they stand in spite of the anomalies. If, however, it is decided to state overseas pay in sterling or to make a rupee addition to overseas pay, it might be considered whether the scale of increase should not be amended so as to produce a more uniform rise which will yield approximately the same result. A possible scale of this nature would be—

					Existing O. P.	Addition with rupee at 1s. 4d.	
Age 27	..	..	..	..	150	+ 75 =	225 Total O. P.
Age 30	..	..	..	..	200	+ 125 =	325 Total O. P.
Age 33	..	..	..	..	250	+ 200 =	450 Total O. P.

25. The Commission have proposed to improve the basic pay of the Police, which, in spite of the recent revision is still on the footing of length of service appreciably lower than the other Uncovenanted Services. I am to ask whether the Government of Madras, etc., accept the new rates of basic pay proposed by the Commission.

26. With regard to overseas pay, if some such scale as is suggested in paragraph 24 were adopted, it would seem necessary to grant rather more favourable terms to the Police than a strict application of the age rule would yield. The Police at present receive Rs. 200 overseas pay at age 28 instead of age 30 and Rs. 250 at age 31 instead of age 33. This concession would naturally be reproduced. In that case the scale of overseas pay for the Police would be—

	Rs.
1st to 3rd year, age 20—22	100
4th and 5th year, age 23 and 24	150
6th to 8th year, age 25—27	225
9th to 11th year, age 28—30	325
12th year onwards, age 31	450

27. The Commission have proposed that the basic pay of the Indian Service of Engineers should be raised by Rs. 75 a month so as to absorb the present technical pay. It is probable that this increase of basic pay in the Indian Service of Engineers is not called for on the merits of the case. It is recommended only because the introduction of technical pay has created an invidious distinction which appears to cause serious dissatisfaction, and it is not clear in what way this undesirable anomaly can be removed except by absorbing technical pay in basic pay. I am to enquire whether the Government of Madras, etc., accept the proposal of the Commission.

28. The Commission have also recommended that for the future the judicial pay of Rs. 150 in the Indian Civil Service should be abolished. If this recommendation is accepted, it will be necessary to consider carefully which officers should be entitled in future to draw this pay. The Commission recommend that no officer appointed to the judicial branch after the date of their Report should receive judicial pay. The principle is unexceptionable. But the difficulty arises in deciding what may be regarded as appointment to the judicial branch. Most officers officiate as judge for several years before they are confirmed. It would seem to be inequitable that officers who have already definitely elected for the judicial branch but who have not yet been appointed permanently should not be entitled to judicial pay. Some rule therefore may have to be devised which will ensure in practice that no officer who has already substantially elected for the judicial branch, should be deprived of judicial pay. I am to enquire whether the Government of Madras, etc., can suggest any rule which would yield equitable results.

29. In paragraph 56 of their Report the Commission point out that the Women's Branch of the Indian Educational Service is paid on a lower scale than the other All-India Services. The Commission think that this Service has a claim to some improvement in its emoluments but not necessarily to the same extent as the concessions recommended for the All-India Services generally. In considering the case of the Women's Branch of the Indian Educational Service it must be remembered that they already receive four second class return passages during their service and consequently the new passage concessions would be of comparatively little advantage to them. Their present overseas pay is Rs. 50 a month throughout their service. I am for purposes of discussion to suggest the following tentative scale—

Years of service.	Existing. O. P.	Addition.	Total O. P.
1 to 5	50	0	= 50
6 to 8	50	50	= 100
9 to 11	50	100	= 150
12 onwards	50	150	= 200

30. To sum up I am directed to ask the opinion of the Government of Madras, etc. on the following points :—

- (1) whether the general scale of increase proposed is accepted ;
- (2) whether relief should be given to officers above the time-scales ; if so, up to what point this relief should be carried, what should be the amount, and whether it should be accompanied by a withdrawal of exchange compensation allowances from those officers at present entitled to it ;
- (3) whether on general grounds there is any case for giving relief to Indian officers already in the services ; if so, to what classes and to what extent ;
- (4) whether the basic pay of future Indian recruits in the All-India Services should be reduced ;
- (5) whether the relief should be given (a) in the form recommended by the Commission, i.e. a small addition to overseas pay combined with the privilege of remitting the whole overseas pay at 2/- to the rupee, or (b) by making an addition to overseas pay and stating the whole or part of overseas pay in sterling to be disbursed in London ; or (3) by making an addition to overseas pay in rupees to be paid in India ;
- (6) in the event of the adoption of 5 (b) or 5 (c), whether the scale suggested in paragraphs 24 and 26 of this letter for the earlier years of service would be suitable ;
- (7) whether the basic pay of the Police should be raised as proposed by the Commission ;
- (8) whether the basic pay of the Indian Service of Engineers should be raised by Rs. 75, so as to absorb the present technical pay ;
- (9) whether judicial pay should be abolished for future entrants ; if so, what would be an equitable rule for determining which officers should continue to draw judicial pay ;
- (10) what would be a suitable scale of relief for the Women's Branch of the Indian Educational Service.

31. The Government of India desire it to be understood that their purpose in setting out some of the arguments for and against particular proposals made by the Commission or possible alternatives is merely to help in elucidating the questions for decision. Nothing in this letter should be taken as an expression of the views provisional or otherwise, held by the Government of India.

32. In view of the great importance of arriving at an early decision on the points discussed. I am to request that the reply of the Government of Madras, etc., may reach the Government of India not later than the 4th August 1924.

Copy of a letter No. F.-178/11-24-Ests., dated the 4th July 1924, from the Officer on Special duty with the Government of India in the Home Department, to all local Governments.

I am directed to invite a reference to paragraphs 13, 14, 15 and 30(4) of my letter No. 178/11-24-Ests., dated the 21st June 1924 regarding the basic pay of future Indian recruits to the all-India Services. Some of the arguments for and against a reduction were there stated and the opinion of the Government of Madras, etc., was asked as to whether the basic pay should be reduced. In this connection I am to point out that a suggestion which has been commonly put forward is that the basic pay should be two-thirds of the pay which may be sanctioned for European officers who would receive another third for overseas pay. I am to request that if the opinion of the Government of Madras, etc., is in favour of a reduction of the basic pay for future entrants, it may be stated whether this scale of two-thirds should be adopted with or without modifications for any or all of the four services* ; or, if any other scale is recommended, sufficient details may be given to make it clear exactly what scales of basic pay are considered appropriate for each of these Services. It should also be considered generally whether a reduction in the rates of basic pay in the all-India services would involve a reduction in the pay of the Provincial services, and whether this would be an advantage.

* Indian Civil Service. Indian Forest Service.
Indian Police Service. Indian Service of Engineers.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

LETTER FROM N. E. MARJORIBANKS, ESQ., C.S.I., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, PUBLIC DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 559, DATED FORT ST. GEORGE, THE 5TH AUGUST 1924.

In continuation of paragraph 5 of my letter No. 472/O.-1, dated 23rd July 1924, I am directed to communicate the views of His Excellency the Governor in Council on the points raised in your letter No. 178/11-24-Ests., dated 21st June 1924, on the subject of the pay of the All-India Services.

2. As intimated in my letter, dated 23rd July 1924, His Excellency the Governor in Council accepts the general scale of increase proposed. Reasons were also given there in support of his concurrence with the views of the English members of the Commission regarding the need for relief to officers above the time-scale. It is true as pointed out in your letter under reply that these proposals read with the recommendations in paragraph 55 of the report confer a double and very considerable benefit on junior officers in lower administrative posts on the scale of Rs. 1,750—100—2,150. It is difficult to see why a recommendation so unequal in its operation as that in paragraph 55 of the report should have been made especially as the pay of officers of this rank has been raised appreciably in recent years. His Excellency the Governor in Council would have preferred to have given these officers only the remittance concession recommended by the English Commissioners, but having regard to the remarks of the Commission in paragraph 108 of its report, he is prepared to accept the recommendation in paragraph 55 as well.

In regard to officers in the higher administrative posts, particularly in the Indian Civil Service, I am to point out in support of the view taken in paragraph 5 of my letter of the 23rd July that not only has their substantive pay not been increased, but, owing to the abolition of exchange compensation allowance during a brief period of high exchange, their salary is now actually less than that of their predecessors a few years ago.

In all cases where exchange compensation is still admissible, it should in the opinion of His Excellency the Governor in Council be withdrawn on the grant of the remittance concession recommended.

3. His Excellency the Governor in Council has carefully weighed the considerations set out in paragraphs 9 to 12 of the letter under reply and he is of opinion that the proposals of the Commission should be accepted, namely, that Indian members of the services who are already entitled to overseas pay should be granted the full relief if they can satisfy the High Commissioner that they have wives or children in Europe and that the overseas pay of Indians should be increased by the sum of Rs. 50 from about the age of 30.

4. On the further question mentioned in paragraphs 14 and 15 of your letter, His Excellency the Governor in Council does not consider that any change in the basic pay of future Indian recruits in the All-India Services is now either justifiable or expedient and agrees in the argument advanced in paragraph 5 of your letter.

5. As regards the form in which the remittance benefit should be given (paragraphs 13 to 20 of the letter under reply), His Excellency the Governor in Council does not perceive much difference between the form recommended by the Commission and the proposal to make an addition to overseas pay and state the whole or part of the overseas pay in sterling, but considers the form proposed by the Commission preferable, firstly, because the benefit is proposed in cases where no overseas pay is payable as such, and secondly, because the Commission's form will make it easier to differentiate between those who are entitled to it and those who are not; for example, an Indian officer who may at one time be able to satisfy the High Commissioner that he has commitments in England may not always be able to do so. As regards the third alternative of simply making an addition to overseas pay in rupees, the main objection appears to His Excellency the Governor in Council to be that the benefit rises as the exchange value of the rupee rises and decreases as exchange falls, which is contrary to the intention of the benefit.

6. His Excellency the Governor in Council agrees that the Commission has established a case for improvement of the basic pay of the Police and accepts their proposals in this respect.

7. On the other hand the arguments adduced in favour of raising the basic pay of the Indian Service of Engineers so as to absorb the present technical pay do not appear to be adequate, but as His Excellency the Governor in Council is anxious not to dissent from the recommendations of the Commission, save where he feels compelled to do so, he is prepared to accept their recommendations in this matter also.

8. For the same reason His Excellency the Governor in Council is prepared to accept the Commission's proposal that judicial pay should be abolished, but is constrained to point out that there are special objections to the proposal in this Presidency. As there are no Commissioners of divisions, Collectors are paid on a somewhat higher time-scale than elsewhere so that even with judicial pay, the judicial branch of the Indian Civil Service in Madras is at a disadvantage and comparatively few of the junior officers have selected this branch. If judicial pay is abolished, the judicial branch will be still more unpopular. It is possible however that the proposals made in reply to your letter No. F.-178/10-24, dated 21st June 1924, for an increased rate of Indianization in this branch will meet this difficulty.

Regarding the application of this recommendation to abolish judicial pay, His Excellency the Governor in Council agrees in the suggestion made in paragraph 28 of your letter that no officer who has already substantially elected for the judicial branch should be deprived of judicial pay. In this Presidency, the practice is to call on all officers of 8 years' service to state their preference whether for the judicial or executive branch. At present there are only five officers of the Indian Civil Service who have declared their preference for the judicial branch and who have not yet actually officiated as District and Sessions Judges. His Excellency the Governor in Council considers they may be admitted to judicial pay as also one officer whom it has been decided to appoint as District and sessions Judge but who has not yet returned from leave to take up such an appointment.

9. In regard to the Women's Branch of the Indian Educational Service His Excellency the Governor in Council considers the proposals in paragraph 29 of the letter under reply fair and reasonable.

10. The Hon'ble the Ministers adhere to the opinions expressed in their memorandum forwarded with my letter No. 472/O.-1, dated 23rd July 1924. Paragraph 8 of that letter regarding the views of the Hon'ble Sir Muhammad Habib-ul-lah also applies to this letter.

Extract from a telegram from the Government of Bombay, dated the 5th August 1924.

* * * * *

Decisions have been arrived at in regard to pay and passages, subject always to reservation minority already communicated, viz.; that minority would make no concession to services unless control of All-India Services is transferred from the Secretary of State to some authority in India.

Your letter No. F.-178/11/24.

Question 1.—Government accept scale, though doubtful whether adequate.

Question 2.—Government agree with English Commissioners and consider that all officers above the time-scale drawing Rs. 4,000 or less should get Rs. 400 remittance benefit. High Court Judges should surrender exchange compensation allowance. Reference proposal in paragraph 55 of Report for pay of certain administrative posts this Government considers that present incremental scale should be retained and remittance concession allowed rather than that pay be raised to Rs. 2,150 without concession. Minority however fix pay at Rs. 2,150 without concession.

Question 3.—Though otherwise scarcely defensible, proposal accepted as a political compromise.

Question 4.—Yes.

Question 5.—Government indifferent which method is adopted, but extent of concession should be limited to commission's proposals, should overseas pay increase when basic pay is lowered.

Question 6.—Scale suitable.

Question 7.—Accepted.

Question 8.—Accepted, but this Government considers that in regard to future Indian entrants basic pay should be lowered.

Question 9.—Yes; but all Assistant Collectors shown on the Civil List of April 1924 as having done duty in judicial branch, and being on promotion list for district judgeships, should retain their present rights to it.

Question 10.—Scale proposed in your paragraph 29 suitable.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, No. 3309, DATED THE 25TH AUGUST 1924.

I am directed to reply as follows to your letter No. F.-178/11/24, dated 4th July 1924, in which you raise the question whether the basic pay of future Indian recruits to the All-India Services should be reduced and if so to what extent. You have referred to a specific suggestion— which has commonly been made, namely that the basic pay of these Services should be fixed at 2-3rds of the pay which may be sanctioned for European officers, who would receive another third for overseas pay.

2. The question of basic pay has received very careful consideration and as already stated in my telegram of 5th August 1924 the Governor in Council is of opinion that it should be reduced for future Indian recruits to the three services affected in this Presidency— viz., the I. C. S., the Indian Police and the Irrigation Branch of the Indian Service of Engineers. I am further to state that as regards the extent of reduction the Governor in Council considers that the specific proposal to fix basic pay at two-thirds of the pay which may be sanctioned for European officers may be accepted as a fair guiding principle upon which to proceed, but is not prepared to accept it as a hard and fast rule to be applied to each of the Service; from top to bottom without consideration of its suitability in the case of particular appointments. It is probable that in certain cases, as for instance those of appointments above the time-scale, the rigour of the rule will require to be considerably modified.

3. I am therefore to state that while the two-thirds suggestion may in the opinion of the Governor in Council be accepted as a general guide he is not prepared to accept it without modification or to make definite proposals as regards the scales of basic pay in the All-India Services without further consideration.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, No. 9425-A., DATED THE 11TH AUGUST 1924.

I am directed to refer to your letters Nos. 178/11/24-Ests., and F.-178/11/24-Ests., dated the 21st June 1924, and 4th July 1924, regarding the proposals of the Royal Commission on the Superior Civil Services in India about the pay of the All-India Services. In paragraph 30 of your letter, the opinion of this Government has been asked on 10 points, and I am to reply as follows :—

- (1) The Governor in Council accepts the proposal for the increase in overseas pay for officers in the time-scale to the extent suggested by the Commission.
- (2) The Governor in Council does not attach any more importance to the principle of equal remuneration in administrative posts than to that in the ordinary posts on the time-scale. Overseas pay is intended primarily to meet the special circumstances of overseas expenditure, and as has been pointed out, equal remuneration in administrative posts practically means that the Indian officer draws overseas pay. The Governor in Council has already replied in letter No. 8258-A., dated the 9th July 1924 that this Government concur in the views expressed by the English members of the Commission in Appendix 4, in favour of allowing relief to officers above the time-scale. In his opinion, relief should be granted to officers drawing Rs. 4,000 or less, and he sees no reason why it should be granted at a reduced rate to officers in the higher posts whose overseas demands are not likely to be less than those

officers on lower pay. If the remittance privilege is given on a scale equivalent to a benefit of Rs. 200 a month with the rupee at one shilling and four pence, it is only reasonable that exchange compensation allowance should be finally abolished.

- (3) and (4) These points are still under the consideration of this Government, and a reply will be submitted shortly.
- (5) Provided that the overseas pay is calculated at two shillings and that there is no liability to British income-tax, the Governor in Council considers that alternative (b) would be the most satisfactory form of relief. He would express overseas pay in the form of a sterling figure payable in London for European officers.
- (6) The rates suggested in paragraphs 24 and 26 of your letter are suitable, but the proposals will require modification if one-third overseas pay is adopted. An alteration having the same final financial effect would be acceptable.
- (7) If the two-third proportion is ultimately adopted as the basic pay for Indians, the initial pay of an Indian police officer would be only Rs. 300. The dearth of suitable recruits for the Indian police service, whilst the best type of recruits come forward in large numbers for the Bengal Civil Service (Executive) with inferior financial prospect is probably due to dislike of the hardships of the service and to the vilification to which it is subjected in the press. A small alteration in the initial pay in either direction is in the opinion of the Governor in Council unlikely to make the slightest difference.
- (8) The Governor in Council agrees that the basic pay of the Indian Service of Engineers should be raised by Rs. 75 so as to absorb the present technical pay.
- (9) The Governor in Council accepts the principle that judicial pay should be abolished for future entrants. There appear to be difficulties regarding the method in which effect should be given to the proposal owing to the different systems in force in different provinces. In Bengal there is no officer who had less than 7 years' service at the date of the Report of the Royal Commission, who had up to that time officiated either as Registrar of the High Court or as a District and Sessions Judge, and there was only one officer with less than 8 years' service who had done so. This officer has been officiating since April 1923, except for a period of leave due to illness. He will almost certainly continue to officiate, as there are at present an excessive number of Provincial Service officers officiating, who should revert before him, and he will be likely to be appointed permanently to the judicial side in due course. It would operate hardly if he were now deprived of the judicial allowance. The Governor in Council would therefore suggest that, as far as Bengal is concerned, officers of more than 7 years' service at the time of the signature of the Report should be paid judicial allowance in conditions under which they should have been entitled to it at the date of the Report.
- (10) The Governor in Council considers that the rate of overseas pay proposed in paragraph 29 of your letter for the Women's Branch of the Indian Educational Service is suitable. He understands that it is intended to bring these officers into line with the members of other services by extending the new passage concession to them.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES,
No. 1037-Z., DATED THE 28TH JULY 1924.

I am directed to reply, on behalf of the Governor in Council, to the Home Department letter No. 178/11/24-Ests., dated June 21, 1924. As in previous replies the paragraphs below will correspond with the headings given in the summary in para. 30 of that letter. The reply is subject to the note of the Hon. Home Member forwarded as an

annexure to this Government's letter No. 3328, dated July 8, 1924. A copy of the note* is attached for reference.

(1) "Whether the general scale of increase proposed is accepted."

This general scale of increase, apart from possible modifications in detail, is accepted. In replying to letter No. F-172/24/Ests., dated June 18, 1924, which deals with the main outlines of the Commission's report, the Governor in Council indicated his agreement with the Secretary of State in attaching great importance to the point emphasised in para. 108 of the report regarding the inter-dependence of the recommendations. He urged that the main proposals were vitally inter-dependent and that violence would be done to the whole structure of the recommendations if substantial alterations were made. From this point of view H. E. in Council is prepared to accept the general scale of increases proposed as reasonable. The Commission have summarised in paragraphs 43—51 of their report the reasons which convinced them that an improvement in emoluments is absolutely necessary. They admit the existence of strong evidence to show that a considerable proportion of married officers now serving are either falling into debt or only avoid doing so by economies which may be detrimental to their contentment and efficiency. They obtained independent confirmation of this view from banks and financial houses and were satisfied that this state of things is in no sense due to extravagance and is one which calls for early alleviation. They note that the scales in force for the All-India Services up to 1919 were considered by the Islington Commission to be inadequate in 1914, and they concede that the present rates of pay are far below "the level which proved attractive 20 years ago". After comparison with the remuneration paid by commercial houses, the Commission felt and said that the disparity was so conspicuous that something should be done without delay to restore contentment. With the urgent need of economy in Indian administration prominently before them, the improvements proposed are described as absolutely necessary. It is obvious therefore that additions to the overseas pay drawn under the time-scales varying from nothing to Rs. 200 per mensem are the lowest increases which could possibly be suggested to meet an admitted rise of 60 per cent in prices in India and of 50 per cent in the cost of education in England (para. 47). In all the circumstances of the time the Governor in Council, whatever his own opinion may be, does not propose to argue that the suggested increases are inadequate. He feels that they will contribute little towards stimulating European recruitment, but he recognises the difficulty of the problem and he admits that the Commission's conclusions represent a fair compromise between conflicting interests. He hopes that the compromise will be similarly respected by critics who are disposed to complain of the high cost of the European personnel. He desires, however, again to emphasise the inter-dependence of the Commission's recommendations. The proposals regarding overseas pay are linked with those relating to passages, medical attendance and house-rent as well as with improved pensions in the uncovenanted services and the Governor in Council accepts the former only on the assumption that the recommendations of the Commission are adopted in their entirety :

In this connection I am to observe that in one respect the Indian Educational Service and the Indian Agricultural Service may require special treatment. If the future recruitment for these services is so conducted as to reduce the numerical strength of the existing cadres, the number of selection posts will be automatically reduced. This will affect the prospects of existing members in regard to both pay and pension. In this province, the six junior selection grade posts and the two senior selection grade posts in the I. E. S. and the two selection posts in the Indian Agricultural Service should be retained for so long as there are officers, at present serving, qualified by merit to hold them. Otherwise the Commission's recommendations for improving emoluments would be largely nullified. If there is any disposition to reject this proposal, the matter might well be raised in a separate reference, when this Government's views could be stated in greater detail and supported by tables which would be inappropriate in the reply to the present reference.

In the P. W. D., B. and R. branch the abolition of certain posts of Superintending Engineer and Executive Engineer, actually now proposed in the United Provinces, stands on a different footing and may be treated as a separate question, involving as it does the problem of existing and accruing rights. Sanction will have to be obtained to the proposed abolition, and the matter can well be taken up when sanction is applied for.

* Not printed with this letter.

(2) "Whether relief should be given to officers above the time scales ; if so, up to what point this relief should be carried, what should be the amount, and whether it should be accompanied by a withdrawal of exchange compensation allowance from those officers at present entitled to it".

In reply to the Home Department letter no. F. 172-24-Ests., dated June 18, 1924, the Governor in Council stated that he strongly supported the views expressed by the English Commissioners in Appendix IV. In making this statement he had not overlooked the recommendation in para. 55 regarding the officers on a pay of Rs. 1,750—100—2,150, but he considered the proposal of the English Commissioners to be one for the grant of uniform relief to all officers above the time scale as far as the upper limit laid down by them ; and it was as such that he supported it.

The arguments of the Indian members on this subject seem to the Governor in Council either inaccurate or merely academic. It is certainly not the case that the financial conditions of the officers concerned do not call for relief. The pay of Europeans and Indians in the administrative posts is already differentiated in favour of the latter by the fact that they serve in their own country. The differentiation is expressed on a cash basis in the time scales. If it is right there, it is equally right above the time scales and for the same reason. The Government of India expressly disavow (para. 31) any intention of expressing their own views in the arguments adduced in para. 4 of their letter. None the less those arguments seem to this Government conclusive. The Governor in Council attaches no greater importance to the principle of equal remuneration, on which the Indian members have laid stress, in the case of administrative posts than in that of other posts. He is impressed by the known difficulties of officers above the time scale. Not only are incumbents of these posts in manifest difficulty at the present time ; but they have for years served on pay which at every stage has been shown conclusively by the Commission itself to be well below the old standard of contentment ; in the I.C.S. and the Police promotion has in these provinces been blocked for a generation whereas time scales were only introduced after the war ; whilst it is a significant fact that officers now holding posts outside the time-scale receive emoluments which, thanks to the disappearance of exchange compensation allowance, were actually reduced by the revision of 1919. A further, if relative, reduction is out of the question. It is well to remember that officers will submit to hardship in the early and intermediate periods of their service if they can look forward to reasonable comfort later on. The existence of higher posts stimulates many officers who will themselves never reach them. Under the conditions imposed by the Indian Commissioners in Appendix IV, it will make little material difference to an I. C. S. officer whether he is a commissioner or a collector, and to the I. P. S. officer whether he is a superintendent or a deputy inspector general. The remarks of the Chairman in his note to Appendix IV are based on sound common sense. The Governor in Council has no hesitation in recommending that the remittance benefits be conceded to all officers above the time scale whose salaries do not exceed Rs. 4,000 per mensem. He is satisfied from personal observation that all these officers are involved in the general financial stress. Their pay has suffered a progressive reduction in purchasing power during the last ten years. The relief proposed is modest in the extreme, and it would be a grave mistake to attenuate it by applying a diminished rate. H. E. in Council would include even High Court Judges in this moderate concession.

The Governor in Council would not withdraw exchange compensation allowance from any officer who at present receives it. Too many past revisions purporting to improve pay and prospects have given with one hand and taken away with the other. A conspicuous instance of this was the withdrawal of exchange compensation allowances on the introduction of the time-scales in 1919. The impression produced on men affected by measures of this kind is always disproportionately bad. The improvements in emoluments proposed by the Lee Commission are not such as to justify any action of the kind suggested, and the Governor in Council strongly deprecates it. Apart from general considerations it can be shown that the abolition of E. C. A. would result in actual loss to certain officers, even if all the unanimous recommendations of the Commission are accepted. If there is any disposition to abolish this allowance, the Governor in Council would ask for a further opportunity of developing his views in detail.

(3) "Whether on general grounds there is any case for giving relief to Indian officers already in the services ; if so, to what classes and to what extent ?"

The Governor in Council can find no valid grounds for extending financial relief to Indians. In his opinion there was no real justification for the grant in 1919 to Indians already in the services of overseas pay. It is too little recognised that overseas pay is, as its designation indicates with sufficient precision, intended to compensate for exile, for strenuous work in a bad climate, for the disruption of family life and for the loss of all that makes life in Europe attractive. The compensation is assessed at a figure which in all the circumstances can only be classed as extremely moderate. On the merit the Governor in Council would indeed be prepared to go further. He believes (and he pressed this view upon the Commission) that if all but business considerations were excluded, there is an overwhelming case for the reduction of the basic pay for Indians. For reasons noted below he now accepts on this point the recommendation of the Commission. If Indian opinion on the subject is not strong enough to make itself felt effectively, the country must continue to pay the sanctioned rates of basic pay, which are well above those for which the material available could be obtained. Similarly it seems impossible to defend on economic grounds any further concessions to Indian officers. Nevertheless, whilst this is the view which the Governor in Council takes on the merits, he considers that if the other recommendations of the Commission are accepted, it would be inexpedient to refuse to Indian officers who now draw overseas pay, the extra concessions recommended in paragraph 54 of the report. To do so would lend colour to the charge, which is being freely made in certain quarters, that the Government are concerned only with the interests of their European employes. The proposals of the Commission in paragraph 54 regarding Indian officers must be treated as an integral part of their scheme, and accepted as such.

(4) "Whether the basic pay of future Indian recruits in the All-India Services should be reduced."

On this point it is for the country to make its voice heard. The Governor in Council has indicated his own opinion, but he has no choice but to accept the Commission's decision as it is evident that it would not have taken this form if public opinion had been sufficiently strong on the other side. Until the political voice of India can make an effective demand for reduction, the country must continue to pay for the Indian members of its services at rates which are believed to be above the market rates for the material obtained. The forthcoming debate in the Assembly may give an opportunity of gauging public opinion on this point, if the discussion extends beyond criticism of the proposals affecting European public servants. In any case, as the Government of India point out, it will be possible to apply practical tests to the strength of Indian feeling in this matter in the new provincial services which are to be organised in the transferred departments.

(5) "Whether the relief should be given (a) in the form recommended by the Commission, i.e., a small addition to overseas pay combined with the privilege of remitting the whole overseas pay at 2/ to the rupee, or (b) by making an addition to overseas pay and stating the whole or part of overseas pay in sterling to be disbursed in London; or (c) by making an addition to overseas pay in rupees to be paid in India."

The important point is that the concession should be granted, and on the whole the Governor in Council thinks that it had better be granted in the form recommended by the Commission. The alternative scheme described in paras. 17 and 18 of the Government of India's letter is perhaps in itself preferable, but its superiority to that of the Commission's is not very marked, and on the general ground that the proposals of the Commission should be accepted, unless there are very strong reasons for rejecting them, the Governor in Council recommends that their plan be adopted.

(6) "In the event of the adoption of 5 (b) or 5 (c), whether the scale suggested in paragraphs 24 and 26 of this letter for the earlier years of service would be suitable."

The balance of expediency seems to be in favour of leaving the Commission's proposals as they stand. The adjustments suggested are slight, and on the whole not worth making, more especially as the net result is negligible.

(7) "Whether the basic pay of the Police should be raised as proposed by the Commission."

This is accepted.

(8) "Whether the basic pay of the Indian Service of Engineers should be raised by Rs. 75 so as to absorb the present technical pay."

This is accepted.

(9) " Whether judicial pay should be abolished for future entrants ; if so, what would be an equitable rule for determining which officers should continue to draw judicial pay ".

The most equitable rule is to continue judicial pay to all who have at any time received it and to stop it in new cases from the date on which orders are finally passed accepting this recommendation. The Governor in Council agrees that there is no justification for judicial pay in future.

(10) " What would be a suitable scale of relief for the Women's Branch of the Indian Educational Service ".

The scale recommended is :—

Years of service.	Addition overseas pay.	Total overseas pay.
1 to 3	Nil.	50
4 to 6	50	100
7 to 9	100	150
Above 9	150	200

As the Governor in Council has suggested no alternative in basic pay for Indians, it is unnecessary to reply in any further detail to the Home Department letter No. F. 178-11-24-Ests. of July 4, 1924.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES
NO. 3779. DATED THE 30TH JULY 1924.

I am directed to enclose for the consideration of the Government of India a representation* on paragraph 55 and Appendix IV of the Royal Commission's report received from the United Provinces Indian Civil Service Association. Two printed communications from the Honorary Secretary of the Association to the President of the Commission are referred to in the body of the representation and are attached to the enclosure to this letter as annexures.

2. The Governor in Council has submitted his opinion on the whole question of the extension of remittance benefits to officers outside the time scales in my letter No. 1037-Z., dated July 28th, 1924. He has strongly supported the views of the English Commissioners set forth in Appendix IV, and has urged that the moderate concession embodied in the Commission's proposals for granting remittance benefits to officers in the time-scales should be extended to all officers above the time-scale whose salaries do not exceed Rs. 4,000 per mensem.

3. It is only necessary to add in forwarding this representation that the concession asked for is one which concerns the whole service, present and future. This is not a matter affecting only a few senior officers who will soon pass into retirement. It has already been pointed out in answering the Home Department letter No. 178-11-24-Ests., dated the 21st June, 1924, that the higher posts in a service stimulate the energies and ambition even of those who will never reach them. Prior to 1919 a Commissioner drew Rs. 2,916-10-8 per mensem plus exchange compensation allowance amounting to Rs. 138-14-3, when the rupee stood at *1s. 4d.* as against Rs. 2,250 plus Rs. 138-14-3 exchange compensation allowance drawn by a first grade Collector, a difference of Rs. 666-10-8. After the revision of 1919, the senior Collector's pay rose to Rs. 2,500, the Commissioner's being reduced to Rs. 3,000 per mensem nett by the abolition of exchange compensation allowance. If only the unanimous recommendations of the Royal Commission are accepted, the senior Collector's emoluments will be valued at Rs. 2,700 whilst the Commissioner's pay remains unchanged at Rs. 3,000, thus reducing the Commissioner's advantage of five years ago from Rs. 666-10-8 to Rs. 300 per mensem. There will in fact be very little difference between the pay of the so-called prize posts, reserved for senior officers of more than average merit, and the maximum pay of the time-scale.

4. The same argument applies *mutatis mutandis* to the other officers above the time-scale. Though the Islington Commission proposed to compensate them for the loss of exchange compensation allowance by adding permanently to their pay a sum roughly equal to the maximum exchange compensation admissible, it was finally decided to leave

* Not printed with this letter.

the pay unchanged though exchange compensation was abolished. As in the case of Commissioners, the acceptance of the Indian Commissioners' views would now result in a further relative reduction in the pay of these posts, and therefore the same arguments apply.

5. There is no doubt that officers above the time-scale are involved in the general economic pressure. The Governor in Council is in close touch with the facts, and is satisfied that the Indian Commissioners are wrong in their assertion that no relief is actually needed in the case of officer holding the higher administrative appointments. Unless remittance benefits are extended to officers above the time-scale, there will be little justification for the term "prize post," which is already a misnomer. Even the English members of the Commission have lost sight of the fact that officers outside the time-scale have spent most of their service on rates of pay admittedly below the level of contentment. The Islington Commission thought the scale in force up to 1919 to be inadequate in 1914, and the Lee Commission do not consider that the increases given in 1919 were commensurate with the rise in prices before and after 1914. Yet officers above the time-scale with a few anomalous exceptions actually found their emoluments reduced in 1919. If the officers referred to in this representation are ever, in the new conditions, to meet their social obligations to Indians, it is essential that this second attempt since 1914 to bring pay into some relation with actual conditions should not result in a second reduction in the relative emoluments of officers above the rank of Collector and District Judge.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18987-GAZETTE, DATED THE 6TH OF AUGUST 1924.

I am directed to refer to your letter No. 178-11-24-Ests. of the 21st of June, 1924, on the above subject and to convey the following views of His Excellency the Governor in Council:

2. As explained in my letter No. 26-Camp-Gazette, dated the 30th of July 1924, the Governor in Council is sceptical whether the increase of pay proposed by the Royal Commission will be sufficient to attract recruits of the required stamp in the United Kingdom. He is convinced by the memorials received from various "Service" Associations that it will not be sufficient to allay the discontent or to relieve the financial embarrassments of the existing members of the Services. Nevertheless the Governor in Council is prepared, in view of existing conditions, to accept the general scale of increase proposed in spite of the criticisms received from the various "Service" Associations. He views the proposals of the Royal Commission as a compromise between two conflicting sets of interests, and he considers that the best course would be to accept it without substantial modifications, on the clear understanding that no attempt will be made to reduce the amount of relief to be given to the Services below what is recommended by the Royal Commission.

3. As regards the question whether relief should be given to officers above the time-scales, the Governor in Council desires to repeat the view stated in paragraph 9 of my letter No. 26-Camp-Gazette of the 30th of July. He accepts the view of the English Commissioners as set forth in Appendix IV (1) to the Report, with the exception that he would not give any relief to officers in receipt of salaries of Rs. 4,000 p. m. or more.

In reply to the subsidiary question whether relief to officers above the time-scales should be accompanied by a withdrawal of exchange compensation allowance from those officers at present entitled to it, the Governor in Council understands that the only officers now in receipt of this allowance in the Punjab are Indian Police Officers—recruited before 1906 and certain judges of the High Court who were in receipt of the allowance in question before 1919. The number of these officers is limited and in view of the comparatively small amount of saving that would be effected by the withdrawal of the allowance, the Governor in Council is not in favour of a withdrawal, unless the pay of the officers in question is to be increased by an amount at least equivalent to the allowance which they now enjoy.

I am to add that the Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia, Revenue Member of this Government differs from his colleagues in regard to the main question of relief to officers above the time-scale, and prefers the view taken by the Indian Commissioners in Appendix IV (ii) to the Report.

4. Paragraphs 9 to 12 of your letter deal with the question whether on general grounds there is any case for giving relief to Indian officers already in the Services, and if so, to what classes and to what extent. In regard to this question, the Governor in Council is in favour of accepting the proposals of the Royal Commission, viz., that Indian members of the Services who are already entitled to overseas pay should—

- (a) receive the substantive increase in overseas pay recommended for officers of non-Asiatic domicile; and
- (b) should enjoy the proposed remittance concessions provided that they can satisfy the High Commissioner that they have wives or children in Europe.

In forming this opinion the Governor in Council has been influenced both by the argument, on which so much stress has been laid by the Royal Commission itself, that their proposals should be treated as parts of an integral whole, and also by the consideration that it is highly desirable in the interests of the smooth working of the administration, that Indian officers should not feel that they have been deprived of the privilege of equal treatment with their European colleagues to which they considered themselves entitled, when they entered the Service. The Governor in Council has reason to believe that there is a strong feeling amongst Indian officers of the All-India Services on this subject. I am forwarding to you separately a representation received from one such officer which bears out this view.

5. As regards the question whether the basic pay of future Indian recruits to the All-India Services should be reduced, the Governor in Council is of opinion that the weight of the arguments is on the whole against any such discrimination in the case of the four Services that will, under the proposals of the Royal Commission, retain their All-India character. It is true that in replying to the questionnaires of the Royal Commission this Government expressed the view that the present rates of pay were adequate or more than adequate for Indians. As, however, the Royal Commission has not itself suggested any such reduction the Governor in Council is not in favour of taking this question into consideration in connection with the recommendations of the Commission. He would prefer to treat the matter as one for the determination of Provincial Governments, if and when the subjects with which the Services in question deal are transferred, and the Services themselves consequently become provincialized.

As the local Government is not in favour of any reduction in the basic pay for future Indian entrants, it is not necessary for me to send a separate reply to your letter No. 178-11-24-Ests. of the 4th of July last on this subject.

6. I now turn to the consideration whether the remittance privilege, or its equivalent, should be given—

- (a) in the form suggested by the Royal Commission in paragraph 54 of the Report, or
- (b) by means of a sterling payment disbursed in London, or
- (c) by means of an addition in rupees to overseas pay.

The Governor in Council has consulted Heads of Departments in regard to this matter and finds that there is among them a considerable difference of opinion. His own view, however, is strongly in favour of sterling payments in London, as that method would in his opinion emphasise the purpose for which the relief is given. He notes that the Government of India have satisfied themselves that sterling payments in London will not subject the recipient to the levy of British income-tax on that or any portion of his income.

7. In reply to the sixth question stated in paragraph 30 of your letter I am to say that the Governor in Council would accept the scale of remittance privileges proposed by the Royal Commission as it stands in spite of its anomalies.

8. As regards the increase proposed by the Commission in the basic pay of the Police, I am desired to forward for the information of the Government of India an extract from a letter dated the 22nd of July, 1924, from the Inspector General of Police which may be accepted as representing the general view taken by the Service regarding the proposed increase. It is clear from this letter that the proposals of the Royal Commission will do little towards allaying the existing discontent in the Police Service, nor is it likely in itself to stop retirements on proportionate pension. At the same time, though

sympathizing with the natural desire of the Service for a larger measure of relief than is recommended, the Punjab Government does not feel itself in all the circumstances of the case able at present to recommend a greater increase in the basic pay of the Police.

9. The Governor in Council has consulted the Heads of Departments concerned on the proposal that the basic pay of the Indian Service of Engineers should be raised by Rs. 75 so as to absorb the present technical pay. He agrees with the Heads of the Departments concerned that this proposal should be accepted.

10. As regards the question whether the judicial pay of Rs. 150 p. m. for the Indian Civil Service should be abolished, I am directed to forward for the information of the Government of India a copy of a letter No. 26401-G. of the 10th of June from the Registrar of the High Court at Lahore. It will be observed that the Hon'ble Judges are strongly opposed to this proposal; but the Governor in Council regrets that he is unable to share this view. There has always been some doubt whether a special allowance for officers serving in the judicial branch could be justified on the merits of the case, and since this allowance was introduced in 1919 applications for transfer from executive to judicial work have become more common than in the past. The Governor in Council would, therefore, accept the proposal of the Royal Commission, but he suggests that the orders giving effect to this decision should be qualified by the two following provisos:—

- (a) that no officer actually in receipt of judicial pay on the 27th of March, 1924, shall by reason of these orders cease to draw such pay,
- (b) that no officer whom the local Government certifies to have selected definitely (and with the approval of the local Government) for the judicial department before the 27th of March, 1924, shall be debarred by these orders from drawing judicial pay.

11. The Governor in Council accepts the scale of overseas pay proposed in paragraph 29 of your letter for the Women's Educational Service as suitable. He suggests, however, that the scale of pay should be regulated according to age and not according to years of service.

Extract copy of letter from the Inspector-General of Police, Punjab, to the Chief Secretary to the Government, Punjab, Simla, No. C06-S., dated the 21st-22nd July 1924.

SUBJECT.—Recommendations of the Lee Commission regarding Pay.

I have the honour to refer to the two letters on the above subject, numbered F.-178-11-24-Ests., and dated the 21st of June and the 4th of July, 1924, respectively, to the Secretary to the Government of India, Home Department, to Local Governments, and to submit the following representation regarding the recommendations of the Lee Commission in so far as they affect the pay of the Indian Police Service:—

As has already been pointed out, the recommendations of the Commission with regard to the pay of the Indian Police Service are both inadequate and inconsistent. The Commission lay great stress on the importance and unpleasantness of Police work, the need for slower Indianisation and the urgency of keeping the force efficient. They also place the Indian Police Service next in importance to the Indian Civil Service. In spite of this, however, the Commission's recommendations leave the pay and prospects of the Indian Police Service below those of all other Services, mainly, it appears, to avoid disturbing the relative position of the Service to other Uncovenanted Services. The age for age comparison which is so frequently used as an argument for retaining the Indian Police Service in an inferior position, overlooks the fact that the Police officer has served in the East three years longer than the Forest officer and 2½ years longer than the Engineer, and that he reaches the various stages in life at an earlier age. He takes leave earlier, marries earlier (in the Punjab the actual average age at which Police officers marry has been ascertained to be 28 years, whereas in other Services it is 30) and possibly loses his health earlier. He also discharges responsible duties of vital importance to the administration at an earlier age; while on the other hand, his promotion to the more highly paid posts comes at a later age. In the Punjab the average of reaching administrative rank in the P. W. D. is 44, in the Forest Department, 44 and in the Police Department, 47. The service for service comparison is the more natural one in dealing with the cases

of Europeans serving in India and the failure to accept this principle is the cause of much discontent in the Indian Police Service, particularly in view of the recognised difficulty and unpleasantness of the duties to be performed.

After all that had been said by the Commission regarding the importance, etc., of the Indian Police Service, the logical conclusion would have been to recommend a more generous scale of pay without reference to other Uncovenanted Services, most of which are destined to be provincialised. It is, however, apparent that the exaggerated statements regarding the finances of India or the desire to arrange a compromise with the Indian members induced the Commission to whittle down the improvements in the pay and prospects of the Indian Police Service which were obviously indicated. As evidence of this, the following remarks of Sir Reginald Craddock in para. 3 of his minute on the emoluments of the Superior Civil Services in India may be quoted :—

“ It is really impossible to justify annual increments of only Rs. 25 per mensem in the case of the Police as compared with increments of Rs. 50 in other Services. Indeed, the rate of annual increment in the Police is smaller in many instances than in some of the Provincial Services.”

In spite of these remarks, a perusal of the time-scale recommended for the Indian Police Service will show that for no less than four years in succession the increment is only Rs. 25.

The Police case submitted to the Commission included a carefully prepared statement of the cost of living based on the actual requirements of a European Police officer. This the Commissioner made no attempt to challenge. It is maintained that the scale of pay suggested therein represents the very minimum “ necessary to obtain recruits of the right stamp and to maintain them in such a degree of comfort and dignity as will shield them from temptation and keep them efficient for the term of their service.” The inclusive scale suggested (further particulars of which are given in the attached statement) is briefly as follows :—

	Rs.
Time Scale	500 to 2,300
Selection Grade	2,500
Deputy Inspectors-General	2,570
Inspector General	3,000 to 3,500.

This scale, it will be observed, is less generous than that at present in force in the Indian Civil Service, with which the Indian Police Service is repeatedly classed as an essential security service, and, if the value of other benefits recommended by the Commission be deducted, the resulting scale becomes still more modest. The attached statement shows that the scale claimed has been granted in full in the first four years and in the eighth year of service, and in the fifth, sixth, seventh, ninth and tenth year even more has been granted; while from the eleventh year onwards the scale falls short of that claimed at a steadily increasing rate until it actually reaches Rs. 600 in the 21st year. This means that the Police are, from their eleventh year of service, to be, as heretofore, hopelessly underpaid, and that they will continue to suffer from that financial stress which is the basis of the present discontent which the Commission was appointed to remove. It can only be assumed that the well-tried principle has been followed of making conditions sufficiently attractive to lure recruits into service and to keep them content until such time as they may reach an age at which it is impossible for them to withdraw, when they can safely be left to bewail the hopelessness of their position. The report of the Commission is admittedly a compromise; but it is not to be expected that members of the service will appreciate the argument that, owing to political and financial considerations over which they have no control, they should be content with less than a living wage.

From the point of view of Government, I would emphasise the need of making the conditions of service in the Police attractive. The large number of trained and experienced Police Officers who have already left the service on proportionate pension in disgust would have been sufficient to man more than half of the districts in the Punjab. But at the present time it has become impossible to find suitable officers for the more important districts; and two-thirds of the superior appointments, which, until recently were held by European Superintendents of Police, are now filled by Indians, Deputy Superintendents, or junior and inexperienced Assistants. The Commission demonstrate the necessity of preserving the efficiency of the Indian Police but there is ample evidence available

to show a very serious and rapid decline in the numbers and efficiency of the superior European staff and in the outturn of work by the Department generally. The plain fact of the matter is that the Police Department at the present time is, for want of a sufficiency of good officers approaching a stage where very little more is required to produce a breakdown. This fact does not appear to be recognised by Government.

The report does not claim to be exhaustive and the question of increasing the number of posts above the time-scale in the Indian Police Service, which was represented by most of the Police witnesses, has not been taken up. It is urged that the percentage of such posts should be increased from 10 to 15. This is the percentage in most of the corresponding All-India Services and there can be no logical reason for leaving the Police in a position of inferiority. The result of such an arrangement would be to raise the number of Selection Grade Posts in the Punjab from 5 to 11, which would remove the present grievance of the slowness of promotion in the Service.

If granted in full the relief recommended by the Commission will be very welcome to Police Officers, most of whom are struggling under a load of debt; but the improvements proposed are not likely to have any effect on the problem of recruitment, nor are they sufficient to induce officers contemplating retirement on proportionate pension to change their minds. The improvements are not sufficiently generous to meet the needs of present day realities nor to ensure contentment in the Service. The total cost of the increased pay and the remittance concession recommended in so far as Police officers in the Punjab are affected, is estimated during the current financial year at less than one lakh of rupees, and it is claimed that, if the value of the recommendations had been doubled, no financial embarrassment would have been caused to Government. Enough has already been said to show that, while the proposal to improve the time-scale in the case of the Indian Police Service is very acceptable, this proposal does not go far enough.

Years of Service.	Scale asked for.		Proposed pay.		Additional benefits.	Total of 3-4.		Differences between 2 and 5.
	Rs.	Rs.	Rs.	Rs.		Rs.	Rs.	
1	500		450		50	500		0
2	525		475		50	525		0
3	550		500		50	550		0
4	600		550		50	600		0
5	650		600		125	725		75
6	700	850	625	800	125	750	925	50
7	750	900	650	825	125	775	950	25
8	800	950	675	850	125	800	975	0
9	850	1,000	800	975	175	975	1,150	150
10	900	1,100	825	1,000	175	1,000	1,175	75
11	1,100	1,300	850	1,050	175	1,025	1,225	-75
12	1,300	1,500	875	1,075	175	1,050	1,250	-250
13		1,600	900	1,100	175	1,075	1,275	-325
14		1,700	925	1,150	175	1,100	1,325	-375
15		1,800	1,000	1,225	200	1,200	1,425	-375
16		1,900		1,250	200		1,450	-450
17		2,000		1,300	200		1,500	-500
18		2,050		1,325	200		1,525	-525
19		2,100		1,350	200		1,550	-550
20		2,150		1,375	200		1,575	-575
21		2,200		1,400	200		1,600	-600
22		2,250		1,450	200		1,650	-600
23		2,300		1,500	200		1,700	-600
24		2,300		1,550	200		1,750	-550
25		2,300		1,600	200		1,800	-500
26		2,300		1,650	200		1,850	-450
Selection grade.		2,500		1,750	200		1,950	-550

COPY OF A LETTER NO. 36401-G., DATED THE 10TH JUNE 1924, FROM THE REGISTRAR, HIGH COURT OF JUDICATURE AT LAHORE, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB.

I am directed to say that the Judges observe that the Report of the Royal Commission on the Superior Public Services in India contains a recommendation that Judicial Pay should not be drawn by future entrants into the Judicial Branch of the Indian Civil Service.

2. I am to say that, as no indication of any such recommendation was, as far as they can see, foreshadowed in the Questionnaire issued by the Commission, it has taken the Hon'ble Judges entirely by surprise, and they trust that as they had no opportunity of expressing their opinion before the Report their views will be considered by the Government of India and the Secretary of State even now.

3. In the first place the Judges wish to assert their firm conviction that at any rate for some time to come it is essential to the efficiency of the Judicial Service of this Province that a substantial proportion of the appointments should be filled by members of the Indian Civil Service.

4. The Judges find themselves unable to agree with the view that the Judicial Service is as attractive as the Executive Service and they very much fear that the proposed step, if carried into effect, will result in their getting in future still fewer recruits of the stamp required than are at present made available by the local Government. Except for those who have a natural bent for Judicial work,—who are few—recruits to the judicial branch can be appropriately described as those who are attracted either by the higher pay, or by the fact that a District and Sessions Judge can sit quietly at his headquarters and does not have to undertake the exertion of touring about a district. The Judges think that if the attraction of extra pay is withdrawn, great majority of applicants for employment on the judicial side will be those, who—to put it frankly—shirk the more active part of a District Officer's work, and are found unfit for the Executive. Such officers are not likely to be any more fit for the Judicial Service.

5. It is possible that the chance of being promoted to the High Court has been regarded as an incentive to a member of the Indian Civil Service to join the Judicial Service but if this is so the Judges think that the idea is a fallacy. In the Punjab the maximum number of permanent High Court Judgeships open to the I. C. S. is four. If the present Temporary Additional posts are taken into account the number becomes six, but this is a maximum, and except for short officiating appointments it is never likely to be more than five. Against this an Executive Officer has open to him a much larger number of posts both within the Province and outside in the Government of India and in Indian States which are not only well paid but also have the additional attraction of residence in the hills during the hot weather. It is unnecessary to specify the number of such posts which are at present held by members of the Punjab Commission for the facts are already well-known to Government.

6. If a demonstration be needed that the Judicial Branch is not particularly attractive in spite of the present judicial pay, it is only necessary to point out that while the normal strength is 16 officers, there are at the moment only six members of the Punjab Commission working as District and Sessions Judges in the Punjab, while of those on leave or officiating in the High Court only five are likely to return and the Judges anticipate that it will be extremely difficult, if not impossible, to fill all the vacancies. Of those officers who are willing to transfer to the Judicial side the Local Government will only spare the services of a very small proportion and the Judges are doubtful whether even these would have elected to come over but for the attraction of the judicial pay.

7. The Judges trust that these remarks will suffice to show that the contemplated step will not be in the best interests of the Judicial Administration, but I am to say that if it is decided nevertheless that judicial pay should be withdrawn the Judges still consider that the proposal that an officer shall have not only elected for the Judicial Branch but must also have been appointed to it before the date of the Commission's Report, i.e., 27th March 1924, is one that will operate very harshly in a number of instances. There are several cases of officers in the Punjab who have long since elected to join the Judicial Branch, but who owing to no fault of their own have not yet been appointed to it. The Judges feel that the inclusion among those who will be entitled to draw judicial pay on appointment as District and Sessions Judges of such officers as shall have made a *bond fide*

election for the Judicial Branch before the date of the Report will not add a very great burden to the finances of the country and will prevent a certain number of instances of real hardship. If it is desired to add a safeguard, a proviso might be made that such election shall have been directly or impliedly approved by the Judges of the High Court before a certain date to be fixed subsequently.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18988-HOME-GAZETTE, DATED THE 6TH AUGUST 1924.

With reference to paragraph 4 of my letter No. 18987, dated the 6th August, 1924, I am directed to enclose for the information of the Government of India a copy of a note by Mr. A. Latifi, O.B.E., I.C.S., on the proposals of the Royal Commission on the Superior Civil Services in India which affect Indian Officers of the Indian Civil Service. The Governor in Council, while not endorsing all the arguments used by Mr. Latifi, considers that his note may be of interest to the Government of India as illustrating the feeling of Indian Officers in regard to those proposals which discriminate between them and their European colleagues.

The Lee Commission Report as it affects the Indian officers of the I.C.S. recruited before 1915.

(A. LATIFI, I.C.S.)

This note deals only with my own case as affected by the Lee Commission Report. I am an Indian Officer of the Indian Civil Service of over 21 years' standing, and I belong to the class recruited in London before 1915, that is to say, before the purchasing value of the rupee fell heavily below its pre-War level, and before competition for admission to this Service came virtually to an end.

2. In this note I only touch the Report at the points where it suggests discrimination between the class I represent and my British and Colonial colleagues, that is to say, in regard to—

- (a) passage concessions (para. 63),
- (b) remittance privileges (para. 54),
- (c) facilities for medical attendance (para. 93).

3. My case is that I joined the Service on the clear understanding that it has no compartments, and that I should get the same emoluments and amenities as would be sufficient to attract to it the best Englishmen of the older English Universities. I had a versatile and what was considered, a brilliant career behind me when I entered the Service. I was also considered a good speaker, and a good manager of men, and in the opinion of my friends I had other equally good professions open to me besides the I. C. S. It was after hesitation that in the end I chose the Service. Had I known at the time that at some subsequent stage the Secretary of State would decide to pay me not in the way originally understood, but in accordance with what he thought were or should be the habits of myself, my wife, my sons and my daughters, I would not have chosen the Service. I submit that any differentiation now from my British colleagues on the lines proposed by the Commission would break the spirit as well as the letter of the Proviso to the second sub-clause of section 96-B of the Government of India Act.*

4. In the annexure† to this note I give a summary of my academical career. The work I did for Cambridge during the three years (1899-1901) preceding the I. C. S. Open Competition was about equal to twice what one did for an average first class Honours Degree. This work helped me only for one-fourth of the subjects I offered in the I. C. S.

*“ Provided that every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable”. Section 96-B (2), Government of India Act.

†“ The Committee think that every precaution should be taken to secure to public servants the career in life to which they looked forward when they were recruited, and they have introduced fresh provisions into this clause to that end.” Joint Select Committee's Report on the Government of India Bill, 1919.

Open Competition: that is to say, three-quarters of the work I did for the I.C.S. was over and above that which I put in for the University. What I did before and after I joined the I.C.S. (see annexures* I—III) fully justifies the view of my friends that the I.C.S. was not the only opening for me in 1901, and that my qualifications helped by my family connections would have led me to a distinguished professional career in Bombay, my native place.

5. I may here record a somewhat obvious fact that people often lose sight of. This I.C.S. examination for which I sat, was held in London, and not in any place settled in deference to my domicile. But no one paid my expenses for the journey to London. The examination dovetailed into the curricula of the English Public Schools and Universities, especially with their classical, mathematical and science sides. It was by no means adapted to the needs of Indian students or to the curricula of the Indian Universities. And yet I was given no concession in this examination in consideration of my Indian domicile. No grace marks were, for example, awarded to me even in such a subject as the essay in English—to me a foreign idiom. I ran with a heavy handicap.

With all this in the background, to jettison me now because of my Indian domicile does not strike me as being altogether "cricket."

6. But it may be urged—though perhaps not seriously by the trained administrators, who will decide this question—that there is really no proposal for a differentiation in emoluments. "You will get the same pay and overseas allowance as your British and Colonial colleagues. Whatever increase they get in these, will be for you also. You never had free passages for your family before. This is a new concession we are giving to Englishmen because of their pressing need. So you have no grievance."

I will meet this argument as far as possible in the words of the Report itself:—The Commissioners say that "the principle (hitherto) adopted has been that emoluments should be fixed on a scale sufficient to cover the cost of passages and that the officer should be left to make his own arrangements" (para. 62). The purchasing value of the rupee having now fallen it is becoming "increasingly difficult for officers to meet passage charges." To meet this difficulty the Commission recommend the passage concession (para. 63). The Commissioners go on to explain that the proposal in effect means an addition of Rs. 50 p.m. to the British officer's salary and of Rs. 25 for his Indian colleague (para. 65). The reason why the concession is not given "in the form of an unconditional increase of ordinary pay" is that there would in that case be the risk of its being imprudently diverted to other purposes (para. 64).

Who can say in the teeth of all this that the passage concession will not be in effect part of the emoluments of officers? The Commissioners are good enough to recommend that this concession should be extended to Indian officers of the Indian Civil Service, who receive overseas pay. They give, however, no reason for their further recommendation that "it should not extend to their families." Did the Commissioners, I wonder, picture to themselves the Indian I. C. S. Officer—his wife safe in the zenana in the charge of his grandmother—disporting himself in the Casino at Monte Carlo or better still on the Boulevards of Paris, during long leave on half average salary?

7. Similar arguments, *mutatis mutandis*, apply to remittance privileges. The Commission would allow the unmarried British Officer, for whom according to Sir Reginald Craddock even the present rates of pay are "fairly adequate", "to speculate in Exchange at the cost of the State" (p. 149 *passim*), but they would not allow the full privilege to the Indian with a family.

The Report recognizes that Indian officers drawing overseas pay may legitimately expect to educate their children in Europe (para. 54), and it needs little argument to show that neither the remittance privilege nor the sum that can actually be remitted bears any relation to the actual cost of educating children in Europe. The privilege can at best be regarded only as a means for creating a fund, by way of children's education policies or otherwise, that, spread over the whole of his service, goes some way to compensate an officer for loss consequent on the fall in the purchasing value of the rupee.

And again, is there any reason why the Indian Officer should not also get the privilege for purposes other than the forming of an education fund? Why should he not have it, for example to pay for books, instruments, club subscriptions and other similar items?

8. In the matter of medical attendance I ask that the recommendations in para. 98 of the Report should be so applied that officers of my class should not in at any time get less qualified medical attendance than what a British Officer of the same class in the same station would be entitled to. An illustration will perhaps make this clearer. A is an Indian Officer and B a British Officer, both stationed at Hissar. The medical officer at Hissar is an Indian, L.M.S. (Lahore). If the only privilege B gets is that of being attended to say by a Military Assistant Surgeon of his own race stationed at Gurgaon. A will have no grievance. A will be satisfied with the L. M. S. (Lahore). But take another case. A and B are still at Hissar with old L. M. S. (Lahore). B is now allowed to call in X (M. D., London) from Ferozepore. There are two doctors at Ferozepore X English and Y (also M. D., London) an Indian. A will now legitimately expect to have the services either of X or of Y, as may be convenient to Government. In such matters the Indian officers of the Indian Civil Service look only to qualifications, and not to race or nationality: for as a class they are singularly free from race or communal bias.

9. The Indian Commissioners, if not all the Commissioners, seem to have approached the question of emoluments and amenities in the I.C.S. with the primary object of "meeting the pressing needs of the European members" or rather the *married* European members thereof (p. 110). They were right of course to do this. The Europeans constitute the bulk of what in the past was emphatically known as a "European Service" and the emoluments of a service can only be adjusted by a reference to the needs, pressing or otherwise, of the great majority of its members. But all this cannot affect the statutory right of any given individual or group in the Service to absolute equality of treatment with the rest, regardless of the question of needs. My claim, as urged in the foregoing paragraphs, in substance amounts to this: that by providing me and my family with the same facilities for travelling, education and self-improvement as are open to my British colleagues, the Secretary of State should secure to me the career in life to which I looked forward when I was recruited, or to put it in another way, that I should retain unimpaired my existing and accruing rights in regard to emoluments, amenities and otherwise in perfect equality with my British colleagues (*cf.* note to p. 2).

10. The question of individual necessity is not, therefore, really relevant to this discussion. I should have preferred to keep clear of it. But it seems to have influenced some at least of the recommendations about Indian officers, and I have got perforce to say something about my own needs.

11. I come of a very distinguished family from Western India, and my people have for many generations followed the injunction of the Prophet of Islam "to seek knowledge even though it be in China". They travelled far and wide in search for learning or for a career. They discovered Europe some three generations back, and they saw that it was good: and my children will now be going there in the fourth generation. My father and mother expatriated themselves for many years with the sole object of supervising the education of their children in Europe. My wife as well as myself have been educated in Europe. As we now stand, therefore, an education in Europe is quite as much a necessity for my children as the Grand Tour was a necessity for the upper class of Englishmen in the 18th century, or as a Public School education (against one in a Board School) is a necessity for the children of my British colleagues. An European education for my children is not a luxury—it is "a pressing need."

12. In some ways, indeed, I have greater difficulties to face for the education of my children than many of my British colleagues have to. It is open to the latter to send their children to their own country in the entire charge of relations or even of school authorities. In any case they have no fear that their children will grow up alien to their religion or to the traditions of their family and of their country. Things are not so easy for me. It is not open to me to leave my children for years together in England in the hands of strangers. I would be sending them there with the sole object of making them better Indians and more efficient citizens of their own country: and to keep them from the peril of denationalisation my wife or myself will have to live near them for long periods in the years that are coming.

13. But it is not merely to look after their children that Indian officers and their wives want to travel to Europe. They have to go there for self-improvement. One of

my journeys was, for example, made entirely for the purpose of writing "The Effects of War on Property" (Annexure* III). I could not possibly have written the book in India, for there are no facilities here yet for such work. But apart from special work there is such a thing as general self-improvement. London after all is not merely the political capital of India—capital in a more intimate sense than of the rest of the Empire: it is India's intellectual metropolis. From there our cultural life draws its inspiration. Our administrative methods as well as our political ideals come from England. What England thinks to-day we have to follow perforce at least the day after to-morrow. An officer of the Imperial Services degenerates if he does not, from time to time, refresh his spirit and his intellect in its crisp oxygenated air. Unless he spends, like the go-ahead American, at least the "sabbatical year" in Europe, he becomes a "back-number", and carries a handicap in his career as compared with his fellows. And it is the same for his wife. Both the Indian and the European members of the Lee Commission appear to have been ignorant of the social habits of the bulk of the Indian officers of the Indian Civil Service; else they would not have made their incredible recommendation about the passages. The wives of most of us are *not* in Purdah. They have an equal place with us in the sun.

14. For British officers of the All-India Services this aspect of a journey to England is as important as for the Indians. People often forget this. They talk as if the British Officer only needed to go home for his health or for his private affairs. But it wants little thought to show that this is not all. What is the chief asset of the British Officer of the administrative services? Is it not that which is compendiously termed the "British spirit"? Now, except in a select few this spirit is apt to become jaded if not renovated by periodical visits to England. Even if the British Officer did not himself want to go, it would be in India's interest to compel him to go home for at least the "sabbatical year". Here again the Indian is, if anything, at a disadvantage. He goes to one place to see to his private affairs, and to another—England—in order to bring himself up-to-date. His British colleague kills two birds with one stone.

15. Before I close, I should perhaps say that in restricting this note to Indian officers of the I.C.S. appointed before 1915 I do not mean to imply that Indian officers outside my class are not entitled to similar privileges. I have dealt with the claim of a small group with the object of simplifying the issues and thus clarifying the discussion. Further, I have made the argument designedly personal in the belief that nothing helps so well towards the understanding of a general principle as a clear concrete illustration. I have no doubt that some of my Indian colleagues will be in a position to present even a stronger case than mine for the consideration of Government.

16. I cannot conclude without expressing disappointment that in this Commission of nine members not one seat could be found for a representative of the University of Cambridge. Cambridge has of all English institutions done the most to train Indian administrators for the top-most ranks of the public services of this country, and to inspire them with the highest traditions of English public life. It is still more disappointing that the Commission did not include a single representative of the Indian officers of the All-India Services, with whose present as well as future it was so largely concerned—or for that matter include a single Indian who had received education in Europe. The witnesses were not cross-examined from the special point of view of this type of officer and their evidence has consequently lost much of the value it might otherwise have possessed. A representative of this class would have brought to the Commission a wider sympathy, a farther outlook and a clearer vision of the new India that is taking shape in the furnace of these days; and would have thus helped to save the Report from much of the criticism to which it is now justly exposed. As it is, the Commission's recommendations, in so far as they adversely affect the rights of the Indian officers of the All-India Services, should be altogether discounted.

GOVERNMENT OF BURMA.

APPOINTMENT DEPARTMENT.

LETTER FROM F. LEWISOHN, ESQ., C.B.E., CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 404-A.-24, DATED RANGOON, THE 28TH JULY 1924.

SUBJECT.—*Recommendation of the Royal Commission on the Superior Civil Services in India regarding the Pay of the All-India Services.*

I am directed to convey the views of this Government on the ten points enumerated in paragraph 30 of your letter No. 178—11-24-Ests., dated the 21st June 1924.

(1) The general scale of increase proposed for the Services is accepted.

(2) This Government considers that relief should be given to officers above the time-scales to the extent advocated by the English Members of the Commission. His concession should be admissible to Judges of the High Court as well as other officers since the remuneration of High Court Judges is not specifically laid down in the Government of India Act. It should include Deputy Inspectors-General of Police, Superintending Engineers and Conservators of Forests. I am to point out that, unless this measure is adopted a senior Collector holding an appointment like that of Excise Commissioner carrying with it a Duty Pay of Rs. 250 a month might receive emoluments only Rs. 50 *per mensem* less than those of a Commissioner of a Division.

(3) In the case of a Indian Officer already in the Services this Government strongly advises that the considered recommendations of the Commission contained in paragraphs 54 and 63 of the Report should be accepted. The Local Government is also strongly in favour of allowing Indian Officers who receive Overseas Pay at present under existing orders to enjoy the concessions recommended in paragraph 53. With regard to Overseas Pay, the position is that Officers recruited after 1925 will not be eligible for this particular concession. Those, however, who have been allowed the concession should be allowed the concession to the same extent as their European *colleagues*.

The Hon'ble the Finance Member dissents from all the recommendations under this head and considers that although the exclusion of non-European officers already in the Services from the concessions allowed to their European colleagues will be resented by these officers, there will be still greater resentment on the part of new non-European recruits to the Services if they find that they are refused concessions which are enjoyed by their countrymen merely by reason of the fact that they joined the Services before a particular date. The reason for proposing any concession is the difficulty of recruiting Europeans, and the marked tendency on the part of Europeans already in the Services to take advantage of the provision for retirement on proportionate pension.

(4) This Government is opposed to the proposal to reduce the basic pay of future Indian recruits in the All-India Services. The proposal forms no part of the Commission's recommendations, and this Government can see no advantage and very many disadvantages in endeavouring to tack a radical and unpopular change of this nature on to the Commission's recommendations.

The Hon'ble the Finance Member, however, is in favour of the proposal and considers that the basic pay of future Indian recruits to the Indian Civil Service should be reduced to two-thirds of the present rate of pay.

(5) This Government is strongly in favour of giving relief in the precise form recommended by the Commission, i.e., a small addition to Overseas Pay combined with the privilege of emitting the whole Overseas Pay at two shillings to the rupee. The alternative schemes proposed by the Government of India possess certain undeniable advantages but they suffer from the objection that they are not the schemes put forward in the Lee Commission's unanimous Report.

(6) In view of the answer to No. (5) above, this Government does not consider it necessary to make any remarks on the scale suggested in paragraphs 24 and 26 of your letter.

(7) The Local Government strongly supports the proposal to raise the basic pay of the Police as proposed by the Commission. It is universally admitted that the Indian (Imperial)

Police is poorly paid in consideration of its heavy responsibilities and by comparison with other All-India Services.

(8) This Government accepts the proposal to absorb the present technical pay of Rs. 75 in the basic pay of the Indian Service of Engineers.

(9) This Government is opposed to the proposal to abolish Judicial Pay. I am to enclose a copy of letter No. 911—16-156, dated the 27th June 1924, from the Registrar, High Court of Judicature at Rangoon, from which it will be seen that the Hon'ble Judge view the suggestion with dismay. They point out that the Judicial Services are frankly unpopular with the Provincial as well as with the Indian Civil Service and that it is only the prospect of extra remuneration that attracts sufficient candidates. The Local Government believes that this statement of the case is not in the least exaggerated. If Judicial Pay is abolished, there is always the danger that the Judicial Branch may attract to itself officers, who seek to find in Judicial work a refuge from the more strenuous existence of the Executive Officer. The Local Government regards it as of the highest importance to attract to the Judicial Branch the very best men in the Services. A weak judiciary may do incalculable harm both in India and in Burma.

(10) This Government accepts the proposal made in paragraph 29 of your letter for raising the Overseas Pay of the Women's Branch of the Indian Educational Service.

The Hon'ble the Education Minister's concurrence in the above recommendations is subject to the qualifications set out in my telegram No. 790, dated the 21st July.

2. Finally, with reference to paragraph 5 of your letter No. F.-178—19-24-Ests., dated the 28th June 1924, I am to say that this Government entirely concurs with the view expressed by the Commission in paragraph 97 of their Report that it is unnecessary to interfere with the existing Burma Allowance. After nearly four years' experience of Burma His Excellency the Governor can personally testify that the cost of living in Burma is far higher than the cost of living in those parts of India with which he is acquainted, and that Burma Allowance makes up none too adequately for the difference.

FROM R. M. MACDOUGALL, ESQ., I.C.S., REGISTRAR, HIGH COURT OF JUDICATURE AT RANGOON, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT, No. 911—16-156, DATED THE 27TH JUNE 1924.

SUBJECT.—*Lee Commission's Report.*

In reply to your Appointment Department letter No. A-24, dated 20th June 1924, I am directed to say that the Hon'ble Judges view with dismay the suggestion that the judicial pay be abolished in accordance with the recommendations of the Lee Commission.

His Excellency the Governor in Council is well aware of the difficulty experienced in securing suitable recruits for the Judicial Services from any source whatsoever. The Judicial pay is granted not only to members of the Indian Civil Service, but to officers holding listed posts and to Barristers appointed direct to the Judicial Service. The Judicial Services are frankly unpopular with the Provincial as well as the Indian Civil Service and it is only the prospect of extra remuneration that attracts sufficient candidates. Moreover as this has been a part of the emoluments of the post of District and Sessions Judges for nearly five years there would be dissatisfaction amongst members of the Bar appointed in future to such posts were the remuneration to be arbitrarily reduced by Rs. 150 per mensem.

In the Burma Judicial Service also there are four Special Pays of Rs. 150 per mensem granted to Additional Judges of Sessions Courts. These are given on the analogy of the judicial pay granted to District and Sessions Judges and were the latter to be abolished it would be necessary also to retrench this special pay as well. This would undoubtedly create a feeling of hardship amongst the senior members of the Burma Judicial Service and react unfavourably both on efficiency and recruiting.

In the circumstances the Hon'ble Judges trust that His Excellency the Governor in Council will not support the recommendation of the Royal Commission to abolish judicial pay.

GOVERNMENT OF BURMA.

APPOINTMENT DEPARTMENT.

LETTER FROM F. LEWISOHN, ESQ. C.B.E., CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. 404-A.—24, DATED RANGOON, THE 28TH JULY 1924.

SUBJECT.—*Basic pay of future Indian Recruits to the All-India Services.*

In reply to your letter No. F.-178-11-24-Ests., dated the 4th July 1924, I am directed to say that the local Government is opposed to the suggestion that the basic pay of future Indian recruits to the All-India Services should be two-thirds of the pay which may be sanctioned for European officers. In the first place any proposal of this sort would lead to the pay of Indian members of the All-India Service being reduced to approximately the same level as the pay of the existing Provincial Service working in the same field. The gradual extinction of the All-India Services and their replacement by the existing Provincial Services expanded for the purpose is a natural process which is in fact favoured by the Hon'ble the Finance Member and the two Ministers, but that is a very different thing from having in addition to the Provincial Service a bisected All-India Service, the Indian Branch of which would be drawing much the same pay as the existing Provincial Service.

2. But the main objection to the proposal in the opinion of this Government is that it is not contained in the recommendations of the Royal Commission and is not a corollary necessarily arising out of those recommendations. The proposal could not be super-imposed on the Commission's recommendations without affecting the general complexion of the whole report and affecting it in a sense which should be regarded as prejudicial to the interests of Indian aspirants to those Services. It is hardly necessary to emphasise the political inexpediency of such a course.

3. The Local Government considers that a scale of two-thirds would clash inconveniently with the level of pay in the existing Provincial Services. The pay of these Services has only recently been revised, and there has been no drop, since the revision, in the cost of living, which would justify any reduction at the present time.

4. The Hon'ble the Finance Member dissents from the foregoing conclusions in respect of the basic pay of future Indian recruits to the Indian Civil Service which he considers could be reduced to two-thirds of the present scale.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. 1966-A.R., DATED RANCHI, THE 2ND AUGUST 1924.

SUBJECT :—*Proposals of the Royal Commission on the superior Civil Services in India regarding the pay of the All-India Services.*

I am directed to reply to your letter No. 178—11-24-Ests., dated the 21st June 1924, regarding the proposals of the Royal Commission on the superior Civil Services in India relating to the pay of the All-India Services. In the limited time available for an examination of these proposals, it has not been possible to obtain many opinions, either from officers concerned or from others, but the replies received generally take the view that the proposals of the Royal Commission should be accepted together as a reasonable compromise, and should not be regarded as open to separate discussion in detail. Dissident opinions on the one hand are that the proposed increase will impose a financial burden which provincial and Imperial revenues cannot carry ; on the other, that the Commission's proposals fail to restore the Indian Services to their former position. His Excellency in Council

adheres to the opinion given in paragraph 2 (e) of my letter No. 1689-A.R., dated the 22nd July 1924.

2. The views of the local Government on the various points raised in paragraph 30 of your letter under reply are as follows :—

(1) The general scale of increase proposed is accepted.

(2) The views of the local Government (including the dissentient opinions of the Hon'ble Indian Member of the Executive Council and the Hon'ble Ministers) regarding the extension of the remittance benefit to all administrative grades, excluding those which carry, or may under the proposals of the Royal Commission, carry an extra pension, have already been reported to the Government of India in the letter mentioned above. His Excellency in Council does not consider that the principle of equal remuneration in the administrative posts should be carried so far as to exclude from suitable relief the European incumbents of these posts, whose circumstances call for assistance. The true criterion is whether the relief proposed is necessary and on this point His Excellency in Council entertains no doubt whatever. It is common knowledge that many officers holding the rank of Commissioner, Superintending Engineer and the like, have to make heavy home remittances. He is, therefore, of opinion that the remittance benefit proposed by the Royal Commission should be extended to all administrative posts which do not carry an increased pension. The question to what extent, if any, this concession should be extended to Indian incumbents of these posts is discussed in the next sub-paragraph.

In the case of the lower administrative grades, the local Government would remove the anomaly of the Commission's proposals by fixing the incremental pay at Rs. 1,950—50—2,150 and allowing in addition the remittance benefit as now advocated for all administrative grades.

The local Government are of opinion that exchange compensation allowance should be abolished if any officer now drawing it becomes entitled to the remittance benefit.

(3) The question whether relief should be extended to Indian officers arises only in the case of those who are already in the service and while on the time-scale have drawn overseas pay. It does not apply to future Indian entrants nor to existing members on the time-scale, who are not receiving overseas pay. On this point various opinions have been received, but His Excellency in Council, taking the view that it is desirable to adhere as closely as possible to the recommendations of the Commission (which formed a delicately poised compromise), is prepared to accept the Commission's liberal proposals that the Indian officers who are now in receipt of overseas pay should get the same increase of overseas pay as has been proposed for their European colleagues, but that they should not get the remittance benefit unless they satisfy the High Commissioner that they have wives and children in Europe. The remittance benefit subject to the same condition, should be granted to Indian incumbents of administrative posts, which do not carry overseas pay.

The Hon'ble Minister in the Department of Education considers that the overseas pay of Indians should not be increased.

(4) As stated in my previous letter the local Government accept the proposal of the Commission that, except in the Police Service, there should be no alteration in the rate of basic pay, so far as existing members of the services are concerned. As regards future recruitment, they only accept it, if this is to be regarded as an essential portion of the compromise; if the question may be held to be still open, they are strongly in favour of a reduction for the reasons already explained.

The question of new basic scales has been raised in your supplementary letter No. F-178-11—24-Esta., dated the 4th July 1924. It is, perhaps, premature to discuss this before the principle of reduction has been accepted but to the local Government it seems that a basic Indian scale of about two-thirds of the total European emoluments (including the proposed increase in overseas pay and the value of the remittance benefit and passage allowance) would ordinarily be sufficient to attract suitable Indian recruits. Such remuneration will still remain sufficiently above the time-scale salary of the Provincial Service to avoid any complication on that account.

(5) The local Government prefer the form of relief recommended by the Commission, i.e., in the case of officers on the time-scale, a small addition to overseas pay combined with the privilege of remitting the whole of the overseas pay at two shillings to the rupee, and in the case of administrative posts the remittance of Rs. 400 per mensem at this privileged rate.

It may here be noted, though the question has not been specifically raised, that, in the opinion of the local Government the remittance benefit should continue when an officer is on leave. It appears equitable to grant the full concession to an officer on leave on average pay, and one-half of the maximum when the officer draws half average pay, on furlough. The need for the remittance benefit is equally insistent while an officer is on leave.

(6) If either of the alternative forms of relief suggested by the Government of India are adopted in preference to the Commission's recommendations, the scales proposed in paragraphs 24 and 26 of your letter under reply are accepted by the local Government.

(7) Subject to the general opinion expressed above as regards future entrants, His Excellency in Council agrees that the basic pay of the Indian Police should be raised as proposed by the Commission.

(8) Similarly, and subject to the same condition, His Excellency in Council agrees that the basic pay of the Indian Service of Engineers should be raised by Rs. 75 a month so as to absorb the present technical pay.

(9) The local Government accept the Commission's recommendation that judicial pay should be abolished for future entrants. As regards officers now in the service, the Commission would continue the allowance to an officer who elected for the judicial branch and was appointed to it. I am to suggest that the word "allotted" should be substituted for "appointed." As an example, I am to mention the case of an officer of the Bihar and Orissa cadre who elected for the judicial branch and whose services the High Court were anxious to secure, but who was detained on the executive side, for administrative convenience, to complete a land settlement. In default of this substitution, any officer who has been allotted, but not yet appointed, should be given a chance of reconsidering his election.

(10) The local Government accept the scale of relief suggested by the Government of India for the Women's Branch of the Indian Educational Service in paragraph 29 of their letter.

3. In conclusion, I am to add that, in respect of the pay of the services, the Hon'ble Mr. Sachchidananda Sinha, would follow the general principle of accepting the proposals of the Commission as they stand, as being part of the compromise, but would in no case go beyond them. As regards the emoluments of officers holding the higher administrative posts, his agreement with the Indian Commissioners has already been reported in paragraph 2 (e) of my letter No. 1689-A.R., dated the 22nd July 1924, and is repeated in paragraph 2 (2) above.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO GOVERNMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 3313-A.R., DATED RANCHI, THE 16TH AUGUST 1924.

SUBJECT.—*Proposals of the Royal Commission on the Superior Civil Services in India regarding the pay of the All-India Services.*

In continuation of my letter No. 1966-A.R., dated the 2nd August 1924, I am directed to forward a copy of a letter from the Registrar of the High Court of Judicature at Patna, No. 5041, dated the 1st August 1924, with enclosures, forwarding the views of the Hon'ble Judges on the above subject, I am to point out that the local Government have already accepted the Commission's recommendation that judicial pay should be abolished for future entrants subject to the reservation that the pay should be continued to an officer who has elected the judicial branch and has been allotted to it. The question of acting promotion in the selection grade of District Judges is being considered separately by the Government of India. It has not been dealt with by the Commission, and was not referred to the local Government by the Government of India.

2. As regards the two points dealt with in the minutes appended to the Court's letter I am to say that the local Government have already recommended in paragraph 2 (e) of their letter No. 1689-A.R., dated the 22nd July 1924, that the Judges of the High Court

be excluded from the remittance benefit as they enjoy an extra pension. The District Judges of the selection grade will, however, receive this concession if the view of the English Commissioners, which the local Government have accepted, prevails. The Judges of the High Court will also get passage allowances if the Commission's recommendations are accepted.

LETTER FROM J. F. W. JAMES, Esq., I.C.S., REGISTRAR OF THE HIGH COURT OF JUDICATURE AT PATNA, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA, No. 5041, DATED PATNA, THE 1ST AUGUST 1924.

In reply to your letter No. 1533, dated July 19th, 1924, asking for the opinion of the High Court on the recommendations of the Royal Commission on the Superior Civil Services in India regarding pay of the All-India Services, I am directed to say that the Acting Chief Justice and Judges consider that any relief which is afforded to officers above the time-scale ought not to be withheld from the Judges of the High Court. It may be observed that the salary of the Judges of the High Court was fixed at the present rate many years ago, and that the cost of living has risen very greatly since that time.

2. With regard to the proposal that judicial pay should not be drawn by future entrants into the Judicial Branch of the Indian Civil Service, I am to say that this proposal has taken the High Court by surprise, since there was nothing in the questionnaire of the Commission which foreshadowed anything of the kind. If competent members of the Indian Civil Service are to be attracted to the Judicial Branch of the Service, the judicial pay should be continued. In any case judicial pay ought to be continued to those officers who have already acted as District Judges, and have drawn it in that capacity, even though they may not yet have been formally allotted to the Judicial Branch.

3. The Acting Chief Justice and Judges are of opinion that the basic pay of Indian recruits to All-India Services should not be altered at present.

4. In this connection, I am directed to draw the attention of the local Government to the question raised in the Court's letter No. 1-T.R., dated the 20th August 1921, in which the Judges recommended that officiating promotion in the first grade of District Judges should not be withdrawn. It is understood that a favourable decision has been given on the same question in the case of the Indian Police, and there is nothing to differentiate the case of District and Sessions Judges from that of the Police. It is to be remembered that for over a year nobody has drawn the pay of a first grade District Judge.

5. I am to forward separately the minutes of the Hon'ble Mr. Justice L. C. Adami, the Hon'ble Mr. Justice T. S. Macpherson and the Hon'ble Mr. Justice Kulwant Sahay.

Minutes of the Hon'ble Mr. Justice L. C. Adami.

1. It will be found that throughout the Report of the Royal Commission the Judges of a High Court are excluded in any proposals for the amelioration of the conditions of pay and service of Government officers. It is plain that, as pointed out by the Government of India, the Committee were under the impression that the salary of a Judge of the High Court is fixed at a certain sum by express provision of an Act of Parliament and therefore no increase of pay could be given. This view is altogether incorrect; the Secretary of State has power to fix the remuneration, and it was fixed by the Secretary of State at Rs. 4,000 a month over fifty years ago when this salary could be considered high but befitting the position a High Court Judge should hold. Since then the amount has remained the same but the cost of living, house rent, etc., have increased enormously and a high rate of income-tax has to be paid. The result is that the pay does not attract the best members of the Bar to become Judges, and the Court must suffer accordingly.

2. Similarly there is an impression that, the salary of a High Court Judge being fixed by the Act, and there being a provision that a Judge shall not be entitled to any emoluments or advantages over and above his salary, an officer of the Indian Civil Service who has been appointed to the High Court is not entitled to receive and enjoy any of the benefits and advantages which may be extended to members of the Indian Civil Service generally. It is forgotten that the Secretary of State can direct that a Judge of the High Court may also enjoy these advantages.

3. The Secretary of State should be asked to consider the question of increasing the salary of the Judges of a High Court to make it meet present conditions, and to rule that a member of the Indian Civil Service who is a Judge of a High Court is entitled to all the advantages which it is proposed to extend to other members of the Civil Service. There is no reason why a Civilian Judge of the High Court should not be allowed to draw overseas pay, or be entitled to at least one return passage for himself and his family. I would press very strongly that the Secretary of State should be moved to declare that a Judge of the High Court, who is a member of the Civil Service, is entitled to each and all of the advantages which it is proposed to give to officers of like standing in the Executive Branch.

4. The proposal to deprive District and Sessions Judges of the extra Rs. 150 a month which they now draw should be resisted. The Judicial Service with its long hours of sedentary work is not an attractive one, and young officers who have to choose between it and the Executive Branch, will always choose the latter with its much freer life and more varied work, offering as it does, too, many more chances of reaching a high and well-paid appointment. If the proposals to separate the Executive and Judicial functions of a District Magistrate are carried into effect, there can be no doubt that the work of the District Magistrate will be far lighter than that of the District Judge. If the object of the proposal to take away the extra Rs. 150 is to dissuade members of the Civil Service from entering the Judicial side and altogether to Indianise the Judiciary, the proposed reduction will be effective, but it has to be remembered that it is through the British administration of Justice that we have perhaps the greatest hold on the hearts and confidence of the Indian people. In any case those young officers who have already chosen the Judicial Service but have not yet been confirmed as District Judges should be allowed to continue to draw the extra Rs. 150.

The 22nd July 1924.

Minutes of the Hon'ble Mr. Justice T. S. Macpherson.

The question raised in the Court's letter No. 1-T.R. of 20th August 1921 should be pressed. The Court strongly recommended that officiating promotion in the first (Selection) grade of District Judges should not be withdrawn, and the local Government supported the recommendation (as was also the case in Bengal). A favourable decision has been given on precisely the same question in the case of the Indian Police. The right to officiating promotion was withdrawn on an audit objection in 1921. Mr. Monahan has suffered a great deal and 4 or 5 other Judges to a considerable extent.

As to the points on which opinion is asked for, I would reply :

(1) The increase proposed is not only ungenerous but altogether inadequate to the needs of the occasion. In my own case pay as District Judge is in figures twelve rupees more than at the outbreak of the War ten years ago and the purchasing power of that pay is certainly not more than 60 per cent. of what it then was. It is idle to suggest that much hardship is not involved and the present proposals do practically nothing to mitigate it. The hardship is most felt by married men, the bulk of whose pay has to be remitted, and the proposed increase of Rs. 50 in overseas pay is simply petty and in no way to be regarded as reasonable.

(2) The relief should certainly be accorded to officers above the time-scale.

The officers in the Judicial Department who are concerned are—

(a) the two District Judges of the Selection Grade and Judges who would, if the proposals of the Court recommended by the local Government were accepted would act in that grade :

(b) Judges of the High Court. Both classes were detrimentally affected by the withdrawal from future entrants of exchange compensation allowance. The Government of India themselves point out in their letter that pay really consists, in the case of officers above the time-scale, of a sum representing pay and overseas allowance continued. Obviously the practical effect of the present arrangement is merely to grant overseas pay to Indians on attaining administrative rank. The financial necessities of European officers on the time-scale, unless they are bachelors or have no families, call for an extension of the relief afforded by the right to remittance at a special rate. It will not be much relief but it will be something. They do not even get the benefit of the small increase in

overseas allowance, and this measure of assistance will be a mitigation and some measure of compensation for the loss of exchange compensation allowance.

As a matter of fact the selection grade, if this privilege is not granted, will only mean the addition of Rs. 200 to the pay of the "selected" officers.

Similarly the same relief should be accorded to High Court Judges from whom exchange compensation has been withdrawn. The Secretary of State can under section 104 of the Government of India Act allow the increase as he once allowed and then disallowed exchange compensation allowance. It is curious to note that while three European Judges of the Court still draw exchange compensation allowance the other three have drawn it but are not now entitled to do so! Doubtless the exchange compensation allowance would have to be merged in the new allowance which would always be more advantageous.

Minutes of the Hon'ble Mr. Justice Kulkarni Sahay.

I agree with Adami J. that there ought to be an increase in the salary, but I think there ought to be no difference in pay or allowances between a Civilian Judge and any other Judge.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES,
No. 2886—1277-III, DATED THE 29TH JULY 1924.

I am directed to reply to Government of India letter No. F.-178-11-24-Ests., dated the 21st June 1924, in which the opinion of the local Government is asked regarding the proposals of the Royal Commission on the Superior Civil Services in India, relating to the pay of the All-India Services, (Chapter VI of the Report).

2. *Paragraph 30 of Government of India letter Point (1).*—The general scale of increase proposed by the Commission in connection with overseas pay is accepted by the local Government as reasonable.

3. *Point (2).*—The Indian members of the Commission are opposed to introducing any differentiation between the pay of Europeans and Indians in administrative posts above the time-scale. The Indian members base their views on two grounds, firstly, the importance of the principle of equal remuneration in these posts, and secondly, the absence of any real need for relief among the officers concerned. In paragraph 4 of their letter the Government of India have dealt with the first ground, and the local Government agrees that no special importance need be attached to this principle. The grounds for the grant of the remittance benefit are the same as those for the grant of the passage concession, *etc.*, that overseas domicile involves extra expenditure and it is illogical to refuse the one while giving the other. Whether the European holds an administrative post or not, he has to incur considerable extra expenditure owing to his being employed outside his own country. The argument that uniform remuneration should be granted because the posts entail obligations which are independent of domicile is an argument that might be applied to any post. As regards the ground of financial necessity, the fact that an officer holds an administrative post in no way lessens the economic pressure to which he is subject or the need for relief. If relief is granted to a Deputy Commissioner, for instance, it is difficult to see how it can be refused to a Commissioner whose position necessitates greater expenditure than that of a Deputy Commissioner. It must also be emphasized that by the time an officer attains one of the posts in question, his family is normally at its most expensive age. Finally, I am to refer to the administrative inconveniences which would result from the acceptance of the views of the Indian members. Table A attached to this letter shows that the difference in emoluments between the top of the time-scale and the administrative posts in several departments will be insufficient to allow for the additional responsibility and the additional expenses involved, and the local Government may find it difficult to persuade officers to accept some of the higher posts. For these reasons the local Government would prefer to accept the views of the English members of the Commission.

Excluding the executive Members of Council (whose pay is fixed by Statute) the highest pay attached to any post in this province is that of the Judicial Commissioner, which is Rs. 3,500. The local Government recommends that the remittance benefit should be given to the occupants of all posts above the time-scale up to and including the Judicial Commissioner.

4. *Point (3).*—The proposals of the Commission regarding the grant of relief to Indian officers in the services are:—

- (a) that the Indians already entitled to overseas pay should draw the increase proposed in such overseas pay, *i.e.*, an increase of Rs. 50 per mensem from about the age of 30 ;
- (b) that Indians already entitled to overseas pay should only be entitled to the remittance privilege if they can satisfy the High Commissioner that they have wives or children in Europe.

The effect of these proposals will be more easily appreciated when the list of Indians entitled to overseas pay is examined. There are altogether in this province, in receipt of overseas pay, 13 Indian Civil Service officers (to be increased by those who succeed in the London open competition examination of 1924), one Police officer, one officer of the Indian Educational Service, two officers of the Indian Medical Service and one officer of the Indian Service of Engineers. The number of officers affected is thus small. These officers have hitherto been given the same treatment as European officers and the local Government considers it inadvisable to create a grievance by introducing differential treatment at this stage. The Association of Indian Officers in this province has urged equality of treatment and I am to attach a copy of their remarks on this point. Without committing itself to an acceptance of all the arguments advanced by the Association, the local Government considers that a reasonable case has been made out for the acceptance of the Commission's proposals; which constitute, moreover, an integral part of the structure of the Commission's recommendations as a whole.

5. *Point (4).*—The question of the basic pay of future Indian recruits to the four services operating in the reserved field is discussed in paragraphs 13, 14 and 15 of the Government of India letter; and in their supplementary letter No. F-178-11-24, dated the 4th July 1924, the Government of India refer to a definite suggestion that the basic pay should be two-thirds of the pay which may be sanctioned for European officers. The local Government has given careful consideration to this difficult question, and its conclusion is that so long as the Indian and British elements remain members of the same service, recruited and controlled by the same authority, any differentiation in basic pay is inadvisable. A reduction in the basic pay would entail so marked a difference between the emoluments of the two sets of officers as in effect to lead to the creation of a European *corps d'elite*. In this matter the local Government regards the political as more important than the economic aspect, and at a time when it is essential to maintain the efficiency of the administrative services, would deprecate any measure likely to affect the morale of the Indian element. The local Government is satisfied that no material reduction in the pay of the provincial services is practicable, and it is reasonable that the difference between the responsibilities of the All-India and the Provincial Services should be marked by substantial difference in pay. Moreover in some services, *e.g.*, the Indian Forest Service, there is reason to believe that a reduction in the basic pay would make it difficult to secure recruits of the required standard. Finally, the proposal of the Commission regarding basic pay is an integral part of the compromise on which the Commission's report is based and could not be modified without upsetting the general balance of the report. The local Government accepts, therefore, the opinion expressed in paragraph 15 of the Government of India letter, that, pending the result of the experience gained in the transferred departments, the basic pay of the services in the reserved field should remain unaltered.

The Hon'ble Mr. Standen (Revenue Member) while accepting this conclusion considers that if the report is not accepted as a whole, and substantial changes are made in the other recommendations of the Commission, the basic pay, after provincialisation of the Indianised posts, might be reduced approximately as follows:—

	Rs.	Rs.
Indian Civil Service 300 to 1,500
Indian Police Service 250 to 1,150
Indian Forest Service 300 to 1,100
Indian Service of Engineers 300 to 1,100

He thinks that with these scales it would be possible to reduce the pay at the latter end of the time-scale of the provincial services. The Hon'ble Sir Moropant Joshi (Home Member) is of opinion that while the basic pay up to Rs. 1,000 should be the same, the increments after Rs. 1,000 for Indians should be on a two-thirds scale.

6. *Point (5).*—In paragraphs 16-20 of their letter the Government of India discuss the proposals of the Commission that every officer of non-Asiatic domicile should be permitted to remit his overseas pay through the High Commissioner at a rate of two shillings to the rupee or to draw it in London at sterling at that rate. Of the alternatives mentioned by the Government of India, the local Government prefers the statement of the overseas pay in sterling at the rate of two shillings to the rupee. This proposal has the merit of simplicity and seems to be covered by the wording of the report. If the Government of India desire that the overseas pay should in the main be expended in England, the local Government suggests that officers should be allowed to pay contributions from their overseas pay into a Provident Fund to be maintained by the High Commissioner, London, as a substitute for contribution to the Provident Fund in India. This arrangement would be popular with officers who would regard it as adding to the security of their Provident Fund. The local Government is definitely opposed to the proposal that an addition in rupees should be made to the overseas pay, as the variations in sterling remuneration due to vagaries of exchange, would then remain. In connection with this remittance benefit, I am to point out that at present three officers in the Judicial Branch of the Indian Civil Service draw personal allowances to compensate them for the loss of exchange compensation allowance, while eleven members of the Indian Police Service, who were appointed prior to 1906, draw exchange compensation allowance. The local Government understands that in the first case the personal allowance will be reduced by the amount of the remittance benefit and in the second case the exchange compensation allowance will cease to be drawn.

7. *Point (6).*—With regard to the changes in the overseas scale of pay suggested in paragraphs 24 and 26 of the Government of India letter, the local Government, while agreeing that the proposals of the Government of India are perhaps more logical than those made in the report, would prefer to accept the proposals of the Commission as they stand.

8. *Point (7).*—The local Government agrees that the basic pay of the police should be raised as proposed by the Commission. The local Government desires to take this opportunity of suggesting an increase in the number of select posts in the police cadre. Under the terms of the Government of India Resolution No. D-449, dated the 26th July 1921, the number of select posts is so fixed that the total percentage of posts above the time-scale will not exceed 10 per cent. of the provincial cadres. The effect of this rule in this province is to limit the number of select posts to one. The local Government would like to see this number raised to two.

9. *Point (8).*—The local Government agrees that the introduction of the technical allowance of Rs. 75 in the Indian Service of Engineers has caused much discontent, and is not justified. The addition of the technical pay to the basic pay will not, the local Government thinks, give the Indian recruit to the Indian Service of Engineers any undue advantage over Indian recruits in other services. His maximum pay in the ordinary time-scale at the age of 46 will be only Rs. 25 more than that of the police officer excluding the selection grade and of the officers of the Educational and Forest Services, and Rs. 75 more than that of the officers of the Indian Agricultural Service and Indian Veterinary Service. He will draw less than the police officer in the earlier years of his service, but after reaching the age of 35 years, he will generally draw more. Throughout his service he will draw slightly more than the officers of the Educational Service and the Forest Service. There is, in the opinion of the local Government, nothing unreasonable in the position so created and though on the merits of the case it agrees with the Commission that the increase in basic pay is not necessary for the Indian, the proposals appear to be the least unsatisfactory method of abolishing the technical pay. The local Government, therefore, accepts the proposals of the Commission on this point.

10. *Point (9).*—The local Government agrees that a case cannot be made out for the retention of judicial pay for future entrants. As regards an equitable rule for determining which officers should continue to draw judicial pay, the local Government considers that the judicial pay should continue to be drawn by every officer borne on the list of the Judicial Department at the date of the report, irrespective of whether he has officiated as a District Judge or not.

11. *Point (10).*—In paragraph 29 of their letter, the Government of India suggest a tentative scale of relief for the Women's Branch of the Indian Educational Service. There are only two European members of this service in this province and in view of the difficulties attached to the position of these ladies, especially in the early years of their service, the

local Government desires to put forward a slight improvement on the Government of India scale. The table below compares the present scale with the scales proposed by the Government of India and the local Government, respectively :—

Year.	Present.	Government of India's scale.	Local Government's scale.
1st	50	50	100
2nd	50	50	100
3rd	50	50	100
4th	50	50	100
5th	50	50	100
6th	50	100	100
7th	50	100	150
8th	50	100	150
9th	50	150	150
10th	50	150	150
11th	50	150	150
12th and onwards	50	200	200

The Hon'ble Sir Moropant Joshi would be content with the Government of India scale.

TABLE A.

Statement showing the differences in pay between the highest posts on the time-scale and the higher administrative posts in certain services in the Central Provinces and Berar, on the proposals as they stand.

NOTE.—The addition to pay resulting from the proposals of the Commission is in all cases taken as equivalent to Rs. 200 a month.

	Rs.
<i>Indian Civil Service—</i>	
Pay of a Commissioner, Additional Judicial Commissioner, or Chief Secretary	3,000
<i>Pay of an officer at the top of the time-scale—</i>	
(a) Executive	2,700
(b) Judicial	2,850
(c) Holding a post as Secretary to Government, Commissioner of Excise or Commissioner of Settlements	2,950
<i>Education Department—</i>	
Pay of the Director of Public Instruction	2,000—100—2,500
Pay of the Principal select post	2,200
Pay of that post where the officer is also, as at present, head of the Robertson College	2,450 plus a free house.
Pay of ordinary select posts	1,950
Where held by a Principal of a College on Rs. 150 (there are four such posts to three of which free houses are attached)	2,100
<i>Department of Agriculture—</i>	
Pay of Director	2,000—50—2,250
Pay of select posts	1,950
Pay of a select post held (as at present) by the Principal, Agricultural College	2,100

Remarks by the Central Provinces and Berar Association of Indian Officers regarding equality of treatment.

Indian officers of the All-India Services and particularly of the Indian Civil Service, have always insisted on receiving perfect equality of treatment with their European colleagues. In the past this equality of treatment was accorded to Indians without demur, with one exception, viz., in respect of Exchange Compensation Allowance. Of this one differentiation Indians made no grievance as, in the first place, it pre-existed the entry into the service of many of them and, secondary, their numbers were, till recently, too few to permit of their taking concerted action with a view to the removal of a distinction which was inconsistent with the traditions of their service, whatever justification it may have had on economic grounds. The Exchange Compensation Allowance was abolished in 1910, when the pay of the services was reorganised on a time-scale basis. No differentiation was then made between European members of this service and Indians in the matter of basic and overseas pay. It has been argued that the grant of overseas pay to Indians was due, not to any theoretical consideration of equality of treatment, but on other grounds. A more recent instance will, however, prove that this all important principle was accepted in extending the benefit of the special leave rules to the existing Indian members of the services recruited in England, as it was evidently recognised by the Secretary of State that not to do so would have been inequitable and inexpedient. The passage advance rules promulgated in January 1923, may be cited as an instance of the disregard of the principle referred to above. My Association would point out, however, that no publicity was given to these rules and that many Indian officers were at the time ignorant of their existence. The attention of Indian members of the Indian Civil Service and other All-India Services was not drawn to them, at least in this province, when they were passed. My Association would reiterate this principle now and request that it should be borne in mind in arriving at a decision on the recommendations of the Lee Commission. Any departure from it would be inequitable and administratively mischievous, and would be attended by disastrous reaction on the prestige, contentment, morale and efficiency of a class of public servants on whose success will depend the ultimate success of the scheme of progressive Indianisation of the services. In the next generation Indian efficiency will in large measure be judged by our efficiency and our failure will to a great extent be the measure of the failure of Indians as a nation in the craft of administration.

Standard of living and domicile.—My Association would point out at the outset that a standard of living is not synonymous with a style of living. The argument developed by the Government of India is vitiated by this confusion of thought. An Anglo-Indian's style of living may approximate to that of a European in the outward signs of it, viz., mode of dress, ways of cooking and taking food, etc. But that does not surely mean that his standard of living is as high as that of a European in superior government service. In other words, the standard of living of a guard on the Bengal-Nagpur Railway is not identical with that of a European Deputy Commissioner in the Central Provinces. It is surprising that the Government of India have been betrayed into advancing, even for argument's sake, a line of reasoning so palpably fallacious. My Association asserts and is prepared to support the assertion by concrete facts and figures that the standard of an Indian Officer in the superior services is no whit lower than that of his European colleagues: in the matter of dress, number of servants, mode of conveyance, social habits, entertainment. This is particularly true in the case of Indians in the Indian Civil Service, which contains by far the largest number of Indians at present in the superior civil services and in which Indians were admitted earlier than in any other service. Their prolonged residence in England, their intimate contact with British young men at one or the other of the great Universities of Great Britain (in the majority of cases Cambridge or Oxford), the footing of perfect equality on which they have stood and worked with their British colleagues in the superior civil services in India, and which was never challenged till lately, all these have inevitably influenced their standard of living, for good or for evil. Some of these officers send their families to England and make occasional trips to Europe. The more senior from among them already educate their children in England. The younger officers have every intention of giving their children an education not less advanced and liberal than what they themselves have received. These commitments which are the inevitable corollary of the standard of living that was forced on them by circumstances (and which they were encouraged by Government to maintain and indeed obliged to

maintain sometimes on pain of official displeasure) cannot now be justly described as voluntary. Domicile in itself is a misleading test. It may have an important bearing on the question, because it determines the standard of living, but it is the latter which is the only firm basis in this difficult matter. This, as has been pointed out above, is identical with that of their colleagues of European domicile. Moreover, there are social and religious obligations peculiar to Indians and from which they cannot escape, however Europeanised they might have become, which constitute an additional drain on their purse. There are several Indians who maintain a double establishment in order to be able to entertain their Indian friends as well as their European ones. The claims of the families on them are insistent, a fact which my Association think nobody who is not born in India can rightly appreciate. My Association would not have enlarged on this question, had it not been for the necessity of demonstrating the weakness of the otherwise ostensibly plausible line of argument advanced by the Government of India with regard to it.

Risks and expenses of an English education.—The Government of India explain in paragraph 9 (a) of their letter that overseas pay was granted to Indians in 1920 because the increases in total pay made in 1919 were so small that, had the Indians not been granted overseas pay, they would have had no increase or even a decrease on their previous emoluments, whereas the cost of living of Indians had admittedly risen considerably. My Association, therefore, fails to understand how the same overseas pay can be regarded as sufficient recompense for the expense and risks of an English education, which moreover was the only avenue for entry into many superior services, particularly the Indian Civil Service. The extent of these risks and expenses has not, my Association is afraid, been fully realised. There are many Indians who start their career saddled with large debts incurred to meet the cost of an English education preparatory to entry into the Indian Civil Service and other services recruited in England. The case of a junior Indian Civil Service officer who is in his fifth year of service is paying Rs. 200 per month out of his pay to one of his creditors (for debt contracted before he sailed for England) which my Association would quote is by no means exceptional. Another officer, who is in the Indian Medical Service, and was occupying a high administrative post in one of the larger provinces required 17 years before he was rid of the debts he had contracted for the purpose of his foreign education. My Association could prove to demonstration that the present overseas pay that Indians receive is an inadequate recompense for the expenses and risks of an English education.

Differentiation between Indian and Indian.—The grounds on which such a differentiation is based are real and not dependent on the chance date of appointment. There may be Indians who are in receipt of overseas pay, though they have never been out of India, but it needs no argument to show that they are the exception and not the rule. Their existence is surely no reason for denying relief to those who have been out of India, much the larger number. As stated above, the latter entered service on the understanding that no distinction would be made between them and Europeans, an understanding that was one of the attractions of the service. Their standard of living has been affected irrevocably by this consideration. Future Indian recruits will enter service with a full realisation of the distinction which will be made, and will have no legitimate reason for grievance on the ground of being taken unawares.

GOVERNMENT OF ASSAM.

THE GOVERNOR IN COUNCIL.

APPOINTMENT DEPARTMENT.

APPOINTMENT BRANCH.

LETTER FROM A. W. BOTHAM, ESQ., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. APPTT. 1107—4251-A.P., DATED SHILONG, THE 4TH AUGUST 1924.

With reference to your letter No. 178/11/24-Establishments, dated the 21st of June 1924, on the subject of the Royal Commission's proposals regarding the pay of the All-India Services, I am directed to communicate the views of the Government of Assam.

(1) The Government of Assam are prepared to accept the general scale of increase proposed. It will be seen from the enclosed representation from the Assam Association

of European Government Servants that it falls considerably short of what most of the services draw, but in view of present financial conditions this Government are not prepared to press for a further increase.

(2) His Excellency the Governor and the Hon'ble Mr. Webster agree with the European members of the Commission that relief in the matter of remittance benefit should be granted to officers above the time-scale, but would restrict it to those who do not draw more than Rs. 3,000 a month. The Hon'ble Khan Bahadur Kutubuddin Ahmad on the other hand and both the Hon'ble Ministers support the views of the Indian Members of the Commission.

(3) In the opinion of this Government no relief to Indian officers already in service is called for.

(4) As regards the basic pay of Indian recruits to the All-India Services, the Hon'ble Minister for Local Self-Government considers that all future Indian recruits should be placed on a separate and reduced scale of pay suited to local conditions. The remaining members of Government are, however, opposed to any reduction of basic pay at present in the All-India Services.

(5) With regard to the three alternative methods discussed in paragraphs 16 to 20 of your letter of giving effect to the Commission's recommendation regarding the remittance concession, the Government of Assam do not favour the third alternative. The second is admittedly attractive from certain points of view, but is open to the objection that a change of policy on the part of the income-tax authorities in England might materially detract from its value and necessitate its subsequent revision. On the whole, therefore, the Governor in Council favours the adoption of the first alternative which has the advantage of being the form of relief recommended by the Royal Commission.

In this connection the Assam Association of European Government Servants have drawn attention to the fact that the Report of the Royal Commission is silent regarding the rate at which overseas pay may be drawn by officers on leave as part of their leave salary. They have pointed out that the expenditure which overseas pay was designed to meet—education of children at home, etc.—continues when an officer is on leave, and that had the rate of exchange remained at two shillings the whole of an officer's leave salary would have been payable at that rate. They consider, therefore, that so much of the leave salary as represents overseas pay should be converted into sterling at two shillings to the rupee. This suggestion appears to the Government of Assam to be reasonable. Its adoption would entitle an officer on full average pay to the remittance concession in respect of his full overseas pay, and an officer on half average pay would benefit to the extent that half his overseas pay would be drawn in sterling at the same rate.

(6) The Government of Assam do not consider that any modification of scales on the lines suggested in paragraphs 24 and 26 of your letter is called for, and would prefer to accept the Royal Commission's recommendations as they stand.

(7) The Government of Assam agree that the basic pay of the Police should be raised as proposed by the Commission.

(8) There appears to be no sufficient reason for raising the basic pay of the Indian Service of Engineers by Rs. 75 a month merely for the purpose of absorbing the present technical pay.

(9) In the opinion of this Government the reasons which led to the grant of special judicial pay no longer exist, and this special rate should be abolished for new entrants. The Government of Assam have no judicial posts on their cadre and borrow from Bengal such judicial officers as they require from time to time. They would therefore leave it to the Government of Bengal to advise on the rule which should be made applicable to an officer who was, at the time of the issue of the Report, officiating in a judicial appointment but had not been confirmed.

(10) No member of the Women's Branch of the Indian Educational Service is at present serving in Assam, and this Government do not propose to offer an opinion on what would be a suitable scale of relief for that service.

ASSAM ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS.

LETTER FROM THE HONORARY SECRETARY, ASSAM ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, DATED SHILLONG, THE 17TH JULY 1924.

I am directed to acknowledge the receipt of your memorandum No. Appt. 934—3698—711, dated the 28th June 1924, with which you forward for an expression of opinion from this Association a copy of letter No. F. 178/11/24-Ests., dated the 21st June 1924, from the Government of India, in which are discussed the proposals of the Royal Commission on the Superior Civil Services in India about the pay of the All-India Services. In reply I am again to invite attention to the evidence placed before the Royal Commission by this and other Service Associations, and to the replies given by this Association to paragraphs 3, 5, and 6 of Part II of the questionnaire. I am also to reiterate and emphasise our observations in paragraph 2 of my letter of the 14th June last.

With regard to the points summarised in paragraph 30 of the Government of India letter, I am to forward very briefly the further views of this Association.

(1) The proposal to keep basic pay where it is would not be objected to by this Association if the proposed increase in Overseas pay were adequate for our needs. A reference to paragraph 18 of our evidence before the Royal Commission shows clearly that it is not.

(2) In view of the anomalies pointed out by the Government of India in paragraphs 2 to 8 of the letter under reference and the strong argument enunciated in paragraph 4, we are of the opinion that, at whatever point the relief is discontinued, this point must be determined by pay and not by posts. The arguments for the case my Association wishes to make have been fairly set out in Appendix IV (i) to the Report by the European Members of the Commission, strongly supported by the Chairman, and my Association has little to add beyond drawing attention to the actual results of the proposals as they stand in certain Departments. Unless the recommendations of the majority of the Commission are accepted, not only will one of the principal attractions which the Services offer to prospective recruits be removed, but the great incentive which "prize posts" offer to good work throughout the early years of service will be lost. Again, even in the later years, the pecuniary gain on promotion to a higher Administrative post will be so small as to discourage competent officers from seeking or accepting promotion, in view of the heavier work, responsibility and expense involved. In some cases a senior officer on a time-scale will actually stand to lose by promotion.

The concession recommended by the majority of the Commission will, in most cases, just turn the scale in favour of the higher appointments, and the addition to the cost of the proposals of the Commission should not be considerable. In asking that the proposals outlined in Appendix IV (i) should be accepted, my Association urges that they represent the barest minimum that will secure the general efficiency and contentment of the Services.

The maximum pay of Superintending Engineers, in the Indian Service of Engineers, was fixed at Rs. 2,000 *plus* exchange compensation allowance, equivalent in all to Rs. 2,125 as long ago as the year 1905, a figure which is Rs. 25 less than the maximum of Rs. 2,150 now proposed. At the reorganisation of 1908, the maximum was reduced to Rs. 2,000, by the omission of exchange compensation allowance for the more junior men, and in 1919-20, owing to the adoption of a common scale for Imperial and Provincial Officers, the latter benefitted to the extent of an increase of 34 per cent. in maximum pay, whilst the former received a small increase which meant little more than the restoration of exchange compensation allowance previously withdrawn. The fallacy underlying the argument of "equal pay for equal work" is demonstrated in the Note by the European Commissioners, Appendix IV (i), and you will appreciate the feelings of these officers if the justice of their claims is set aside owing to political expediency.

The time at the disposal of the Commissioners was insufficient for a minute examination of every individual case and my Association believes that they were not fully cognisant of the history of these appointments as set forth in the previous paragraph.

The importance of "prize posts" in a service is emphasized by the English Commissioners and the Chairman in Appendix IV, and my Association begs to bring to your notice the remarkable manner in which the comparative value of these Administrative

posts has decreased during successive reorganisations in the last 19 years. In the year 1905, the maximum pay of an Executive Engineer, including exchange compensation allowance, was Rs. 1,063 compared with the maximum pay of Rs. 2,125 in the case of Superintending Engineers, a difference of Rs. 1,062 per mensem. In the 1908 and 1919 re-organizations, the difference was successively reduced to Rs. 750 and Rs. 525. Under the present proposals of the Commission, the difference would further shrink to Rs. 325 per mensem, whilst in the case of the Police Service the difference between the maximum pay of a District Superintendent in a selected post and that of a Deputy Inspector General would be only Rs. 250 per mensem. Although in the case of the posts of Heads of Departments concerned; a substantial difference of pay still exists, my Association desires to make it clear that such appointments can be held by very few and that the lower administrative appointments of Deputy Inspector General, Conservator and Superintending Engineer are the highest which the average officer can hope to reach.

The form of relief recommended in paragraph 55 for officers holding these appointments is the conversion of the present time-scale of Rs. 1,750—100—2,150 into a flat rate of Rs. 2,150. There can be no doubt that the Commission was actuated by the desire to afford equitable treatment for these officers, and at first sight this readjustment of pay appears to be not ungenerous. A detailed examination, however, which was beyond the power of the Commission to make, shows that the proposals operate most unfavourably for the majority of officers at present holding these appointments, whilst in the case of the officers most favourably affected they compare unfavourably with the relief recommended by the Commission for all other Government servants. This Association is of the opinion that it would be fairer to the majority of the officers concerned if the present time-scale of Rs. 1,750—100—2,150 were allowed to remain and the remittance benefit extended to all Deputy Inspectors General, Superintending Engineers and Conservators of Forests, etc.

(3) Our demands for relief for Europeans were made on the basis of the actual needs of Europeans as such, and as established by family budgets; and we are not in a position to offer an opinion on the actual needs of Indians which would justify an extension to them of similar relief, especially in view of the fact that any commitments they may have outside India are voluntary and not inevitable.

(4) This Association does not desire to express any opinion on this point.

(5) There is great force in the argument contained in paragraph 16 (a). Paragraph 16 (c) is not correct. Even early in married life and before family expenses assume serious proportions, provision for the future has to be made at home by insurance or otherwise. This Association agrees entirely with the facts put forward in paragraph 18, and is in favour of making an adequate addition to overseas pay and stating the whole of it in Sterling to be drawn in England (or the Dominions). Provided that the Home Income-tax authorities do not revise their regulations and declare hereafter that any person who draws regular pay at Home is to be deemed to be resident in the United Kingdom for purposes of Income-tax administration. In such an eventuality the interests of the services should be safeguarded. I am to add that this Association is of opinion that this concession should be extended to officers whose Indian Domicile is purely technical.

(6) This Association would have no objection to an amendment of the scale to produce a more uniform rise which would yield the same result and considers that overseas pay should be fixed on the basis of age.

(7) The Police are at present excluded from membership of this Association.

(8) Technical pay is given in recognition of the superior education and training obtainable in England and this Association can see no reason for its application to those who have not obtained these expensive qualifications.

(9) This Association agrees that the reasons which led to the grant of special judicial pay no longer exist and that for future entrants this special rate of pay should be abolished. They consider however that an officer who has acted for a considerable time in a judicial appointment and failed to be confirmed through no fault of his own, has acquired an 'accruing right' which should be recognised.

(10) This Association would be prepared to agree to the scale proposed.

The letter of the Government of India to the Local Government naturally contains no reference to Central Services. But this Association contains Central Officers and it is only through it that they have an opportunity of being heard.

The Ecclesiastical Department draws no Overseas pay, and therefore the Remittance recommendations will give them no relief at all. This cannot have been the intention of the Royal Commission (see paragraph 57 on page 31 of the Report and paragraph X XV of the Summary on page 68). Moreover, they are a very low-paid Service and are badly in need of some such relief. Similarly in the Audit and Accounts Service there is no Overseas pay. That Service draws a similar amount but it is called "Addition to pay"—presumably in order to enable Indians as well as Europeans to draw it. Unless these two Services therefore take this opportunity of representing that they are in equity entitled to similar Remittance privileges, there is every probability that their claims will be overlooked.

I am desired to refer to the fact that the Report of the Royal Commission is silent regarding the rate at which overseas pay may be drawn by officers on leave as part of their leave salary. It is unnecessary to point out that the expenditure for which overseas pay is granted—education of children, etc., continues when an officer is on leave; moreover had the rate of exchange remained at 2s. the whole of an officer's leave salary would have been payable at that rate. I am therefore to express the hope that, with reference to Fundamental Rule 91, so much of the leave salary as represents overseas pay will be converted into sterling at 2s. a rupee in the event of it not being decided to fix and pay overseas pay in sterling.

 GOVERNMENT OF INDIA.

HOME DEPARTMENT.

 ESTABLISHMENTS.

LETTER FROM THE HON'BLE MR. J. CRERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, TO ALL LOCAL GOVERNMENTS, No. F-178/12/24-ESTS., DATED SIMLA, THE 22ND JUNE 1924.

With reference to my letter No. 172/24-Est., dated 18th June 1924, I am directed to address you regarding the proposals of the Royal Commission on the Superior Civil Services in India for the grant of passages to officers and their families when travelling to Europe on leave. The Commission recommend that the passage concession should be granted by means of an addition to overseas pay which should be credited at once to a general passage fund. Free passages would then be granted to officers, their wives and children according to a certain scale. The system of a passage fund has certain obvious advantages. It has been generally recognised that it would be unsatisfactory to make an addition to pay with a view to covering the cost of passages without taking any steps to ensure that the money is not dissipated in every-day expenditure. This objection could be removed by insisting that every officer should place the money intended for passages in his individual provident fund. This would have the desired effect of compulsory saving, but it is doubtful whether it would be such a satisfactory concession to the Services as the institution of a general passage fund. The passage fund has the great advantage of giving the maximum immediate benefit. It would take from 4 to 5 years for an officer to build up by means of an individual provident fund the sum required for the passage home of himself and his wife. The passage fund on the other hand would give an officer and his wife a free passage at once. Further the passage fund has the advantage of providing automatically for the actual needs of the wife and family. If a system of individual provident funds were adopted, it would be necessary for Government to make different additions to the pay of the married and the single. This may not be thought desirable, and unless the differentiation is to go into further family details in regard to the number of children, it is certain that some officers would get more than they require for the purpose of passages and others would get less. Finally the system of a passage fund is likely to be on the whole more economical to Government. Pay once credited to an individual provident fund must be the property of the individual officer whether it is expended on passages or not. But under the passage fund system if officers do not take the full benefits to which they are entitled the sum saved would accumulate as a balance at the credit of the fund and it might be possible later to reduce payments into the fund. This system would ensure at any rate that no more money was paid out by Government than was actually required for the purpose for which it is given.

2. On the other hand it is possible that some legal difficulties might arise in deciding whether money thus paid compulsorily into a general fund could properly be regarded as part of an officer's pay and therefore non-votable. The legal position is being examined. Should the difficulties appear to be real, it might be necessary to abandon the idea of the fund. In that case a further communication will be made regarding possible alternatives.

3. It is recommended that each officer entitled to the concession should receive 4 return passages during his service on the standard of P. and O. 1st class B, that provision on a similar scale should be made for his wife and that one single passage should be granted for each child. It is estimated that these benefits could be provided by the payment of Rs. 50 a month by each officer. The first question for decision is whether this general scale of benefit is reasonable.

4. If the scale of benefit is accepted as reasonable, the question arises of the exact form which the concession should take. The Commission propose to give actual passages at a first class P. and O. rate. Many officers, however, would prefer to travel less comfortably, if the financial difference could be devoted to additional passages. Further there would be a practical difficulty, if all officers of the Superior Civil Services were entitled to passages at a 1st class P. and O. rate. It may be taken as certain that none would elect to travel more cheaply and less comfortably when the saving would merely accrue to Government. This would mean that lines other than the P. and O. which carry at present a considerable number of Government servants would lose the whole of this connection and they would have reasonable cause for complaint.

5. This line of argument would suggest that it might be wiser to give a larger number of passages on the scale of second class A. P. and O. in place of a smaller number on the scale of 1st class B. But this solution again would not be altogether satisfactory. Those who travel first class, and it cannot be said that this is an unreasonable course in the case of senior officers, would never be able to secure from Government the full amount which they expend on any particular journey.

6. It is possible that the simplest solution would be not to grant the value of actual passages at either 1st or 2nd class rates, but to credit each officer with the value of 4 passages 1st class B. P. and O. for himself and the appropriate number for his wife and children, and allow him to draw against this credit the sums which he actually expends on passages for himself, his wife and children. It would then rest with the officer to devote the available credit to a smaller number of expensive passages or to a larger number of cheap ones—the only restriction being that the credits of the officer, his wife, and each child should be separate and non-transferable. It might be necessary to devise some method of adjusting the credits when passage rates are either raised or lowered but the Government of India think that this could be done without much difficulty. I am to enquire whether this solution appears reasonable to the Government of Madras, etc.

7. The Commission recommend that passages should be granted to officers of non-Asiatic domicile only, with the one exception that Indian officers of the Indian Civil Service in receipt of overseas pay should also receive this privilege. It may reasonably be held that passages should be granted only to those officers whose circumstances render official visits to England inevitable, and therefore that as a general rule the privilege should be confined to officers with a non-Asiatic domicile. It is difficult to see how any exception to this general rule can be made in favour of Indian officers of one particular Service as suggested by the Commission. I am directed to enquire whether the Government of Madras, etc., have any recommendation to make in favour of extending any passage concession to any officers of Asiatic domicile.

8. It would seem advisable to leave it to officers to draw on the passage fund to meet the cost of passages whenever it suits them to do so. It would be possible to lay down that each passage should be earned only after certain periods of service, but such a rule would give rise to a multitude of hard cases. The health of the officer or his family or the convenience of Government work often determine the date of leave home. From causes beyond his control an officer might be forced to make a voyage a few months before a passage becomes due. It may be wiser to avoid these occasions of hardship by allowing officers to take the passages when it suits them.

9. It is necessary to lay down the scale of officers now in service. The Commission suggest that an officer with less than 7 years' service should be entitled to 4 passages; with

7 years and less than 14 years to 3 passages; with 14 and less than 21 years to 2 passages; with 21 years and over to 1 passage. I am to ask whether the Government of Madras, etc., accept this scale. In the case of an officer who is already married at the date of the introduction of the system the wife would naturally be entitled to the same number of passages as the officer is entitled to under the approved scale. With regard to marriages which take place subsequent to the introduction of the system, it seems advisable that the number of passages to which the wife is entitled should be reduced on the same scale as that proposed for officers now in service, that is to say if an officer marries within his first 7 years of service, his wife would be entitled to the full number of 4 passages; if he marries after 7 years' service but with less than 14 years the wife would be entitled to 3 passages and so on.

10. With regard to children the Commission have proposed that the value of one single passage should be allowed for each child. In considering this proposal it should be remembered that one child under 3 years of age is carried free, and children who are not less than 3 years but less than 12 years of age are charged only half fare. It would seem necessary to lay down some restriction in the definition of children. When the system has been working for some time it may be anticipated that the whole credit of each child will be used up while it is still young, but at present senior officers will obviously have children of more mature years for whom claims may be made. I am to enquire whether it would be reasonable to prescribe that passage money should be drawn only for unmarried daughters and for sons under the age of 21.

11. The Commission appear to contemplate a separate passage fund administered by each local Government. It seems probable however that for the purposes of convenience and stability it would be preferable that there should be only one fund administered by the Government of India. It would be necessary for the Government of India to assure itself that the payments into the fund would on the present level of passage rates cover the benefits laid down. It is probable however that in the first year or two after the introduction of the scheme there would be unusually heavy demands on the fund as officers who may have been for years unable to afford to take leave would be likely to take advantage of the new privilege. It is possible therefore that in the first two years there would be a temporary deficit in the fund, and it would seem necessary for the Government of India to finance this deficit.

12. It has been decided that in accordance with the recommendation of the Commission the financial relief which may be sanctioned for the Services should have effect from the 1st April 1924. This date, it is recognised, cuts right into the middle of the leave season and it is no doubt the case that a considerable number of officers and their families must have proceeded home during the month of March and would thus miss the concession by a few weeks or days. It is impossible to agree to any retrospective effect earlier than the first April 1924. To mitigate the hardship however it might be provided that any officer (or the family of an officer) who has proceeded to England before the 1st April but returns after that date would be entitled to draw against his credit the value of a single passage when the return journey takes place. It would have to be laid down that any sum thus drawn should be applied by the officer in the immediate reduction of any passage advance that may be outstanding against him.

13. It will be observed that the recommendations of the Commission are confined to officers of the Superior Civil Services. The recommendation excludes officers of the Provincial Services who are at present entitled if of non-Asiatic domicile to receive passage advances without interest. It is not possible for the Government of India or the Secretary of State to prescribe the remuneration of such officers or to direct that local Governments should grant them overseas pay for the purpose of enabling them to join the general passage fund. It would be open to any local Governments to grant them the necessary sum in the form of overseas pay and thus to secure their admission to the benefits of the fund, but this is a matter which must be left entirely to the option of the local Governments.

14. To sum up I am to ask for the views of the Government of Madras, etc., on the following points:--

- (1) whether the principle of a passage fund is accepted, provided no legal difficulties are likely to arise.
- (2) whether the scale of benefits proposed by the Commission is accepted.

- (3) whether the value of these benefits should be credited to officers, who would be allowed to draw against these credits, as suggested in paragraph 6 of this letter.
- (4) whether the benefits should be confined to officers of non-Asiatic domicile or whether any concessions should be given to any officers of Asiatic domicile.
- (5) whether the suggested scale of reduction for officers now in service and for wives in the case of future marriages is appropriate.
- (6) whether the suggested restriction on the definition of children is accepted.
- (7) whether the proposal to have one single fund administered by the Government of India is approved.
- (8) whether the concession suggested in paragraph 12 of this letter for officers who have proceeded home before the 1st April 1924, but return to India after that date is approved.

15. I am to invite attention to paragraph 31 of my letter No. 178/11/24-Esta., dated 21st June 1924 and to say that in this letter also it must be understood that arguments and practical considerations have been stated only with the object of facilitating discussion, and must not be taken as indicating any expression of views on the part of the Government of India.

16. In view of the great importance of arriving at an early decision on the points discussed in this letter I am to ask that the reply of the Government of Madras, etc., may reach the Government of India not later than the 4th August 1924.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, NO. 546, DATED THE 4TH AUGUST 1924.

In reply to your letter No. F.-178/12/1924-Esta., dated 22nd June 1924, on the subject of the recommendations of the Royal Commission regarding passages, I am directed to say it appears to His Excellency the Governor in Council unnecessary to explore the various aspects of the subject presented in the letter under reply. The recommendation of the Commission is in substance that free passages should be given according to a specified scale; their estimate of the financial cost and the establishment of a *pro forma* fund appear to be only ancillary suggestions.

2. His Excellency the Governor in Council has no objection to the opening of a *pro forma* fund if it is decided that this will be the best method of keeping the power of grant in the hands of the Secretary of State and the Government of India. At the same time this plan appears rather clumsy and certain to provoke adverse criticism. His Excellency the Governor in Council would prefer to place the grant of passages as the Commission itself proposes in the contracts made between the Secretary of State and the officers of the various services concerned, such contracts being made retrospective from the 1st of April 1924. The provision of funds to meet the cost of passages each year would then be placed in the budget and would be votable, but the power of the Governor General and of Governors to certify and restore under Section 72-D (2) (a) of the Government of India Act should be exercised if the grant is refused. So far as the power of a Governor is concerned there can be little doubt that clause VII (4) of the Instrument of Instructions which charges him to safeguard the members of the services in the enjoyment of all recognised rights and privileges and to see that all things are ordered justly and reasonably in this regard would amply justify his granting the certificate necessary in order to carry out a legal obligation to the officers concerned.

3. His Excellency the Governor in Council accepts the scale of benefits proposed but can see no reason why the value of the benefit should be credited to individual officers or why they should be allowed to draw against these credits. They should be provided with passages in accordance with the numerical scale laid down. The actual cost of a passage taken should be allowed subject to the limit laid down, namely, a first class B passage by the P. and O. Line. His Excellency the Governor in Council does not anticipate that this will make officers travel by P. and O. exclusively, for many people prefer other lines, and, during the passage season, the P. and O. ships run full and could not take many more than they do now.

4. Regarding the point raised in paragraph 7 of the letter under reply His Excellency the Governor in Council would grant the privilege of free passages on the numerical scale laid down to officers of Asiatic domicile if they can satisfy the High Commissioner that they have wives or children in Europe.

5. His Excellency the Governor in Council accepts the numerical scale of passages set out in detail in paragraph 9 of your letter under reply for officers now in service and their wives and children. If the actual cost [subject to the limit, i.e., cost of 1st class (B), P. & O.] of the passages allowed is paid by Government there will be no complications to be provided for.

6. According to this Government's reading of the Commission's report, their recommendation in regard to children is that the cost of the passage of a child once from India to England is all that should be paid. As there is no charge for a child under 3 years of age, the reference can only be to children 3 years old or over. His Excellency the Governor in Council would fix the limit of age at 18.

7. If the device of a *pro forma* fund is adopted, His Excellency the Governor in Council considers it should be a single one maintained by the Government of India.

8. In paragraph 12 of the letter under reply the case of officers who have proceeded home before the 1st April 1924 and who return after that date is discussed. His Excellency the Governor in Council considers that such an officer may be given the option either of receiving the cost of a single passage from England to India according to the accommodation actually paid for by him and losing one of the passages which would otherwise stand to his credit, or of receiving nothing and retaining the full number of passages to his credit that the scheme allows.

9. Lastly, I am to refer to the case of an officer going home on leave preparatory to retirement. His Excellency the Governor in Council presumes that there will be no objection to allow such an officer the cost of the single passage home, provided he has a passage still to his credit. The point is mentioned as the Commission's recommendations seem to refer exclusively to return passages.

10. The views of the Honourable the Ministers are stated in their Memorandum forwarded with my letter No. 472-O., dated the 23rd July 1924.

Extract from a telegram from the Government of Bombay, dated the 5th August 1924.

* * * * *
Decisions have been arrived at in regard to pay and passages, subject always to reservation minority already communicated, i.e., that minority would make no concession to services unless control of All-India Services is transferred from the Secretary of State to some authority in India.
* * * * *

Reference your letter No. 178/12/24.

Questions 1 and 2.—Accepted; but Government would prefer fifth passage to be given to officers of 28 years' service and over.

Question 3.—Accepted.

Question 4.—Should be confined to officers of non-Asiatic domicile; but if given to Indians in any service, should be given in all.

Questions 5 to 8.—Accepted.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, NO. 9398 A.,
DATED THE 9TH AUGUST 1924.

I am directed to refer to your letter No. F-178/12/24-Ests., dated the 22nd June 1924, regarding the proposals of the Royal Commission on the Superior Civil Services in India for the grant of passages to officers and their families when travelling to Europe on leave. Eight specific questions are raised in your letter. They have been considered by the Governor in Council and I am to reply to them as follows:—

(1) This Government accepts the principle of a passage fund, provided no legal difficulties are likely to arise.

- (2) The Governor in Council accepts the scale of benefits proposed by the Commission.
- (3) This Government agrees that the value of these benefits should be credited to officers who would be allowed to draw against these credits as suggested in paragraph 6 of your letter.
- (4) The Governor in Council would modify the recommendation of the Commission by giving to officers for whom a training in England is a necessary preliminary to their appointment to Government service the same concessions as are allowed to non-Asiatic members of the service.
- (5) For officers now in service with considerable seniority who have not derived the benefits now proposed in the matter of overseas pay and remittance, there appears to be a case for more liberal treatment than suggested. It is suggested that the proposals be modified as follows:
 - (a) Officers with less than 7 years' service to get four passages.
 - (b) An officer with 14—21 years' service will normally get 3 passages but if he had had less than one year's leave in terms of average salary at the date when the report was signed, he would get 4 passages.
 - (c) Similarly an officer with 14—21 years' service would get 3 passages if he had had less than two years' leave in terms of average salary; and
 - (d) an officer with more than 21 years' service would get 2 passages if he had had less than three years' leave in terms of average salary.

2. The Governor in Council accepts the suggestions as regards wives, subject to modification on the lines proposed above.

(6), (7) and (8). The Governor in Council approves of all these suggestions.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES,
No. 3762, DATED THE 26TH JULY 1924.

I am directed to reply, on behalf of the Governor in Council, to Home Department letter No. 178/12/24-Ests., dated the 22nd June, 1924. As in other replies on the Commission's report, the paragraphs in this letter will correspond with the heads of the summary in paragraph 14. The reply is subject to the note of the Hon'ble Home Member forwarded as an annexure to this Government's letter No. 3328, dated the 8th July, 1924. A copy of that note is attached* for reference.

(1) "whether the principle of a passage fund is accepted, provided no legal difficulties are likely to arise."

Though the Commission's proposal has taken a somewhat ingenious financial form, it is in itself simple and straightforward and has appealed to service opinion as providing an immediate and reasonable solution of this particular difficulty. It is undesirable that the concession should be hedged round with intricate detail. The proposed fund will have all the advantages, stated with the object of facilitating discussion in paragraph 1 of the Home Department's letter, and it has the great merit of limiting actual expenditure to the object which it is desired to secure, namely the provision of a definite number of passages earned by certain definite conditions of service. It is clear too that the fund will pay its way. The proposed concessions run no risk of straining the financial stability of the fund. An officer will earn a passage concession on the Rs. 50 a month calculation well within each of the several periods of service which entitle him to it, whilst the single claim granted to officers of over 21 years service will be based on payments made during the whole of the rest of their service, a period which may extend to 14 years. The principle is therefore accepted provided no legal difficulties arise.

(2) "whether the scale of benefits proposed by the Commission is accepted."

This is accepted, though the scale is illiberal to officers of over 21 years service.

(3) "whether the value of these benefits should be credited to officers, who would be allowed to draw against these credits, as suggested in paragraph 6 of this letter."

* Not printed with this letter.

The Governor in Council accepts this solution. It involves no serious departure from the proposals of the Commission, and it obviates the difficulty, to which the Government of India draw attention in para. 4 of their letter.

(4) "whether the benefits should be confined to officers of non-Asiatic domicile or whether any concessions should be given to any officers of Asiatic domicile."

The Governor in Council can find no valid reason for granting passage concessions to officers of Asiatic domicile. The visits of European officers to England stand on an entirely different footing from those of Indian officers. The former have been from the beginning implicit in the terms of service, and the whole structure of the European leave rules is due to this fact.

With regard to paragraph 8 the Governor in Council considers that the rules on the subject should be as elastic and as free from restrictions as it is possible to make them.

(5) "whether the suggested scale of reduction for officers now in service and for wives in the case of future marriages is appropriate."

This is accepted. It has, however, been remarked that the scale is illiberal to officers of over 21 years standing. It would be a simple and equitable improvement of the scale to lay down that such officers, on completing a further period of 7 years service, should thereby become entitled to one additional passage concession applicable, as in other cases, to wife and children.

(6) "whether the suggested restriction on the definition of children is accepted."

This is accepted as a reasonable solution.

(7) "whether the proposal to have one single fund administered by the Government of India is approved."

So long as there is a single public account, it is advisable that this fund should remain Imperial. But should the accounts of the provinces ever be separated, then the fund, being financed from provincial moneys directly, should form part of the resources that would then be presumably handed over to the provinces.

(8) "whether the concession suggested in paragraph 12 of this letter for officers who have proceeded home before the 1st April, 1924, but return to India after that date, is approved."

Officers might well be given this option. It would create a good impression and involves no extension of the ultimate financial obligations. The recommendations of the Royal Commission are, taken together, clearly minimum recommendations. The Commission's discussion of pay and allowances in chapter VI of their report makes it clear that in more propitious circumstances they would have made more liberal recommendations. They describe the improvement in emoluments recommended as absolutely necessary. They have clearly yielded only such ground as was absolutely indefensible, in view of the urgent need for economy in Indian administration. This being so, the Governor in Council attaches great importance to a frank and full acceptance of the recommendations made. He would again refer to paragraph 108 of the Commission's report where the interdependence of the recommendations is so emphatically insisted upon. The improvements in pay and emoluments proposed in chapter VI are bound up with the passage concessions, with the provision of European medical attendance, with the recommendations for recalculating house rent and with improved pensions in the uncovenanted services. It is in every way desirable that within the limits of the actual recommendations, the utmost freedom and elasticity should be aimed at in the consequential rules and regulations. The position contemplated in paragraph 12 affords an opportunity for the liberal application of the passage concession. The cost will be nothing, and the impression will be good. The Governor in Council recommends that the suggestion be carried out.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18929-
GAZETTE, DATED THE 5TH OF AUGUST 1924.

I am directed by the Governor in Council to reply to the questions summarised in paragraph 14 of your letter No. F.-178/12/24-Esta., dated the 22nd of June 1924, on the above subject. In replying to paragraph 2 (f) of your letter No. F.-172/24-Esta., dated the 18th of June 1924, the Punjab Government have already expressed their general agreement

with the proposition that provision should be made for passages for officers and their families at a cost approximately equivalent to Rs. 50 per mensem for each officer.

2. (1) "Whether the principle of a passage fund is accepted provided no legal difficulties are likely to arise".

The Governor in Council accepts this principle.

(2) "Whether the scale of benefits proposed by the Commission is accepted."

The scale of benefits proposed by the Commission appears to this Government to be suitable, but I am to suggest (a) that the term "passage" should be held to include the cost of the journey by land to and from the port of embarkation in India; and (b) that a considerable economy could be effected by excluding from the benefit of the scheme unmarried officers of more than seven years' service, who are, in the opinion of this Government, well able to afford to pay for their own passages. A suggestion has been made by a certain service association that on an officer's retirement, the officer and his wife should be allowed extra single passages for their return to Europe in addition to the passages permissible under the scale proposed. The Governor in Council is not, however, prepared to support this claim.

(3) "Whether the value of these benefits should be credited to officers who would be allowed to draw against these credits as suggested in paragraph 6 of the letter of the Government of India".

The procedure contemplated by this proposition commends itself to this Government as suitable.

(4) "Whether the benefits should be confined to officers of non-Asiatic domicile, or whether any concessions should be given to officers of Asiatic domicile".

The Governor in Council is of opinion that the benefits should be confined to officers of non-Asiatic domicile with one exception, which is noted below. He regrets that he is unable to follow the recommendation of the Royal Commission that it should be extended to Indian officers of the Indian Civil Service in receipt of overseas pay, but should not extend to their families. In the first place it appears to the Governor in Council that any such discrimination in favour of a single service is bound to cause much discontent. Secondly, a partial extension of the concession cannot, in his view, be justified. Indian Officers should either be excluded entirely or given the full benefits. In the view of the Governor in Council it is impossible to accept the position that a voyage to England is in the case of Indian Officers absolutely necessary for their bodily and mental recuperation, and experience has shown that in actual practice Indian officers of the Indian Civil Service very seldom revisit England. In any case it is difficult to justify a passage to England in preference to, say, America or Japan. For these reasons the Governor in Council would give Indian officers only travelling expenses to their home in India.

An exception to this principle should, however, be made in favour of European officers of technically Asiatic domicile, who are now in receipt of overseas pay. Many such officers are for practical purposes domiciled in Europe. They send their children to England for education, visit England on leave, and contemplate settling on retirement in England. Their exclusion from the benefits of the passage concession would, in the opinion of this Government, be a hardship.

(5) "Whether the suggested scale of reduction for officers now in service and for wives in the case of future marriages is appropriate".

It has been represented to the Governor-in-Council that the scale of reduction proposed does not confer sufficient benefits on officers now in the service. I am accordingly to suggest the substitution of the following scale for the scale proposed in paragraph 63 of the Royal Commission's report :

Officer's service at the date when the Scheme comes into effect.	Number of return passages for the officer and his wife.
Less than 10 years	4
Over 10 years and less than 20 years	3
Over 20 years and less than 25 years	2
25 years and over	1

With regard to marriages which take place subsequent to the introduction of this system, the Governor-in-Council agrees to the proposal contained in paragraph 9 of your letter, it being understood that the scale of reduction should correspond to any scale approved for officers now in service.

(6) "Whether the suggested restriction on the definition of children is accepted".

The Governor-in-Council accepts the proposed restriction but would suggest that the term children be taken to include step-children dependent on the officer.

(7) "Whether the proposal to have one fund administered by the Government of India is accepted".

This proposal is accepted.

(8) "Whether the concession suggested in paragraph 12 of the letter of the Government of India for officers who have proceeded home before the 1st of April 1924, but return to India after that date, is approved."

This proposal is approved.

GOVERNMENT OF BURMA.

APPOINTMENT DEPARTMENT.

LETTER FROM MR. F. LEWISOHN, C. B. E., CHIEF SECRETARY TO THE GOVERNMENT OF BURMA HOME AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 404-A.-24, DATED RANGOON, THE 28TH JULY 1924.

SUBJECT:—*Proposals of the Royal Commission on the Superior Civil Services in India in respect of grant of passages.*

I am directed to convey the views of this Government on the eight points enumerated in paragraph 14 of your letter No. E.-178—12-24-S., dated the 22nd June 1924. This Government is strongly in favour of the principle of a passage fund. It considers that the scale of benefits proposed by the Commission is suitable. This Government is in favour of the solution suggested in paragraph 6 of your letter whereby each officer will be credited with the value of four passages 1st class by B. P. and O. for himself and the appropriate number for his wife and children and allowed to draw against his credit the sums which he actually spends on passages for himself, his wife and his children. The Hon'ble the Finance Member, however, considers that the value of passages by the Bibby line should be credited in the case of officers serving in Burma. The question whether benefits should be confined to officers of non-Asiatic domicile is a difficult one, and there is no doubt that there is much to be said for the suggestion in paragraph 7 of your letter that passages should be granted to officers whose circumstances render periodical visits to England inevitable. There are obviously cases in which an Asiatic member of the Indian Civil Service married to a European wife might have as good a claim for the passage concession as a European member of the Service. There are however almost insuperable difficulties in introducing a criterion of that sort. On the whole, in view of the paramount importance of accepting the Commission's recommendations wherever possible and not whittling them down, the Local Government is of opinion that the concession to Indian officers of the Indian Civil Service, recommended by the Commission in paragraph 63 of the Report, should be accepted as it stands. The Hon'ble the Finance Member, however, is opposed to the acceptance of this recommendation. The Local Government accepts the scale for officers now in the service, suggested by the Commission, and the scale proposed in paragraph 9 of your letter in the case of officers who marry on a date subsequent to the introduction of the scheme. The Local Government accepts the proposals that passage money should be drawn only for unmarried daughters and for sons under the age of 21.

2. The Local Government is strongly in favour of a separate passage fund administered by each Local Government. It is not anticipated that the necessity for financing the initial deficit will be beyond provincial resources. On the other hand each Province is clearly entitled to the financial advantage which will accrue from having the custody of the fund, when the scheme is in full working.

3. The Local Government accepts the proposal made in paragraph 12 of your letter to the effect that any officer (or the family of an officer) who proceeded to England before the 1st April 1924 but returned after that date, should be entitled to draw against his credit the value of a single passage when the return journey takes place, the sum so drawn to be applied in the immediate reduction of any passage advance that may be outstanding against him.

4. The Hon'ble the Education Minister's concurrence in the recommendations made in this letter is subject to the qualifications indicated in my telegram No. 790, dated the 21st July.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA, APPOINTMENT DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. 1967-A.R., DATED RANCHI, THE 2ND AUGUST 1924.

SUBJECT :—*Proposals of the Royal Commission on the Superior Civil Services in India regarding the grant of passages.*

I am directed to reply to your letter No. F.-178—12-24-Ests., dated the 2nd June 1924, on the subject of the proposals of the Royal Commission on the superior services in India for the grant of passages to officers and their families when travelling to Europe on leave. The views of the local Government on the points raised in paragraph 14 of your letter are as follows :

(1) The principle of a passage fund is accepted, provided there be no legal difficulties. It appears to be preferable to any of the other alternatives suggested.

(2) The scale of benefits proposed by the Commission is accepted by the local Government.

The Hon'ble Minister, Department of Education, would restrict the concession of free passages to officers themselves and not extend it to their families.

(3) The system proposed in paragraph 6 of your letter appears to His Excellency in Council to offer the simplest solution of the question. It would also seem advisable as proposed in paragraph 8, leave it to officers to draw on the passage fund to meet the cost of passages when it suits them to do so.

(4) The Commission have recommended that the passage concession should be restricted to officers of non-Asiatic domicile, except that it should also be granted to Indian officers of the Indian Civil Service recruited by the Secretary of State who receive overseas pay, in respect of themselves, but not their families. As pointed out by the Government of India, it is difficult to understand why this limited exception was made in favour of a particular service or to justify it. His Excellency in Council considers that it is impossible to make an exception in favour of Indian officers in one particular service. If an exception is to be made at all it would have to be made to the same extent in favour of all the superior services, but the local Government do not think there is sufficient justification for granting this concession to any Indian officers. All such officers in the superior services, who are entitled to overseas pay, will reap considerable advantage from the increases granted in that allowance (though neither that pay nor its increase was primarily designed to meet their necessities), and also from the remittance benefit, where that is applicable, and the local Government are not therefore in favour of making any exception in favour of Indian officers in respect of this additional concession.

(5) The suggested scale of benefit for officers now in the services and for wives in the case of future marriages, is accepted as appropriate.

(6) His Excellency in Council agrees that it is reasonable to prescribe that passage money should be drawn only for unmarried daughters and for sons under the age of 21.

(7) The proposal that there should be one central passage fund administered by the Government of India, is strongly supported by the Local Government.

(8) His Excellency in Council agrees to the arrangement regarding return passages suggested in paragraph 12 of your letter in respect of officers (and their families) who went home in the last leave season just before the 1st April 1924.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES,
No. 2887—1287-III, DATED THE 29TH JULY 1924.

I am directed to reply to Government of India letter No. F.-178/12/24-Ests., dated the 22nd June 1924, regarding the proposals of the Royal Commission on the Superior Civil Services in India for the grant of passages to officers and their families when travelling to Europe on leave.

2. *Paragraph 14 of Government of India letter, Point (1).*—The principle of a passage fund is accepted, provided no legal difficulties are likely to arise.

3. *Point (2).*—In its original recommendation to the Royal Commission the local Government recommended the grant of the cost of a second class passage, by the P. & O., for an officer, his wife and children once every four years, the maximum number granted in an officer's service being five return passages, plus a single passage on retirement. The local Government now accepts as reasonable the scale of benefits proposed by the Commission.

4. *Point (3).*—The solution proposed by the Government of India in paragraph 6 of their letter, that each officer should be given a certain credit and allowed to draw against that credit, has the advantage of giving elasticity to the concession and is approved by the local Government. The local Government desires to put forward a further suggestion that those officers, who have passage advances outstanding on the 1st April 1924, should be given the option of having the advances refunded and debited to their passage account. This suggestion will come as a relief to a number of officers who have mortgaged their future pay by these advances and will not add to the cost of the concession.

5. *Point (4).*—Regarding the grant of the passage concession to officers of Asiatic domicile, the Association of Indian Officers in this province has submitted the following representation :

“As the Commission has given no reasons for its recommendations, my Association can only guess the reason that influenced them in recommending that free passages should be granted to Indian Officers of the Indian Civil Service in receipt of overseas pay. The largest number of Indian Officers in the Superior Services in India belong to the Indian Civil Service, and it is in this service that the need of men who are alive to British traditions of service, or who possess a breadth of outlook in administrative matters, is greatest. This consideration no doubt induced the Commission to recommend the extension of the passage concession to Indian Officers of the Indian Civil Service. The latter's claim to equality of treatment with European officers must also have been partially recognised. It will not, my Association thinks, be denied that the general standard of living and the outlook on life of Indians in the Indian Civil Service, which is permanently influenced by their long sojourn in England, make it only natural that they should undertake periodical visits to England not only for the purpose of recuperating their health, but also for keeping in touch with modern British tradition and European thought. My Association is confident that the increase in their efficiency as a result of these visits to England will be more than commensurate with the small additional expenditure that will be incurred by the extending to them of the free passage concession. Further, my Association is unable to understand why the Commission has not recommended any passage concessions for the wives and children of Indian Officers of the Indian Civil Service. This is an anomalous position and my Association considers that this concession should be extended to the wives and children of Indian Officers on the same conditions as those of European Officers. My Association also thinks that similar passage concessions should be extended to all Indian Officers who are in receipt of overseas pay.”

The local Government does not consider the case for the grant of the concession to any officer of Asiatic domicile to be strong and is, therefore, unable to support it.

6. *Point (5).*—The suggestions made in paragraph 9 of the Government of India letter, regarding the scale of reduction for officers now in service and for wives in the case of future marriages, are accepted as appropriate by the local Government.

7. *Point (6).*—The restriction of the definition of children, suggested in paragraph 10 of the Government of India letter, is approved by the local Government. The local Government also suggests that no credit should be given for a child in an officer's account until the child has attained the age of 3 years.

8. *Point (7).*—The proposal to have one single fund administered by the Government of India is approved.

9. *Point (8).*—The concession suggested in paragraph 12 of the Government of India letter for officers who have proceeded home before the 1st April 1924, but return to India after that date, commends itself to the local Government.

GOVERNMENT OF ASSAM.

THE GOVERNOR IN COUNCIL.

APPOINTMENT AND POLITICAL DEPARTMENT.

APPOINTMENT BRANCH.

LETTER FROM A. W. BOTHAM, ESQ., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. APPTT.-1114—4252-A.P., DATED SHILLONG, THE 4TH AUGUST 1924.

I am directed to invite a reference to your letter No. F-158/12/24-Ests., dated the 22nd of June 1924, and to communicate the views of the Government of Assam on the Royal Commission's proposals for the grant of passages to officers and families when travelling to Europe on leave.

(1) The Government of Assam accept the principle of a passage fund on the lines suggested in the first paragraph of your letter, provided that no legal difficulties are likely to arise.

(2) The Assam Association of European Government Servants, whose opinion on the Royal Commission's proposals was asked by this Government, consider that the scale of benefits proposed by the Commission is inadequate, more particularly from the point of view of officers who have completed one-half or more of their service. It is represented that while the scale proposed by the Commission would be suitable for a term of service not exceeding 25 years, it cannot be said to be adequate for a term of 30 and still less for a term of 35 years, more especially as it is during the latter half of an officer's service that the need for periodic recuperation makes itself most felt. While admitting that most officers do as a matter of fact take leave home oftener than once in seven years, the Government of Assam are not prepared to recommend a more liberal scale than that proposed by the Commission. They would however commend to the favourable consideration of the Government of India a suggestion which has been put forward by the Assam Branch of the Indian Civil Service Association, that, inasmuch as an officer's passage out on joining his first appointment is paid by Government, his final passage home on relinquishing his last appointment should be similarly paid. The Association point out that single passages home for themselves and their families are granted to officers retiring on proportionate pension before the completion of their service, and urge that there are no good reasons for withholding a similar privilege from officers who have loyally adapted themselves to the new conditions and given to the Government of India their full term of service.

The Government of Assam also consider that officers proceeding on leave should be allowed to draw the actual railway fares for themselves and their families to the port of embarkation in addition to the cost of their passages by sea. This is a point of some importance to officers serving in an inland province like Assam.

(3) The Government of Assam agree that the arrangements proposed in paragraph 6 of your letter would provide the simplest solution. It is however observed that both in the Commission's report and in your letter the discussion has been confined to passages to Europe evidently because Europe is the normal destination for the vast majority of

officers of non-Asiatic domicile proceeding on leave. There are, however, in the services a certain number of officers whose homes are in the British Colonies and Dominions. For such officers the Government of Assam consider that the passage concession should take the form of the equivalent of a 1st class B, P. and O. passage to London or the actual cost price of a passage to their colony, whichever is less.

(4) The question whether the proposed benefits should be confined to officers of non-Asiatic domicile, or whether any concession should be given to officers of Asiatic domicile, should in the opinion of the Government of Assam be decided solely by the criterion of domicile. As a general rule officers of Indian birth will have no equitable claim to these benefits, but the Government of Assam would not withhold them from officers who, though of Indian birth, have married an English wife or formed connections in England which have practically changed their domicile.

(5) Subject to the remarks made above regarding the adequacy of the general scale proposed, the Government of Assam consider that the suggested scale of reduction for officers now in service and for wives in the case of future marriage is appropriate.

(6) The Government of Assam are inclined to think that the definition of children proposed in paragraph 10 of your letter is unduly liberal, and would be prepared to agree to the restriction of this concession to children not exceeding 12 years of age, or, as an alternative, it might be provided that in no case should a child receive more than one single half passage.

(7) The Government of Assam support the Government of India's proposal that there should be the central passage fund under the administration of the Government of India.

(8) In the opinion of the Government of Assam the concession suggested in paragraph 12 of your letter for officers who have proceeded home before the 1st of April 1924 is equitable. It has been suggested, however, that in certain circumstances it might not pay an officer to accept this concession, if by such acceptance he lost one of the return passages to which he would otherwise be entitled under the Commission's scheme. The Government of Assam would therefore leave it to the officers concerned to decide whether they should avail themselves of the concession proposed in paragraph 12 of your letter.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

LETTER FROM THE HON'BLE MR. J. CHERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, TO ALL LOCAL GOVERNMENTS, No. F.-178/13/24-Ests., DATED SIMLA, THE 22ND JUNE 1924.

With reference to my letter No. F.-172/24-Ests., dated the 18th June 1924, I am directed to address you regarding the proposals of the Royal Commission on the Superior Civil Services in India in respect of pensions. At present the same scale of pension is laid down for practically all officers other than officers of the Indian Civil Service and military officers, whether they belong to Superior or Provincial Services. The scale is based on sixtieths of average emoluments of the last 3 years preceding retirement. The maximum pension is earned by 30 years' service at which time a pension of 30/60 of average emoluments is earned, but the scale of sixtieths is restricted by the application of certain maxima. The maximum pension that can be earned at 25 years' service is Rs. 5,000 and the maximum at 30 years' service is Rs. 6,000. The Commission have proposed that the maximum for the pension of 25 years and over should be raised by Rs. 1,000. Thus at 25 years' service the maximum would become Rs. 6,000 instead of Rs. 5,000 and at 30 years' service the maximum would become Rs. 7,000 instead of Rs. 6,000. I am to ask whether the Government of Madras, etc., consider this increase reasonable.

2. As stated above the existing rules apply not only to the Superior but also to the Provincial Services. The Commission was dealing primarily with the Superior Civil Services. It is not stated whether they contemplate that their recommendation should apply also

M173LA

to any Provincial Service officers who might benefit thereby. The number of such officers would be few. No officer who retires with average emoluments which do not exceed Rs. 1,000 a month could receive any benefit from this concession. The number of officers in Provincial Services whose average emoluments on retirement exceed Rs. 1,000 a month must be very limited. The Government of India would be glad to know whether the Government of Madras, etc., consider that the amendment in the pension rules suggested by the Commission should be introduced as a general amendment or should be specifically restricted to the Superior Services.

3. It will be observed that the proposal of the Commission makes no distinction between European and Indian officers. All officers whose average emoluments on retirement exceed Rs. 1,000 a month would benefit. This conclusion might be supported on the ground that Indians in the Superior Services are by the operation of the present maxima restricted to pensions which appear in reference to their status unfavourable compared with the pensions of Indians in the Provincial Services. I am to ask whether the Government of Madras, etc., accept this view.

4. Officers of the Indian Forest Service, Indian Service of Engineers and certain other services enjoy at present the privilege of retiring after 20 years' service with a maximum pension of Rs. 4,000 a year. The Commission have made no recommendation with regard to this 4,000 rupee pension, presumably holding that there is no reason why Government should facilitate the voluntary retirement of an officer at 20 years' service by increasing his pension. I am to ask whether the Government of Madras, etc., accept the view which was evidently taken by the Commission that the maximum for the 20-year pension should remain at Rs. 4,000, though the maximum for the 25-year pension would be raised from Rs. 5,000 to Rs. 6,000.

5. The pension in the Women's Branch of the Indian Educational Service is governed by special rules. It has been decided that it is not desirable to encourage women to serve in India for more than 25 years. Accordingly the maximum pension for women is fixed at 25 years' service, no subsequent service qualifying for a higher pension. At the same time women are allowed to retire after 20 years' service. The rates of pension are, after 20 years 20-60ths of average emoluments with a maximum of Rs. 4,000 rising each year to 25-60ths after 25 years' service with a maximum of Rs. 5,000. The maxima are by length of service the same as those for the other Uncovenanted Services. The Commission have recommended that this service should receive equivalent benefits to those recommended for the other services. It would therefore appear that the maximum for the 20-year pension should be raised from Rs. 4,000 to Rs. 5,000 and the maximum for the 25-year pension from Rs. 5,000 to Rs. 6,000. The suggestion to raise the 20-year pension in the case of the women's branch of the Indian Educational Service can be differentiated from the suggestion of leaving the 20-year pension of the Indian Forest Service and the Indian Service of Engineers untouched, on the ground that in the one case Government does not wish to encourage retirement at 20 years' service, whereas in the other they have decided that it is reasonable that women should be allowed to retire after a shorter period of service. The 20-year pension in the case of women in fact corresponds to the 25-year pension in the case of men.

6. The proposals of the Commission in paragraph 68 of their Report that members of the Indian Civil Service who attain the rank of Member of Council or Governor of a Province should receive increased pension will be dealt with in a separate letter.

7. The recommendation that the maximum ordinary pension of the Uncovenanted Services from 25 years onwards should be raised by Rs. 1,000 seems to involve a reconsideration of the invalid pension rates. At present these rise steadily by Rs. 200 a year from Rs. 2,000 after 10 years' service up to a maximum of Rs. 4,800 at 24 years' service. Those who have not completed 10 years' service receive only a gratuity. The Commission propose to give a pension after 7 instead of after 10 years' completed service, and they amend the scale from 10 years onwards by the process of adding Rs. 1,000 in each year. It appears that this gives too great an advantage in the earlier years. It would seem that the increase should be added by degrees spread over the whole period. On the other hand it might be suggested that as a proportionate pension is granted after 5 completed years of service, it would not be unreasonable that the invalid pension should commence at 5 years' completed service instead of at 7 as proposed by the Commission. If these suggestions are approved the invalid pension might start at Rs. 1,000 after 5 years'

completed service and rise steadily by Rs. 250 a year up to Rs. 5,750 at 24 years' service. I am to enquire whether the Government of Madras, etc., consider that this scale would be suitable.

8. If the rates of ordinary pension are raised as recommended by the Commission, it is necessary to consider whether the rates of proportionate pension should be proportionately increased. This is a point which has not been dealt with by the Commission. The present proportionate pension for the Uncoovenanted Services is based on the assumption that an officer will be likely after 26 years' active service to have earned the full 30-year ordinary pension *plus* the full lower additional pension, i.e., Rs. 6,000 *plus* Rs. 1,500 = Rs. 7,500. If the full ordinary pension *plus* the lower additional pension is raised to Rs. 8,500, it may be argued that the new figure should be substituted for the old in the calculations of proportionate pension. The result would be that in paragraph 3(d) of the second schedule of the rules under section 96-B (2) and (3) of the Government of India Act regulating premature retirement on proportionate pension published with notification No. F.-868/22, dated the 1st March 1924 the figure '8500' would be substituted for '7500' and '7000' for '6000' and '9500' for '8500.' Similarly in paragraph 3(e) dealing with relief to the women's branch of the Indian Educational Service Rs. '6,000' would be substituted for Rs. '5,000.'

9. To sum up I am to ask for the opinion of the Government of Madras, etc., on the following points:—

- (1) whether the proposal to increase the maximum of the pension of the Uncoovenanted Services by Rs. 1,000 from 25 years onwards is approved ;
- (2) whether this concession, if approved, should be open to officers other than those of the Superior Services ;
- (3) whether the concession should be granted to Indian as well as European officers ;
- (4) whether the maximum of the 20 years' pension for the Indian Forest Service and Indian Service of Engineers should remain at Rs. 4,000 ;
- (5) whether the maxima for the Women's Branch of the Indian Educational Service should be raised as suggested in paragraph 5 of this letter ;
- (6) whether the rates of invalid pension for the Uncoovenanted Services should be raised as suggested in paragraph 7 of this letter ;
- (7) whether the rates of proportionate pension should be increased as suggested in paragraph 8 of this letter.

10. I am to invite attention to paragraph 31 of my letter No. F.-178/11/24-Ests., dated the 21st June 1924 and to say that in this letter also it must be understood that arguments and practical considerations have been stated only with the object of facilitating discussion, and must not be taken as indicating any expression of views on the part of the Government of India.

11. In view of the great importance of arriving at an early decision on the points discussed in this letter, I am to request that the reply of the Government of Madras, etc., may reach the Government of India not later than the 4th August 1924.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, No. 602, DATED THE 22ND AUGUST 1924.

In reply to your letter No. 178/13/24-Ests., dated the 22nd June 1924, I am to say that His Excellency the Governor in Council accepts the proposal of the Royal Commission that the maximum pension for a service of 25 years and over should be raised by Rs. 1,000. His Excellency the Governor in Council considers further that the enhanced scale should apply generally, just as the present scale does, both to officers in the Provincial Services as well as to those in the All-India Services. Nor would His Excellency the Governor in Council make any distinction in this matter between Indian and European Officers.

2. Regarding the point raised in paragraph 4 of the letter under reply His Excellency the Governor in Council does not consider that the special pension of Rs. 4,000 a year admissible to officers of the Indian Forest Service and some others should be enhanced

The terms on which invalid and proportionate pensions are now given are liberal and there appear no special reasons why such officers retiring of their own volition after 20 years' service should get an increase in their special pension.

3. In the case of the Women's Branch of the Indian Educational Service, His Excellency the Governor in Council considers that, as the cost of maintenance and education of children is one of the chief items of additional expenditure the proposed increase in pension is intended to meet and as this factor will not operate in the case of pensioners of this branch of the service, no increase in the scale of pension now admissible is required.

4. It is noted that the proposals of the Commission in regard to members of the Indian Civil Service who are appointed Members of Council will be dealt with separately. His Excellency the Governor in Council is compelled however to take this opportunity to point out that the discrimination which the Commission have made in the matter of pensions between the Uncovenanted Services and the Indian Civil Service is entirely unfair to those officers of the Indian Civil Service who entered the service before 1919. The Royal Commission, it is observed, accept £250 a year as the value of the 4% contribution from their salaries paid by Indian Civil Service officers till 1919. On this basis those members of the Indian Civil Service who retire during the next few years will get a pension from the State of certainly not more than £800 a year (allowing for the refund of contributions), with a small lump sum grant, while those officers of other services who retire after holding appointments classed as "Upper Grade" are to receive a pension of £831-5-0. The Islington Commission regarded £1,000 as a suitable pension for the Indian Civil Service; but under the arrangements introduced and in force the pension given by the State to the officers already in the service is smaller in proportion as their service is longer. The illogical and inequitable nature of the arrangement becomes further evident when it is remembered that the increase in the pensions paid by the State is called for by the increase in the present cost of living. Those who required relief most were therefore those who were presently to retire. Instead of dealing with their case, however, the present arrangements give the increased pension in full to officers who retire 20 years hence when prices may well have fallen but little or nothing to those affected by the present high level.

5. His Excellency the Governor in Council considers that the inequality may well be supplied by the grant of an additional pension on a sliding scale, *e.g.*, officers who retired in 1920 should get an extra pension of £250 and those who retired in 1921, £240 and so on, the extra pension diminishing by £10 a year till 20 years hence when an officer retiring will get no enhanced pension. If it is thought undesirable to give any retrospective effect to this relief, it may be made to apply to those only who retire after the 1st April 1924, the amount of the extra pension admissible in 1921-22 being fixed at £200.

6. His Excellency the Governor in Council agrees that the raising of the maximum ordinary pension of the uncovenanted services involves an alteration of the invalid pension rates. Bearing in mind that these pensions are to be admissible to services both Provincial and All-India and to Indians and Europeans alike, there is, I am to say, no sufficient justification in ordinary cases of invaliding for imposing the burden of a pension on the Government in the case of officers of less than 10 years' service. Special cases are provided for by the grant of wound and extraordinary pensions. For 10 years' service therefore, His Excellency the Governor in Council would fix Rs. 3,000 per annum as the maximum pension and would increase this maximum by Rs. 200 for every additional year of service till Rs. 6,000 is reached as the maximum for 25 years' service.

7. If the rates of ordinary pensions are raised as proposed by the Commission, it follows that the rates of *proportionate* pension must also be raised. His Excellency the Governor in Council agrees in the proposal made in paragraph 8 of the letter under reply to substitute the new maximum limits of pension for the old in the rules relating to *proportionate* pensions.

8. The views of the Hon'ble the Ministers on the subject of pensions has been stated in their Memorandum forwarded with my letter No. 472/0-1, dated the 23rd July 1924 and in paragraph 8 of that letter the attitude of the Hon'ble Sir Muhammad Habibullah has been stated.

EXTRACT FROM A TELEGRAM FROM THE GOVERNMENT OF BOMBAY, DATED THE 6TH AUGUST 1924.

* * * * *
62. My telegram of the 6th August regarding your five letters on Lee Commissions Report. Government has arrived following decisions, subject so far as minority concerned to reservation already stated with regard to Secretary of State controlling.
* * * * *

Letter No. 178-13-24. Questions 1, 3, 4, 6 accepted.

Question 2 not clearly understood. Presumably officers other than those of All-India Services are meant and it covers members of the Bombay Provincial Service holding listed posts and holders of special posts who are entitled to pensions. If so concessions should be extended to them. Questions 5 and 7 not accepted.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, No. 9301-A., DATED THE 7TH AUGUST 1924.

I am directed to refer to your letter No. F-178-13-24-Ests., dated the 22nd June 1924, regarding the proposals of the Royal Commission on the Superior Civil Services in India in respect of pensions. In reply to the points summarised in paragraph 9 of your letter, the opinion of the Governor in Council is as follows:—

- (1) He approves the proposal to increase the maximum of the pension of the Uncovenanted Services by Rs. 1,000 from 25 years onwards.
- (2) This concession should be open to officers other than those of the Superior Services.
- (3) The concession should be granted to Indian as well as European officers.
- (4) The maximum of the 20 years' pension for the Indian Forest Service and Indian Service of Engineers should be raised to Rs. 4,750 or Rs. 5,000 according as the proposals of the Government of India or of the Royal Commission regarding the rates of invalid pension are accepted, for if the maximum of the 20 years' pension remains at Rs. 4,000 an officer would be able to draw for the same number of years a much larger maximum if he retired on an invalid pension.
- (5) The maximum for the Women's Branch of the Indian Educational Service should be raised as suggested in paragraph 5 of your letter.
- (6) The rates of proportionate pension should be increased as suggested in paragraph 8 of your letter.

2. The question whether the rates of invalid pension for the Uncovenanted Services should be those as suggested in paragraph 7 of your letter or those recommended by the Royal Commission is still under the consideration of the Governor in Council, and a further reply on this point will be submitted shortly. I am, however, to submit an advance reply on the other points, in order that there may be no avoidable delay.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, No. 9876-A., DATED THE 21ST AUGUST 1924.

I am directed to refer to my letter No. 9301-A., dated the 7th August 1924. It was stated in that letter that the question whether the rates of invalid pension for the uncovenanted services should be those suggested in paragraph 7 of your letter or those recommended by the Royal Commission, was still under the consideration of the Governor in Council. The Governor in Council has now considered the point and is of opinion that the rates of invalid pension recommended by the Royal Commission should be adopted. It will follow that the maximum of the 20 years' pension for the Indian Forest Service and the Indian Service of Engineers, should be raised to Rs. 5,000.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES, No. 3763, DATED THE 26TH JULY 1924.

I am directed to reply, on behalf of the Governor in Council, to the Home Department letter No. F-178-13-24-Ests., dated June 22, 1924. As in previous letters the paragraphs below will refer separately to each head of the summary in para. 9. The reply is

subject to the note of the Hon. Home Member forwarded as an annexure to this Government's letter No. 3328, dated July 8, 1924. A copy of the note* is attached for reference.

- (1) "Whether the proposal to increase the maximum of the pension of the Uncovenanted Services by Rs. 1,000 from 25 years onwards is approved."

This is accepted. The inter-dependence of this recommendation with the other proposals contained in chapters VI, VII and XI should be borne in mind.

- (2) "Whether this concession, if approved, should be open to officers other than those of the Superior Services."

This the Governor in Council would answer in the negative. It may be safely taken that the Commission's recommendation in this instance was intended to apply only to the superior services. Their enquiry was primarily limited to the superior civil services, and the argument from silence has here no validity. On the merits the Governor in Council would restrict the concession to the superior services. The superior services are paid at higher rates as being employed on more important duties and this fact is sufficient to justify more liberal pension rates. The fact that few officers of the present provincial services would qualify for a rate higher than Rs. 5,000 per annum, does not in itself furnish a compelling reason for the suggested extension of the maxima. The chief consideration however which impresses the Governor in Council is that under the new systems of recruitment for the All-India Services liberal provision is made for the promotion of deserving officers from the existing provincial services. It is clear that in future the best men will not be shut out from the higher rates of pension, and this being so, His Excellency in Council thinks it unnecessary to go further.

- (3) "Whether the concession should be granted to Indian as well as European officers."

The Governor in Council would answer this in the affirmative. It would, he considers, be invidious to differentiate in the matter of pension. Such differentiation as is politic already exists in the time scale. Further differentiation, if found at any future time to be necessary, should operate in the direction of bringing basic pay into more exact relation with Indian market rates. Pensions are calculated automatically on pay and on the basis of pay the Governor in Council would treat the pensions of Europeans and Indians alike.

- (4) "Whether the maximum of the 20 years' pension for the Indian Forest Service and Indian Service of Engineers should remain at Rs. 4,000."

The Governor in Council sees no reason why the Government should further facilitate the voluntary retirement of an officer at 20 years' service by increasing his pension, especially in view of the fact that officers of this standing are and will be for some time to come eligible for higher rates if they elect to retire on proportionate pensions.

- (5) "Whether the maxima for the Women's Branch of the Indian Educational Service should be raised as suggested in paragraph 5 of this letter."

This is accepted. In the Women's Branch of the Indian Educational Service the 20-years pension corresponds with the 25-years pension for men, and the 25-years pension corresponds with the 30-years pension for men. It is only reasonable that the maxima should be raised as suggested.

- (6) "Whether the rates of invalid pension for the Uncovenanted Services should be raised as suggested in paragraph 7 of this letter."

The Governor in Council considers the scale suggested by the Government of India to be suitable. It reduces the existing period which qualifies for an invalid pension from ten years to five and provides a reasonable increase in existing rates at every stage. The Commission proposed to reduce the ten years minimum to seven, but did not attempt to grade the resulting pensions otherwise than by adding Rs. 1,000 at every stage. The Governor in Council agrees that the latter is too rough and ready a proposal for adoption and is not justified by the fact that the final pension is to be raised by Rs. 1,000.

- (7) "Whether the rates of proportionate pension should be increased as suggested in paragraph 8 of this letter."

These rates are accepted and should follow as a matter of course on the raising of the ordinary and special pension rates.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18930-GAZ., DATED THE 5TH AUGUST 1924.

I am directed by the Governor in Council to reply to the questions summarised in paragraph 9 of your letter No. 178-13-24-Ests., dated the 22nd of June 1924, on the above subject. In replying to paragraph 2 (g) of your letter No. 172/24-Ests., dated the 18th of June 1924, the Punjab Government have already agreed to the general enhancement of the pensions of the uncovenanted services as a necessary but not over-liberal concession.

2. (1) "Whether the proposal to increase the maximum of the pension of the uncovenanted services by Rs. 1,000 from 25 years onwards is approved."

The Governor in Council approves this proposal, but would add that the increase does not err on the side of liberality, and that the recommendations of the Royal Commission with regard to pensions have caused some disappointment in the services concerned.

(2) "Whether this concession, if approved, should be open to officers other than those of the Superior Services."

In the opinion of this Government, it is not necessary to extend this concession to members of the Provincial Services, for which an ample supply of recruits is forthcoming. The Royal Commission's recommendation should be strictly interpreted, and the enhancement of pension should be specifically restricted to the Superior Services.

(3) "Whether the concession should be granted to Indian as well as European Officers."

The concession should be of general application, and should be granted to Indians as well as Europeans.

(4) "Whether the maximum of the 20 years pension for the Indian Forest Service and the Indian Service of Engineers should remain at Rs. 4,000."

The Governor in Council agrees with the view evidently taken by the Royal Commission that the 20 year pension should not be raised to Rs. 5,000. He does not consider that any encouragement should be given to members of the technical services to retire after 20 years' service.

(5) "Whether the maxima for the Women's Branch of the Indian Educational Service should be raised as suggested in paragraph 5 of the letter of the Government of India."

The proposal appears to this Government to be appropriate.

(6) "Whether the rates of invalid pension for the uncovenanted Services should be raised as suggested in paragraph 7 of the letter of the Government of India."

The Governor in Council concurs in the suggestion referred to.

(7) "Whether the rates of proportionate pension should be increased as suggested in paragraph 8 of the letter of the Government of India."

It is clearly fair that proportionate pensions should be calculated on the rates in force for ordinary pensions, and the Governor in Council therefore concurs in this suggestion.

3. In conclusion, I am to invite a reference to paragraph 77 of the report of the Royal Commission, and to say that some anxiety is felt by members of the services with regard to the delay in the establishment of a family pension fund. It is presumed that this matter will be considered by the Government of India in due course.

GOVERNMENT OF BURMA.

APPOINTMENT DEPARTMENT.

LETTER FROM MR. F. LEWISOHN, C.B.E., CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 404-A-24, DATED RANGOON, THE 28TH JULY 1924.

SUBJECT.—*Proposals of the Royal Commission on the Superior Civil Services in India in respect of pensions.*

I am directed to convey the views of the Local Government on the seven points enumerated in paragraph 9 of your letter No. 178—13-24, dated the 22nd June 1924.

(1) The Local Government approves the proposal to increase the maximum of the pension of the Uncovenanted Services by Rs. 1,000 from 25 years onwards.

The Hon'ble the Finance Member, however, would restrict the concession to Europeans, while the Hon'ble the Education Minister accepts the proposal with some hesitation on the understanding that no heavy addition be made to the tax-payer's burdens.

(2) The Local Government agrees that this concession should be open to officers other than those of the Superior services.

The Hon'ble the Finance Member, however, is in favour of confining it to the Superior services.

(3) The Local Government agrees that the concession should be granted to Indian as well as European officers. The Commission made no distinction between European and Indian officers in this matter, and to introduce such a distinction now would be to cause justifiable discontent among Indian members of the Services.

The Hon'ble the Finance Member's contrary opinion has been indicated above.

(4) The Local Government agrees that the maximum of the 20 years' pension for the Indian Forest Service and the Indian Service of Engineers should remain at Rs. 4,000.

(5) The Local Government agrees that the *maximum* for the Women's Branch of the Indian Education Service should be raised as suggested in paragraph 5 of your letter.

(6) The Local Government accepts the proposals made in paragraph 7 of your letter in the matter of invalid pensions.

(7) The Local Government is averse from making any immediate alteration in the scale of proportionate pensions, while not prepared to say that the introduction of the Commission's proposals may not make the suggested increase necessary hereafter.

The Hon'ble the Education Minister's concurrence in the views expressed in this letter is subject to the proviso that the proposals as a whole be not found to throw a heavy burden on the tax-payer.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO GOVERNMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 1968-A. R., DATED RANCHI, THE 2ND AUGUST 1924.

SUBJECT.—*Proposals of the Royal Commission on the superior civil services in India in respect of pensions.*

I am directed to reply to your letter No. F.-178—13-24-Ests., dated the 22nd June 1924, regarding the proposals of the Royal Commission on the superior civil services in India in respect of pensions. The Government of India have already been informed in paragraph 2 (g) of my letter No. 1689-A. R., dated the 22nd July 1924, that as a general proposition, the increase proposed in the pensions of the uncovenanted (Superior) Services appears to the Governor in Council to be both reasonable and justifiable.

2. As regards the specific points raised in paragraph 9 of your letter the opinion of the Local Government is as follows :—

(1) The proposal to increase the maximum of the pension of the uncovenanted services by Rs. 1,000 from 25 years onwards is approved.

The Hon'ble Minister for Education, who is generally opposed to any increase in pension, considers the proposed increase to be excessive.

(2) His Excellency in Council is opposed to any extension of the concession of an increase beyond the range of officers for whom it was intended by the Royal Commission, that is, the superior or All-India services which are uncovenanted. The main object of the Commission's proposals is to raise the remuneration (including pension) of those services to a level which will keep existing members (more particularly European members) contented, and which will attract an adequate supply of suitable recruits. An increase in the pension of the previously existing provincial services goes beyond the scope of this object. The pay and pension of these services are adequate at present to secure a satisfactory class of recruit and there appears no need to increase either. It may be true that at present rates of pay the number of provincial officers who would benefit is few, but the number may

rapidly increase in the future, and the local Government are opposed to any unnecessary change which will increase the burden of service charges. His Excellency in Council is of opinion, therefore, that the proposed increase of pension should be kept as strictly limited as possible, so that as Indianization and provincialization proceed, the general cost of the services will tend to diminish.

(3) For the same reasons the Governor in Council would limit the proposed increase of pension to existing Indian members in the Superior Services who are in receipt of overseas pay. Any differentiation between them and their European colleagues would be undesirable. In their case the principle of equal pension equal pay should be followed. But there appears to be no justification for extending the concession to those Indian recruits who may have been taken into the services in question on a lower scale of remuneration, i.e., on basic pay without overseas allowances, nor to future Indian entrants into the reserved superior services, who will not get overseas pay, and may, if the opinion of the local Government be followed, be recruited on reduced basic pay. Future entrants, whether Indian or European, to the superior services which are now proposed to be transferred should, in the matter of pension, remain on the same basis as the existing provincial services, subject to any modifications which the local Government may find necessary to attract recruits of a particular class.

(4) His Excellency in Council considers that the maximum of 20 years' pension for the Indian Forest Service and the Indian Service of Engineers should remain at Rs. 4,000. It may be anomalous that this rate will be considerably lower than the revised invalid pension rates, and the result may be to destroy the value of the concession of retirement after 20 years' service, but on the general ground that there is no need to facilitate premature retirement, this result is not to be deprecated.

(5) The local Government accept the proposed increases of maxima in the case of the women's branch of the Indian Educational Service but would confine this concession, as suggested generally in dealing with paragraph 9 (3) of your letter, to the existing European members of the service and those Indian members who draw overseas pay. It is unnecessary to extend the concession to future entrants into the service after it has been provincialized.

(6) His Excellency in Council considers the scale of invalid pensions suggested in paragraph 7 of your letter to be preferable to that proposed by the Commission. The latter appears to him to be too generous in the earlier years, and he deprecates the introduction of any change which will stimulate premature retirements.

I am to mention two points in this connection for the consideration of the Government of India :—

(a) No reference is made to compensatory pensions granted on the abolition of appointments. The local Government consider that any such pension should be subject to the same limits as ordinary pensions.

(b) It follows from the opinion expressed in sub-paragraph (2) above that the local Government are not in favour of any general alteration in the scale of invalid pensions for the existing provincial services, but the question whether such pensions should commence at the completion of five years' service is one that may be considered separately on its merits.

(7) His Excellency in Council is definitely opposed to any increase in the existing scale of proportionate pension on premature retirement, as being likely to defeat one of the chief objects of the recommendations of the Royal Commission which was to retain the services of European officers. He considers the existing scale of proportionate pension to be sufficiently generous, and would deprecate any increase likely to stimulate the flow of retirement. Any such proposal would certainly be strongly resented by the Indian public.

Nor does he consider that the scale of proportionate pension should be increased in the event of future changes such as are contemplated in paragraph 74 (v) (c) of the report, although it is possible that the option of taking such a pension might have to be extended to some to whom it is not at present available. Under such circumstances the officers concerned will be in the same position as officers belonging to services which are now proposed to be transferred.

The existing rates of proportionate pension up to the 24th year of service are considerably higher than the new rates of invalid pension proposed by the Government of India.

In the case of all voluntary retirements therefore proportionate pensions might be stereotyped at the existing standard, whether for the existing members of the service or for future entrants. The case of compulsory retirement stands on an entirely different footing. In that case the terms must be settled by the Secretary of State for all officers who are entitled to his protection, according to the merits of the case.

LETTER FROM A. E. NELSON, ESQ., C.I.E., O.B.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, No. 2802-1288-III, DATED THE 23RD JULY 1924.

I am directed to reply to Government of India letter No. F-178-13524-Ests., dated the 22nd June 1924, in which the opinion of the local Government is desired on the proposals of the Royal Commission on the Superior Civil Services in India in respect of pensions.

2. *Point 1. Increase in the pension rates of the Uncovenanted Services.*—Although the increase in the pension rate now proposed is slightly less than that suggested by this Government in its recommendation to the Royal Commission, the local Government accepts the revised rates as suitable. I am to add that for European officers the local Government regards this as one of the most essential recommendations in the Report.

3. *Point 2. Grant of the increased pension rate to officers other than those of the superior services.*—The Government of India desire to know if the local Government approves of the grant of the concession of an increased rate of pension to officers other than those of the superior services. The number of provincial officers outside the superior services who would benefit by the increase is small in this province, and for the reasons stated by the Government of India the local Government would have no objection to the amendment in the pension rules suggested by the Commission being introduced as a general amendment, instead of being specifically restricted to the superior services.

4. *Point 3. Grant of the increased pension rates to Indian members of the service.*—The local Government considers that the rupee rates proposed are not excessive for Indian officers, who even on retirement are expected to keep up some position. The local Government, therefore, accepts the view of the Commission that no distinction in this respect should be made between European and Indian officers.

5. *Point 4. Retention of the present maximum of 20 years' pension for the Indian Forest Service and Indian Service of Engineers.*—The local Government agrees that there is no reason why Government should facilitate the voluntary retirement of an officer at 20 years' service by increasing his pension and accepts the view of the Commission that the maximum for the 20 years' pension for the Indian Forest Service and Indian Service of Engineers should remain at Rs. 4,000.

6. *Point 5. Increase in pension rates for the Women's Branch of the Indian Educational Service.*—For the reasons given by the Government of India, the local Government accepts the proposal that the maxima for the pension of the Women's Branch of the Indian Educational Service should be raised from Rs. 4,000 to Rs. 5,000 after 20 years' service and from Rs. 5,000 to Rs. 6,000 after 25 years' service.

7. *Point 6. Rates of increased pension for the Uncovenanted Services.*—The local Government considers that the scale of invalid pension suggested for the Uncovenanted Services in paragraph 7 of the letter of the Government of India is suitable.

8. *Point 7. Increase in the rates of proportionate pension.*—The local Government agrees that the rates of proportionate pension should be increased as suggested in paragraph 8 of the Government of India letter. As the pension is compensation for enforced retirement, it should, the local Government considers, be fixed with reference to the pension that would be earned if the officer were able to remain in service.

GOVERNMENT OF ASSAM.

GOVERNOR IN COUNCIL.

APPOINTMENT AND POLITICAL DEPARTMENT.

APPOINTMENT BRANCH.

LETTER FROM A. W. BOTHAM, ESQ., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. APPT.—1145-4257-A.P., DATED SHILLONG, THE 4TH AUGUST 1924.

In reply to your letter No. F.-178-13-24-Ests., dated the 22nd of June 1924, I am to communicate the views of the Government of Assam on the Royal Commission's proposals in respect of pensions.

(1) The Government of Assam agree that the maximum of the pension of the uncovenanted services should be increased by Rs. 1,000 per annum from 25 years onwards.

(2) The extension of this concession to officers of the Provincial services may be left to local Governments. It would only complicate the issues to go beyond the All-India Services in the present connection.

(3) The Government of Assam consider that this concession should be given to Indian as well as to European officers of the All-India Services.

(4) In the opinion of this Government the maximum of the 20 years' pension for the Indian Forest Service and the Indian Service of Engineers should remain at Rs. 4,000.

(5) No member of the Women's Branch of the Indian Educational Service is at present employed in Assam and the local Government have no opinion to offer on this point.

(6) The Government of Assam see no reason for raising the rates of invalid pension for the uncovenanted services as suggested in paragraph 7 of your letter.

(7) Nor do they consider that there is any justification for raising the rates of proportionate pension as suggested in paragraph 8.

In connection with the general subject of pensions, a representation received from the Assam Association of European Government Servants is submitted.

ASSAM ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS.

LETTER FROM THE HONORARY SECRETARY, ASSAM ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, DATED SHILLONG, THE 10TH JULY 1924.

I am directed by the Council of this Association to acknowledge the receipt of your Memorandum No. Appt.-938-3741-54, dated the 28th June 1924, with which you forward for an expression of this Association's opinion, a copy of letter No. F.-178-13-24, dated the 22nd June 1924, from the Government of India, regarding the proposals of the Royal Commission on the Superior Civil Services in India, in respect of pensions. In this connection, I am to invite a reference to the evidence on this subject, placed before the Commission by this Association, and by all Associations representing the Uncovenanted Services. I am to say that the proposals of the Royal Commission on this matter are totally inadequate, and are by no means acceptable to this Association. Except in the case of the Indian Civil Service it is, I am to say, considered quite impossible to justify the disparity which exists, between the pension scales of the so called Uncovenanted Services and those of the Indian Army and the Indian Medical Service. These services are recruited from the same classes and have the same expenses on retirement. Further, the argument in favour of technical or professional Services cannot be adduced as an argument for the retention of this disparity, as, included among the Uncovenanted Services, there is at least one highly technical Service, namely, the Indian Service of Engineers, appointment to which is preceded by an expensive and long specialised education. I am further to point out, that the ordinary pension for service up to 25 years,

was fixed as long ago as 1855, and, in Indian currency, remains the same to this day. But the sterling value of the ordinary pension has actually depreciated. Certain small additional pensions for service in certain administrative posts have been added; but, with respect to the ordinary pension, (and the prospects of members of this Association reaching administrative rank were never worse than they are at present), the officer who retires before completing 29 years' service, receives a smaller sterling pension than did his predecessor nearly 70 years ago, while he who completes 30 years' service is only 5 per cent. better off. Pension is deferred pay; yet the ratio of pensions to pay has steadily declined during the period when pay itself has depreciated in relation to the cost of living. All that the Royal Commission proposes to do to alleviate this extraordinary situation is to add Rs. 1,000 per annum to the pension at 25 years and onwards.

With regard to paragraph 9 of the Government of India's letter, I am to reply as follows:—

- (1) The proposed increase for the Uncovenanted Services is totally inadequate as we have already pointed out in paragraph (iv) of my letter of June the 14th. It is a matter for regret, that the Royal Commission have not even mentioned our request, that pensions should be fixed in sterling as is the case with the Indian Civil Service, Indian Medical Service and Military pensions. As regards additional pensions (lower and higher grade) the Royal Commission propose to leave them as before, and have also absolutely ignored our very fair request that the addition should be calculated on each month's service in a scheduled post. The existing system, which renders valueless for this purpose any period short of a completed year, is most unjust. As already pointed out, undue stress has been laid upon these extra pensions for administrative posts, as if the majority of officers could expect to qualify for them. I am to point out that it is the ordinary pension which cries for adjustment, as very few officers now in Service can hope to earn these extra pensions in view of the rapid provincialisation and abolition of such posts. Our arguments in support of the requests we made are on record, and in our opinion are unanswerable. We regard the question of the amount and security of pensions as among the most important items in our case; and yet it seems to have received less consideration than any other. Sir Reginald Craddock, in paragraph 41 of his 3rd Minute, admits the urgency of the question, and seems to have committed a deliberate *meiosis* in saying, "the recommendations in our Report appear to me to be very moderate"; and we are justified in inferring that he regards them as considerably less than just."
- (2) My Association is of the opinion that whatever pension increases are allowed to the Superior Services should be allowed proportionately to Provincial Services.
- (3) In regard to Indian officers, this Association would prefer not to commit itself to an expression of opinion. Our demands for Europeans were made, as already stated, on the basis of actual needs: and we do not know the actual needs of Indians which would justify the increased expenditure.
- (4) Although the Royal Commission in making their proposals for an increase of Rs. 1,000 to the 25 years' pension, have not specifically stated that this increase should also be allowed on the 20 years' pension, it appears to this Association to follow logically that this was the intention, as in the proposals for invalid pensions the Commission have suggested an invalid pension Rs. 5,000 at 20 years' service. In any case, however, I am to say that this Association holds most emphatically that any increase granted on the 25 years' pension should be proportionately allowed on that permissible at 20 years' service, for the Services referred to. This right of retirement at 20 years in these Services is a very highly prized privilege. When some years ago, the Secretary of State proposed to withdraw it, as a condition of acceptance of the then new pension scale, such an emphatic protest was made that the condition had to be omitted.

- (5) I am to say that the reply of this Association in this connection is in the affirmative.
- (6) This Association agrees with the general principle that there should be an increase in Invalid Pensions, *pro rata* with the increase in Retiring Pensions.
- (7) To this Association it appears that it must follow logically and necessarily, that Proportionate Pensions must increase *pro rata* with the increased rate of ordinary Retiring Pensions.

In connection with the question of pensions, I am desired to enquire whether separate communications may be expected on the subjects of Extraordinary Pensions, Provident Fund, Family Pension Fund and Commutation of Pensions, and also regarding the pension security question, as in respect of all these, this Association desires to be heard.