

Government of  
Bihar and Orissa.

1913

APPOINTMENT  
DEPARTMENT.

APPOINTMENT.

1

MAY.

2-M  
File No. A— of 1913.  
35

Nos. 17—18.

Interpellation in the Bihar and Orissa Legislative Council in regard to circulars and orders issued from time to time by the Government on the subject of preference being given to particular communities in the matter of making appointments.

बिहार सरकार  
मंत्रिमंडल सचिवालय विभाग  
(बिहार राज्य अभिलेखागार निदेशालय)

LIST OF PAPERS.

No.		PAGE
17.	Question asked by the Hon'ble Babu Braja Kishor Prasad at the meeting of the Bihar and Orissa Legislative Council held on the 13th March 1913.	1
18.	Answer to the above given by the Hon'ble Mr. H. LeMesurier, C.S.I., C.I.E., I.C.S.	1



2

## APPOINTMENT DEPARTMENT.

### APPOINTMENT.

2-M  
File No. A— of 1913.  
35

A, PROGS. FOR MAY 1913, Nos. 17—18.

Interpellation in the Bihar and Orissa Legislative Council in regard to circulars and orders issued from time to time by the Government on the subject of preference being given to particular communities in the matter of making appointments.

[No. 17.] Question asked by the Hon'ble Babu Braja Kishor Prasad at the Council meeting to be held on the 13th March 1913.

From the papers available here we find that in 1871 the Commissioner of Patna was addressed by Government to consider the subject of the employment under Government in Bihar of qualified natives of that province in preference to Bengalis and to submit a return showing the number of vacancies whether acting or permanent that occurred during the year

Appointment A, January 1881, No. 22.

and whether those vacancies were filled up by the appointment of Bengalis or Biharis. In 1880 attention of the several heads of departments were drawn to the above orders.

2. In 1893 on the recommendation of the Indian Education Commission the question of larger employment of Muhamedans in the Education Department was considered and departmental instructions were issued next year for appointing a fair proportion of Muhamedans in the Education Department in all districts in which there was a considerable Muhamedan population.

General Department, A, April 1894, Nos. 18-20.

7E  
File— of 1894.  
1

General Department File 7E of 1894.  
A, June 1894, Nos. 13-14. 1

3. In August 1908 the people of Bihar represented in an address to Sir Andrew Fraser that steps might be taken to ensure the larger employment of Biharis in the several departments of the public service. The matter was considered at that time by Sir Andrew Fraser at a conference held at Bankipore and he was convinced after an examination of the statistics, that the number of Bengalis then employed in Bihar in most departments of the public service, was unreasonably large. It was therefore decided that the claims of Biharis to public service should receive sympathetic treatment and recruitment from Bihari candidates for the public services in Bihar should, as far as possible, be local. In his reply to the address Sir Andrew Fraser gave an assurance to the representatives of the Biharis that such action would be taken and that the instructions that would be issued for recruitment to the various branches of the public service would be of a public character and made known to them in good time. Accordingly, steps were taken and instructions were issued by the different Departments of the Secretariat to the officers subordinate to them for the entertainment of a proper proportion of Biharis in Government Service. In July 1909 when the Hon'ble Mr. Sachchidananda Sinha brought to the notice of His Honour that no order had reached him the question arose as to how the action taken by the Government in the matter could be made public. The then Chief Secretary (the Hon'ble Sir William Duke) doubted whether any such announcement was required so long as the policy indicated by Sir Andrew Fraser was strictly adhered to, and directed to draw up a *precis* showing the public action taken with a view to answer any further question which might be raised on the subject. In obedience to that direction a memorandum was

B  
Political, File— 1-2 of 1910, A, September 1910,  
56  
Nos. 34-35.

7M  
Revenue, File— 1-3 of 1908. A, October 1908,  
6  
Nos. 1-5.

This matter was dealt with in the Political Department. Complete papers have not been put up by the Record, but it appears from the papers, flag G., that all Departments of the Secretariat were asked to take action in the matter.



drawn up showing the action taken by the several Departments of the Government. Sir Edward Baker, however, agreed with the Chief Secretary in holding that no resolution or public announcement was necessary at the time and thought that the memorandum would be useful in case a question would arise at any time either in Council or some address.

4. The Oriya community are also striving for larger employment of Oriyas in Government Service for some time past. In 1910 the heads of the various branches of the public service were asked by the Government to furnish information as to the action taken by them in regard to larger employment of Oriyas. From the reports received, the preparation of a memorandum similar to that prepared in connection with the larger employment of Biharis, was taken up by the Government of Bengal and the case was transferred in that stage to this Government at the time of the constitution of this province. As this draft

The Department has taken its time as usual.  
H. LEMESURIER—3-3-1913.

memo. has since been thought incomplete by this Government necessary action is being taken by the Political Department to revise it.

5. The question of recruitment of Europeans and Eurasians in certain percentage in all Government services, was also under consideration from some years past, but no papers on the subject are available except a notification in connection with the recruitment in the clerical service. Provision for such recruitment in the Provincial and Subordinate Executive Services is also made.

6. Since the constitution of this Province, demi-official circulars were issued to all Departments for giving particular stress to the claims of natives of this Province including the domiciled community at the time of recruitment. Also the rules for admission to the Provincial and Subordinate Executive Services have been revised in September last in which it has been laid down that as a rule only natives of the Province will be appointed in those Services.

7. It is for consideration whether any public statement should be made with regard to the procedure adopted from time to time on the subject in previous years, and about the demi-official circulars which were issued for general guidance by the Government of Bihar and Orissa.

8. It may be noted here that the several departments of the Secretariat were asked to furnish all the papers on the subject and the above note is submitted from the papers available here. There are other papers on the subject which have not been transferred to this Government. In the circumstances perhaps a reference may be made to the Government of Bengal for obtaining the detailed information and the receipt of their reply will enable us to prepare a complete note.

9. The subject is one which concerns more the policy of Government than the details of appointment or recruitment rules and as such has all along been dealt with in the Political Department. If it is decided to postpone the reply and to deal with the matter more fully, this may perhaps be transferred to the Political Department together with the circulars recently issued, as these appear to be the only papers of the Appointment Department dealing with the subject.

U. N. D.—2-3-1913.

Chief Secretary —

The chief papers to be read are the Revenue department proceedings of October 1908, which deal with the question of the appointment of Biharis to the public service and the *precis* in Political Department Proceedings of September 1910, which show the result of the orders issued to the various departments on the subject of the employment of Biharis.

I do not think it is necessary to lay that *precis* on the table, or give a very detailed answer as to the orders issued by the late Government or to answer each of the five questions of the Hon'ble Member in detail. The answer may I think be on the following lines:—

“The attention of the late Government of Bengal was drawn to the small number of Biharis employed in Government Service. The subject was carefully considered by that Government and steps were taken to ensure a certain proportion of posts in all departments of the public service being held by Biharis. The constitution of Bihar and Orissa and Chota-Nagpur, as a separate province has rendered slight modifications of the existing orders necessary, but the general policy of Government underlying these orders is unchanged. The policy of the late Government of Bengal was to ensure that all communities in the province should be represented in the public services provided that the candidates for appointment were duly qualified. The policy of the present Government of Bihar and Orissa is to give sympathetic consideration to the claims of natives of the province in making appointments to the public services and in all cases where the qualifications are identical, preference will be given to natives of this province, including persons domiciled therein.”

M. G. HALLETT—2-3-1913.

Hon'ble Member —

The answer is in itself, I think, quite suitable, but I understand His Honour has asked the Secretary to the Council to request the Hon'ble Member to modify the terms of his



question so as to make it less vague and less of the nature of a fishing question calculated to give the maximum of trouble without getting the definite information which is presumably required.

2. As the question is worded it is obvious that it refers not only to the question of Biharis and Oriyas in their respective portions of the province but to that of the representation of Muhammadans throughout all India, of aboriginal races and of castes which have suffered from the intrusion of cliques of other castes or localities.

We can take it for granted that he refers only to this Province, but it is highly probable from the tone of the question that he is thinking of special privileges for Muhammadans and Europeans.

E. A. GAIT.

It is impossible to give an accurate and comprehensive answer to so sweeping a question, and I think it is desirable to wait until the Hon'ble Member has been pinned down to ask for definite information which can be given to him in a categorical form.

H. LEMESURIER—3-3-1913.

If the Hon'ble Member modifies his question so as to show that he refers to the special question of Muhamedans and Europeans and Anglo-Indians we shall have to alter the answers; but if he makes it clear that he is referring only to the preference, if any, given to natives of this Province, the answer may be as I have drafted below.

E. A. GAIT—4-3-1913.

*Extract from the letter of the Hon'ble Babu Braja Kishor Prasad, dated the 6th March 1913.*

2. As regards question No. XIV I think I have made it as definite and specific as possible. I mean to ask if there were and are in force any circulars, asking the district, divisional and other authorities to give preference to any particular community in the matter of making any appointment. By particular community I mean Hindus, Muhamedans, Biharis and Bengalis. I want all circulars regarding preference being given in the matter of making appointments to any of the aforesaid community or communities. I think I have made my meaning very clear now and the question may be answered in this light. I consider this question very important and request you will kindly put it up before His Honour and I am sure His Honour will allow it. In my humble opinion the question does not infringe any provision of rule No. 4. However, if you consider it very necessary you may add the words 'Hindus or Muhamedans, Biharis or Bengalis' after the words "any particular community in the question" and the original question may be printed in the amended form. I have told you what I mean and what information I want and leave it to you to amend the question any way you like if any amendment is necessary, and the proposed amendment does not meet the requirement.

(बिहार राज्य + अमिले खागार निदेशालय)

Kindly see above paragraph 2 of the Hon'ble Babu Braja Kishor Prasad's letter.

The Hon'ble Member wants information regarding Hindus, Muhamedans, Biharis and Bengalis only.

As regards Muhamedans, kindly see paragraph 2 of office note, dated the 2nd March 1913. Possibly there are other papers about the larger employment of Muhamedans in other branches of the public service and the papers collected below within the short time available are not perhaps complete.

U. N. D.—8-3-1913.

Chief Secretary—

The Hon'ble Member still refrains from giving any very definite question. He refers to Hindus, Muhamedans, Biharis and Bengalis. We have not time to look up all the papers before the next meeting, and I suggest that the question should be considered not to have been duly amended and to have been withdrawn. He may be allowed to ask it at the next meeting.

His Honour —

M. G. HALLETT—8-3-1913.

H. LEMESURIER—9-3-1913.

If the Hon'ble Mr. Gait sees no objection I would give the reply which he has drafted with the addition which I have suggested on the margin of it. If the Hon'ble Member wants further detailed information he can ask for it at the following meeting.

I venture to agree.

C. S. B[AYLEY]—9-3-1913.

E. A. GAIT—10-3-1913.

[No. 18.]—Answer given by the Hon'ble Mr. H. LeMesurier, C.S.I., C.I.E., I.C.S.



5

APPOINTMENT DEPARTMENT.

APPOINTMENT.

2-M.

File No. A. ——— of 1913.

35

Interpellation in the Bihar and Orissa Legislative Council in regard to circulars and orders issued from time to time by the Government on the subject of preference being given to particular communities in the matter of making appointments.

[No. 17.]

—————

Question by the HON'BLE BABU BRAJA KISHOR PRASAD.

"Will the Government be pleased to state if there were in force in the time of the late Government and if there are in force now any circulars and directions asking the district, divisional and other authorities to give preference to any particular community in the matter of making appointments?"

"If so—

"(a) what are those circulars?"

"(b) what are the reasons that led to the issue of those circulars in the time of the late Government?"

"(c) whether the said reasons still hold good after the separation of the province from Bengal?"

"If not—

"(d) does the Government intend to withdraw those circulars?"

[No. 18.]

(बिहार राज्य अभिलेखागार निदेशालय)  
मंत्रिमंडल सचिवालय विभाग

Answer by the HON'BLE MR. LEMESURIER.

"The attention of the Government of Bengal was drawn on several occasions to the disproportionately small proportion of Biharis and Oriyas employed in the Public Service, and steps were taken to ensure that a certain proportion of posts in all departments should be held by them. In the opinion of Government no useful purpose would be served by the production of the orders and instructions which have from time to time been issued on the subject. The reasons which led to action being taken still hold good and the present position is that the matter was again considered after the creation of this province and instructions were issued that whenever a new appointment is made, and a duly qualified native of the province is forthcoming he should invariably be appointed in preference to an inhabitant of any other part of India. It was explained that Bengalis and others domiciled in the province should be regarded as natives of the province, and also that the instructions apply only to first appointments; men already in the service of Government are entitled to promotion according to their seniority and merits."



6  
REFERENCES TO FORMER CASES.

- (1) Appointment A, January 1881, No. 22 A.
- (2) General Department A, April 1894, Nos. 18-20 ( $\frac{7E}{1}$  of 1894).
- (3) „ „ June 1894, Nos. 13-14 ( $\frac{7E}{1}$  of 1894).
- (4) Political A, September 1910, Nos. 34-35 ( $\frac{B}{56}$  1-2 of 1910).
- (5) Revenue A, October 1908, Nos. 1-5 ( $\frac{7M}{6}$  1-3 of 1903).

(48A.)

बिहार सरकार

REFERENCE TO LATER CASES.

App't. Dept. 20 nos 1-20  $\frac{L.C.}{61/20}$

KEEP-WITH.

Office notes—(printed.)

K.-W.—(not printed).