

## U. P. Reports.

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1. Separation of the Judicial and the Executive, 1929.
2. Public Works Committee, 1928.

I. Report of the Committee on the Separation of the Judiciary  
and the Executive in the United Provinces. 1922

V252, 70R2:3, N26 F2

II Report of the U. P. Public Works Committee 1922

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# Government Gazette.

THE UNITED PROVINCES OF AGRA AND OUDH.

Separate paging is given to this part in order that it may be filed as a separate compilation.

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ALLAHABAD, SATURDAY, FEBRUARY 18, 1922.

## PART VIII.

### OFFICIAL PAPERS.

GOVT., UNITED PROVINCES.  
EDUCATION DEPARTMENT.

The following is published in the Gazette for general information:—

A meeting of the Provincial Maktab Committee was held at Benares on the 7th August, 1921. The chief resolutions passed were to the following effect and are being considered by Government.

- (1) That a Muhammadan Sub-Deputy Inspector of schools be appointed in every district and made responsible for Muhammadan schools.
- (2) That a special Muslim supervisor be appointed in the districts in which the number of maktab be 25 or more to inspect maktab regularly and to guide the maulvis in the matter of administration, etc., of these maktab.
- (3) That the Divisional Deputy Inspectors of Muhammadan schools be designated as Personal Assistants to the Divisional Inspectors of schools.
- (4) That a conference of all the Musalman Inspectors, Deputy Inspectors, and Sub-Deputy Inspectors of schools in these Provinces be convened by the Provincial Maktab committee annually.
- (5) That a separate clerk be set apart in the educational branch of the district board office to keep the records of Islamia schools and maktab.
- (6) That the name of the Provincial Maktab committee be changed to the Provincial Muhammadan Educational committee.
- (7) That tents be provided for the use of the Deputy Inspectors of Muhammadan schools.
- (8) That 50 per cent. of the Muslim boys in all the Islamia schools be exempted from the payment of fees.

By order,  
JAGDISH PRASAD,  
Secretary to Government, United Provinces.

No. 153/VI—268.

JUDICIAL CIVIL DEPARTMENT.

*The 10th February, 1922.*

The following is published for general information with the intimation that any opinion which any member of the public may wish to offer should reach Government in the Judicial department by the 15th March, 1922, at the latest:—

**Report of the committee appointed to formulate a scheme for the separation of judicial and executive functions in the United Provinces.**

THE Committee has been appointed under the orders of His Excellency the Governor of the United Provinces in Council to formulate a scheme under which the union of judicial and executive functions in the same person will ordinarily cease.

2. The existing system in the United Provinces has been gradually evolved from systems which have varied in different parts of the province as it now is, and which have themselves changed from time to time. The greater number of the districts in the province have been administered from the beginning as regulation districts. In these districts there was at first a complete separation of functions, the Collector of revenue being an executive officer and the Civil Judge being the Magistrate, but shortly after the beginning of the nineteenth century it was considered that in the interests of efficiency and economy the two offices should be united. The offices were united in 1829, separated again in 1845, and re-united in 1854. The remainder of the province consisted of non-regulation tracts. The most important of these is Oudh which was the last to come under British rule. In addition there were the non-regulation tracts of Bundelkhand and Kumaun. In these tracts the administration of justice in civil, revenue, and criminal cases was combined from the beginning in the hands of officers who exercised executive powers.

3. Executive officers have now ceased to exercise jurisdiction in civil cases except in the hill tracts and a portion of the Mirzapur district. There is a separate service of Judges. The more junior of these exercise civil jurisdiction only. Judges of a higher grade deal as sessions courts with criminal cases as well as with civil work but neither District and Sessions Judges or Judges of a lower grade discharge any executive functions except such as are connected with their judicial work. The trial of the smaller criminal cases is in the hands of Magistrates. These Magistrates in addition to exercising powers in criminal cases decide all suits and applications under the Revenue and Rent Acts and perform a variety of executive functions. The Head of the district hears appeals from subordinate Magistrates in criminal cases. He is head of the Police and is responsible for all prosecutions.

4. The union of functions in the hands of one man was not initiated by the British Government. This union was part of Indian administration. Under British rule there was formerly more concentration than at present. There was a period when the District Magistrate controlled not only the police and revenue but also the engineering, the forest, the education, the sanitation departments, and even the post office. In more recent years he has ceased to exercise many of these functions and the tendency has been towards further devolution. The time has arrived when, in the opinion of the Governor in Council, there should be a more complete separation.

5. But while this Committee has to consider the desirability of as complete separation as is practical it is also responsible for suggesting a scheme which will be workable and not too expensive, and the first point for its decision was whether executive officers should continue to exercise judicial functions in rent and revenue cases. The desirability of dissolving the union of judicial and executive functions was put forward in 1899 by the Indian Parliamentary Committee in a memorial to His Majesty's principal Secretary of State for India. This Committee accepted certain proposals which were made by the late Mr. Ramesh Chandra Dutt, C.I.E., I.C.S., then Commissioner of the Orissa division. Mr. Dutt proposed that the district officer should be the head executive officer, the head revenue officer, and the head police officer of his district, that he should collect revenue and taxes and

perform all the work connected with revenue administration with the help of his assistants and deputies, that he should continue to perform all executive work and should be armed with the necessary powers. He proposed that this officer should watch and direct police investigations and be virtually the prosecutor in criminal cases, but he was emphatic that the district officer should cease to try or have tried by his subordinates criminal cases in respect of which he was prosecutor. As Mr. Dutt's proposals were confined to the province of Bengal they naturally did not consider the removal from executive officers of the trial of rent and revenue cases, as for many years previous to the preparation of the scheme the trial of such cases had lain in Bengal with the civil courts. In this province the question of removing the power to try rent and revenue cases from executive officers has to be considered apart from anything that formed the subject of discussion twenty years ago. It appears to the Committee that it is eminently desirable that executive officers should retain their present powers in the decision of rent and revenue cases. The Committee holds that, in order to obtain the best results in those cases, it is necessary that the courts should have an intimate acquaintance with the rural conditions both of the province generally, and of the districts in which the cases arise. Many of these cases can be decided satisfactorily only on the spot where the land is situated. This principle has special application in reference to partition proceedings and suits for enhancement or abatement of rent. There is nothing in the duties of an executive officer which should prejudice him in such cases in favour of one party as against another. Even in cases in which the Crown is a party the Committee is of opinion that an executive officer can be trusted to do impartial justice. The present system in the opinion of the members is a good system. They are unable to improve on it and they see grave difficulties against substituting another. In the first place the transfer of trial of such cases to the civil courts would involve a very heavy increased expenditure which would not be justified. The number of Additional District Judges, Subordinate Judges, and Munsifs who would have to be appointed would be very large. There would be a considerable delay in obtaining decisions if these cases were heard by the civil courts, and if these duties were taken away from executive officers (it being postulated that those officials shall cease to exercise powers in criminal matters as a rule) there would not be sufficient work for them. It must be remembered that many of the duties of executive officers in the past are now performed by local bodies and by special departments. Executive officers have ceased for the most part to perform the functions which are now exercised by municipalities and district boards. Their activities in educational matters have been greatly curtailed. The assessment of income-tax is the charge of a special department. The Committee proposes to relieve executive officers of judicial duties in criminal cases. Their executive work as apart from revenue work would not be sufficient to fill a working day and this difficulty could not be overcome by increasing their territorial jurisdiction for a sub-divisional officer who has charge of more than two tahsils will not be able to know the conditions of the area sufficiently. The Committee therefore after consideration is of opinion that the trial of rent and revenue cases should be retained in the hands of executive officers.

6. A scheme can then be formulated on general principles. The main aim is that no officer who is responsible for the prosecution in criminal matters proper should be in any way connected with the trial of the case. Further no officer connected with the prosecution should be in a position to control the officer who tries the case, and the Committee would go further than Mr. Ramesh Chandra Dutt in this respect. Under his scheme it was possible for an officer connected with the prosecution subsequently to become an officer who tried cases, and again to become later an officer connected with the prosecution. The Committee considers that there should be a complete severance between the two departments, that in the case of the Provincial Service an officer should be appointed either to the executive or to the magisterial department from the beginning, and that thereafter there should be no transfer from one department to another, and that in the case of members of the Indian Civil Service there should be an election at an early date, and after that there should be no further transfer. This scheme involves the control of Magistrates in the first instance by Judges, and the supreme control by the High Court in the province of Agra, and by the chief appellate judicial authority in Oudh. As will be seen later, the Committee proposes that appointments in the magisterial branch should be made by the chief controlling authority.

7. But while this is the aim of the scheme, the members are of opinion that it is neither feasible nor desirable to apply it in all districts in the United Provinces, or to remove from executive officers certain of the *quasi-judicial* functions in criminal matters which are exercised by Magistrates under the Code of Criminal Procedure.

8. The only portions of the province in which it appears that such a separation cannot be effected are some of the hill tracts and a portion of the Mirzapur district. In Garhwal outside the cantonment of Lansdowne, in Almora outside the cantonments of Almora and Ranikhet, in the purely hill tracts of Naini Tal and in the Jaunsar-Bawar tahsil of Dehra Dun, excluding the cantonment of Chakrata, the Committee considers that it will not be advisable to make any alteration in the existing system. In the hill tracts of Kumaun there are no regular police. The police work is done by patwaris and other revenue officers, who combine the collection of land revenue and other executive duties with the arrest of offenders and the prevention and detection of crime. The system is peculiar. The patwari has the functions of a thanedar and is a man of considerable power and influence, but the combination of executive and police duties in that official, and the combination of executive and judicial duties in the higher officials, has not in the past been objected to by the inhabitants and works well in practice. The inhabitants of these tracts are simple people. They are extraordinarily honest in their dealings with one another, and very little crime is known amongst them. Crimes of dishonesty are singularly rare. Crimes of violence are not unknown, but are not common. So few criminal cases occur that there is no necessity for an alteration of system. In addition it would be very expensive to create a dual system in these tracts, and the change would not be appreciated. The Committee has had the advantage of taking the opinion of educated residents of the hills upon the point. The conditions in Jaunsar-Bawar are similar to the conditions in Kumaun. In the Dudhi tahsil in Mirzapur, which consists of the parganas of Singrauli and Dudhi and in a portion of Robertsganj tahsil in the same district, the people are also not advanced. The difficulty in those tracts is also that they are separated from the rest of the district by the river Sone, and in the rains communication with headquarters is very difficult if not impossible. So for these tracts the Committee would retain criminal powers in the hands of tahsildars and would propose that officers should combine magisterial and executive functions. There is no reason why the scheme should not be applied in a modified form to Mussoorie and Chakrata in the Dehra Dun district, to Naini Tal municipality and cantonment, Kashipur and the Tarai and Bhabar in the Naini Tal district, to Almora and Ranikhet cantonments in the Almora district, and to Lansdowne cantonment in the Garhwal district. All portions of the Mirzapur district outside the Dudhi tahsil and the portion of the Robertsganj tahsil which lies across the Sone can be brought under the proposed scheme. The remaining portion of the Mirzapur district can be amalgamated into one tahsil. The Committee would propose that the Deputy Collector in Mussoorie should, with the assistance of the Honorary Magistrates, try all criminal cases in Mussoorie, and continue to be in charge of Mussoorie Treasury, that the Cantonment Magistrate of Chakrata and the Cantonment Magistrate of Dehra Dun and Landour should retain their present powers, and that the tahsildar of Chakrata should continue to exercise powers as a criminal Magistrate. It is proposed that in Naini Tal there should be two Magistrates who, with the assistance of the Honorary Magistrates, would decide all criminal cases in the Kashipur and Tarai and Bhabar sub-divisions and all cases in Naini Tal sub-division outside the hill tracts. In Almora there should be one Magistrate who would try all criminal cases in Almora sub-division, the Cantonment Magistrate at Ranikhet deciding all criminal cases in Ranikhet, and there should be one Magistrate in Lansdowne to try all criminal cases from Lansdowne cantonment. The Committee proposes no other alterations in the Kumaun division. In the tracts of the Mirzapur district which have already been specified the Committee proposes that the tahsildar of Dudhi should be empowered to try criminal cases with the powers of a 2nd class Magistrate. With these exceptions the Committee suggests that criminal powers should not be exercised by the tahsildars of the province. It is hoped that the removal of criminal jurisdiction from the tahsildars will not cause inconvenience except in a few insolated places. The remedy there will be found in the increase of courts of Honorary and of *panchayats*.

9. The next point that arises is whether any powers of a *quasi-judicial* nature should be retained by executive officers. The functions of a Magistrate under the Code of Criminal

Procedure are executive, judicial, and *quasi-judicial*. The Committee has considered the Code in detail. The fourth chapter of the Code deals with aid and information to Magistrates, the Police, and persons making arrests. The power of arrest, in the opinion of the Committee should be given both to Magistrates and executive officers. This conclusion appears irresistible, as the power of arrest is also with the Police, who are purely executive officers, and the 42nd section of the Code should be amended accordingly. In the case of the 44th and 45th sections which deal with the duty of members of the public, village headmen, accountants, landholders, and others to report certain matters the Committee considers that the information should be given to executive officers only. It does not see any advantage in directing these persons to give information either to an executive officer or a Magistrate. Information is a preliminary to prosecution and should be given to the prosecuting officer rather than to the trying officer. There are portions of the fifth chapter which require remark. A police officer making an arrest without warrant is required under the law without unnecessary delay and subject to the provisions contained as to bail to take the person arrested before a Magistrate or before an officer in charge of a police-station. This is under the 60th section. There is no reason why the duty of receiving such a person should also be given to an executive officer. Under the 61st section such a person arrested cannot be detained for more than twenty-four hours without the special order of a Magistrate. There is no reason why an executive officer should have power to extend the period. Under the 62nd section officers in charge of police-stations have to report to the District Magistrate or if he so directs to the Sub-Divisional Magistrate the cases of all persons arrested without warrants within the limits of their respective stations. The Committee proposes to relieve the District Magistrate of this duty, as it appears to them that to give effect to the scheme these apprehensions should be reported to the Sub-Divisional Magistrates and to no one else. The 65th section gives authority to a Magistrate to arrest any person for whose arrest he is competent to issue a warrant. This power the Committee thinks should be given both to Magistrates and executive officers. It necessarily follows that executive officers should be permitted to issue warrants in the first instance. On these principles the powers given under the sixth chapter under sections 78, 83, 84, 85, and 86 would be exercised both by Magistrates and executive officers, and the powers under the 7th chapter with respect to house searches under section 98 and search for persons wrongfully confined under section 100 would also be exercised by both executive officers and Magistrates. The previous sections do not present great difficulty.

10. The next point considered by the Committee was what alteration should be made in the law under Chapter VIII, the chapter dealing with prevention of offences and the taking of security for keeping the peace and for good behaviour. The members of the Committee are of opinion that the powers given under this chapter are not judicial but are *quasi-judicial* powers. The persons proceeded against under this chapter are not proceeded against for having committed substantive offences. They are proceeded against under an apprehension, that if left at large they are likely to do acts injurious to other members of the public. They are called upon under these powers to give security that they will not do such acts, and if they are unable to find security the law directs that they may be kept in confinement not as a punishment for what they have actually done but to protect the public against what it is apprehended that they may do. It is of course essential that no person should be put to the inconvenience of meeting a charge that he is dangerous to the peace of the community, or that he should be compelled to guarantee his good behaviour, or that he should be deprived of his liberty for failure to give such a guarantee, unless good cause is shown for the action of the authorities, and unless the interests of such a person are duly safeguarded. But the case is different from the case of a prosecution for a substantive offence. The exceptional procedure is justified by the need of protecting the public against imminent danger, and in these circumstances the Committee with the exception of Mr. Narain Prasad considers that there is good cause for deviating to a greater or a less extent, from the ordinary rule that an officer connected with the prosecution should not determine the matter.

11. Section 106 presents no difficulty. The powers given by that section can on the face of them only be exercised by the court trying the case. The sections which present difficulty are sections 107, 108, 109, and 110. All members of the Committee are agreed that while the

public must be protected, the interests of the persons proceeded against must be safeguarded. They are not agreed in every instance, as to how this result is to be obtained. All members except Mr. Narain Prasad are in agreement as to proceedings under sections 107 and 109. The majority consider that when an officer who is presumably intelligent and impartial, has reason to believe that there is likely to be a breach of the peace, or a disturbance of the public tranquillity, or that persons are taking precautions to conceal their presence apparently with the intention of committing an offence, or that there are persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, that officer can be trusted not only to initiate proceedings but to decide them. The greatest danger is in the rural tracts. There have been in the past sad incidents in which omission to take speedy action to bind over parties who were likely to commit a breach of the peace has led to deplorable results. The President has in mind an incident which occurred nearly thirty years ago in a western district. There was an agrarian dispute between two parties. Proceedings under section 107 had been instituted against both. The Sub-Divisional Magistrate protracted the proceedings without cause. The result was the murder of several members of one side in peculiarly horrible circumstances. There, had the Magistrate been prompt and expeditious, the lives of unfortunate women and children might have been saved. But the Sub-Divisional Magistrate did not do his duty. He procrastinated and the result was tragic. All agree that procrastination must be guarded against. If the prosecution is left in the hands of the executive officer and the determination is left in the hands of another officer, the chances of delay are greatly increased. In such cases expedition is the main essential. For these reasons the majority of the Committee after consideration have arrived at the opinion that powers under section 107 should be left except in certain selected places in the hands of the executive. The practical difficulties of placing them in the hands of the magistracy, except in the larger towns, appear to them to outweigh the advantages of consistency with principle. As will be seen later, the Committee proposes that the Magistrates' courts should sit always at headquarters. In the rural tracts the danger of a riot can frequently only be overcome by the despatch of an officer to the locality. It will not be possible to despatch a Magistrate to distant localities without dislocating his work. The interests of the persons proceeded against will in the opinion of the majority be sufficiently safeguarded by the right to appeal to the Judge. Any stigma involved by having to give security for insufficient reasons can be removed on such appeal and the detention of a person who has been unable to give such security without cause should be of very short duration if the appellate court is efficient and exercises its powers as to giving bail with discretion. The case of persons proceeded against under section 109 is somewhat different, but there the majority considered as a result of their practical experience, that there is no danger to be apprehended from permitting executive officers in rural areas not only to call on suspicious characters to give security for their good behaviour but also to decide the cases and that in the past no ill results have followed from the combining of the functions in the same person. They see on the other side a prospect of increased danger to the community if the present system is altered.

12. Mr. Narain Prasad dissents. He considers that executive officers should be authorised to issue notices and even to arrest, should the circumstances require such action, but not to decide such cases. He apprehends no serious consequences from the adoption of the course which he proposes.

13. With regard to the provisions of sections 108 and 110 there is a difference of opinion amongst the members of the Committee. As the law stands at present, a Magistrate on receiving information that a person is disseminating seditious matter or is by habit a robber, house-breaker, thief, receiver of stolen property knowing the same to have been stolen, a harbourer of thieves, a person who habitually commits mischief, extortion, cheating, a counterfeiter of coins, currency notes or stamps and habitual abettor of offences involving a breach of the peace or so desperate and dangerous as to render his being at large without security hazardous to the community, may himself take action and determine the matter on the merits. All members of the Committee are agreed that executive officers should be empowered to initiate these proceedings. Mr. Wazir Hasan, Mr. Pim, and the President consider that executive officers should also decide the cases. The Nawab of Chhitar, Mr. Vikramajit Singh,



and Mr. Narain Prasad are of opinion that such cases should be determined by a Magistrate in all places where the scheme applies. The first, named consider that executive officers are in an exceptionally good position to appraise the value of the evidence in such cases, in rural areas and that the enormous importance of securing the prevention of crime is sufficient justification for the retention of the determining power by such officers. This section is one which it is easy to attack theoretically. It can be pointed out with some show of force that in Great Britain there are no powers quite like the powers given by it. It can also be pointed out that in some parts of India the powers given by this section are used very sparingly. But the members of the Committee, who have all had a lengthy experience of the conditions in the United Provinces, are in complete accord in considering that crime must increase if the powers conferred by this section are not used with reasonable freedom. It appears clear to them that where these powers are used too sparingly, crime has invariably increased. The victims of such crime are helpless persons. The difference of opinion between the members of the Committee is only as to the determination of these cases. Those members who are in favour of these cases being determined in rural areas by executive officers consider that a Magistrate will not be able to weigh the evidence as well as an executive officer can. The remainder consider that a Magistrate will be able to decide these cases as satisfactorily as an executive officer.

14. Mr. Vikramajit Singh and Mr. Narain Prasad embody their views in the following note.

"We regret we cannot agree with those members of the Committee who would keep the trial of cases under section 108 and section 110, Criminal Procedure Code, with the executive officers but consider that the trial of such cases must be placed on the same footing as that of other criminal cases. No case has been made out for departing from the principle underlying this report. Our long experience at the Bar firmly convinces us that provisions of section 110, Criminal Procedure Code, are very often abused by the Police and that executive officers, being in constant touch with the Investigating officers of the Police and having heard the matter *ex parte* cannot approach the case without an unconscious prejudice or bias in favour of the prosecution. Although this section is under the heading of preventive sections but the successful prosecution of a case under section 110, Criminal Procedure Code, is regarded by every Indian as a permanent stigma on the character of the person bound over to be of good behaviour and therefore special importance attaches to such prosecutions. The necessity for an impartial and a fair trial in a case under section 110 is greater even than for many offences under the Indian Penal Code in view of its far-reaching consequences. If any illustration of its far-reaching consequences was needed it is furnished by the disfranchisement of the person bound over for good behaviour from seeking election to the municipal board or to the Council. It sometimes happens that the executive officer rightly or wrongly desires a certain individual to be bound over for the due administration of his district and it will be a mere farce if the same officer were to try his case. In weighing evidence in such cases we are of opinion that the usual judicial methods ought to be employed and the trial court should not allow itself to be influenced by what it has heard from sources neither disinterested nor impartial. The same arguments would apply to a large extent to cases under section 108, Criminal Procedure Code. We may also add that cases under this section are usually more or less of political nature and it is desirable that executive officers who must have had a hand in the prosecution should not try them, otherwise the public will have no confidence in such trials.

"We are therefore strongly of opinion that cases under section 108 and section 110, Criminal Procedure Code, should be tried by Magistrates."

15. The Committee are, however, unanimous in regard to the decision of cases under the preventive sections in the larger towns. They propose in respect of Allahabad, Lucknow, Cawnpore, Meerut, Agra, Bareilly, Benares, Saharanpur, Aligarh, Moradabad, Shahjahanpur, Jhansi, Gorakhpur, and Fyzabad, that within the municipal limits of those towns executive officers should issue the notices and institute the prosecutions under the preventive sections, but that the decision of the cases should be with the Magistrates. They foresee difficulties if executive officers are to decide such cases in these towns and in the case of these towns the objections of delay and of the difficulty of the despatch of an officer to the locality have no place for the Magistrate will be in the place where the disturbances have occurred. Further,

in the larger towns the Magistrate should be in as good a position to appraise the value of evidence as the executive officer will be. The case of the towns other than those mentioned is not sufficiently important to require discrimination in treatment. The smaller towns can be reckoned as rural areas.

16. Chapter IX of the Code deals with the dispersal of unlawful assemblies. The opinion of the Committee is that the powers under this chapter should be retained entirely in the hands of executive officers. The members deprecate the introduction of a Magistrate on the scene. The Magistrate may have subsequently to try cases arising from the actions of the assembly, and in these circumstances it seems to them undesirable that he should be present when the occurrences are taking place. Mr. Pim pointed out the possible difficulty of there not being sufficient executive officers in all cases to control unlawful assemblies. The difficulty is clearly not imaginary. Circumstances could easily arise when it might be desirable to call in the assistance of every member of the administration, but on the whole the Committee considers that the disadvantages of empowering Magistrates under this chapter outweigh the advantages of so doing.

17. Chapter X relates to the authority to pass conditional orders for the removal of nuisances. The Committee considers that executive officers alone should be given authority to pass conditional orders, but that subsequent proceedings should take place before a Magistrate who should have power either to set the order aside or to appoint a jury to determine the matter, the subsequent procedure being as laid down in the chapter.

18. Chapter XI consists of one section—section 144. Under this section power is given to issue an absolute order in urgent cases of nuisance or apprehended danger. The words in this chapter are not the same as the words in the previous chapter. In the previous chapter conditional orders can only be made for the removal of unlawful obstructions or nuisances, for the discontinuance of a trade or occupation which is injurious to the health or physical comfort of the community, for ceasing building operations, for removal of substances likely to occasion conflagration or explosion, for the removal, repair or support of a dangerous building and for the fencing of a tank, well or excavation. But under Chapter XI the Magistrate has also power to issue prohibitive orders in urgent cases should he apprehend danger to human life, health or safety or disturbance of the public tranquillity or a riot or an affray. The questions which the Committee had to consider here were whether in view of a serious crisis it would be safe to remove this power from the executive, and how the interests of a person against whom such an order is passed without due cause should be safeguarded. The Committee is of opinion that the power should be retained in the hands of the executive, but that a power of appeal should be allowed to the Sessions Judge, whose order would be subject to revision by the supreme appellate authority.

19. Chapter XII relates to disputes as to immovable property. The powers under this chapter should, in the opinion of the Committee, be retained by the executive with a right of appeal to the Sessions Judge, whose order would be subject to revision by the supreme appellate authority.

20. The remaining portions of the Code of Criminal Procedure which require alteration are in the opinion of the Committee not many. They consider that executive officers above the rank of tahsildar should be empowered to record statements and confessions under the provisions of section 164, Chapter XIV. Magistrates of the first and second class should also be empowered to record such statements and confessions. The reason why the Committee would give these powers to executive officers above the rank of tahsildar is because in many places it would be highly inconvenient to take a person making such statement or confession to the nearest Magistrate. In such places there might be a considerable saving of time and convenience, if these persons were taken before executive officers. The record of such a confession or statement is in no way a judicial pronouncement. All that it is necessary to lay down is that the officer recording such statement or confession must be a responsible person who can be trusted to apply the rules. The Committee thinks that executive officers above the rank of tahsildar could certainly be trusted to apply the rules, and the granting of these powers to them would make for public convenience. It would give power to hold inquests under section 174 of the same chapter to executive officers, and would direct officers in charge of police stations to give the necessary intimation to executive officers and when they made

the inquest themselves to report to executive officers as a consequence of these proposals section 191(c) must be repealed. The power of transfer under section 528 should be vested in the Sessions Judge.

21. These are all the alterations which appear to the Committee desirable in the Code of Criminal Procedure. The alterations which they consider should be made in other Acts will be found in the first appendix.

22. These are the general proposals. In order to carry them into effect the Committee proposes the following redistribution of staff. There should be in their opinion two separate staffs in each district—an executive and a magisterial staff. The executive staff would consist of a chief executive officer and other executive officers. The Committee suggests that the Chief executive officer should be called the Deputy Commissioner in the province of Oudh and in Kumaun, the Superintendent in Dehra Dun, and the Collector elsewhere. Under him there would be sub-divisional officers and tahsildars. These officers would be in charge of the whole of the revenue and rent work of the district. They would also perform all executive duties which are at present performed by the district staff. They should have power to initiate prosecutions. The Chief Executive officer would supervise the work of the police, delegating such powers of supervision over the police as may be necessary to the sub-divisional officers. None of these officers except in the districts which have been wholly or partially excluded from the scheme, would exercise any judicial powers and would only exercise the quasi-judicial powers which the Committee has previously suggested should be reserved to them. This executive staff would be under the Commissioner, the Board of Revenue, and the Local Government. On the other side would be the magisterial staff. This would consist of as many Magistrates as are necessary to perform the original criminal work of the district. These Magistrates would be stationed at headquarters and would not tour. The executive staff would tour freely.

23. The Committee has considered what the powers of these Magistrates should be. It suggests that no such Magistrates should have powers less than those of a second class Magistrate. It considers that with the exception of certain Honorary Magistrates every Magistrate should possess at least second class powers. It suggests that in making the first selection from the existing staff no officer should be appointed as a Magistrate who does not possess first class and summary powers. Further, in the case of new incumbents it appears to them that after such preliminary training as will be detailed hereafter a newly-selected Magistrate should be invested at once with the powers of a second class Magistrate and should ordinarily be given the powers of a first class Magistrate after six months, and summary powers eighteen months after he has taken his seat on the Bench. It is further suggested that certain specially selected Magistrates might be given the powers of a Presidency Magistrate under section 362 and 370 of the Code of Criminal Procedure.

24. The Committee offers no observations as to the functions of Cantonment Magistrates or of special Magistrates (as for example Magistrates employed in the Irrigation branch) who are at present exercising powers.

25. The Committee has endeavoured to estimate the numbers of the staffs that will be necessary under the scheme. The members feel somewhat diffident in making this estimate. They have collected as much information as was possible in the limited time at their disposal.

26. Statistics have been carefully studied. Their suggestions under this head have been forwarded to all Commissioners and District Magistrates and the estimate has been corrected after considering the criticisms which they have received from those officers. But it is inevitable that this estimate can only be tentative. The Committee has not had as complete materials as it would have wished on which to frame the estimate and in addition has had less than twelve weeks in which to frame proposals and make a report. It is therefore to be understood that while this estimate is the best that they can make it should be considered mainly as a basis for criticism and discussion.

27. The principles which have guided the Committee in making the estimate are as follows. In the case of Chief Executive officers it is clear that one Chief Executive officer must be allowed to each district as at present constituted. It is obviously not for the Committee

to make suggestions as to amalgamation or division of districts. With regard to sub-divisional officers the Committee has been guided largely by a consideration of the amount of work in the revenue and the rent courts and the relative importance of the district from the executive point of view. It has kept in mind the fact that these officers must be touring officers and that if the work of sub-divisional officers is to be efficient they should not be given a charge too great in area. If the area under them is excessive they will not be able to do full justice to their duties. In respect of the rent and revenue work it is to be noted that the removal of criminal powers from tahsildars will give these officers greater leisure in which to try rent cases and the Committee would suggest that the decision of rent cases might be greatly expedited if certain tahsildars were given more extensive powers. It considers that the tahsildars of the present day are men of considerably superior intellectual attainments to those possessed by tahsildars of the past. Many of the tahsildars are graduates, and the Committee considers that it should be possible both in the cases of those gentlemen and of others to give them greater powers in the disposal of rent suits and applications. The Committee has endeavoured to frame the estimate so as not to overburden any individual officer, and trusts that on the standard which it has laid down it will be possible for the officers presiding over rent courts to devote sufficient care to the decision of the matters before them. In framing an estimate as to the number of Magistrates required the Committee has noted the large number of cases which are now disposed of by Honorary Magistrates in the province. In the year 1920 Honorary Magistrates in Agra disposed of 58,343 cases out of 126,237 and in the province of Oudh 21,526 cases out of 44,983. Thus Honorary Magistrates heard 79,869 cases out of 171,223 cases, that is to say something more than 46 per cent., or nearly one-half of the total number. The large majority of these cases, it is true, were petty cases, but nevertheless the relief afforded to the stipendiaries was very considerable. It is to be hoped that in the future the activities of Honorary Magistrates will be extended considerably. Further relief should be given in regard to the smaller cases by the more extensive use of *panchayats*. As years go on it may be possible to provide the services of an Honorary Magistrate and *panchayats* at every tahsil and the relief thus given to litigants in criminal courts will not only remove much inconvenience, but may enable the proposed staff to be reduced subsequently. After making allowance for the diminution of work of the stipendiaries as a result of the activities of Honorary Magistrates and *panchayats* the estimate of staff has been framed. Taken roughly it is based upon a standard of eight witnesses a working day. The examination of many witnesses will not be concluded in less than an hour or more. On the other hand the examination of other witnesses may only take a few minutes, and when cases are heard summarily many more witnesses than eight in a day can be heard. But the Magistrate has in addition to examine the accused persons, hear arguments and write his judgments. The conferment of summary powers on all and the powers of a Presidency Magistrate on a selected few will lighten the mechanical labour considerably. Taking all these facts into consideration, the Committee has fixed the standard which is based partly upon previous standards, partly upon the criticisms received from the Commissioners and District Magistrates and partly upon their own experience.

28. The estimate of the staff required for the districts will be found in Appendix II. The Committee has added 14 per cent. as a leave reserve and also has added a general reserve of nine Sub-Divisional Magistrates and twelve sub-divisional officers to meet unforeseen contingencies such as exceptionally heavy criminal work in a particular district, the necessity of deputing Magistrates to the larger *malas*, congestion of partition work, and unforeseen executive needs.

It would leave the staff of tahsildars as at present.

29. There is one point which may be further considered in this connection. What is to be the provision for the trial of European British subjects? The Code of Criminal Procedure lays down the law relating to the trial of European British subjects in Chapter XXXIII. The Committee does not consider it necessary to make more than a tentative suggestion on this point, as it is given to understand that the whole question as to the special criminal procedure affecting Europeans and Americans is under the consideration of the Government of India. It is sufficient to say that provision can be made for the trial of European British subjects

under the Committee's proposals if the law is slightly altered, so as to empower the senior Magistrate in each district to enquire into and try any charge against a European British subject. Such Magistrate could be created a Justice of the Peace. As the law at present stands there is no guarantee that a European British subject will be tried by a European British subject, for any District Magistrate who is a Justice of the Peace, can try a European British subject whether he himself is or is not a European British subject. A District Magistrate under the provision of section 25 of the Code of Criminal Procedure is ex-officio a Justice of the Peace. The Committee believes that the status and qualifications of Magistrates under this scheme will be such as to place them on exactly the same level in regard to their magisterial duties as the level attained by District Magistrates.

30. The next point for determination is who is to exercise control primarily and finally over the work of Magistrates. The Committee is agreed that this control shall be exercised in the first instance by the present Sessions Judges according to sessions jurisdiction. This conclusion has been indicated earlier in the report. The Sessions Judges will also be the appellate authorities. The final control will lie in the final Court of Criminal Appeal, that is to say in the High Court in the province of Agra, and the Chief Appellate Court in the province of Oudh.

31. Inasmuch as the introduction of the new system demands an improvement of the prosecuting agency in the courts of Magistrates in all Government cases, the Committee ventures to submit suggestions as to the improvement to be introduced. Had it not been proposed to separate the judicial functions from the executive the case for improvement of the prosecuting agency would still be a strong one. Under present conditions the prosecution in the vast majority of police cases is left either in the hands of a sub-inspector or in the hands of the trying Magistrate himself. In many police cases the trying Magistrate has to make out as best as he can the case for the prosecution from the papers at his disposal and to frame a theory on his own initiative and examine the witnesses upon it. This is obviously a defect. Now that it is proposed to remove the control of the District Magistrate the case for improvement of the prosecuting agency becomes overwhelming. The suggestions of the Committee upon this point will be found in Appendix III. They are based upon the following considerations. It appears to the Committee that an extension of the police agency in prosecutions is undesirable. While the employment of this agency has much to commend it on the score of economy the members of the Committee are unanimous in considering that something more specialised is wanted. The members of the Committee are all acquainted more or less intimately with the conditions prevailing in districts and they are of opinion that salaries ranging from Rs. 200 to Rs. 300 a month will be sufficient to secure the services of competent younger members of the Bar as prosecutors in these cases. The estimate which the Committee has made is based upon the principle that there should be sufficient prosecutors to enable each Government case to be represented in the court of a Magistrate. The time of the Magistrate is taken up partly with Government prosecutions and partly with private prosecutions. So it is not necessary to provide a prosecutor for each Court. After considering the circumstances of each district the Committee considers that it has made provision for a sufficient prosecuting agency under present conditions. There should be no difficulty in securing candidates. Employment as a prosecutor in magisterial courts will attract younger members of the district Bar. Capacity shown in such duties may lead to advancement. In any circumstances a junior pleader will have an opportunity of making a position in such employment, and once he has made his position he will frequently gain by returning to general practice, if he does not obtain advancement in other ways. The Committee proposes that these gentlemen should be called Assistant Government Pleaders and that they should be eligible for subsequent employment as Government Pleaders. The Chief Executive officer must be given an opportunity of knowing what is transpiring in the courts of the Magistrates. He will be given this opportunity from information which can be collected by the prosecuting agency and by the police. The police prosecuting agency will continue supplementary to the prosecuting agency proposed. Between them they should be in a position to prepare returns which can give the Chief Executive officer full information as to the progress of the work in the courts of the Magistrates. The Committee would not give the Chief Executive officer other opportunities of criticism and

complaint than are afforded to him and will be afforded to him as prosecuting officer by the law in appealing against acquittals and applying for revision.

32. The increase of the criminal work of the present Sessions Judges which will be involved by the addition to their duties of hearing all criminals, appeals and revisions either from the courts of Stipendiary or Honorary Magistrates and by the work entailed in controlling the Magistrates under them will necessitate an addition to the staff of District and Sessions Judges. The Committee proposes to give this relief in the following manner. It has calculated both on the average of the last five years and the figures of the year 1920, the number of additional days that will be required for disposal of additional criminal appeals and revisions. It has further estimated the number of hours that will be required for control. The time will vary according to the conditions of the districts. These details are given in Appendix IV. In some cases no relief is required but in other cases relief will be required and the Committee considers that relief will be best given by appointing Additional Judges at various headquarters. In some cases these Additional Judges will afford relief on the criminal side. In other cases they will afford relief by disposing of civil appeals. The proposals are to appoint Additional Judges at Moradabad, Meerut, Agra, Benares, Gorakhpur, and Lucknow, and two at Cawnpore. Out of these the Judges at Moradabad, Agra, Gorakhpur, and Lucknow and one Judge at Cawnpore, could be officers exercising criminal powers only.

33. The Committee has no proposals to offer as to the distribution of the present staff. The question of distribution will be for the Local Government to decide. An important point arises as to the appointment of members of the new services. In the case of members of the Provincial Executive Service they should be appointed by the Local Government but in the case of members of the Provincial Magisterial Service it appears to the Committee that as they are to be under the absolute control of the judiciary they should also be appointed by the judiciary. The view of the Committee is that they should be appointed by the High Court in the province of Agra and by the Chief Appellate Court in the province of Oudh according to a scale to be fixed by the Local Government. In the case of officers of the Indian Civil Service the Committee suggests they should be required to elect either for the executive or judicial department at the end of their second year of service.

34. The question of training next arises. In the case of executive officers the Committee has hardly any suggestions to make. A scheme of training has just been prepared which is attached as Appendix V to this report. After making such modifications as are entailed by alterations proposed in this report this scheme appears in every way acceptable. In the case of magisterial officers of the Provincial Service the scheme provides a basis of training. The Committee is of opinion that no officer should be appointed as a Magistrate who has not taken the degree of LL.B. It considers that it will be a great advantage if such officers before the commence their magisterial duties should acquaint themselves with the conditions of life both in the towns and the rural districts of the province and that they should get a general idea of the working of the administration. For this reason the Committee would be in favour of attaching such officers after appointment to the training classes provided for the members of the executive service and putting them under a general course of instruction in districts. It would also be in favour of appointing such provincial officers as assistants to the prosecuting agency in the Magistrates' courts. It does not consider that it will be necessary to call on them to pass any additional departmental examinations. After six months' training with a class and six months' training in a district in which their duties will be partly as prosecutors, the Committee considers that these officers could safely be invested with the powers of a second class Magistrate and could ordinarily be invested with the powers of a first class Magistrate after six months and with summary powers after eighteen months. If it could be possible in the case of officers in the Indian Civil Service to put them on special duty in the office of the Government Advocate at Allahabad for six months or more during their two years' preliminary training the Committee considers that their work will greatly benefit by the experience that they would obtain there.

35. A further point remains. The Committee considers it essential in the case of officers of the Provincial Service that they should be afforded prospects of rising above the rank of Sub-Divisional Magistrate or sub-divisional officer if the quality of their work merits such promotion. In the case of Sub-Divisional Magistrates there will be no

difficulty. As has been already stated, eight posts of District and Sessions Judges will be created, five of which will ordinarily be for the performance of criminal work only. The Committee would propose to reserve five of these judgeships as listed posts for Sub-Divisional Magistrates in the Provincial Service. The fact that these Magistrates are not acquainted with civil law would not stand in their way, as their duties would be only in criminal matters. In the case of officers entering the service under the new scheme proposed they will be acquainted with civil work, for under these proposals they will all have passed their LL.B. examination, so that in the future it will not be necessary to insist upon such officers being retained on criminal duties only. On the remaining posts created one, or more might be reserved for the Provincial Judicial Service. The remaining post or posts could be given to the Bar by direct appointment, and if this were done it would be possible to provide advancement for Government Pleaders and Assistant Government Pleaders of marked merit. The reservation of five posts as listed posts for Magistrates will imply a similar concession to sub-divisional officers. The Committee is somewhat diffident in advancing suggestions to the Local Government as to the creation of listed posts for executive officers, but it is palpable that if five posts as Judges are listed for the Magistrates similar concessions must be given to sub-divisional officers to render the executive side sufficiently attractive. The Committee is of opinion that unless good prospects are held out to all officers the standard of efficiency that is desirable will not be attained. The Committee ventures to suggest that eight posts of Collectors should be listed for sub-divisional officers. It was pointed out during the course of discussion that it was the intention of Government in future to reward merit in the Provincial Service by transfer to a higher branch during the early years of service. If this suggestion matures it may not be necessary to retain these listed posts. But while its acceptance will greatly benefit the junior members of the Provincial Service, it will not benefit the senior men already in the service and it would appear possible to reconcile the suggestions of the Committee with the proposed reform by a condition that these listed posts should be reduced and finally abolished after the present scheme has been in working operation for ten years.

36. The Committee foresee a possible objection with reference to the distribution of the Indian Civil Service staff. Under their proposals 35 will be retained for magisterial work in the province and 33 will be retained in the plains for executive work and six will be retained in the hills for executive and judicial work. From this it will be seen that the prospects of promotion to a District and Sessions Judgeship in the case of the Magistrates will be less than the prospects of promotion to a Collectorship in the case of the executive. The disadvantage in the former case could however be removed by transferring the posts of senior Indian Civil Service Magistrates in some of the larger towns to the superior service.

37. The alterations which the acceptance of these proposals will involve in the existing law will necessitate in most cases amendments by the Imperial Legislature. The Committee understands that it is not a part of their duty to do more than indicate the amendments required, and in the short time at its disposal it cannot guarantee that these amendments cover the whole ground. The question will require examination by experts. After this examination has been made it will be for the Legislature to make the requisite amendments.

38. The Financial department has prepared an estimate of the cost of the above proposals. The non-recurring cost is estimated at Rs. 3,00,000. The recurring cost is estimated at Rs. 4,76,588. Details will be found in Appendix VI.

39. The Committee wishes to place on record its appreciation of the assistance that it has received from Saiyid Iftikhar Husain Sahib and Rai Sahib Paudit Krishna Nand Joshi and from Mr. Phillips, judgment-writer of the Judicial Commissioner's court, Lucknow, in the preparation of the materials necessary for their report.

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## APPENDIX I.

The amendments in Imperial and Provincial Acts and Regulations which will be entitled by the introduction of the proposed scheme are for the greater part merely verbal alterations. It will be necessary in these Acts and Regulations to declare whether the powers are to be exercised by a Magistrate or by an executive officer. Under the proposals of the Committee the District Magistrate will cease to exist. Such duties as are performed by the District Magistrate in his executive capacity will be performed by the Collector. Such duties as are performed by the District Magistrate in his magisterial capacity will be performed by the Sessions Judge or the Sub-Divisional Magistrate. In suggesting the amendments in this Appendix the Committee have indicated their views as to whether the functions in the Acts and Regulations concerned are such as should be performed by an executive or by a magisterial officer.

## Imperial Acts.

1.—*Auxiliary Force Act (XLIX of 1920).*

In sections 22 and 80(g) for "District Magistrate" read "Collector."

NOTE.—Under the General Clauses Act, Local Act I of 1904, section 4, clause 9, "Collector" in the United Provinces means the Chief Officer in charge of the revenue administration of a district and includes a Deputy Commissioner and the Superintendent of Dehra Dun. This being the case, it does not appear necessary to make further amendments either in Act X of 1897 or in the Local Act.

2.—*Anarchical and Revolutionary Crimes Act (XI of 1919).*

The Committee are given to understand that the amendment of this Act is under the consideration of the Government of India. Should it stand in its present form it will be necessary to substitute the word "Collector" for "District Magistrate" in sections 26, 29 and 36.

3.—*Arms Act (XI of 1878) as amended.*

In section 5 the word "Collector" should be substituted for the words "Magistrate of the district."

Sections 12 and 13 should be amended so as to give powers to Collectors and Sub-Divisional Officers as well as to Magistrates.

In section 18 the word "Collector" should be substituted for "Magistrate of a district."

In sections 25 and 28 the words "Collector or Sub-Divisional Officer" should be substituted for "Magistrate."

In section 29 the word "Collector" should be substituted for "Magistrate of the district."

4.—*Army Act (VIII of 1911).*

In section 125 the words "Collector or Sub-Divisional Officer" should be substituted for the word "Magistrate."

5.—*Cattle Trespass Act (I of 1871).*

In the first portion of this Act the functions of the Magistrate of the district are purely executive.

In sections 4, 5, 6, 12, 14 and 17 the word "Collector" should be substituted for the words "Magistrate of the district."

Section 20 refers to magisterial powers. There the words "Sub-Divisional Magistrate" should be substituted for "Magistrate of the district."

In section 31 the word "Collector" should be substituted for the words "Magistrate of the district."

6.—*Cinematograph Act (II of 1918) as amended.*

In sections 4 and 7 the word "Collector" should be substituted for the words "District Magistrate."

7.—*Criminal Tribes Act (III of 1911).*

In sections 4, 5, 6, 7, 8, 9 and 17 the word "Collector" should be substituted for the words "District Magistrate."

In section 25 the words "Collector or Sub-Divisional Officer" should be substituted for the word "Magistrate."



8.—*Dramatic Performances Act (XIX of 1876).*

Sections 2 will have to be *re-drafted*. It would appear better to omit it.

In section 3 the power is purely executive and the words "Collector or Sub-Divisional Officer" should be *substituted for* "Magistrate."

In sections 4 and 6 the powers are judicial and the word "Magistrate" will remain.

In section 8 the powers are executive and the words "Collector or Executive Officer" should be *substituted for* "Magistrate."

In section 10 the powers are judicial and the word "Magistrate" should remain.

9.—*Indian Electricity Act (IX of 1910).*

In section 12 the word "Collector" should be *substituted for* the words "District Magistrate."

In section 18 the words "Collector or Sub-Divisional Officer" should be *substituted for* the words "Magistrate of the first class."

In sections 20, 30, and 33 the word "Collector" should be *substituted for* the words "District Magistrate."

10.—*Elephants Preservation Act (VI of 1879).*

It seems unnecessary to retain the words "or Deputy Commissioner of any district" in section 5 as under the United Provinces General Clauses Act the word "Collector" includes a "Deputy Commissioner."

11.—*Indian Explosives Act (IV of 1884).*

*Section 9.*—As the same powers are given under this section to a Commissioner of Police as are given to a Magistrate it would appear that the section should be re-drafted to confine these powers to Executive Officers. In this case it would read something as follows:—

- (1) Whenever in the opinion of a Collector or Sub-Divisional Officer specially empowered by the Local Government in this behalf an inquiry is necessary, into the cause of any an accident of the description mentioned in section 8 he may either himself make the inquiry or direct a Sub-Divisional Officer subordinate to himself to make the inquiry.
- (2) Any officer making an inquiry under this section shall for the purposes of conducting the inquiry have all the powers which a Magistrate would have in holding an inquiry into an offence under the Code of Criminal Procedure.
- (3) The powers conferred on an officer by this section may in the Presidency Towns be exercised by the Commissioner of Police as well as by any Magistrate specially empowered in this behalf by the Local Government.

12.—*Indian Extradition Act (XV of 1903).*

*Chapter III.*—As the proceedings under Chapter II are judicial proceedings it appears that the proceedings under Chapter III should also be judicial proceedings. Therefore the powers should be left with Magistrates all through except that it will be more convenient to issue the warrant in the first instance to the Collector.

Section 7 (1) should therefore be amended by *substituting* the word "Collector" for "District Magistrate."

Section 7 (2) should be amended by *substituting* the word "Sub-Divisional" for "District."

Section 7 (3) should be amended by *substituting* the word "Collector" for the words "District Magistrate."

In section 8 the word "Collector" will be *substituted for* "Magistrate."

In section 8-A the word "Sub-Divisional" will be *substituted for* "District."

13.—*Female Infanticide Act (VIII of 1870).*

The powers under this Act are seldom now exercised. The only amendment necessary is to *substitute* the word "Collector" for the words "Magistrate of the district" and "Magistrate" in section 6.

14.—*Foreigners Act (III of 1864).*

The provisions of this Act are now almost a dead letter but the functions of officers under the Act are almost purely executive.

In section 1 the definition of "Magistrate of the district" may be *omitted*, the word "Collector" having previously been defined.

In sections 3-A and 6 the word "Collector" should be *substituted* for the words "Magistrate of the district."

In section 14 the words "Collector or Sub-Divisional Officer" should be *substituted* for the words "any officer exercising any of the powers of a Magistrate."

In section 15 for the words "not exercising any of the powers of a Magistrate" should be *substituted* the words "not exercising any of the powers of a Collector or Sub-Divisional Officer" and for the words "Magistrate of the district" and "Magistrate" should be *substituted* "Collector."

In sections 16, 19 and 20 the word "Collector" should be *substituted* for the words "Magistrate of the district" or "Magistrate."

In clause 22 which refers to judicial powers for the words "Magistrate of the district or a Justice of the Peace" should be *substituted* the words "Sub-Divisional Magistrate being a Justice of the Peace."

15.—*Forest Act (VII of 1878).*

In section 16, 30 and 38 the words "or Deputy Commissioner" may be *omitted*.

In section 65 for the words "District Magistrate" should be *substituted* the words "Sub-Divisional Magistrate."

16.—*Legal Practitioners Act (XVIII of 1879).*

In section 14 (a) for the words "District Magistrate" should be *substituted* the words "Sub-Divisional Magistrate."

Section 14 (b) should be *re-drafted* to read "when made by a Magistrate be made through the Sessions Judge."

Sub-section (c) should be *deleted*.

17.—*Lepers Act (III of 1898).*

As the powers given under this Act involve the consideration of evidence and are of a judicial nature the powers should be retained by the magistracy throughout.

Section 2, clause 5, should be *deleted*.

In section 8 (1) for the words "discharged by order of the Board or the District Magistrate" should be *substituted* the words "discharged by order of the Board of the Sessions Judge."

18.—*Lunacy Act (IV of 1912).*

In section 3 (6) *delete* the words "District Magistrate."

19.—*Metal Tokens Act (I of 1889).*

In section 5 *delete* the words "District Magistrate or" where they occur.

20.—*Indian Mines Act (VIII of 1901).*

In section 5 *substitute* the word "Collector" for the words "District Magistrate."

21.—*Newspapers Incitements to Offences Act (VII of 1908).*

The Committee understands that the re-drafting of this Act is under the consideration of the Government of India. The duties here are purely executive.

Section 2 (a).—Should be *deleted*.

In sections 3, 4 and 6 for the word "Magistrate" should be *substituted* the words "Collector or Chief Presidency Magistrate."

22.—*Opium Act (I of 1878).*

In section 12 *delete* the words "or Deputy Commissioner."

In sections 19 and 21 *delete* the words "Deputy Commissioner."

23.—*Poisons Act (XII of 1910).*

In section 7 for the words "District Magistrate, the Sub-Divisional Magistrate" *substitute* the words "Collector, the Sub-Divisional Officer."

24.—*Police Act (V of 1861).*

Section 1.—For the clause "Magistrate of the district" *substitute* "Collector." *Delete* the words "and exercising the powers of a Magistrate."

As under the scheme executive officers cannot hold judicial powers in section 5 the word "Collector" must be substituted for "Magistrate."

Sections 15, 15-A and 16.—For the words "Magistrate of the district" and "Magistrate" *substitute* "Collector."

Section 17.—For the word "Magistrate" *substitute* "Sub-Divisional Officer."

*Sections 25, 26 and 27.*—For the words “Magistrate of the district” substitute “Collector.”

*Section 30.*—For the words “Magistrate of the district or of the sub-division of a district” substitute the words “Collector or Sub-Divisional Officer.”

*Section 30-A.*—For the words “any Magistrate” substitute “any Collector or Sub-Divisional Officer or Tahsildar.”

*Section 33.*—For the words “Magistrate of the district” substitute “Collector.”

*Section 43.*—After the word “Magistrate” add the words “Collector or Sub-Divisional Officer.”

*Section 44.*—For the words “Magistrate of the district” substitute “Collector.”

*Section 46 (2) (a).*—After the word “Magistrate” add the words “Collectors, Sub-Divisional Officers, Tahsildars.”

*Section 47.*—For the words “Magistrate of the district” substitute “Collector.”

25.—*Press Act (I of 1910).*

The Committee is informed that the re-drafting of this Act is under the consideration of the Government of India.

*Substitute for section 2, clause (d),* “Collector includes a Chief Presidency Magistrate.”

In sections 3, 5, 7, 8, 10, 12 and 24 the word “Collector” should be substituted for “Magistrate.”

26.—*Prevention of Cruelty to Animals Act (XI of 1890).*

In section 6 substitute the word “Collector” for the words “District Magistrate.”

*Section 8.*—*Re-draft* the beginning as follows:—

“If a Collector, Sub-Divisional Magistrate, Sub-Divisional Officer, Magistrate of the first class, Commissioner of Police, or District Superintendent of Police.”

*Section 10.*—*Re-draft* as follows:—

“When any Collector, Sub-Divisional Officer, Tahsildar, Magistrate.”

27.—*Prevention of Seditious Meetings Act (X of 1911).*

The Committee is informed that the re-drafting of this Act is under the consideration of the Government of India.

In section 4 for the words “District Magistrate” substitute the word “Collector.”

For the words “Magistrate of the first class” substitute “Sub-Divisional Officer.”

*Section 5.*—For the words “District Magistrate” substitute the word “Collector.”

*Section 7.*—For the words “Magistrate of the district” substitute the word “Collector.”

28.—*The Prisoners Act (III of 1900).*

In sections 23, 24 and 25 for the word “Magistrate” substitute the word “Collector.”

*Section 37.*—For the words “District Magistrate” substitute the word “Sessions Judge.”

*Sections 38, 39 and 40.*—Delete the words “District or.”

29.—*Public Gambling Act (III of 1867).*

*Section 5.*—For the words “Magistrate of a district or other officer invested with the full powers of a Magistrate” substitute the words “Collector or Sub-Divisional Officer.”

In section 6 for the words “Magistrate” substitute the words “Collector, Sub-Divisional Officer.”

*Section 7.*—For the word “Magistrate” substitute the words “Collector, Sub-Divisional Officer.” For the words “the same or any other” substitute the word “a.”

*Section 10.*—For the words “of any Magistrate” substitute the words “of any Collector, Sub-Divisional Officer.”

30.—*Railways Act (IX of 1890).*

*Section 83.*—For the words “Magistrate of the district” substitute the word “Collector.”

For the words “other Magistrate” substitute the words “Sub-Divisional Officer.”

31.—*Reformatory Schools Act (VIII of 1897).*

Omit section 4, clause (c).

*Section 8.*—For the words “a District Magistrate” substitute the words “Chief Presidency Magistrate.”

*Section 9 (1).*—For the words “District Magistrate” substitute the words “Sessions Judge.”

*Section 9 (2).—For the word "Magistrate" substitute the words "Sessions Judge."*

*Section 10.—For the words "District Magistrate" substitute the words "Sessions Judge."*

*For the words "such Magistrate" substitute the words "such Sessions Judge."*

*Section 11.—For the words "District Magistrate" substitute the words "Sessions Judge."*

**32.—Saris Act (XXII of 1867).**

*Omit in section 2 the words from "Magistrate" to "designation."*

*Sections 3, 4 and 6.—For the words "Magistrate of the district" and "Magistrate" substitute the word "Collector."*

*Section 7 (2).—For the word "Magistrate" substitute the words "Sub-Divisional Officer."*

*For the words "Magistrate of the district" substitute the word "Collector."*

*Section 7 (6) and (7).—For the words "Magistrate of the district" substitute the word "Collector."*

*Sections 8, 9, 10, 11, 12 and 15.—For the words "Magistrate of the district" and "Magistrate" substitute the word "Collector."*

**33.—Stage-Carriages Act (XVI of 1861).**

As the Commissioner of Police in a Presidency Town has the powers of a Magistrate under this Act it is proposed to leave all powers except the powers to try cases under the executive.

In sections 2, 3 and 10 for the word "Magistrate" substitute the words "Collector, Sub-Divisional Officer" but the powers under sections 11 and 13 must be left with Magistrates.

In sections 15, 16, 17, 18 and 19 executive officers should also have powers. So in those sections before the word "Magistrate" should be prefixed the words "Collector, Sub-Divisional Officer."

*Section 21 may be deleted.*

**34.—Indian Telegraph Act (XIII of 1885).**

*In sections 16 and 17 for the words "District Magistrate" read "Collector."*

*In sections 18 and 19-A for the words "Magistrate of the first or second class" and the word "Magistrate" read "Sub-Divisional Officer."*

*In section 33 for the words "District Magistrate" read "Collector."*

Corresponding alterations must be made in section 34.

**35.—Tramways Act (XI of 1886).**

*Omit section 3 (12).*

*Sections 15 and 27.—For the words "District Magistrate" read "Collector."*

*Section 41.—Before the word "Magistrate" prefix the words "Collector, Sub-Divisional Officer."*

**36.—Vaccination Act (XIII of 1880).**

*Section 18.—Re-draft as follows:—*

"If such notice is not complied with, the Superintendent of Vaccination shall report the matter to the Collector or such Sub-Divisional Officer as the Local Government or the Collector may from time to time appoint in this behalf; and the Collector or Sub-Divisional Officer receiving such report shall issue a summons to the parent or guardian of the child returnable before such Honorary Magistrates as the Local Government may appoint directing such parent or guardian to put forward an explanation. If such parent or guardian does not appear before such Honorary Magistrate or refuses to give an explanation or gives an explanation which is not satisfactory such Honorary Magistrate may make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order, and if on such date the order has not been obeyed, the Honorary Magistrate shall summon the parent or guardian before him, and, unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section 22."

**37.—Workmen's Breach of Contract Act (XIII of 1859).**

*Section 1.—For the words "Magistrate of Police" substitute the words "Sub-Divisional Magistrate."*

33.—*Indian Works of Defence Act (VII of 1903)*

Section 37.—Omit the words "he shall, if a Magistrate, enforce compliance, and if not a Magistrate."

39.—*An Act to authorize the taking of Measurements and Photographs of Convicts and others (XXXIII of 1920).*

Section 7.—For the words "District Magistrate" substitute the word "Collector."

**Local Regulations and Acts**

1.—*Bengal Regulation XI of 1806.*

Section 2.—Omit the words "and Magistrates."

Section 6.—For the word "Magistrate" substitute the word "Collector."

2.—*Bengal Regulation III of 1818.*

Section 4.—For the words "Zila Magistrate" substitute the word "Collector."

3.—*Village and Road Police Act (XVI of 1876).*

Sections 4, 5, 6 and 7.—For the words "Magistrate of the district and Magistrate" substitute the word "Collector."

Section 8.—Prefix the words "Collector, Sub-Divisional Officer" to the word "Magistrate."

Section 10.—For the words "Magistrate of the district" read the word "Collector."

4.—*Oudh Laws Act (XVIII of 1876).*

Sections 30, 31, 32 and 33.—For the words "Magistrate of the district" and "Magistrate" substitute the words "Deputy Commissioner."

Section 34.—Prefix before the word "Magistrate" the words "Deputy Commissioner, Sub-Divisional Officer."

Section 36.—For the words "Magistrate of the district" substitute the words "Deputy Commissioner."

5.—*Northern India Ferries Act (XVII of 1878).*

In sections 5, 6, 9, 10, 11, 13, 16, 24, 32, 33 and 35, for the words "Magistrate of the district" or "Magistrate" substitute the word "Collector."

6.—*An Act to consolidate and amend the law relating to Emigration to the labour districts of Assam (VI of 1901).*

This Act only has effect in this province in so far as coolies recruited to work in Assam are present in this province at the time of or after recruitment. The work done in this province is mainly executive.

Section 2 (n).—Between the words "Magistrate" and "or" substitute the words "Collector, Sub-Divisional Officer."

Section 30.—Prefix the words "The Collector" before the words "The district."

Between the words "him" and "or" add the words "any executive officer subordinate to him of a rank not lower than that of Naib Tahsildar."

Section 61.—Insert between the words "the" and "District" the words "Collector or."

Section 62.—Between the words "the" and "District" substitute the words "Collector or" and after the words "Sub-Divisional Magistrate" add the words "or Sub-Divisional Officer."

Between the words "subordinate Magistrate" and "or" insert the words "or any executive officer subordinate to him of a rank not lower than that of Naib Tahsildar."

Sections 63 and 67.—Between the words "the" and "district" insert the words "Collector or."

Section 90 (i).—Between the words "the" and "district" insert the words "Collector or Sub-Divisional Magistrate."

Sections 107, 108, 109, 110, 111, 112, 113 and 114.—Between the words "a" and "Magistrate" insert the words "Collector, Sub-Divisional Officer or."

After section "116" add the words "The Collector or the Sub-Divisional Magistrate may authorize any executive officers of a rank not lower than that of Naib Tahsildar, medical officer or officer of police above the rank of Sub-Inspector to exercise the powers and authorities conferred and to perform the duties imposed on a Magistrate under sections 107 to 114."

*Section 163 (g).*—Between the words “a” and “Magistrate” substitute the words “Collector, Sub-Divisional Officer or.”

7.—*United Provinces Village Sanitation Act (II of 1892) as amended.*

Omit section 2, clause 5.

*Sections 17, 18 and 19.*—For the word “Magistrate” read the word “Collector.”

8.—*District Boards Act (III of 1906).*

*Section 51.*—For the words “District Magistrate” substitute the word “Collector.”

For the words “District Magistrate” substitute the word “Collector.”

For the words District “Magistrate” substitute the word “Collector.”

*Sections 53 and 54.*—For the words “District Magistrate” substitute the word “Collector.”

9.—*Excise Act (IV of 1910) as amended by Act of 1919.*

*Section 3 (5).*—For the words “District Magistrate” substitute the words “Sessions Judge.”

*Section 59.*—For the words “District Magistrate” substitute the word “Collector.”

*Section 60B.*—Omit the words “the Court of a District Magistrate.”

10.—*United Provinces Motor Vehicles Act (II of 1911).*

*Section 4 (1).*—For the words “District Magistrate” read the word “Collector.”

*Section 4 (2).*—For the words “District Magistrate” read the word “Collector.” For the words “Joint Magistrate” substitute the words “Sub-Divisional Officer.”

*Section 8.*—For the words “District Magistrate” read the word “Collector.”

*Section 13.*—For the words “District Magistrate” read the words “Sub-Divisional Magistrate.”

11.—*Adulteration of Food and Drugs Act (VI of 1912).*

*Section 2.*—Omit the words “District or.”

12.—*United Provinces Town Areas Act (II of 1914).*

The duties of a Town Magistrate under this Act resemble almost entirely the duties of an executive officer in Municipalities. It is therefore proposed to call the Town Magistrate the Town Executive Officer.

*Section 2 (9).*—Will be re-drafted as follows :—“Town Executive Officer means in respect of any town area the Sub-Divisional Officer in charge of the sub-division within which such town area is situated, unless and until some other executive officer has been appointed under section 4, in which case the expression means such other officer.”

*Section 4.*—Town Executive Officer. The Collector may appoint any executive officer other than the Sub-Divisional Officer to exercise the powers and perform the duties of the Town Executive Officer under this Act in respect of any town area.

*Section 5.*—For the words “District Magistrate” substitute the word “Collector.”

*Section 10 and 11.*—For the words “Town Magistrate” substitute the words “Town Executive Officer.”

*Section 14.*—For the words “District Magistrate” substitute the word “Collector.”

*Section 15.*—For the words “Town Magistrate” substitute the words “Town Executive Officer.”

*Section 16.*—For the words “District Magistrate” substitute the word “Collector.”

*Section 18.*—For the words “District Magistrate” substitute the word “Collector.”

For the words “such Magistrate” substitute the words “such Sub-Divisional Officer.”

For the words “Town Magistrate” substitute the words “Town Executive Officer.”

*Section 24.*—For the words “Town Magistrate” substitute the words “Town Executive Officer.”

*Section 26.*—For the words “District Magistrate” substitute the word “Collector.”

*Section 27.*—For the words “District Magistrate” substitute the word “Collector.”

For the words “Town Magistrate” substitute the words “Town Executive Officer.”

*Section 29.*—For the words “District Magistrate” substitute the word “Collector.”

For the words “Sub-Divisional Magistrate” substitute the words “Town Executive Officer.”

*Section 33.—Substitute for the words from " provided " to " Magistrate " :*

Provided that no Magistrate shall take cognizance of any offence punishable under this Act except with the previous sanction or on the complaint of the Town Executive Officer.

*Sections 35, 26 and 37.—For the words " Town Magistrate " substitute the words " Town Executive Officer."*

*Section 38.—For the words " District Magistrate " substitute the word " Collector."*

*Section 39.—For the words " Town Magistrate " substitute the words " Town Executive Officer."*

13.—*United Provinces Steam Boilers Act (III of 1915).*

*Section 17 (b) and (c) and section 25.—For the word " Magistrate " substitute the words " Sub-Divisional Officer."*

*Section 39.—For the words " Magistrate of the district " substitute the word " Collector."*

14.—*United Provinces Municipalities Act (II of 1916).*

*Sections 32, 34, 35, 36, 47, 50, 94, 125, 126, 160, 173, 237, 238, 239, 247, 273, 318 and 333 and Schedule VII, sections 34 (2) and 35.—For the words " District Magistrate " substitute the word " Collector."*

## APPENDIX II

District.	Number of Tahsils.	Magistrates.		Executive Officers.		
		Indian Civil Service.	Others.	Indian Civil Service Officers.	Treasury Officers.	Others.
Saharanpur ..	4	1	2	2	2	1
Muzaffarnagar ..	4	1	2	..	1	3
Meerut ..	6	2	2	1	1	3
Bulandshahr ..	4	..	3	1	1	2
Aligarh ..	6	2	3	1	1	2
Etah ..	4	..	3	..	1	3
Bijnor ..	4	..	2	1	1	2
Budaun ..	5	1	2	1	1	4
Moradabad ..	6	2	1	2	1	4
Bareilly ..	6	2	2	2	1	3
Pilibhit ..	3	..	1	..	1	1
Shahjahanpur ..	4	1	2	1	1	2
Muttra ..	5	1	1	1	1	2
Agra ..	7	2	1	2	1	2
Farrukhabad ..	5	1	3	1	1	2
Mainpuri ..	5	..	2	1	1	2
Etawah ..	4	1	1	1	1	2
Jalaun ..	4	..	1	..	1	2
Jhansi ..	6	2	1	2	1	1
Cawnpore ..	6	2	2	1	1	2
Fatehpur ..	4	..	2	..	1	3
Banda ..	8	..	3	1	1	2
Hamirpur ..	5	..	2	1	1	2
Allahabad ..	9	2	3	2	1	3
Gorakhpur ..	6	2	4	2	1	5
Basti ..	5	..	3	..	1	4
Jaunpur ..	5	..	2	..	1	3
Awamgarh ..	6	..	3	1	1	4
Mirzapur ..	..	..	2	..	1	3
Benares ..	3	2	2	1	1	2
Ghazipur ..	4	..	2	..	1	3
Ballia ..	3	..	3	..	1	3
Lucknow ..	3	2	1	2	1	2
Unao ..	3	..	3	..	1	3
Rae Bareilly ..	5	1	1	1	1	2
Sitapur ..	4	1	2	1	1	2
Hardoi ..	4	1	2	1	1	2
Kheri ..	3	..	2	..	1	3
Fyzabad ..	4	2	1	2	1	2
Gonda ..	3	1	2	1	1	2
Bahraich ..	3	..	2	..	1	2
Sultanpur ..	4	..	2	1	1	2
Parbhagarh ..	4	..	2	..	1	2
Bara Banki ..	4	..	3	..	1	2
Total ..	..	35	92	38	45	108

There are thus required—  
35+38+6 Indian Civil Service  
=79  
92+45+108+12 Provincial Civil  
Service=357.

This necessitates  
79+20% Leave Reserve Indian  
Civil Service=79+16=95.  
257+21 General Reserve (9  
Magistrates, 12 Executive  
Officers.)  
=278+14% Leave Reserve  
=278+39=317.

Finance department reports that  
104 Indian Civil Service officers  
and 303 Provincial Civil Service  
officers including leave reserve are  
normally available for sub-divisional  
work in Districts. It is however to  
be noted that up to the 1st July,  
1921, the Indian Civil Service cadre  
was 22 short owing to recruiting  
having not kept pace with vacan-  
cies, but these figures are sufficient  
to show that when Indian Civil  
Service recruiting has become nor-  
mal, there will be nine more Indian  
Civil Service officers available than  
are required. These can be utilised  
as a training reserve and can per-  
form executive duties.

## HILL TRACTS.

District.	Indian Civil Service.	Others.
Dehra Dun ..	2	2
Naini Tal ..	2	3
Almora ..	2	4
Garhwal ..	..	3
Total ..	6	12



## APPENDIX III.

## Proposed Increase in Prosecuting Staff.

District	Assistant Government Pleaders.		Remarks.
		Rs.	
Saharanpur ..	Two at Rs. 250 a month =	500	One at Saharanpur, one at Borkhee.
Musaffarnagar ..	One at Rs. 250 a month =	250	
Meerut ..	{ One at Rs. 300 a month } { One at Rs. 250 a month } =	550	
Bulandshahr ..	{ One at Rs. 250 a month } { One at Rs. 300 a month } =	550	
Aligarh ..	One at Rs. 250 a month =	250	
Etah ..	One at Rs. 200 a month =	200	
Bijnor ..	One at Rs. 250 a month =	250	
Moradabad ..	One at Rs. 300 a month =	300	
Bareilly ..	One at Rs. 300 a month =	300	
Shahjahanpur ..	One at Rs. 250 a month =	250	
Muttra ..	One at Rs. 250 a month =	250	
Agra ..	One at Rs. 300 a month =	300	
Farrukhabad ..	{ One at Rs. 250 a month } { One at Rs. 200 a month } =	450	
Mainpuri ..	One at Rs. 200 a month =	200	
Etawah ..	One at Rs. 200 a month =	200	
Jhansi ..	One at Rs. 250 a month =	250	
Cawnpore ..	{ One at Rs. 300 a month } { One at Rs. 250 a month } =	550	
Fatehpur ..	One at Rs. 200 a month =	200	
Banda ..	One at Rs. 200 a month =	200	
Allahabad ..	{ One at Rs. 300 a month } { One at Rs. 250 a month } =	550	
Gorakhpur ..	{ One at Rs. 300 a month } { One at Rs. 250 a month } { One at Rs. 200 a month } =	750	Two at Gorakhpur, one at Tahsil Deoria.
Basti ..	One at Rs. 200 a month =	200	
Jaunpur ..	One at Rs. 200 a month =	200	
Azamgarh ..	One at Rs. 200 a month =	200	
Mirzapur ..	One at Rs. 200 a month =	200	
Bonares ..	{ One at Rs. 300 a month } { One at Rs. 250 a month } =	550	
Ghazipur ..	One at Rs. 200 a month =	200	
Ballia ..	One at Rs. 200 a month =	200	
Lucknow ..	One at Rs. 300 a month =	300	
Unao ..	One at Rs. 200 a month =	200	
Rae Bareli ..	One at Rs. 250 a month =	250	
Sitapur ..	One at Rs. 250 a month =	250	
Hardoi ..	One at Rs. 250 a month =	250	
Kheri ..	One at Rs. 200 a month =	200	
Fyzabad ..	One at Rs. 300 a month =	300	
Gonda ..	One at Rs. 250 a month =	250	
Bahraich ..	One at Rs. 200 a month =	200	
Sultanpur ..	One at Rs. 200 a month =	200	
Bara Banki ..	One at Rs. 200 a month =	200	
Partabgarh ..	One at Rs. 200 a month =	200	

Total Rs. .. 11,850

Rs. 11,850 a month = Rs 142,200 a year.

APPENDIX IV.

Sessions Judge.	To control.	Days work at present.	For control of Courts.	For extra appeals.	Total.	Relief required in days.	Notes.—A working year for a District and Sessions Judge=245 days, vide Groeven Committee report. In estimating working days, the Groeven Committee standard has been followed with modifications 1½ days being allowed for a regular suit or sessions case. A judge is expected to dispose of two appeals from Subordinate Judges or four appeals from a munsif, or four appeals in rent suits, or ten miscellaneous and executive applications, or ten criminal appeals and revisions in a day. Modifications have been made to meet special conditions.
Saharanpur ..	Saharanpur, Dehra Dun.	219	52	19	290	45	<p>(1) One Judge will be stationed at Moradabad and do criminal work only. He can take 60 Sessions cases =90 from Budaun. 80 " " =45 " Saharanpur. 40 " " =60 " Moradabad. 80 " " =45 " Bareilly. Total .. 240</p>
(1) Moradabad ..	Moradabad ..	288	40	27	317	60	
Additional ..	Bijnor ..	151	40	11	202	..	
Budaun ..	Budaun ..	282	40	22	344	99	
Bareilly ..	Bareilly ..	227	40	27	294	40	
Shahjahanpur ..	Shahjahanpur ..	184	40	12	236	..	
(2) Meerut ..	Meerut ..	346	40	30	422	177	
First Additional Meerut ..	Muzaffarnagar ..	214	40	24	288	86	
Aligarh ..	Aligarh ..	224	40	24	288	48	
(8) Aligarh 1st additional ..	Bulandshahr ..	232	40	19	291	10	
Aligarh 2nd additional ..	Etah ..	202	40	17	269	14	
Agra ..	Agra ..	305	40	18	363	118	
Sessions and Subordinate Judge, Muttra.	Muttra ..	281	40	10	337	92	
(4) and (5) Mainpuri ..	Etawah, Mainpuri ..	279	52	22	353	108	<p>(2) One Judge will be stationed at Meerut and do civil work only.</p> <p>(8) One Judge will be stationed at Agra and do criminal work only. He can take 70 Sessions cases =105 from Agra. 60 " " =90 " Muttra. 80 " " =45 " Aligarh. Total .. 240</p> <p>(4) and (5) Two Judges will be stationed at Cawnpore. One can take 60 Sessions cases =90 from Farrukhabad. 80 " " =45 " Cawnpore. 40 " " =60 " Allahabad. 20 " " =80 " Etawah. The other can relieve the pressure in civil appellate work.</p>
Farrukhabad ..	Farrukhabad ..	287	40	15	342	97	
Cawnpore ..	Cawnpore ..	205	40	8	253	18	
Sessions and Subordinate Judge, Cawnpore	Fatehpur ..	181	40	9	230	..	
Allahabad ..	Allahabad ..	352	40	17	409	104	
Jhansi ..	Jhansi and Jalaun ..	181	52	11	244	..	
Sessions and Subordinate Judge, Banda.	Banda and Hamirpur ..	187	52	15	254	..	
(5) Sessions and Subordinate Judge, Jaunpur	Jaunpur ..	205	40	15	260	15	
(6) Sessions and subordinate Judge, Mirzapur.	Mirzapur ..	178	40	10	228	..	
Ghazipur ..	Ghazipur and Ballia ..	289	52	22	363	120	
Bonares ..	Bonares ..	208	40	12	260	71	
Azamgarh ..	Azamgarh ..	270	40	15	325	60	
Gorakhpur ..	Gorakhpur ..	277	40	22	339	105	
(7) First Additional, Gorakhpur.	Basti ..	204	40	17	261	15	
Kumaun ..	Naini Tal, Almora, Garhwal and Pilibhit.	188	40	0	228	..	
(8) Lucknow ..	Lucknow ..	215	40	10	271	20	<p>(6) One Judge will be stationed at Bonares, and will relieve pressure in civil appellate work.</p> <p>(7) This Judge will take the place of the temporary second Additional Judge. He will be stationed at Gorakhpur and do criminal work only during 140 sessions' cases. = 210 days.</p>
First Additional, Lucknow	Bara Banki and Unao ..	202	52	12	276	28	
Sitapur ..	Sitapur and Kheri ..	252	52	10	320	75	
Hardoi ..	Hardoi ..	178	40	15	233	..	
Fyzabad ..	Fyzabad and Sultanpur ..	181	52	22	255	10	
Rae Bareilly ..	Rae Bareilly and Patahar ..	169	52	20	241	..	
Gonda ..	Gonda ..	177	40	11	228	..	
Sessions and Subordinate Judge, Bahraich.	Bahraich ..	178	40	12	230	..	

## APPENDIX V.

## Report of the Committee appointed to make detailed proposals for the training of junior officers.

WE forward herewith our report on the reference made to us. We are asked to draw up a scheme for the training of junior civilians and deputy collectors at a class with a view to improving their efficiency and giving them a more systematic and thorough grounding in their duties. In the reference special stress is laid on the necessity of raising the standard of revenue court work. That there is need of improvement both in the trial of cases in court and in the vital matter of handing the mass of cases for disposal we are convinced. At the same time we think it possible and very desirable to improve the equipment of our officers of both services for their ordinary duties and also for the work which political developments will impose on them. In particular in the case of European officers we would aim at a definite raising of the standard of proficiency in the vernacular languages. In the case of all a broadened outlook and a clearer understanding of administrative problems of different sorts is desirable. We cannot expect our officers to be masters of everything, but we can do something to put them in a position to appreciate better problems affecting their work and the people with whom they have to deal. These objects, we think, can in some measure be attained by collecting young officers for a short period in a training class where they will not only have the advantage of systematic instruction under whole-time officers but will also be able to exchange experiences and ideas and gain acquaintance with those with whom they will be associated in their future work.

At the same time, for reasons given below and partly also on account of the unevenness of the raw material we are unwilling to abandon the present system of practical training under the guidance of district officers. We have therefore devoted a considerable portion of our report to the work to be done during the preliminary period, which we propose should be spent by the officers in the districts to which they are posted.

Classes for whom provision has to be made. 2. The classes for whom it is necessary to make provision consist of—

- (1) Indian Civil Service Officers.
- (2) Probationary deputy collectors who are promoted tahsildars.
- (3) Other probationary deputy collectors.

3. As regards junior officers of the Indian Civil Service it is understood that those who will in future be recruited will have undergone special training during a period of two years in the United Kingdom with a course which is likely to include some instruction in the vernacular, the elements of jurisprudence, Hindu and Muhammadan law, Indian history and noting on cases tried in British Courts.

*Preliminary training.*

4. As regards classes (1) and (3) mentioned in paragraph 2 above we are of opinion that no course of training is likely to prove really beneficial unless junior officers are first given an opportunity of acquiring practical experience in districts by methods generally similar to those followed at present. Unless this is done the teaching in the training class must necessarily be of a very elementary character and much time must be devoted to explanation of details with which a junior officer would naturally become acquainted without any difficulty in the course of a few months' practical experience. Consequently the attention which he would be required to devote to these matters would divert him from matters which it is more essential to impart to him in a training class in order to supplement what he has himself acquired from practical experience. We are therefore of opinion that officers of the Indian Civil Service and directly appointed probationary deputy collectors should certainly have about one year's practical work in districts before admission to the training class. We are strengthened in this conclusion by the fact that the lack of practical experience has been felt as a difficulty in the training of officers in the Police Training school, where special circumstances make it necessary that training should begin immediately on a young officer's arrival in this country. In the case of promoted tahsildars, however, this difficulty does not exist and there is no reason why they should not receive their training immediately. We consider it preferable that the other two classes of officers (namely officers of the Indian Civil

Service and directly appointed probationary deputy collectors should be posted to districts, if possible, in pairs. This will facilitate supervision during the period of training and will, at the same time, ensure a healthy rivalry. In arranging posting junior civilians might well be associated with deputy collectors, and such officers as have had no previous legal training with graduates in law. The two officers under training might profitably spend a considerable part of this period working together.

5. The main defect of the present system of preliminary training appears to us to consist in the fact that an officer's training may suffer from lack of time or lack of interest on the part of the Collector in whose charge the young officer is placed. Where a Collector has been really keen on this work and has had the leisure to devote to supervision, young officers have, we believe, had an excellent training. There is, however, always the danger that some necessary part of a young officer's training may be overlooked, and we therefore consider it desirable that this training should be conducted in a more systematic manner than has hitherto been the case by which means we believe that the general standard of training would be raised. This can, in our opinion, best be achieved by the appointment of a Provincial Training Officer, not necessarily a whole-time officer and preferably the officer who would be in charge of the training camp. He may issue circulars from time to time to give guidance to district officers in the training of young officers. We consider it essential that nothing should be done to impair the responsibility of the district officer for the training of junior officers and we consider it desirable that he should keep in close personal touch with their work. At the same time he may well utilize the services of a suitable member of his staff who should give particular attention to this matter under the Collector's supervision. This officer, subject to the Collector's orders, would doubtless deal with many of the instructions issued by the Provincial Training Officer and could examine in more detail than is likely to be possible for the district officer the work done by junior officers. In the case of junior civilians the services of the joint magistrate should always be utilized for this purpose where this is at all possible.

6. We consider it desirable that until young officers have been trained the Provincial Training Officer should keep in touch with their work. This he can do in two ways. He should, in the first place, maintain for each junior officer a schedule showing the work done by him. This schedule should be so arranged as to indicate those departments in which it is essential that a junior officer should receive training and a duplicate would be maintained with the district officer, entries of the work done by the junior officer with the remarks of the district officer regarding this work being made each month in the schedules, which should be forwarded to the Provincial Training Officer and returned by him with his remarks through the Commissioner of the division. The exact form of this schedule may be settled by the Provincial Training Officer, but the list of subjects given in Appendix A gives an indication of what might suitably be included in it. The existence of such a schedule would give to district officers an exact idea of the work which they should certainly give all young officers to do, though it would not preclude them from giving to them any other work which they consider likely to be interesting and instructive.

The second method by which the Provincial Training Officer can keep in touch with the work of junior officers is by seeing specimens of the work done by them, whether case-work or copies of inspection notes. For this purpose he could call for these as occasion requires and specimens could be selected and forwarded to him either by the district officer or by the member of his staff assisting him in this work. The Provincial Training Officer should return these through the Commissioner of the division with any observations he has to make on them. This should not however relieve the district officers of the duty of carefully supervising the work of junior officers as they are doing it and correcting their mistakes.

7. We consider it essential that all junior officers (other than promoted tahsildars) should spend as much as is possible of their first cold weather in camp and during that time special stress should be laid on their gaining acquaintance with the land records system, rural conditions and the working of the more important departments of a tahsil, and they should, at the same time gain practical experience of court work by attending the court of a touring officer, going through some records of

decided cases and themselves doing some simple cases, particularly revenue cases. When an opportunity offers they might well devote short periods of the first camping season to the study of the work of a gazetted police officer or tahsildar who happens to be present at the camp. It is desirable that both in his second camping season and in the latter part of his first camping season the junior officer should camp in one particular part of the district that he may become well acquainted with it and that more of the personal element may be introduced into his work. Whether, however he will be able to do any camping in the second cold weather before going to the training class must depend on the time at which that class begins. Each junior officer should, as at present, maintain a tour diary and after inspection by the Collector this should be forwarded to the Provincial Training Officer and be returned by him with his remarks through the Commissioner of the division.

8. In the hot weather and rains junior officers should be familiarized with the various branches of a Collector's office, should continue their case-work, and prepare notes on cases. The number of cases to be noted on may however be reduced in view of the fact that officers of the Indian Civil Service will now note on some cases before coming to this country and that a training class is being instituted at which officers will make further notes, if required. We propose that in their own districts officers should prepare formal notes on—

- (1) Two sessions cases.
- (2) Two cases before a subordinate judge or munsif.
- (3) Three cases before a magistrate of the first class.
- (4) Four cases before an assistant collector, first class (preferably of different kinds).

These notes on cases should be seen by the District Magistrate and Judge and forwarded to the Provincial Training Officer. It is desirable also that at this stage some revenue cases of different descriptions under trial should be made over to the junior officer for investigation and report under article 299 of the United Provinces Land Revenue Act, 1901, also that he examine and note on some part-heard Tenancy or Rent Act cases of different descriptions under trial in the court of the sub-divisional officer and some records coming on for appeal before the Commissioner or Collector. If the young officer is later present at the hearing of these appeals this exercise will be the more instructive. As regards his own case work it is desirable that as far as possible a fair proportion of this should come from one part of the district, preferably from that part in which he has done most of his camping in the cold weather. It is also desirable that the junior officer should be invested with second class magisterial powers as soon as the district officer and the Provincial Training Officer are satisfied that he is qualified to exercise them. While work of the descriptions mentioned above will be his main work in the hot weather, and rains full advantage should be taken of any opportunity available for continuing his inspection work, particularly in the headquarters town.

9. During the preliminary training in districts we are of opinion that it should be strongly impressed on young officers that the practical work which they are engaged in, doing in charge of the various departments should be accompanied by the reading of and constant reference to the appropriate instructions contained in the Board's Circulars and other Manuals. It is useless for young officers to acquire the habit of doing things merely as a matter of routine and their training will be facilitated by stimulating them to see how far practice conforms with precept. For this reason we should be inclined to recommend the following as the main circulars of the Board of Revenue to receive attention (though this is not meant to be exhaustive) :—

[Those italicized are not at present included in the course for the departmental examination.]

Department VII, Circulars, 1, 4 and 11.—In connection with partalling work.

Department VII, Circulars 3 and 11.—In connection with inspection of land records work at tahsil.

Department VII, Circular 7.—In connection with supervision of sadr kanungo's office.

Department VII, Circular 12.—In connection with the registers maintained to show agricultural fluctuations which may appropriately be looked into at tahsil inspection.

Department III, Circular 2 (along with *Circulars 1 and 3*).—In connection with tahsil inspection of land revenue collections and accounts.

Department III, Circular 6, along with any file relating to revenue relief which may appropriately be made over to a junior officer for inspection.

Department III, Circular 8.—In connection with any lambardari cases which he may inspect.

Department VI, Circular 1.—In connection with the inspection of tahsil taqavi accounts and any other work in connection with taqavi which it may be necessary for the young officer to undertake.

Department II, Circulars, 2, 4, 6, 10, 12, 17 and 23.—In connection with his revenue case-work.

Department II, Circulars 16 and 21.—In connection with inspection of enhancement and partition cases or any work made over to the young officer in connection with these.

Department IX, Circulars 11, 12 and 13.—In connection with English office work.

Department IX, Circulars 14 and 15.—In connection with Collector's Vernacular office.

Department IX, Circular 16.—In connection with tahsil inspection.

Department IX, Circulars 17 to 22.—In connection with record rooms.

Department IX, Circular 24.—In connection with nazir's accounts.

Department IX, Circular 25.—In connection with Copying department.

Department IX, Circulars 39 and 40.—In connection with inspection of tahsil sub-treasury.

As regards the circulars in Department I we are of opinion that except in so far as the young officer has found some special opportunity of seeing this work he is more likely to profit by reading these as part of the course of instruction at the training school. Young officers should, in a similar manner, gain some acquaintance with the rules and orders of the High Court and Judicial Commissioner in connection with the charge of the criminal record room. Similarly at the time when they are placed in subordinate charge of the Treasury, an arrangement which should be made during the first hot weather, they should read and become acquainted with the portions of the Account and Audit Manuals at present prescribed for the departmental examination and should also acquire a working acquaintance with the Civil Accounts Code, while in connection with their case-work they will be expected to gain some acquaintance with the Acts prescribed at present for the departmental examination in Judicial and Revenue (other than the General Clauses Act, 1897) as well as the Civil Procedure Code, and at the same time and while acting as subordinate Stamp Officer to read and become acquainted with the laws and rules governing Court-fees and Stamps. The Provincial Training Officer could suitably give directions as to the order in which such reading should be undertaken in view of the order in which it is proposed that the junior officer should take up each department of work. The schedules referred to in paragraph 6 should indicate the reading actually done by the junior officer in connection with the work which he has been doing during each month.

10. Besides the work mentioned in Appendix A we consider that young officers should at an early stage be encouraged to read the District Gazetteer and articles in the Imperial Gazetteer relating to the district in which they are posted. They may suitably be employed in seeing that the District Gazetteer is being kept up to date. At a later stage after passing through the training school they may be encouraged to make themselves acquainted with Indian history, customs, castes and folklore, particularly such books as Brooke's Manual of Ethnology and Crooke's Introduction to Popular Religion and Folklore in Northern India and translations or suitable abridgments of the sacred books of the various religions of India. Police diaries will naturally receive attention along with the cases to which they relate and the young officer should in addition see something of the police diaries of cases-

which do not come into court. It is also important that district officers should afford them an opportunity of seeing and noting on files of interest. It is scarcely necessary to remark that for a junior officer's court work special care should be taken in the selection of a suitable ahlmad.

11. We consider that the reading of the Excise Manual and the various Police Acts as well as instruction in Civil Law may suitably be postponed until the officer arrives in the training camp which it is proposed to institute. It is, however, of essential importance that during the preliminary period the young should devote himself, where his native language is not Hindustani, to the acquisition of a good conversational knowledge of the language and facility in reading and writing both scripts. Much of this he will naturally acquire in connection with his work and in this connection the recording of evidence in the actual language of the witness while attending cases should be encouraged. This method can be supplemented by the reading of the various Roman-Urdu publications available, where the officer has not sufficient facility in reading the vernacular script and by other methods which will readily suggest themselves.

12. Even in the case of promoted tahsildars the adoption of a system somewhat similar to this, partly before and partly after they are instructed in the training class, might be suitable though in their case items would be struck out from the schedules in which they had already received sufficient training as tahsildars.

13. If these proposals be adopted there is reason to believe that junior the officers will arrive in the training class with a grounding such as will enable them to profit considerably by the further instruction which they will receive there and further the Provincial Training Officer will have in his possession such material as will enable him to form an opinion as to the capabilities and requirements of each officer, particularly if at the same time some specimens of their work are sent from districts.

#### *Training Class.*

14. As regards the course at the training class we consider it desirable that the instruction should be directed—

- (1) to test how far junior officers have progressed during their preliminary training and in particular whether they have done the necessary amount of reading in connection with the practical work which they have undertaken in districts.
- (2) to test their practical methods of work and correct erroneous ideas;
- (3) to supplement what they have learned during their preliminary training by systematic instruction and to show them how they can further supplement it in future;
- (4) to impart to them the right attitude towards the people and their work.

15. As regards the curriculum of the proposed training class we consider it undesirable that instruction in classes (other than riding and outdoor work) should ordinarily occupy more than five hours in the day. We may remark however that many of the officers will not be required to attend all the courses. We consider an average of one and a quarter hours a day to be sufficient for instruction in Urdu and Hindi and this only for those whose native language is not Hindustani. A few deputy collectors, however, whose knowledge is found to be defective in this respect may require special instruction in Hindi. We consider a course of about 72 working days beginning as early as possible in the cold weather needed in order to impart the necessary instruction. For this instruction we recommend a curriculum generally similar to that shown in Appendix B. The details would, of course, be subject to alteration by the officer in charge of the training class according to experience gained and the attainments of individual officers. We consider it desirable that shortly after the arrival of officers at the class the officer in charge should satisfy himself either by written or oral examination or otherwise as to the attainments of the officers coming under his charge and the reading done and experience gained by them.

16. The only subject included in the curriculum about which we consider it necessary to give a detailed note is Civil Law. This portion of our report has been shown to Mr. C. H. B. Kendall, I.C.S., Legislative Secretary, who concurs in the views expressed by us. In Civil Law we consider it sufficient that an officer

should be made acquainted with some of the general principle so that he will be able, when, a point in connection with Civil Law is put before him, to appreciate it in its true bearings. For this reason it is unnecessary that he should receive much instruction in the simpler parts of Civil Law—with these, even if he is posted to Kumaun, he will be able to deal when the need arises. It is necessary, in our opinion, that the training should be mainly directed to those points which are likely to come before a revenue court and are likely to be misunderstood or to present difficulty. The undesirability of overloading the course of training has always to be borne in mind and officers intended for the judicial branch of the service are given special opportunities of training later in their service. In view of this we have the following observation to make regarding the subjects prescribed for the departmental examination in Civil Law:—

- (i) The Specific Relief Act, 1877,  
Indian Limitation Act, 1908, and  
The Indian Majority Act,  
which were formerly required in this examination have been rightly omitted. Although officers have frequently occasion to refer to the Indian Limitation Act there is not ordinarily much difficulty in its application and it is unnecessary definitely to include it in the course on Civil Law. The others have ordinarily little importance for revenue officers.
- (ii) As regards the Indian Contract Act, at present the whole of this is prescribed. The Board of Revenue originally recommended the study of sections 2—25 and 29 (general provisions about agreements, etc.), 59—61 (appropriation of payments), 73, 74 (compensation for breach of contract), 124—131 (indemnity and guarantee), 148—152 (bailment), 182—189 (appointment and authority of Agents), 211—212 (Agent's duty to Principal), and 222—228 (Principal's duty to Agent and enforcement and consequences of Agent's contract with effect of excess of authority). We consider, however, that if definite portions are to be chosen even this can be greatly reduced and that it will be sufficient as regards the Indian Contract Act to include in the course of study sections 2—25, 29, 59—61 (as above) and 226—228 (consequences of Agent's contracts and effect of excess of authority.) While, however, these sections should receive particular attention we consider it desirable that, if instruction in this subject is imparted by means of lectures, officers should be given a general view of the law of contract and of the main varieties of contract and the chief incidents attaching to each.
- (iii) As regards the Transfer of Property Act, the whole of this is at present prescribed excepting chapters II and III but including sections 5—9. The original suggestion of the Board of Revenue was for the inclusion of the following only; sections 9, 52, 53, 58—62, 67, 68, 100, 105—108, 117, 122 and 123. We consider it desirable that any course of lectures on this act for junior officers should include a general view of the subject and of the different kinds of transfer of property, the distinctions between them and the incidents attaching to each but at the same time we think his attention should be more particularly directed to chapter IV (Mortgages and Charges) which is likely to present considerable difficulty to an officer if he has not received some instruction in it. Besides this, sections 5—9 (relating to transfer generally) 105—108, 117 (relating to leases, etc.) and 122—123 (relating to gifts) appear likely to be of particular interest.
- (iv) As regards the Code of Civil Procedure and the Evidence Act, these are likely to be taken up more conveniently with the other subjects, Revenue and Judicial, but as regards the former the parts to which attention may well be directed are sections 1 to 87, 114, 132 to 138 and Orders I—X, XII—XXIV, XXVI—XXVIII, XXXII, XXXVIII, XLVII, XLVIII. This is the selection originally made by the Board of Revenue except that Order XXXII relating to suits by or against minor has been included as this is a point on which the procedure of revenue courts is frequently defective.



(v) In Hindu and Muhammadan Law all that can be hoped for is a brief sketch of the general principles governing these with special reference to the class of cases likely to come before a revenue court, and it will be unnecessary for officers who have previously received training in these subjects to attend the course of lectures on them.

(vi) The two General Clauses Acts, (General Clauses Act, 1897 and United Provinces General Clauses Act, 1904) may appropriately be included in the course on Civil Law rather than elsewhere.

17. We consider that work in the training school could be done in the morning for the four hours from 10 to 2, while additional lectures each of one hour could be given either in the afternoon or the evening. This would give an average of five hours a day. The days unoccupied by regular evening lectures could occasionally be utilized for special lectures on other subjects likely to be of interest in connection with district work, e.g., by a Canal or Forest or Agricultural department officer on problems connected with his work. Practical instruction in survey, soil-classification and partalling of patwari's papers could be given to the officers in batches in the early morning while riding instruction might similarly be given either in the morning or in the afternoons as found convenient. Debating societies in which debates would be conducted alternately in English and in the vernacular might be made a feature of the course. This would tend to improve the knowledge of the vernacular of junior officers whose native tongue is not Hindustani and would, in addition, give them facility in discussion—a qualification which is likely to become of increased importance in the future.

18. We have marked with an asterisk in appendix B those subjects in which it is in our opinion more especially necessary for deputy collectors who are promoted tahsildars to receive instruction. At the same time after fully considering this matter we have come to the conclusion that it is on the whole desirable that they should receive instruction in the full course and although much of the matter dealt with will be familiar to them, we believe that the full course is likely to improve their efficiency and widen their outlook as deputy collectors.

19. In the matter of the district in which the school should be located we consider that on the whole Moradabad is likely to prove a suitable place. It is conveniently situated with regard to a considerable portion of the province and possesses desirable amenities in the way of an Indian Club, etc. The patwari papers are likely to be in good order as the settlement is fairly recent and a professional survey was carried out in this district. In addition the vicinity of the Police Training school should be a distinct advantage in allowing the officers of the two departments to become acquainted with one another in other ways. It is understood that there are available in the vicinity of the headquarters station groves where the training class could suitably be encamped, but further enquiry will have to be made on this subject. The only drawback with regard to this district is that Hindi patwari papers are likely to be conspicuous by their absence, but the difficulty in connection with these could doubtless be met by procuring Hindi patwari papers which would be due for destruction in some other district.

20. The number for whom it is ordinarily necessary to provide would appear to be—

Numbers.  
Ten junior officers of the Indian Civil Service,  
Sixteen directly recruited probationary deputy collectors,  
Ten deputy collectors who are promoted tahsildars.

In the present year, however, it is understood that it will be necessary to provide for 33 deputy collectors who are promoted tahsildars and 17 directly recruited probationary deputy collectors. It will be unnecessary this year to provide for language instruction as no Indian Civil Service officers will attend the class but otherwise the staff required will not greatly differ from that required in an ordinary year.

21. We consider that the Provincial Training Officer in charge of the school should be an officer of the standing of a district officer, preferably with settlement experience and that he should be assisted by two officers of the Indian

Staff.

Civil Service of Provincial Civil Service, executive branch, all three should be relieved of their other duties at least three or four weeks before the class opens. If these officers are carefully selected it may be possible to arrange for the training both in Civil Law and in languages being done by them, otherwise the services of a subordinate judge, munsif or member of the local Bar should be enlisted for the former. Help in any teaching of riding which it is found necessary to give may possibly be got from the Police Training school, if the camp is situated at Moradabad. While some assistance from a kanungo inspector or from some member of the district supervising staff for land records would probably be required to give officers a thorough grounding in land records work. For the period during which the training class is held two clerks should be entertained, one of whom should be qualified in stenography; the latter should be employed throughout the year with the Provincial Training Officer. Peshkars may be required to the number of eight, namely, one for each batch of officers under training and one for each of the training officers. But in the first instance it would probably be sufficient to entertain five until it is seen if this number proves inadequate. It should be remembered that each of the officers under training had he remained in his district would have had a staff of his own so that there should be some saving on this account. It is presumed that each officer of the training staff will have the number of peons ordinarily assigned to him and each officer under training will retain one of his peons. Menial staff will have to be provided both in connection with the camp and to give the necessary assistance on survey work, but this should not add much to the cost of the scheme.

22. The question of the tents to be provided must depend on what tents are available, but we may here remark that there should be at least one tent capable of  
Tents. accommodating about 50 for a lecture and two others capable of accommodating half that number.

23. As regards the question of the tests to be applied in order that the officer in charge of the camp may satisfy himself that each of the junior officers has received a sufficient training and is fit for full powers, we consider  
Final test. that this is a matter which is best left to that officer himself. If however he is of opinion that any officer after passing through the class is unfit for full powers we consider that he should furnish a full report to the Government along with any recommendations he has to make regarding further training in a district or otherwise. It is not intended that this scheme should in any way affect the rules regarding confirmation of probationary deputy collectors except in so far as this course is substituted for the departmental examination.

24. We are not in a position to deal with the financial aspects of the scheme but the question of the allowances to be given to the staff and to the officers  
Financial. under training in particular will require the consideration of the Government. If the training officer is to supervise preliminary training throughout the year it will be necessary to ensure that this staff is maintained continuously at full strength and that he has a joint magistrate or competent deputy collector to relieve him of part of his work and officiate for him while he is at the training class.

25. We are much indebted to Mr. Stewart for his thorough examination of the details and different aspects of this problem and for the preparation of this report.

J. R. PEARSON.  
C. L. ALEXANDER.  
D. M. STEWART.  
JAGDISH PRASAD.  
T. SLOAN.

#### APPENDIX A.

(REFERRED TO IN PARAGRAPH 6.)

1. Partalling of patwari's papers in field.
2. Testing of patwari's papers.
3. Inspection of tahsils.
4. Inspection of thanas (partly with police officer).
5. Inspection of schools.

6. Inspection of founds.
7. Inspection of excise shops.
8. Village *panchayats*.
9. Inspection of Court of Wards villages.
10. Inspection of towns.
11. Inspection of villages.
12. Going through some records of decided cases (classes of cases should be described).
13. Attending court and notes on cases.
14. Cases (classes of these should be described).
15. English office with passing of English correspondence.
16. Criminal Record Room.
17. Revenue Record Room.
18. Copying department.
19. Sadr Kanungo's office.
20. Vernacular office.
21. Nazir's accounts.
22. Treasury training (six weeks).
23. Subordinate Stamp officer.
24. Inspection of co-operative banks.

## APPENDIX B.

(REFERRED TO IN PARAGRAPH 15.)

		Sizes of classes.
	36 hours; Lectures on the general lines indicated in Moreland's Land Revenue Administration of the United Provinces.	20 to 25
Revenue 90 hours ...	*30 hours: Practical analysis and criticism of cases. (Cases will mostly be selected from cases dealt with in appeal besides cases done by the junior officers themselves.)	10
	24 hours: Instruction in connection with particular points in Rent and Revenue Acts, Board's circulars and practical revenue administration with hints on office inspection and management, illustration of settlement methods, etc.	20 to 25
Civil Law 36 hours ...	According to the description given in paragraph 16 of the report.	20 to 25
	18 hours: Points in connection with the Indian Penal Code and Criminal Procedure Code and Indian Evidence Act deserving particular attention.	20 to 25
Judicial and Police *72 hours.	18 hours: Practical instruction in cases ...	10
	18 hours: Miscellaneous duties in connection with magisterial powers, methods of preventing and dealing with trouble, Village <i>Panchayat</i> Act, etc.	20 to 25
	18 hours: Police (Thana system, thana inspection, etc.).	20 to 25
Treasury and Local Fund Accounts *30 hours.	Testing practical working knowledge indicating possibilities of pitfalls, method of dealing with accounts of Court of Wards and local bodies.	20 to 25
Excise 12 hours ...	...	20 to 25
Stamps 12 hours ...	...	20 to 25
Co-operative Society work *6 hours.	...	All.

Survey and soil classification *6 hours.	Exposition of principles	...	...	20 to 25
Government of India Act and election procedure *6 hours.		...		All,
Language 90 hours		...		All requiring instruction.

Probationary deputy collectors who have been recruited direct without previous Law training should receive the following additional instruction which could be imparted at the time when European officers of the Indian Civil Service were engaged in language study :—

Revenue	...	...	...	...	36 hours,
Judicial	...	...	...	...	36 "

Practical work in connection with survey and soil-classification as also partalling of patwari's papers and instruction in riding would be additional to the above.

*Note on the necessity of more advanced training.*

IN our report we have mentioned the importance of improving training in view of political developments. I trust that this aspect of the problem will be taken into consideration. It is impossible to foresee how the constitution will work out. It is hardly likely to develop on English lines and quite possibly the professional administrator will have a permanent place very different to that of the member of the Home Civil Service. At any rate in the immediate future there appears to me no possible doubt that the professional administrator must of necessity play a very important part. Recent events, the present turmoil over municipal taxation, the numerous grievances, real or imaginary, constantly being brought into prominence all point to the need of a staff with breadth of view, grasp of essentials and power of putting matters in their true light. It may be said that the different departments can shoulder their own burden. I much doubt if this is possible at the present stage. I have urged elsewhere that the Imperial and Provincial Civil Services will, for some time to come, have to co-ordinate and act as intermediaries between the departments, the politicians and the masses. They are engaged in arduous work of this very description at the present moment. The days of machine-like bureaucracy are gone (if they ever existed). The future system must at any rate be more adaptable to local conditions and this it cannot be without a staff equipped for the task of co-ordinating and adapting. To drive my point home by specific instance, there is little doubt that at the present moment there is considerable turmoil in the municipalities and small towns over questions of taxation. In many of these the pendulum has swung full measure from an indirect to a direct system. The experiment has not proved altogether successful. Everything points to the need of modification, but modifications if they are to be successful must be adapted to local circumstances. This is impossible without independent and to a certain extent expert examination of local conditions. Neither I nor my district officers can devote sufficient time to this work. It is extremely difficult to get adequate help from the subordinate staff.

2. In this connection it must be realized that the district officer and the few civilians available cannot shoulder the whole burden imposed on them by present day conditions unaided. They must have efficient help from the Provincial Civil Service. This it cannot give if it is a mere machine for turning out cases. We place deputy collectors in charge of headquarters offices. How many of them have sufficient experience or training to draw up a satisfactory report on a complicated question?

3. I am convinced that a thorough and systematic grounding in principles and procedure will effect great improvements both in the actual trial of cases and in the way they are handled. Great waste of time occurs at present simply because the officer does not understand the principles on which the case before him should be dealt with and either shirks taking it up or deals with it in a slipshod perfunctory way, but I am also convinced that our training must go beyond this and must include grounding in the elements of the administration as a whole if our staff is to be sufficiently equipped for the duties they have to perform.

4. I think the method of concentrating training at training class will certainly conduce to improvement in this respect, but I would go further than this. Under the new system if it is inaugurated the Provincial Training Officer will have opportunities of gauging the powers and special aptitudes of the new recruits such as have not been available hitherto. It will not be difficult for him to mark down three or four civilians and three or four deputy collectors who might profitably receive more advanced training. After their course at the training class it will be clearly advisable to send the junior officers back to districts to complete their training by practical experience, but sometime in their third year, I think, it would be of great advantage both to the officers themselves and to the administration generally to depute selected men for a short course as attaches either at divisional or at provincial headquarters. This attaché system for promising young officers is in force in military offices. The attachés are called up for a period of about two months to "devil" the work of various departments and the system is so worked that there are always available junior officers with a month's experience to show those just joining their way about. If it is considered that there is anything in this idea the method of adopting it would have to be worked out in detail. It would, I think, both have the advantage of affording greater opportunities of selection for Secretariat work and also would conduce to better understanding in the districts of local problems in their broader aspects and in the way they are viewed at headquarters. Even among members of the Civil Service only a small proportion at present gain experience of work at headquarters in their early years or of any work outside a district office. In the case of Deputy Collectors experience of this nature is at present almost unknown. Even if the course of deputation led to nothing it would at least give the Deputy Collector selected fresh ideas and probably fresh aspirations. There can be no doubt whatever that there is at the present moment enormous waste of valuable material in the shape of members of Provincial Civil Service simply because they have nothing to look forward to but a daily routine of turning out cases with occasional bursts of strenuous activity in other directions for which they are decidedly ill-equipped. There is I am afraid little chance of extended openings being given to them in the criminal branch of the judicial service for which a proportion show considerable aptitude and we must, I think, find outlets for some at any rate in other directions or at least give them the opportunity of cultivating their talents to their full extent.

The 4th July, 1921.

J. R. PEARSON,

#### APPENDIX VI.

##### Non-recurring Charges.

Buildings	Rs.
.. .. .	8,00,000

##### Recurring Charges.

Annual charges of 14 new executive posts in Provincial Civil Service including establishment after adjustment due to transfer of six superior executive posts to Provincial Civil Service as listed posts	1,00,680
Annual charges of 8 new judicial posts in Provincial Civil Service including leave reserve and establishment	2,15,708
Extra staff, High Court	12,000
Extra staff, Judicial Commissioner's Court	6,000
Total	3,34,388
Increase of prosecuting staff	1,42,200
Grand total, Recurring charges	4,76,588

By order,

C. MOSS KING,

Secretary to Government, United Provinces.

REPUBLICATION FROM THE SUPPLEMENT TO THE GAZETTE OF INDIA,  
DATED THE 4TH FEBRUARY, 1922.

No. 2-C. S. R.

GOVERNMENT OF INDIA.  
FINANCE DEPARTMENT.

Delhi, the 14th January, 1922.

LEAVE PROCEDURE RULES MADE UNDER FUNDAMENTAL RULE 74 (b).

RESOLUTION.

The Governor General in Council is pleased to issue, under fundamental rule 74(b), the rules appended to this resolution prescribing the procedure in connection with leave to be followed elsewhere than in India.

Ordered that the resolution be communicated to the several departments of the Government of India (including the Financial Advisers), all Provincial Governments and Minor Local Governments, the Auditor-General, the Heads of departments subordinate to the Finance department; all Accountants-General, the Comptroller, Assam, the Chief Auditors of State Railways and Government Examiners of Railway Accounts, the Examiner of Accounts, Military Works Services, the Examiner, Government Press Accounts, the Controller of War Accounts, the Examiner of Customs Accounts, the Deputy Accountant-General, Central Revenues, Delhi, the Audit Officer, Bombay Development Scheme, the Audit Officer, Delhi (new Capital), and the Auditor of Government of India Sanctions.

Ordered also that the resolution be published in the Supplement to the *Gazette of India*.

J. E. C. JUKES,

*Joint Secretary to the Government of India.*

By order,

E. A. H. BLUNT,

*Secretary to Government, United Provinces.*

LEAVE PROCEDURE RULES MADE UNDER FUNDAMENTAL  
RULE 74 (b).

REPORT OF ARRIVAL IN THE UNITED KINGDOM.

1. A Government servant taking leave in the United Kingdom must report his arrival in that country to the High Commissioner for India.

PAYMENT OF LEAVE SALARY.

2. No Government servant can begin to draw leave-salary from the Home Treasury until he has presented to the High Commissioner a leave-salary certificate in such form as the Auditor-General may prescribe.

3. Leave-salary is issued from the Home Treasury monthly in arrear on the first day of each calendar month.

4. Payment will be made, at the option of the Government servant drawing leave-salary, by any of the following methods:—

(a) To the Government servant himself on his personal application.

(b) To his banker or other agent, duly authorized under power-of-attorney, on production of a life certificate duly filled up and executed. In cases where the banker has guaranteed the Secretary of State or the High Commissioner against loss

Payment at the  
Home Treasury.

consequent upon dispensation with proof of existence, a life certificate is unnecessary.

*Note.*—A supply of life certificate forms may be obtained from the High Commissioner.

(c) To the presenter of a payment form comprising a receipt and a life certificate, both duly completed by the Government servant.

*Note.*—If the Government servant intimates to the High Commissioner his election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

5. No Government servant can begin to draw leave-salary from a Colonial treasury until a warrant in form I has been issued in his favour. Such warrants will be issued in triplicate. The original, bearing the Government servant's signature, will be forwarded by the issuing authority to the Colonial authority concerned; the duplicate to the High Commissioner; and the triplicate will be retained by the Government servant. Payment of leave-salary will not be made unless the Colonial authority is in possession of the original and the Government servant of the triplicate of the warrant. Payment in a Colony.

6. Each payment of leave-salary must be endorsed upon the back of both the original warrant and the triplicate, and an acknowledgment or receipt must be endorsed by the Government servant upon the back of both copies.

7. When no space for the entry of endorsements of payment remains upon the back of a warrant, or when a warrant is lost or destroyed, a fresh warrant will be issued by the original issuing authority on the application of the Government servant submitted through the Colonial disbursing officer.

8. If the transfer from one Colony to another of payment of the leave-salary of a Government servant is sanctioned by the Colonial authorities, such transfer must be reported by the Government servant to the Governor-General in Council and to the High Commissioner.

9. (a) If a Government servant who is drawing his leave-salary in a Colony desires to transfer payment to the Home Treasury, he can do so on production of his warrant to the High Commissioner. Transfer of payment from the Home Treasury to a Colony and vice versa.

(b) If a Government servant who is drawing his leave-salary from the Home Treasury desires to transfer payment to a Colony, he must obtain a warrant in form I from the High Commissioner, who will forward the original of the warrant to the Colonial authority concerned.

(c) A transfer sanctioned under clause (a) or (b) of this rule must be reported by the Government servant to the Governor-General in Council.

#### EXTENSION OF LEAVE.

10. A Government servant absent from India on leave who desires an extension of his leave must make application for such extension not less than three months before the expiry of his leave. An application made within three months from such expiry will not be considered unless special reasons for consideration exist. General rule.

11. An application for extension of leave by a Government servant on leave in Europe, North Africa, America or the West Indies must be made to the High Commissioner. Unless the extension is desired on medical grounds or is for a period of not more than fourteen days, the application must be accompanied by evidence that the Government on whose cadre the Government servant is borne has been consulted and has no objection to the extension. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence, and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense. Applications by Government servants on leave in Europe, North Africa, America or the West Indies.

12. If a Government servant on leave in any of the localities named in rule 11 desires, on medical grounds, an extension for a longer period than fourteen days, he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so, he must, as a general rule, appear at the India Office for examination by the Board; but in special cases, and particularly if he be residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

13. If a Government servant on leave in any of the localities named in rule 11 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the Medical Board at the India Office, by the procedure described in rule 12, that he has recovered his health.

Applications by Government servants on leave elsewhere out of India.

14. An application for extension of leave by a Government servant on leave out of India elsewhere than in the localities named in rule 11 must be made to the authority which granted the leave.

15. If an application made under rule 14 is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form:—

"We hereby certify that we have carefully examined C. D. of the \_\_\_\_\_, who is suffering from \_\_\_\_\_ and we declare upon our honour that, according to the best of our judgment and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in India on \_\_\_\_\_, shall be extended by \_\_\_\_\_

months,"  
weeks

Date \_\_\_\_\_

Place \_\_\_\_\_

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it be signed by foreigners, it must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

Certificate of leave necessary before extension can be granted to a Government servant who is not in possession of a leave-salary certificate.

16. An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, unless he produces a certificate of leave in form II.

#### RETURN FROM LEAVE.

Permission to return.

17. A Government servant who is required, by or under fundamental rule 71, to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.

18. If the Government servant desiring to return is on leave in any of the localities named in rule 11, his application must be made to the High Commissioner and he must satisfy the Medical Board at the India Office of his fitness to return at least two months before the expiry of his leave. In order to do so he must follow the procedure prescribed in rule 12. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

19. If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in rule 11, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

20. Permission to return cannot be granted to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, until he produces a certificate of leave in form II.

Last-pay certificate.

21. Before returning to duty, a Government servant on leave in Europe must obtain a last-pay certificate from the High Commissioner. A last-pay certificate cannot be granted to a Government servant to whom no leave-salary certificate has been issued unless he produces a certificate of leave in form II. A Government servant who has drawn his leave-salary on a warrant must, on return to India, deliver to the audit officer his copy of the warrant, which will serve as a last-pay certificate.

#### FORM I.

#### COLONIAL LEAVE-SALARY WARRANT.

(Obverse.)

Warrant no. \_\_\_\_\_ of 19 \_\_\_\_\_

A. B., having been granted leave for a period of \_\_\_\_\_ months and \_\_\_\_\_ days under the orders of the Government of \_\_\_\_\_, is hereby allowed the privilege of drawing his leave-salary at \_\_\_\_\_ from \_\_\_\_\_



2. His leave-salary will be as follows:—

Period.	Rate in rupees a month.
From _____ to _____	_____
From _____ to _____	_____
From _____ to _____	_____

3. The leave-salary will be payable monthly in sterling, converted from rupees at the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, but will be subject to the following *maxima and minima*:—

Period.	Maximum. £ a month.	Minimum. £ a month.
From _____ to _____	_____	_____
From _____ to _____	_____	_____
From _____ to _____	_____	_____

4. In addition to the leave-salary shown in paragraph 3, A. B. is entitled to exchange compensation allowance at the rate of  $\frac{6\frac{1}{2}}{100}$  per cent. of his leave-salary for the period from \_\_\_\_\_ to \_\_\_\_\_. This should be converted into sterling at the rate prescribed in paragraph 3; provided that A. B. shall not receive less than £1 sterling for each 15 rupees of the allowance.

\*5. The payments should be charged to the High Commissioner for India, for appropriation by him of the leave-salary under the following heading \_\_\_\_\_

6. The following deductions are to be made from the leave-salary of each month before payment:—

	Rs.	£
I. O. S. Provident Fund deductions	At 4 per cent. of leave-salary.	
Civil Fund deductions	..	..
Indian Civil Service Family Pension Fund subscriptions	..	..
Indian Military Service Family Pension Fund subscriptions	..	..
	For sons	.....
	For daughters	.....

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rate as the leave-salary from which it is deducted.

Dated at \_\_\_\_\_

The \_\_\_\_\_ 19 .

*Accountant-General or Comptroller.*

\* The following particulars should be noted in this column:—

- (i) The major, minor, and detailed head of account;
- (ii) whether debitable to Central or Provincial revenues; if the latter, the name of the Provincial Government;
- (iii) whether the expenditure pertains to a reserved or a transferred subject; and
- (iv) whether the expenditure is voted or non-voted.

NOTE 1.—Leave-salary is payable in rupees to Government servants residing in Ceylon during their leave (fundamental rule 91).

NOTE 2.—The signature of the Government servant concerned should be obtained on the original copy of the warrant.

NOTE 3.—The ordinary rate of conversion will be the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, subject to a minimum rate of 1s. 4d. per rupee in respect of leave-salary drawn on account of the first four months of leave on average pay and of 1s. 6d. per rupee in other cases. The maximum rates of leave-salary are those prescribed in fundamental rule 89 and the minimum rates those prescribed in fundamental rule 90.

(Reverse)

Name, rank, and description of payée.	Period for which payment is made.	Monthly rate.			Amount.			Signature of paying officer.	Receipt of payée.
		£	s.	d.	£	s.	d.		

One copy of this warrant will be retained by A. B. and will be given up to the audit officer in India on his return to India. Each payment will be recorded on the reverse of the copies kept by the Colonial disbursing officer and by A. B. and will be certified by the paying officer and receipted by A. B.

## FORM II.

## CERTIFICATE OF LEAVE.

Granted to \_\_\_\_\_ proceeding out of India.

1. Government under which employed \_\_\_\_\_
2. Post last held \_\_\_\_\_
3. Nature of leave granted \_\_\_\_\_
4. Date of commencement of leave \_\_\_\_\_
5. Date of expiry of leave \_\_\_\_\_
6. Whether a medical certificate of fitness must be produced before return to duty \_\_\_\_\_
7. Amount of leave, expressed in terms of leave on average pay, at the Government servant's credit on the expiry of the present leave \_\_\_\_\_
8. Period of leave on average pay which might, under fundamental rule 81, be granted if the present leave were extended \_\_\_\_\_

Signature,  
Audit Officer.

Place \_\_\_\_\_

Date \_\_\_\_\_

NOTE 1.—No leave-salary is payable on this certificate.

NOTE 2.—This certificate must be produced before the High Commissioner with any application for an extension of leave or permission to return to duty or the grant of a last-pay certificate.

Memorandum explanatory of each rule in the rules of leave procedure made under  
fundamental rule 74 (b).

*Rule 1*—is taken from article 222, Civil Service Regulations, with the substitution of the High Commissioner for the Secretary of State.

*Rule 2*.—This is taken from articles 867 and 874, Civil Service Regulations, and covers the first part of article 886 also. The High Commissioner has been substituted for the Secretary of State, as he will in future pay leave salary on behalf of the Government of India.

*Rule 3*—replaces the first part of article 869 of the Civil Service Regulations. The old arrangements of quarterly calculations and rounded instalments will not be maintained in future.

*Rule 4*—replaces the second part of article 869, Civil Service Regulations. At the suggestion of the High Commissioner, the procedure has been modified in some respects.

*Rule 5*—contains the substance of the first part of article 889, Civil Service Regulations.

*Rule 6*—is the second part of article 889, Civil Service Regulations, amplified in accordance with existing practice.

*Rule 7*—contains the substance of the last part of article 889, Civil Service Regulations.

*Rule 8*—contains the relevant part of article 891, Civil Service Regulations, with the High Commissioner substituted for the Under-Secretary of State.

*Rule 9*—provides for certain cases for which the old rules make no specific provision. It is considered unnecessary in this connection to provide for article 871 (b), Civil Service Regulations, as the procedure thereby prescribed follows necessarily from rules 2 and 5.

*Rule 10*—contains a regulation previously embodied in articles 299 (a) and 300, Civil Service Regulations.

*Rule 11*—contains the substance of the first paragraph of article 299 (a), Civil Service Regulations, and of article 299 (b), with the substitution of the High Commissioner for the Secretary of State. The rule makes no mention of commutation of leave, which ceased to exist, under that name, when the fundamental rules came into force. It is considered unnecessary to repeat in these rules the provision that the Government servant on leave must pay the cost of telegrams. The High Commissioner will see to this, and the fact will be mentioned in the memorandum of instructions to officers proceeding on leave. The note under article 299 (b) has been omitted for similar reasons.

*Rule 12*.—contains the substance of the second paragraph of article 299 (a), Civil Service Regulations, read with article 838 (a).

*Rule 13*.—contains the substance of the first part of the third paragraph of article 299 (a), Civil Service Regulations. The second part of that paragraph is omitted, as it is considered to be unsuitable under the new leave rules.

*Rule 14*—is taken from the first part of article 300, Civil Service Regulations.

*Rule 15*—is article 838 (b), Civil Service Regulations, re-worded in places.

*Rule 16*—is taken from articles 872 and 873, Civil Service Regulations.

*Rule 17*.—The fact stated in this rule is nowhere in the Civil Service Regulations laid down as a general rule, but it follows as a matter of course from the provision in fundamental rule 71 for the production of a medical certificate.

*Rule 18*—contains the substance of the relevant portion of article 224, Civil Service Regulations, with the substitution of the High Commissioner for the India Office.

*Rule 19*—also follows as a matter of course from fundamental rule 71. The Government of India propose to delegate the power of extending leave to the authority which granted it.

*Rule 20*—is taken from articles 872 and 873, Civil Service Regulations.

*Rule 21*.—"Leave-salary Certificate" is the new title adopted by the Auditor General in his leave procedure rules. The requirement of such a certificate is taken from article 886, Civil Service Regulations; that of a certificate of leave is obviously necessary before a last-pay certificate can be granted; and the delivery of a warrant is taken from article 890, Civil Service Regulations.

No. 182/VII—465.

JUDICIAL (CIVIL) DEPARTMENT.

The 14th February, 1922.

THE following Bill, which it is proposed to introduce at the session of the United Provinces Legislative Council to be held in March, 1922, is published for general information :—

A  
BILL

*Further to amend the Court-fees Act, 1870.*

WHEREAS it is expedient further to amend the Court-fees Act, 1870; It is hereby enacted as follows :—

VII of 1870.

1. (i) This Act may be called the United Provinces Court-fees (Amendment) Act, 1922.

Title, extent and commencement.

(ii) It shall extend to the territories for the time being administered by the Local Government of the United Provinces.

(iii) It shall come into force with effect from

2. (i) In sub-section (ii) of section 7 of the Court-fees Act, 1870, for the word "ten" the word "fifteen" shall be substituted.

Amendment of section 7 of Act VII of 1870.

(ii) In clauses (a), (b) and (c) of sub-section (v) of the said section for the words "ten," "five" and "fifteen," the words "twenty-five," "fifteen" and "twenty-five," respectively, shall be substituted.

3. In Schedule I to the said Act the following amendments shall be made, namely :—

Amendment of Schedule I to Act VII of 1870.

(i) In article 1, for the entries in the second and third columns, the entries shown in the first and second columns of Schedule A to this Act shall be substituted.

(ii) In article 6, for the words "four," "eight annas" and "one rupee" in the third column, the words "eight," "one rupee" and "two rupees," respectively, shall be substituted.

(iii) In article 7, for the words "eight annas," "one rupee" and "four" in the third column, the words "one rupee," "two rupees" and "eight," respectively, shall be substituted.

(iv) In article 8, for the words "the amount chargeable on the original" and "eight annas" in the third column, the words "twice the amount chargeable on the original" and "one rupee," respectively, shall be substituted.

(v) In article 9, for the words "eight annas" in the third column, the words "one rupee" shall be substituted.

(vi) For the table of rates of ad valorem fees leviable on the institution of suits the table shown in Schedule B to this Act shall be substituted.

Amendment of Schedule II to Act VII of 1870.

4. In the third column of Schedule II to the said Act as amended by Act XIV of 1911, the following amendments shall be made, namely :—

- (i) In article 1, for the words "one anna," "eight annas," "one rupee" and "two," the words "two annas," "one rupee," "two rupees" and "four," respectively, shall be substituted.
- (ii) In article 1A, for the word "twelve," the words "one rupee and eight" shall be substituted.
- (iii) In article 2, for the words "eight annas," the words "one rupee" shall be substituted.
- (iv) In article 3, for the words "one rupee" and "two," the words "two rupees" and "four," respectively, shall be substituted.
- (v) In articles 4, 5, 6 and 7, for the words "eight annas," the words "one rupee" shall be substituted.
- (vi) In article 10, for the words "eight annas," "one rupee" and "two," the words "one rupee," "two rupees" and "four," respectively, shall be substituted.
- (vii) In article 11, for the words "eight annas" and "two," the words "one rupee" and "four," respectively, shall be substituted.
- (viii) In article 14, for the word "five" the word "ten" shall be substituted.
- (ix) In articles 17, 18 and 19, for the word "ten," the word "twenty" shall be substituted.
- (x) In articles 20 and 21, for the word "twenty," the word "forty" shall be substituted.

SCHEDULE A.

When the amount or value of the subject-matter in dispute does not exceed five rupees. Eight annas.

When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees. Eight annas.

When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees. One rupee.

When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to two thousand rupees. Nine rupees.

When such amount or value exceeds two thousand rupees, for every one hundred rupees, or part thereof, in excess of two thousand rupees, up to five thousand rupees.

Eight rupees.

When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.

Seventeen rupees and eight annas.

When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty-five thousand rupees.

Thirty rupees.

When such amount or value exceeds twenty-five thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty-five thousand rupees, up to fifty thousand rupees.

Fifty rupees.

When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees, up to one hundred thousand rupees.

Two hundred rupees.

When such amount or value exceeds one hundred thousand rupees, for every ten thousand rupees, or part thereof, in excess of one hundred thousand rupees, up to one hundred and thirty thousand rupees.

Three hundred rupees.

When such amount or value exceeds one hundred and thirty thousand rupees.

Six thousand rupees.

SCHEDULE B.

Table of rates of ad valorem fees leviable on the institution of suits.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs. 5	Rs. 5 10	Rs. a. p. 0 8 0 1 0 0

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a. p.
10	15	1 8 0
15	20	2 0 0
20	25	2 8 0
25	30	3 0 0
30	35	3 8 0
35	40	4 0 0
40	45	4 8 0
45	50	5 0 0
50	55	5 8 0
55	60	6 0 0
60	65	6 8 0
65	70	7 0 0
70	75	7 8 0
75	80	8 0 0
80	85	8 8 0
85	90	9 0 0
90	95	9 8 0
95	100	10 0 0
100	110	11 0 0
110	120	12 0 0
120	130	13 0 0
130	140	14 0 0
140	150	15 0 0
150	160	16 0 0
160	170	17 0 0
170	180	18 0 0
180	190	19 0 0
190	200	20 0 0
200	210	21 0 0
210	220	22 0 0
220	230	23 0 0
230	240	24 0 0
240	250	25 0 0
250	260	26 0 0
260	270	27 0 0
270	280	28 0 0
280	290	29 0 0
290	300	30 0 0
300	310	31 0 0
310	320	32 0 0
320	330	33 0 0
330	340	34 0 0
340	350	35 0 0
350	360	36 0 0
360	370	37 0 0
370	380	38 0 0
380	390	39 0 0
390	400	40 0 0
400	410	41 0 0
410	420	42 0 0
420	430	43 0 0
430	440	44 0 0
440	450	45 0 0
450	460	46 0 0
460	470	47 0 0
470	480	48 0 0
480	490	49 0 0
490	500	50 0 0
500	510	51 0 0
510	520	52 0 0

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a. p.
520	530	53 0 0
530	540	54 0 0
540	550	55 0 0
550	560	56 0 0
560	570	57 0 0
570	580	58 0 0
580	590	59 0 0
590	600	60 0 0
600	610	61 0 0
610	620	62 0 0
620	630	63 0 0
630	640	64 0 0
640	650	65 0 0
650	660	66 0 0
660	670	67 0 0
670	680	68 0 0
680	690	69 0 0
690	700	70 0 0
700	710	71 0 0
710	720	72 0 0
720	730	73 0 0
730	740	74 0 0
740	750	75 0 0
750	760	76 0 0
760	770	77 0 0
770	780	78 0 0
780	790	79 0 0
790	800	80 0 0
800	810	81 0 0
810	820	82 0 0
820	830	83 0 0
830	840	84 0 0
840	850	85 0 0
850	860	86 0 0
860	870	87 0 0
870	880	88 0 0
880	890	89 0 0
890	900	90 0 0
900	910	91 0 0
910	920	92 0 0
920	930	93 0 0
930	940	94 0 0
940	950	95 0 0
950	960	96 0 0
960	970	97 0 0
970	980	98 0 0
980	990	99 0 0
990	1,000	100 0 0
1,000	1,100	109 0 0
1,100	1,200	118 0 0
1,200	1,300	127 0 0
1,300	1,400	136 0 0
1,400	1,500	145 0 0
1,500	1,600	154 0 0
1,600	1,700	163 0 0
1,700	1,800	172 0 0
1,800	1,900	181 0 0
1,900	2,000	190 0 0
2,000	2,100	198 0 0
2,100	2,200	206 0 0
2,200	2,300	214 0 0
2,300	2,400	222 0 0
2,400	2,500	230 0 0
2,500	2,600	238 0 0



When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a. p.
2,600	2,700	246 0 0
2,700	2,800	254 0 0
2,800	2,900	262 0 0
2,900	3,000	270 0 0
3,000	3,100	278 0 0
3,100	3,200	286 0 0
3,200	3,300	294 0 0
3,300	3,400	302 0 0
3,400	3,500	310 0 0
3,500	3,600	318 0 0
3,600	3,700	326 0 0
3,700	3,800	334 0 0
3,800	3,900	342 0 0
3,900	4,000	350 0 0
4,000	4,100	358 0 0
4,100	4,200	366 0 0
4,200	4,300	374 0 0
4,300	4,400	382 0 0
4,400	4,500	390 0 0
4,500	4,600	398 0 0
4,600	4,700	406 0 0
4,700	4,800	414 0 0
4,800	4,900	422 0 0
4,900	5,000	430 0 0
5,000	5,250	447 8 0
5,250	5,500	465 0 0
5,500	5,750	482 8 0
5,750	6,000	500 0 0
6,000	6,250	517 8 0
6,250	6,500	535 0 0
6,500	6,750	552 8 0
6,750	7,000	570 0 0
7,000	7,250	587 8 0
7,250	7,500	605 0 0
7,500	7,750	622 8 0
7,750	8,000	640 0 0
8,000	8,250	657 8 0
8,250	8,500	675 0 0
8,500	8,750	692 8 0
8,750	9,000	710 0 0
9,000	9,250	727 8 0
9,250	9,500	745 0 0
9,500	9,750	762 8 0
9,750	10,000	780 0 0
10,000	10,500	810 0 0
10,500	11,000	840 0 0
11,000	11,500	870 0 6
11,500	12,000	900 0 0
12,000	12,500	930 0 0
12,500	13,000	960 0 0
13,000	13,500	990 0 0
13,500	14,000	1,020 0 0
14,000	14,500	1,050 0 0
14,500	15,000	1,080 0 0
15,000	15,500	1,110 0 0
15,500	16,000	1,140 0 0
16,000	16,500	1,170 0 0
16,500	17,000	1,200 0 0
17,000	17,500	1,230 0 0
17,500	18,000	1,260 0 0
18,000	18,500	1,290 0 0
18,500	19,000	1,320 0 0
19,000	19,500	1,350 0 0

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	
Rs.	Rs.	Rs.	a. p.
19,500	20,000	1,380	0 0
20,000	20,500	1,410	0 0
20,500	21,000	1,440	0 0
21,000	21,500	1,470	0 0
21,500	22,000	1,500	0 0
22,000	22,500	1,530	0 0
22,500	23,000	1,560	0 0
23,000	23,500	1,590	0 0
23,500	24,000	1,620	0 0
24,000	24,500	1,650	0 0
24,500	25,000	1,680	0 0
25,000	26,000	1,730	0 0
26,000	27,000	1,780	0 0
27,000	28,000	1,830	0 0
28,000	29,000	1,880	0 0
29,000	30,000	1,930	0 0
30,000	31,000	1,980	0 0
31,000	32,000	2,030	0 0
32,000	33,000	2,080	0 0
33,000	34,000	2,130	0 0
34,000	35,000	2,180	0 0
35,000	36,000	2,230	0 0
36,000	37,000	2,280	0 0
37,000	38,000	2,330	0 0
38,000	39,000	2,380	0 0
39,000	40,000	2,430	0 0
40,000	41,000	2,480	0 0
41,000	42,000	2,530	0 0
42,000	43,000	2,580	0 0
43,000	44,000	2,630	0 0
44,000	45,000	2,680	0 0
45,000	46,000	2,730	0 0
46,000	47,000	2,780	0 0
47,000	48,000	2,830	0 0
48,000	49,000	2,880	0 0
49,000	50,000	2,930	0 0
50,000	55,000	3,130	0 0
55,000	60,000	3,330	0 0
60,000	65,000	3,530	0 0
65,000	70,000	3,730	0 0
70,000	75,000	3,930	0 0
75,000	80,000	4,130	0 0
80,000	85,000	4,330	0 0
85,000	90,000	4,530	0 0
90,000	95,000	4,730	0 0
95,000	100,000	4,930	0 0
100,000	110,000	5,230	0 0
110,000	120,000	5,530	0 0
120,000	130,000	5,830	0 0
Over 130,000	...	6,000	0 0

## STATEMENT OF OBJECTS AND REASONS.

THE scale of court-fees at present in force was laid down as long ago as 1870, and at that time it was doubtless adequate. But since then the purchasing power of money has considerably decreased, so that, under the existing scale of court-fees, litigation is, relatively speaking, considerably cheaper to the litigant than it was when the scale was laid down. On the other hand, largely owing to the enhancement of salaries, the cost of administration of justice has greatly increased. On both these grounds and also with the object of increasing revenue it is considered desirable, and at the same time not inequitable, to revise the scale of court-fees.

The most important changes which the Bill is designed to effect are—(a) the revision of the basis of valuation of immovable property for the purposes of calculating court-fees and (b) the revision of the scale of ad valorem fees leviable on plaints under article 1 of Schedule I to the Court-fees Act.

(a) Under section 7(v) of the Act revenue-paying land is valued at ten times and five times the revenue payable, according as it is permanently or temporarily settled, and in the case of revenue-free land fifteen times the nett profits. It is considered that, in view of the increased value of immovable property, these rates are inadequate, and that there is justification for raising them to the proposed figures.

(b) Article 1 of Schedule I lays down a scale of ad valorem fees the percentage of which starting from  $7\frac{1}{2}$  per cent. on the value of suits up to Rs. 1,000, decreases progressively to  $\frac{117}{160}$  per cent. on the value of suits of Rs. 4 lakhs and over, with a maximum of Rs. 3,000. The new scale proposed starts from 10 per cent. on the value of suits up to Rs. 1,000, and decreases progressively to  $4\frac{1}{2}$  per cent. on suits of the value of Rs. 1 lakh, the maximum being raised to Rs. 6,000. This represents an increase on existing fees varying from  $33\frac{1}{2}$  per cent. at the lower end of the scale to 246 per cent. at the higher end. It is considered that an increase of  $33\frac{1}{2}$  per cent. is not likely to cause hardship to litigants in small cases, and it may be observed that the great majority of suits filed are of the value of Rs. 500 or less. The increase at the other end of the scale is considerable, but it is felt to be justified, in view of the very low percentage—less than 1 per cent.—which the existing fees at the higher end of the scale bear to the value of a suit.

The remaining changes proposed consist of doubling certain fixed fees. The amounts are in nearly all cases small and the enhancement, while justified by the general considerations which have led to the introduction of the Bill, will not add materially to the cost of legislation.

The 18th January, 1922.

L. S. WHITE.

By order,

C. MOSS KING,

Secretary to Government, United Provinces.

GOVERNMENT OF THE UNITED PROVINCES,  
PUBLIC WORKS DEPARTMENT,

BUILDINGS AND ROADS BRANCH.

No.  $\frac{566M}{40M-21}$  of 1922.

DATED, ALLAHABAD, THE 3RD FEBRUARY, 1922.

RESOLUTION.

READ—

The Administration Report of the United Provinces Public Works department, Buildings and Roads branch, for the year 1920-21.

*Observations.*—The feature of last year's report was the restriction on the activities of the Public Works department, owing not only to the financial stringency necessitated by the Great War, but also to the difficulties owing to shortage of transport and staff, many officers being still absent on long-deferred and much-needed leave. The year under review witnessed some amelioration of the latter condition only. Rates, far from being stable, advanced still further. The scarcity of labour and carts coupled with enhanced prices of all kinds of materials were reflected in the great difficulties experienced in executing both works and repairs.

2. The major portion of the expenditure under the head *Imperial Civil Buildings* was devoted to the needs of the bacteriological laboratory at Mukhtesar in the Naini Tal district. Other works completed were the extension of the engine and accumulator house at the new Cawnpore Telegraph office and the construction of an opium settlement centre and clerks' quarters at Raunahi in the Fyzabad district.

3. The expenditure on Provincial Works amounted to about 30½ lakhs, representing an increase of nearly 5 lakhs over the figure of last year. The amount devoted to educational needs remained practically the same as last year, viz., over 9 lakhs. An important work started during the year was the Intermediate College at Jhansi. This was designed by the Officiating Consulting Architect and estimated to cost Rs. 4,05,000; but progress was retarded by the unsuitability of the site selected. Hard rock and black cotton soil were met necessitating the reinforcement of the foundations with steel. Satisfactory progress was made on the Intermediate College at Fyzabad which was entrusted to Messrs. Lane Brown and Hewlett. Land was acquired for the proposed Overseers School and for the extension of the Technical School at Lucknow at a cost of upwards of 1½ lakhs of rupees. The new school for girls at Lucknow was almost completed, the expenditure incurred to date being Rs. 2,04,105. Over 12 lakhs of rupees were spent on the erection of buildings required for other departments, viz., Law and Justice, Police and Medical, besides a few Public Works buildings. Owing to the necessity for suitable accommodation for the enlarged legislature, the Museum in the Kaisarbagh at Lucknow was adapted as a temporary measure for the use of the Council. The construction of residences for the Executive Councillors was sanctioned at a cost of Rs. 1,86,823 and

a start made late in the year. The works connected with Government House, Lucknow, mentioned in the report for 1919-20 were completed. The necessity for up-to-date sanitary appliances in the Agra Circuit House was recognised and the work completed at a cost of Rs. 40,900, prior to the visit of His Royal Highness the Duke of Connaught to that station. Another important work completed was the Maternity and Gynaecological ward in the Thomason Hospital at Agra, the expenditure during the year being Rs. 52,476. The most important work under construction as a "Contribution Work" was the Hewett Muslim High School at Moradabad. In addition, it is gratifying to find that private individuals contributed a sum of Rs. 5,39,352 towards the development of *dharmshalas*, wells, schools, etc.

4. With respect to "Communications" it is satisfactory to note that notwithstanding the shortage of railway wagons fair progress was made. The importance of roads and bridle-paths has this year been further accentuated by the abolition of *utar*, and the great rise in the cost of coolie labour. The resulting need of a generous budget provision for roads will have to be recognised for some years to come. The ropeway scheme for Almora and Naini Tal from Kathgodam is still in the preliminary stage. The expenditure incurred from provincial funds on works and repairs was over 3½ lakhs more than last year. The dearth of labour hampered progress on the construction of the cart-road from Bhatrojkhan on the Ranikhet-Ramnagar road and Ganai in the Almora district. It is, however, expected that the first section of 16 miles will be completed during the year 1921-22. Metalling only was done to the Rajpur-Mussoorie cart-road, the expenditure incurred being Rs. 92,091, of which the sum of Rs. 46,000 was contributed by the City Board of Mussoorie. An important project was drawn up for the continuation of the Rajpur-Mussoorie cart-road from Kolukhet to Bhatta near Mussoorie at an estimated cost of Rs. 2,01,829. Work on the Bijnor-Najibabad road was mostly confined to the construction of three span (20' each) bridge at Suaheri, and the Moradabad-Chandausi road was further improved, the total expenditure to the end of the year being Rs. 1,65,048.

His Excellency notices with pleasure the business-like way in which the Board of Communications has worked and the comprehensiveness with which all questions are dealt with by it.

5. The labour troubles and the wagon scarcity were specially felt in the Sanitary Engineering branch. Several works had to be suspended for want of coal and materials which the railways were unable to deliver, thus causing a certain loss to the public. At all the waterworks pumping stations the stocks of coal became depleted, the situation being a source of grave anxiety. A sum of over 9 lakhs was spent on new sanitary works and over 10 lakhs on maintenance and repairs of open waterworks. Projects amounting to over 86 lakhs were sanctioned and new schemes to the value of 209 lakhs were prepared and submitted. At Agra the plant was maintained in good running order, these waterworks being one of the best managed in the province. Considerable difficulty was experienced in keeping up the supply of water in Allahabad on account of the abnormal fall of the water level

of the Jumna river. The Thornhill Road and the Mayo Hall tube well pump chambers were completed. In Benares, Cawnpore, and Lucknow the plants were maintained in a fair condition. A temporary drinking water-supply for pilgrims attending the Magh Mela was laid on from the recently-constructed tube well at Daraganj. The Allahabad drainage works at Kydganj and the Permitghat sewage pumping station in Cawnpore were completed.

6. During the year about 152 estimates for electrical works were prepared, 82 of which were carried out. The hydro-electric scheme for Naini Tal was being pushed through; also the municipal scheme for electric pumping of water and sullage.

7. There was a steady increase in the work of the Consulting Architect. Designs and estimates were prepared for a number of important buildings, chief among which were the improvements and extensions to Government House at Lucknow, the Industrial and the Technological Institutes at Cawnpore, and the Intermediate College at Almora and Jhansi.

8. In view of the large building programme the post of Joint Chief Engineer and Secretary was created to which Mr. A. C. Verrières, C.I.E., was appointed from the 25th January, 1921. The department was ably administered during the year under review by Messrs. Willmott and Verrières and their staff. The Governor acting with his Ministers desires to thank them for the zeal and efficiency with which they have carried out their duties. His Excellency also desires the Chief Engineer to convey to Mr. Hoey, Superintending Engineer, Public Health department, Mr. Lishman, the Consulting Architect, Mr. Mallet, the Mechanical Engineer for waterworks, and Major Tufnell, the Electric Inspector, his appreciation of the work which they have done.

ORDER.—Ordered that copies of the resolution be forwarded to all Superintending Engineers, Provincial Works, the Government of the Punjab, Public Works department, and be submitted to the Government of India in the Public Works department.

Also that the resolution be published in the *United Provinces Government Gazette*.

By order of the Governor acting with his Ministers,

H. M. WILLMOTT,

*Secretary to Government, United Provinces,*

*Public Works department,*

*Buildings and Roads and Railway branches.*

## OFFICE OF DIRECTOR OF PUBLIC HEALTH, UNITED PROVINCES.

THE following statement showing seizures and deaths from plague, cholera, and small-pox reported in the United Provinces during the week ending the 11th February, 1922, is published for general information :—

	<i>Plague.</i>		<i>Cholera.</i>		<i>Small-pox.</i>	
	<i>Seizures.</i>	<i>Deaths.</i>	<i>Seizures.</i>	<i>Deaths.</i>	<i>Seizures.</i>	<i>Deaths.</i>
Azamgarh district ...	257	254	...	...	...	...
Bahraich „ ...	13	7	...	...	...	...
Ballia „ ...	135	89	...	...	...	...
Banda „ ...	51	30	...	...	...	...
Basti „ ...	47	42	...	...	...	...
Benares „ ...	14	14	...	...	1	1
Cawnpore city ...	...	12	...	...	...	...
„ district ...	11	45	...	...	...	...
Fatehpur „ ...	34	32	...	...	...	...
Fyzabad „ ...	16	8	4	3	...	...
Ghazipur „ ...	55	27	...	...	...	...
Gorakhpur „ ...	69*	32	...	...	...	...
Pilibhit „ ...	5	10	...	...	...	...
Total ...	707	602	4	3	1	1

DATED LUCKNOW :  
The 16th February, 1922.

C. L. DUNN, D.P.H., MAJOR, I.M.S.,  
Director of Public Health, United Provinces.

FINANCE DEPARTMENT.

*Dated Naini Tal, the 25th September, 1922.*

OBSERVATIONS.—Under Finance department resolution no. B-1521/X, dated the 16th March, 1922, the Governor acting with his Ministers appointed a committee to work out a detailed scheme for the re-organization of the Public Works department on the principle that that department should confine itself to work which cannot satisfactorily be discharged by private agency or by means of district boards and municipalities. The committee after a lengthy and careful inquiry have submitted a full and valuable report, for which the Government desire to thank the President, Secretary, and members. The report, which is appended to this resolution, is published for general information and criticism and will be taken into consideration after the 1st of November, 1922. Any public body or person who wishes to criticise the proposals made in the report is requested to forward his opinion before that date. Spare copies of the report can be obtained on payment from the Superintendent, Government Press, Allahabad.

ORDER.—Ordered that this resolution be published in the *United Provinces Government Gazette* for general information.

Ordered also that a copy, with copy of the report, be forwarded for favour of opinion to—

- Secretary, United Provinces Civil Engineers' Association, Naini Tal.
- „ Upper India Chamber of Commerce, Cawnpore.
- „ United Provinces Chamber of Commerce, Cawnpore.
- „ Board of Communications, Allahabad.
- „ Board of Industries, Cawnpore.
- „ British Indian Association, Lucknow.
- „ Agra Province Zamindars' Association, Allahabad.
- „ United Provinces Zamindars' Association, Muzaffarnagar.
- „ United Provinces Liberal Association, Allahabad.
- „ Liberal League, Lucknow.
- „ Liberal League, Benares.
- „ Liberal League, Cawnpore.

Ordered also that a copy of resolution be forwarded for information to the members of the committee, viz. :—

The Hon'ble Mr. M. Keane, C.I.E., I.C.S., Chairman.

Lieutenant Nawab Muhammad Ahmad Said Khan of Chhatari, C.I.E.,  
M.B.E., M.L.C.

Lala Chhote Lal, Superintending Engineer, Public Works department,  
Buildings and Roads branch.

Mr. A. E. Lewis, Under Secretary to Government, Irrigation branch.



( 2 )

Pandit Hirday Nath Kunzru, M.L.C.

Rai Sita Ram Sahib, M.L.C.

Khan Bahādur Chaudhri Wajid Husain, Deputy Registrar of Co-operative Societies, Lucknow.

Major Des Raj Ranjit Singh, O.B.E., I.M.S., M.L.C., Chairman, Improvement Trust, Allahabad.

Mr. P. H. Tillard, Superintending Engineer, Buildings and Roads branch.

Mr. E. L. Gavaghan, Assistant Accountant General.

Mr. I. D. Elliott, I.C.S.

By order,

H. S. CROSTHWAITE,

*Secretary to Government, United Provinces.*

# REPORT

OF THE

## UNITED PROVINCES PUBLIC WORKS COMMITTEE, 1922.

THE United Provinces Public Works Committee was appointed by the Government under Finance department resolution no. B-1521—X, dated the 16th March, 1922, to work out a detailed scheme for the reorganization of the Public Works department.

The Committee consisted of the following members :—

- (1) The Hon'ble Mr. M. KEANE, C.I.E., I.C.S., Chairman.
- (2) Lieutenant NAWAB MUHAMMAD AHMAD SAID KHAN of CHHATARI, C.I.E., M.B.E., M.L.C.
- (3) Lala CHHOTI LAL, Superintending Engineer, Public Works department, Buildings and Roads branch.
- (4) Mr. A. E. LEWIS, Under Secretary to Government, Irrigation branch.
- (5) Pandit HIRDAY NATH KUNZRU, M.L.C.
- (6) Rai SITA RAM Sabib, M.L.C.
- (7) Khan Bahadur CHAUDHRI WAJID HUSAIN, Deputy Registrar of Co-operative Societies.
- (8) Major DES RAJ RANJIT SINGH, O.B.E., I.M.S., M.L.C., Chairman, Improvement Trust, Allahabad.
- (9) Mr. P. H. TILLARD, Superintending Engineer, Buildings and Roads branch.
- (10) Mr. E. L. GAVAGHAN, Assistant Accountant-General.
- (11) Mr. I. D. ELLIOTT, I.C.S.

Mr. ELLIOTT also acted as Secretary.

### *Terms of reference.*

2. The terms of reference to the Committee are wide. In the resolution the Local Government have restated the general principle that the Public Works department should confine itself to work which could not satisfactorily be discharged by private agency or by means of district boards and municipalities, a principle which appeared in the report of the Decentralization Committee in 1907, was enunciated by the Public Services Commission in 1912, was accepted by the Public Works Department Reorganization Committee in 1917 and was affirmed by the Government of India in their resolution no. 139-E., dated the 11th March, 1921. They have defined as the main objects of the Committee's work the encouragement of private enterprise, economy in recurring expenditure and simplification of procedure in order to avoid delay. They have suggested certain practical lines on which reform might proceed, namely, that the actual execution of all works should be carried out by private agency; that works of lesser importance should not only be executed but also designed by private agency under the control of the administrative department or local authority concerned; that the Public Works department in the Buildings and Roads branch should be reduced to an inspecting agency,

except that it should undertake the design and be responsible for the execution of major works and should continue to construct and maintain the metalled roads; and that the department at headquarters should be reorganized as a branch of the Civil Secretariat under the general control of a Civilian Secretary.

3. A later communication from the Government has explained that they desire the Committee to treat all these points, including the transfer of roads to local bodies, as open questions upon which they are to report. The Committee has been further instructed that, although the terms of the resolution refer to the Buildings and Roads branch alone and not to the Irrigation branch, they should nevertheless consider the case of the latter when they make their recommendations as to the appointment of a Civilian Secretary, and as to the retention or abolition of the posts of Superintending Engineer.

### *Method of inquiry.*

4. The Committee first met on the 8th of May and sat continuously till the 7th of June. They then adjourned till the 26th of June when they met to consider the report. They again adjourned on the 5th July. The report was finally passed at a meeting on the 2nd August, 1922.

We had first to consider to what extent we should summon witnesses. The appendices to the report of the Public Works Department Reorganization Committee of 1917 contained a large and completely representative body of evidence which supplied us with the views of officers of the Public Works department in all grades, of officials in the general administration, of members of the local bodies and of the most important firms in this province and elsewhere. The small Committee, known as the Porter-Verrières Committee, which was appointed by the Local Government in 1918, obtained the opinions of selected district officers on most of the important points raised by the 1917 Committee. A further inquiry in 1921 has elicited the opinions of district boards on the question of the transfer of provincial roads and connected works to local bodies.

As we had so large a mass of recent evidence before us and as we had been instructed to submit our report at a very early date, we restricted our list of witnesses as far as possible, including only those who were absolutely required to supplement the abundant information which had already been collected.

In order to obtain in full detail the present views of the two branches of the Public Works department on the questions under reference, the Committee examined Messrs. Verrières and Bion. Mr. Hoey, the Superintending Engineer, Public Health department, was called to explain the present position of his branch, the scope of which has considerably changed since the inquiry in 1917. The evidence of Mr. Lanchester put before the Committee the views of an important private firm which has been established in the Province since that inquiry. Messrs. Botting and Avadh Bihari Lal of the Lucknow and Cawnpore Improvement Trusts gave the Committee the most recent experience of contractors' work in two of the chief cities in the Province, and Mr. Kampta Prasad, Chairman of the Allahabad municipal board, gave further evidence from the municipal point of view. Messrs. Jagraj Bihari Lal, Abu Muhammad and Raj Chand gave additional evidence of the opinions of members and secretaries of district boards. Messrs. Raghunath Singh of Bara Banki, Ishri Prasad of Meerut, Jagdish Prasad of Muzaffarnagar and Hargobind Singh of Fyzabad were also invited to attend as district board representatives, but were unfortunately unable to be present: the two latter gentlemen have sent written statements to the Committee. Messrs. Fremantle and Lambert were examined in order that the Committee might satisfy themselves as to whether the possible requirements of famine administration should modify their recommendations.

The policy of transferring the construction of minor works to the control of the administrative departments had been placed prominently before us in the terms of reference, and as little evidence had been taken directly on this subject in previous inquiries we thought

it necessary to examine those heads of departments who would be most affected by such a transfer. The witnesses who were called in this connection were the Inspector-General of Police, the Inspector-General of Prisons, the Chief Conservator of Forests, the Director of Agriculture and the Director of Public Instruction.

To all these gentlemen the Committee wish to express their thanks for their evidence which has been of the utmost assistance to them.

## CHAPTER I.—THE LOCAL BODIES.

### *Transfer of public works.*

5. The Government of India resolution of the 11th March, 1921, strongly supported the main recommendation of the 1917 Committee that public works other than irrigation should be transferred from the Public Works department to local bodies.

"The Government of India are fully convinced that the transfer is sound in principle and is desirable in order to promote local self-government in India. The educative results to local bodies of their responsibility for public works will be valuable in themselves, and the responsibilities in regard to the execution of the works will stimulate local interest in their initiation and progress and in the development of the locality on self-governing principles. The system gives effect to the recommendations of the Commission and coincides with the advice offered by the Public Services Commission that the Public Works department should confine itself to work which cannot satisfactorily be discharged by private agency or by means of district boards and municipalities. The localization of public works, subject to the control of the Local Government Board, is a recognized feature of the system of Local Government in England. The system has also been adopted on a considerable scale in Madras with notable success and has passed through the experimental stage in some other provinces."

This Committee is in entire agreement with the Government of India in appreciating the educative value of the transfer of public works to the control of local bodies, but feels bound to consider as of at least equal importance at the present time the necessity for economy. Financial considerations were not disregarded by the 1917 Committee: the basis of their argument for the transfer of works to the local bodies was that the costly duplication of engineering staff should be avoided: but it is clear that considerations of economy were in the end given only a secondary place in that Committee's report.

6. The Committee is not convinced that the complete transfer of all public works to the charge of local boards would at the present stage be either economical or practicable. The administrative resources of the district boards are not such that they can deal efficiently with additional expenditure which would amount to

at least 60 lakhs a year, of which more than half would be on behalf of Government. Should all this work be transferred a waste of money would be inevitable and the waste would be more likely to occur on those works in which the local boards had no very great interest, namely on those which they constructed or maintained for Government. The risk of waste could only be met by maintaining a large and expensive Government inspectorate. No wholesale reduction in the staff of the Public Works department could be effected except on heavy payment for compensation: it is probable that the staff would have to be retained in any case as a safeguard against the breakdown of the new system.

The Government of India themselves realize the practical difficulties. The resolution of 19th March, 1921, is largely concerned with the reservations which would have to be made and the system of control which might be introduced in order to safeguard provincial revenues and to secure adequate professional supervision for Government works.

The Porter-Verrières Committee in July, 1918, had already indicated the same and other reservations from a complete transfer to the local boards.

7. The Government of India suggest that the transfer might be gradually effected by selecting local boards in regard to whom there existed a reasonable hope of success for the experiment of transfer. Selection, in itself an invidious and difficult matter, would not meet the financial objection. The boards which could be selected would be those established at large centres: but it would be precisely at such centres that a Public Works department staff would be likely to be required for the construction of important works. The smaller or more backward districts would not be selected and would need a widely dispersed staff of Government engineers. The maximum duplication of staff would result.

#### *Transfer of local fund works.*

8. Our conclusion is that it is practicable, feasible and desirable to transfer to the control of local bodies all building work for which they find the funds. Buildings partly financed by Government would be subject to such restrictions as the Government may find it suitable to impose, having regard to the nature and importance of the work.

Buildings to be constructed entirely at the cost of provincial revenues should not be transferred.

#### *Transfer of roads.*

9. The question of roads stands on a different footing. At present all metalled roads, local and provincial, are managed by the Public Works department. We think it is desirable that all local roads should, on the same principle as buildings, be handed over to the charge of local bodies. In regard to provincial roads a distinction has to be made.

In large centres, as already explained, the maintenance for many years to come of the Public Works department staff will be essential to deal with building programmes and this same staff will be available for the construction and maintenance of provincial roads. Accordingly if the provincial roads in these centres were handed over to the local boards there would be a duplication both of inspecting officers and of subordinate staff, in a less degree in the case of the latter, their strength being fixed roughly by the mileage of road to be maintained; in a greater degree in the case of the superior officers. The statistics that have been worked out show that there would be a gain in handing over local roads while keeping provincial roads in the hands of the Public Works department in districts where the departmental staff has to be retained, though it is probable that there would be still somewhat greater economy if both local roads and provincial roads in those same areas were maintained in the charge of the Public Works department. On the other hand it has to be considered that it would be very difficult to defend on principle the distinction made in handing over local roads and even provincial roads to many backward districts, while depriving the district boards in the more advanced areas of the charge of their own local roads.

It would be preferable even at the cost of some slight economy to hand over all local roads to local bodies, while maintaining provincial roads, in the areas to which reference has been made, in the charge of the Public Works department. The Committee would regard the retention of these provincial roads as no more than a temporary measure and recommends that it should be the accepted policy of the Government that as the Public Works department staff is reduced by time, all the provincial roads should be transferred to the charge of the local bodies.

10. It is necessary then to consider what the areas are in which provincial roads can now at once be handed over to local bodies and in what areas it would be more economical to retain the roads in charge of the Public Works department.

In many districts the mileage of provincial roads is not large, and these roads are not of very great importance; they are indeed of more local than provincial interest. Their transfer to the charge of the district boards would not involve a transfer of financial responsibility which would be beyond their capacity; on the other hand it would make it possible to remove the Public Works department divisional and sub-divisional organizations from the districts concerned; the roads which would be retained in the charge of the department could be easily controlled from those centres to which the Executive Engineers would naturally be posted. The details of the scheme which the Committee recommends are shown in Appendix A. Apart from the three Kumaun districts and Dehra

Dun, the more important of the provincial roads, namely those which are within a suitable radius for inspection from the big cities, are retained in the charge of the Public Works department. The few provincial roads in the Gonda and Sitapur divisions of the Public Works department and in the greater part of the Fyzabad, Benares and Bareilly divisions, and the provincial roads in the Jhansi division, which carry little traffic and are easy to maintain, are transferred to the charge of the district boards. By treating the administration of roads in this way, not, they admit, on any severely logical principle, but by closely considering the local conditions in each district with the main object of avoiding the duplication of staff, the Committee is confident that the greatest possible economy can be secured while at the same time the responsibilities of the local bodies are effectively increased.

Mr. Tillard, however, would prefer to hand over the provincial roads to district boards by divisions, as being an equally suitable proposition and leading to less disorganization of the Public Works department.

#### *Inspection of provincial roads.*

11. With the transfer of provincial roads in part to the charge and control of local bodies, the question of inspection of those roads at once arises. The first and most natural conclusion would be that since these roads are to be maintained from provincial funds, the Government would feel called on to arrange for such inspection as would satisfy them that the grants are being applied to the purposes for which they are intended and that the roads are maintained up to the present standard. There are, however, other considerations which must be kept in view. The local bodies under the scheme as proposed by the Committee are being given very wide powers. This is based on the belief that local bodies must be trusted. The experience of such witnesses as we have examined does not lead us to apprehend that roads at any rate would be neglected. Their condition will be visible to and can be easily judged by members of the boards themselves and by local officers of the Government. Neglect, if it did occur, would practically speaking be intentional and we have no reason to anticipate that local bodies would be guilty of intentional neglect in this matter. A further and most important consideration is that if inspection of these roads by Government officers is required, it must inevitably mean the retention of a number of Government inspecting officers larger in proportion than the work requiring inspection, because the territorial limits of an inspecting officer's capacity cannot be extended indefinitely and though the work itself may not be heavy, the distance to be covered would be so great that special arrangements would require to be made.

We are inclined to think—though it must be admitted the Committee had some hesita-

tion in coming to this conclusion—that the boards should in the first instance, at any rate, be trusted to maintain the provincial roads as well as their own local roads in a fit condition. The mileage of the roads now proposed to be handed over is not more than one-third of the provincial mileage of the whole province; and the Committee thinks that, taking all considerations into account, it would be well worth the experiment to trust the district boards for their maintenance without outside interference. If it is found, as time passes, that the experiment is a failure, or if the position is altered by a decision to make a much more extensive transfer of the provincial roads, it will be possible then to modify the scheme and to provide for inspection by superior Government engineers. It must be remembered that in the great majority of cases, if not in all, the transfer of the roads to district boards will mean that boards will have resources sufficient to maintain a fairly adequate engineering staff—adequate at least for the purpose of supervising and maintaining the roads and such buildings as at the present stage district boards are likely to undertake.

12. Mr. Tillard and Mr. Gavaghan would prefer that inspection by superior Government engineers should be made compulsory at first, particularly as the Public Works department will have for some time to come a surplus of officers who would be available for this duty. A large sum of Government money is involved and Government interests must be watched. They are of opinion that inspection in the preliminary stages of the scheme is particularly important. If it is found after a period of years that the district boards are carrying on their duties satisfactorily, the question of inspection can then be reconsidered.

The rest of the Committee are equally alive to the value of inspection, as a general proposition, but they feel that if inspection is insisted on at the start it would be impossible to draw any safe conclusions from the experiment.

The Committee recommends, however, that the Public Works department should arrange for the periodic inspection of all important bridges and ferries on the transferred provincial roads and also on the local roads.

#### *Intra-municipal roads.*

13. The Committee also recommends that provincial roads within municipal limits should be transferred to the charge of the municipal boards in all cases in which in the opinion of Government the municipality entertain an engineer competent, under the ordinary administrative supervision of the board, to secure the efficient upkeep of the roads. The provincial roads within a municipality are usually of as great importance to the citizen as the municipal roads, and public opinion should be trusted to maintain

them at an adequate standard. The duplication of control within the city limits is unreasonable, and so far as the Committee is aware the maintenance of the provincial roads by the Public Works department has not led to any marked difference in the condition of these and some of the more important municipal roads.

Some intra-municipal roads are maintained by the district boards. In these cases also the Committee would advise that negotiations should be opened between the boards for the transfer of these roads to the single management of the municipality. Action should similarly be taken to transfer provincial roads which are within the limits of a cantonment to the control of the Cantonment authorities.

14. The transfer of a provincial road will entail also the transfer of all connected ferries and bridges subject to such inspection as may be prescribed by Government, rest-houses, camping grounds and arboricultural work. No special powers of interference with the action of the boards in respect of these works need be provided. The Government will exercise the ordinary powers established by statute: they will remain free to offer the boards technical advice.

#### *Contribution for provincial roads.*

15. The amount of the funds to be provided for the maintenance of each particular length of provincial road must be settled on the facts of the case by discussion between the Public Works department and the boards concerned and must remain subject to revision on the motion either of the Government or the board. A contribution for establishment, tools and plant should be paid by Government to the boards at a fixed percentage of this maintenance grant, by the aid of which the boards should be expected to strengthen and improve their engineering staff. The present contribution paid by the district boards for these charges in respect of local roads is 20 per cent., which represents  $4\frac{1}{2}$  per cent. for designs and estimates,  $1\frac{1}{2}$  per cent. for tools and plant, 1 per cent. for audit, 5 per cent. for direction, 2 per cent. for the Divisional Engineer's charges and 6 per cent. for the cost of the District Engineer. As the upkeep of roads seldom necessitates the preparation of detailed designs and as the board will perform no services for Government comparable to those given to the board by the Public Works Direction and Divisional Engineers, the Committee consider that the percentage to be contributed by Government for transferred provincial roads may fairly be reduced by the percentage now allowed for superior direction and by the greater part of that which is appropriated to designs and estimates and audit. Mr. Chhote Lal, however, is of opinion that, since the Government now charges 20 per cent., that percentage should not be reduced in the case of contributions

made by Government to local bodies in respect of provincial roads transferred to them.

#### *The boards' staff.*

16. As all local buildings and roads will be controlled by the boards themselves, the contribution at present payable to Government will disappear, and will provide the boards with resources which, together with the contribution payable in some cases for the upkeep of provincial roads, should enable the boards to maintain an engineering staff adequate for the work which the boards will ordinarily require. The Committee does not consider it necessary to prescribe the number, qualifications, pay or conditions of service of the engineering staff of the boards. The Government of India have recommended that this should be done, but their recommendation rests on the hypothesis that the boards would carry out a large amount of work on behalf of Government. The Committee contemplates a much less important transfer of provincial expenditure to the boards, and far the greater part of the work which the boards will carry out will be from their own funds.

Detailed interference with the powers of the boards in respect to their engineering staff would greatly reduce the educative effect of this further instalment of self-government. The boards must be left to learn by their own mistakes in their entertainment and treatment of technical staff, and these mistakes will be at their own cost. They should be permitted to recruit their engineers and subordinates in the open market. The Committee, like the majority of the 1917 Committee, has no serious apprehension that the district board engineering services will suffer from lack of prospects. The resources of the boards are and must continue to be unequal, and service under the richer boards will offer reasonable promotion to the staff of the less wealthy.

The Committee considers that subject to permission being given by the board, the board's staff should be free to do work for Government departments: but if their agency is invited a contribution should be payable to the board at a percentage on the cost of the work, which would ordinarily follow the market rate, and would depend on the nature of the work done.

#### *The boards and the Public Works department.*

17. In considering the relations between the boards and the Public Works department we recommend that boards should not be permitted to call upon the Public Works department for any service in respect of any works costing less than Rs. 20,000, or in respect of road works, other than bridges, up to any amount. In the case of bridges the difficulty is not always commensurate with the cost, and the work requires

experience as well as skill. We think it desirable to permit boards to apply for the help of the Public Works department in the case of any bridges the technical difficulties of which are likely to be beyond the competence of their staff. In the case of works, other than roads or bridges, and exceeding Rs. 20,000 in cost, the construction of which would indeed but rarely be undertaken out of local funds, the boards should be permitted to ask for the assistance of the Public Works department. They would be required to pay in advance a contribution at the percentage rates usually prescribed for preparation of designs or estimates or for inspection or for other services.

In the case of works partly financed by Government and partly by a local board it is for the Government to lay down the conditions on which the work should be carried out or supervised; the conditions would vary so largely with the nature of the work that the Committee is unable to make any detailed recommendations in the matter.

#### *Administrative control of local boards.*

18. The Committee regards it as being of the highest educative importance for local self-government that the discretion of the boards, whether district boards or municipal boards, in the construction of local works from their own funds should be unlimited. The authority of the board should be final. In no case should administrative sanction by the Commissioner be required. The board should have complete liberty as to the source other than the Public Works department from which plans and estimates should be obtained, as to the nature of the contracts to be entered into for construction and as to the methods of supervising work under construction.

The Committee anticipates that ordinarily contracts will be on a lump sum basis without detailed measurements and that the work will be under the supervision of board's engineer who will certify as to the proper execution of the work by the contractor. This should be provided for in the system of local accounts.

#### *The hill districts.*

19. From their recommendations in regard to local boards the Committee thinks it necessary to except the hill districts of Naini Tal, Almora and Garhwal and also Dehra Dun. With this area they include the Tarai and Bhabar Government estates. In these four districts the construction and maintenance of public works present problems quite different from those which arise in the normal plains district: road work requires higher technical skill, works of an exceptional nature have constantly to be undertaken, contractors are few, labour requires special handling. The Committee sees no immediate prospect of introducing their new scheme in Kumaun and Dehra Dun, and considers that their proposals

can be simplified if it is accepted that in these four districts the administration of public works should for the time being continue to be in the hands of the Public Works department. The later recommendations which the Committee makes in regard to Government works are not intended to apply to work in these districts, except that the technical powers of sanction of officers of the Public Works department employed in Kumaun and Dehra Dun should be increased so as to correspond with the Committee's general proposals.

#### *Roads in canal areas.*

20. In considering the agency for the construction of roads the Committee has examined the possibility of placing the roads in certain suitable areas in the charge of the Irrigation branch. This transfer offered a means of avoiding the duplication of staff, an object which the Committee has in the interests of economy kept prominently in view. They found that there was nothing essentially impracticable in the suggestion; the mileage which could be transferred to the Canal department would be but a small additional charge on each divisional officer and would not seriously affect their very necessary specialization on canal work. But the considerations already stated have led the Committee to recommend an extensive transfer of roads to the charge of the local boards; no advantage is then to be gained by the introduction of a third agency for road maintenance, and the Committee has therefore decided to drop this suggestion.

### CHAPTER II.—MINOR WORKS.

#### *Definitions.*

21. The Committee has hitherto been dealing mainly with works constructed or maintained from local funds. We now turn to the case of works constructed at the cost of provincial revenues for the service of the administrative departments of Government.

The division of works into petty, minor and major has been long established. For practical purposes the distinction is based on limits of cost: in recent years these limits have been progressively raised, but the Committee is not satisfied that they have yet been fixed on sufficiently broad lines.

#### *Petty works.*

22. Petty works are works of so little financial, administrative and technical importance that, firstly, they can be financed through lump allotments and need not be specified in the budget, secondly, subject to the provision of funds, they can be sanctioned administratively by the local head of a department, that is to say by the responsible executive officer who represents the department in the district or division, as the case may be, and thirdly, their construction needs



no kind of professional supervision by the Public Works department.

With these conditions in view the Committee considers that the limit of cost for petty works may safely be raised to Rs. 5,000. We recognize that there may be works of exceptional character within this limit in regard to which particular difficulties may arise. But a reduction in the limits of cost will not prevent these exceptional cases from occurring, and the Committee prefers the sounder principle of basing proposals on the normal cases rather than of attempting to provide for special and occasional cases which may more suitably be left to the discretion of responsible officers to deal with on their merits. On these grounds the Committee is unable to accept a suggestion which has been made to them that if the petty work involves additions to or alterations in a building the capital cost of which is a lakh or more the approval of the Public Works department must be obtained. In some such cases this reference to the Public Works department might be advisable, in most cases it will not be necessary, and the Committee does not wish to complicate procedure by this proviso. Some heads of departments also are not in favour of raising the limit, partly, it would seem, in order to avoid departmental responsibility, partly to avoid risk. The Committee has given due weight to their objections, but considers that the risk, if any, must be faced. They recommend therefore that petty works should be defined as any works, original or repairs, the cost of which does not exceed Rs. 5,000.

#### *Procedure for petty works.*

23. The Committee would lay down the following procedure to be observed in the case of petty works. Under no conditions may the administrative department call upon the Public Works department for their design, construction or inspection. Their execution should be left completely in the charge of the local head of the department. Ordinarily this officer will obtain from a contractor a rough estimate of the cost, on the basis of which he will arrange for funds: but he should have complete discretion in dealing with plans and estimates, and should not be required to obtain the administrative sanction of the head of the department to the work.

The Committee recommends that funds for construction of petty works should be provided, as they are now, in the shape of lump allotments which would be distributed by the head of the department, or where there is no head of department, by the administrative department of Government. He will at his discretion allot lump sums to the local head, with the proviso that the latter should not ordinarily undertake any work which he is not likely to be able to complete within the financial year: in special cases the local officer will

be permitted to obtain the approval of his controlling officer for the work being carried over into a second year. The exact system of distributing the allotments need not necessarily be the same in all departments, though generally departments will be guided by the actuals of past years. The local head of the department will submit annually to his controlling officer a list of the petty works which he has carried out in the year with a statement of the cost. This the Committee considers will be an effective check on the execution of unnecessary works, and in order to avoid correspondence and delay they do not desire to impose any further control. Petty works will usually be carried out by contractors for lump sums. In all cases the expenditure will be treated as contingent expenditure of the department which undertakes the work.

#### *Minor works.*

24. In determining what limits of cost would be appropriate for minor works the Committee has been guided by the actual facts of the annual building programmes. We observe that far the greater number of the smaller works are houses for the lesser officials; to these may be added small offices, farm buildings, middle schools, the smaller hostels, workshops and class rooms, police outposts and other similar buildings which have to be constructed for the ordinary service of the administrative departments.

The Committee sees no reason to assume that works of this kind involve any such technical difficulty as would necessitate reference to the Public Works department for professional sanction; indeed most of these buildings conform to a type or standard plan. The majority of these buildings would fall within a limit of cost of Rs. 20,000, and the Committee, with the exception of Mr. Tillard, has no hesitation in taking that figure as a limit up to which there should be no appreciable technical risk. Mr. Tillard would prefer a limit of Rs. 15,000.

#### *Standard plans.*

A limit of Rs. 20,000 would still exclude the police station, the larger hostels and class room blocks and other quarters and offices commonly required by departments. This fact has led the Committee to consider whether the limit of cost for minor buildings should not be raised to at least Rs. 30,000 if the building follows a standard plan. They recognize that a standard plan can seldom be used without adaptation to local conditions and that this adaptation often requires considerable skill; but the risk of mistakes in design, estimates and construction is undoubtedly minimized, and to adopt the higher limit for works on standard plans involves no appreciable increase of risk. This recommendation is made by the majority of the Committee, but Messrs. Elliott and Gavaghan think that in this



proposal the Committee does not give sufficient weight to the enhanced probability of loss of Government money through inadequate or unskilled supervision of the work when it is under construction. They believe that the transfer of the few buildings covered by this concession from the control of the Public Works department to the administrative departments would not lead to material reduction in the strength of the former, would more than proportionately increase the difficulties of the latter, and would result in waste. They prefer the simple definition of minor works as works costing up to Rs. 20,000, without special reference to standard plans.

25. The Committee desires however to provide that in the case of any named work which exceeds this limit of cost Government sanction may be obtained to its being treated as a minor work in respect of the procedure to be followed in its design and construction, and that similarly with the approval of Government a minor work may be treated as a major work. The former proviso will enable a work which will cost more than Rs. 20,000, but is, for example, simply an aggregate of small units, such as a barrack, to be constructed with greater expedition; the latter will secure to a department full professional assistance in the cases which must from time to time occur when a work of comparatively small cost is of exceptional technical complexity.

It may be noted that in the case of bridges, the most difficult class of work which would ordinarily be constructed under Rs. 20,000, the Committee's scheme for the administration of roads will dispose of any technical difficulty. The Public Works department will itself be the administrative department for the construction of small bridges on those provincial roads which are retained in its charge, and the district boards will possess staff of a skill adequate for the construction of small bridges on the roads transferred to them, and will be permitted in cases of difficulty to obtain the help of the Public Works department.

The Committee would not recommend a similar elasticity of treatment as between minor and petty works, for the latter will be financed by lump allotments and to class a minor work as a petty work would be to obviate the necessity for specifying it in the budget and would defeat legitimate financial control.

#### *Designs.*

26. For the preparation of the plans and estimates for minor works the Committee recommends that the head of a department should not be permitted to call upon the Public Works department. They have heard evidence sufficient to satisfy them that in most of the big centres, such as Allahabad, Lucknow, Cawnpore, Agra and Meerut, firms or individuals exist who are competent to prepare the plans and estimates for buildings of this description, and there is little doubt

that their services would be available for districts within a reasonable radius of their headquarters: it may also be anticipated with confidence that similar agencies will arise in other centres in response to the demand. The Committee has the encouragement of private enterprise greatly at heart; they consider that minor Government works will in essentials differ but little from buildings which are continually being designed and constructed throughout the province by private firms; these works can and ought to be entrusted to private enterprise: yet if the departments are allowed the option of obtaining Public Works department designs they will invariably use that agency in order to save some extra trouble and responsibility.

The Committee sees a further advantage in recommending that the designs for minor works should be obtained from private firms, besides the relief of the Public Works department from unimportant work. Fees have to be paid in advance for designs supplied by private firms. This will operate automatically to check the premature preparation of projects for the execution of which funds are unlikely to be obtained.

#### *Allotment for designs.*

27. It will be necessary to provide funds for the payment of these designs, and a lump allotment in the budget should provide each department with the necessary resources.

It may however prove difficult at first to estimate the amount of the allotment. To meet this difficulty the Committee supports a suggestion which has been made by Mr. Verrières that when the head of a department decides on the necessity for the project he should send it with a schedule of his requirements to the Chief Engineer's office and obtain a rough approximation of the cost of the work, on the basis of which the amount of the allotment required to pay for a design could be calculated. This might result in some addition to the computers and draftsmen of the headquarters office: but the Committee sees great advantage in thus obtaining an approximate estimate of the cost and would give the suggestion a trial. Mr. Verrières assured us that he did not anticipate any difficulty in carrying it out.

28. Some heads of departments whom the Committee has examined appear to view their probable responsibilities in the matter of these designs with serious apprehension. The Committee does not believe that their fears are entirely justified. Few minor works will ever be taken in hand for which there are not many precedents from which the head of the department can sufficiently judge whether the design is suitable and the resulting cost reasonable. The definition which the Committee has framed will eliminate cases of real technical difficulty. They believe that heads of departments will rapidly appreciate the freedom which this scheme will give them in regard to design and will welcome the greater expedition

which will result from the procedure being confined to their own department.

*Administrative approval.*

29. This procedure should be as simple as possible. Before arranging for the preparation of the plans and estimates, the local head of a department will submit his project for the approval of the head of the department. The Committee thinks it desirable to provide that the head of the department should consider the necessity for any particular work at some stage prior to the actual provision of funds in the budget, but they reduce the process of administrative sanction to this simple reference.

*Execution of minor works.*

30. After the scheme has been approved and funds provided for the design, the local head of a department will arrange to obtain a plan of the work accompanied by bills of quantities. He will then submit the project with an estimate of the cost to his controlling officer in order that funds may be provided in the forthcoming budget. Having obtained an allotment he will invite tenders from contractors for a lump sum based on the bill of quantities. It is thus an essential feature of the Committee's scheme that both the design and the execution of all minor works should be entrusted to private agency. The Committee sees no ground for believing that contractors for this kind of building will not be forthcoming. There is no doubt of this in the case of the larger towns. There is every reason to think that these firms will rapidly establish agencies or branches for construction work in the smaller towns. Difficulty may at first be found in the case of buildings which are at some distance from the towns and still more in the case of buildings which are not near the railway line. But the Committee was much impressed with the evidence given by the Chief Conservator of Forests who, though anticipating difficulty in securing contractors for work in the less accessible parts of the hill districts, had no such fear in regard to the forest areas of the plains, although these areas would be considered by other heads of departments as so remote that it would not be easy to secure contractors to do any work in them.

*Inspection during construction.*

31. It is not until the contract has been given and construction taken in hand that the Committee contemplates any executive action by the Public Works department. The local head of a department will be generally responsible for supervising the progress of the work during construction and for seeing that the specification is generally followed by the contractor. But it would be unreasonable to give him no assistance in meeting this responsibility. His position is entirely different from that of officers of the local boards, in that, save in the case of the Forest and possibly the Agricultural department, the administrative

departments have no kind of expert assistance at their command. The Committee wishes therefore to provide for inspection by the Public Works department during the course of construction. But they must equally avoid a transfer of responsibility to the Public Works department. The responsibility for minor works must rest with the department concerned; the Public Works department should not be required to afford more than technical information and advice.

The Committee's recommendation therefore takes the following form. It will be within the right of the local head of a department to call for inspection either by the Public Works department or by other suitable agency such as the district board's engineer. In the former case he will give early notice to the Executive Engineer of the division concerned and will report the name of the firm with which the contract has been concluded. He may ask the Executive Engineer to arrange for inspection at the following stages:—

- (1) when the trenches have been dug;
- (2) when the foundation concrete has been laid; and
- (3) when the roof is being put on.

It will be his duty, by inserting a clause in the contract specification or otherwise, to arrange for giving the Executive Engineer timely notice of the dates by which these stages in construction are likely to be reached. The inspecting officer will be free to inspect the work at any other time, apart from the stages for which inspection is thus definitely provided.

*Accounts.*

32. The effect of the Committee's recommendations in regard to minor Government works is that they should be treated as civil works within the meaning of Article 279 of the Tenth edition of the Public Works Department Code. This article runs as follows:—  
"Local Governments are competent to authorize the execution of civil works, whether of construction or repair, by civil officers in cases in which they deem such a course to be desirable, and to lay down rules regarding the execution of such works. But when a work is estimated to cost over Rs. 5,000 the execution of the work should ordinarily be entrusted to the agency of the Public Works department. The amount of professional check to be exercised on the proceedings of civil officers in regard to the execution of public works will be regulated by each Local Government as it thinks proper. When such a work is estimated to cost Rs. 5,000 or less and is executed by officers of civil departments out of funds placed at their disposal in the civil department concerned, the rule in clause (a) of Appendix BBBB to the Civil Account Code (now paragraph 3, Appendix 5, in the Eighth edition) will apply."

The Committee asks that the figure of cost in this article of the Code should be raised to Rs. 20,000 or, if the work follow a standard

plan, to Rs. 30,000; and they contemplate that the accounts for all such minor works should be adjusted as contingent expenditure. It would be impossible for the civil departments to base their accounts for minor works on detailed measurements unless an expert staff were placed at their disposal for this purpose. Such a staff would make substantial economy in recurring expenditure impossible, with no commensurate savings on construction. The Committee considers this extension of the civil works system of accounts to be essential to their proposals.

#### *Official residences.*

33. We see no reason for any large modification of the scheme in so far as it concerns the execution of original work on officers' residences, to which at present somewhat different rules of procedure apply. In all such cases, however, even if the work comes within the definition of a petty work, the project should be sent to the head of the department and submitted by him to the Local Government for administrative approval.

#### *Imperial works.*

34. Lastly the Committee has to consider how far the revised procedure should be applied to minor works required by the Imperial departments, including the Military department. The basic idea of the proposals is not only to simplify the system but also to secure economies in the staff of the Public Works department. Where such economies are possible the Local Government cannot be called upon to retain staff in order to facilitate the execution of Imperial works.

The Committee recommends therefore that the Government of India be invited to follow the same system as is suggested for the Provincial civil departments. The Imperial departments should be empowered to call in the help of the Public Works department only to the limited extent allowed in the case of the heads of Provincial departments, and for these inspection duties of the Public Works department the Government of India should continue to pay a contribution. With this proviso the Imperial departments will be required to arrange for the execution of their minor works through their own local officers.

#### *Archaeological works.*

35. A special reference has been made to the Committee on the subject of the maintenance of archaeological monuments. Assuming that questions of economy have negatived the consideration of employing a separate engineering staff under the Archaeological department, trained to deal with its special problems, the Committee recommends that the Local Government should undertake the whole of this work through its Public Works department. Should this compel the Local Government to employ staff beyond what must otherwise be retained for provincial purposes, it is for the Local Government to secure from the

Government of India a contribution sufficient to cover this extra cost.

Provincial monuments must ordinarily be maintained by the agency of the Public Works department. But there are doubtless cases in which, if the monument is of no great antiquity and its repair presents no technical difficulty, the agency of a local board could suitably be employed: this should be done where this course would relieve the Public Works department of work in outlying districts.

#### *Collection of rents.*

36. The scheme which has been defined in chapters I and II of this report will relieve the Public Works department of all duties in regard to minor and petty works, except for a limited inspection of works constructed for Government departments, if they cost more than Rs. 5,000. Save for the construction and periodical inspection of bridges, the department will also be relieved of all work in connection with the local roads and with one-third of the mileage of provincial roads. Before passing to consider major works we think it convenient to complete our review of the functions from which the department may be relieved, by discussing the duties which its officers have at present to carry out in regard to the collection of rents on officers' residences. They are required to determine the amount of rent on the basis of the capital cost of the building and the percentages allowed for repairs. They report the dates on which the tenants occupy these residences, and are responsible for the actual collection of the rents. This procedure entails protracted correspondence between the officers of the department, and between the Public Works department and the administrative departments and the Accountant-General. It lays upon the department a burden of work which is to a large degree extraneous to its legitimate professional functions.

37. The Committee is strongly of opinion that the present procedure should be changed. The Public Works department is not in any case a suitable agency for the collection of rents, and now that its officers have no general responsibility for the repairs of public buildings they no longer have that continual contact with official residences which has led to this work being entrusted to them. The Public Works officers will in future be concerned only with those residences, or with work connected with residences for the construction or execution of which they arrange. In regard to these works their sole function should be to report to the Accountant-General on completion the facts as to the capital cost and the additions chargeable for repairs, including quadrennial and special repairs. In the case of a minor work this duty will rest on the local head of a department who has been responsible for its construction. On the facts thus reported the Accounts department will, in communication with the

administrative department concerned, determine the amount of rent to be charged and any subsequent changes in that amount. The Accounts department at present makes these calculations as a check on the Public Works department and it would save correspondence and give more satisfactory results if the Accounts department were to be in direct charge of this part of the work.

The administrative department should be made responsible for the actual collection of the rent according to the facts of occupancy.

### CHAPTER III.—MAJOR WORKS.

#### *Private agencies for design.*

38. The proposal in the resolution of the 16th March, 1922, that major works should ordinarily be designed by the Public Works department, would close to an extent far greater than the Committee is willing to admit the possibilities of the development of private firms of architects and designers. Their recommendations will leave to the private firms an appreciable amount of designing work on the smaller buildings, but the Committee recognizes that unless the designs of at least a proportion of the major works are given out to private firms there can be no great stimulus to their development. But while most anxious that all possible encouragement should be given to the private architect to establish himself in the province, the Committee feels that their recommendations must be limited by the pressing need for economy. It will undoubtedly be necessary to retain a Government staff for public works; whatever the future of the department, much of the staff remains and it can only be reduced gradually: it would be extravagant to fail to utilize that staff for designing, and, save in some special cases and to a very limited extent, to pay fees to private firms for designs; and it may therefore not be possible as yet to give full encouragement to private designing agencies. The Committee thinks it desirable to provide that major works shall be designed by the Public Works department, unless suitable designs can be obtained from private firms: and in their subsequent recommendations they endeavour to secure that fair opportunities are in fact offered to private work.

#### *Unnecessary work on projects.*

39. The preparation of projects in anticipation of the allotment of funds has in the past been carried to an extent far in excess of the sums which can be expected to be granted for construction in a normal year. The Committee does not exaggerate in saying that they have been amazed at the figures contained in the statements which have been given them showing the total value of the projects which have been prepared by the Public Works department, in recent years, as contrasted with the work which has been carried out. In 1921-22, projects for works costing four crores were produced; original works to the value of 42

lakhs were constructed. Most of this work has been premature, a great proportion of it has been entirely unnecessary and its volume goes far to explain the charges of delay which have been brought against the department. In spite of all injunctions requisition after requisition has been sent to the Public Works department for projects for which there has been no reasonable possibility of obtaining funds for many years. The department has perhaps been too ready to meet these requisitions, for its staff, at any rate in the lower grades, has not been manifestly inadequate to cope with the demand. But if the most complete economy of staff is to be effected, it becomes of even more importance than now to reduce project work to an extent which should be reasonably commensurate with the normal provision for construction. The subject demands very serious consideration by all departments of Government. The Committee draws attention prominently to paragraphs 274 and 288 of the Manual of Orders in the Buildings and Roads branch. Paragraph 288 lays down the rule that "With a view to preventing the accumulation of projects to an extent considerably in excess of the funds likely to be available, it should be understood that the aggregate of the outstanding administrative sanctions in any department as shown by the register of sanctioned projects should not, after deducting the budget grant for the current year, exceed the sanctioned budget grant of that department for a period of 1½ years."

The principle of these orders is definite, but it has been ignored, and the figures we have quoted justify the Committee in framing special procedure to secure a result which rules have failed to achieve.

#### *Buildings Board.*

40. The Committee recommends that in no case should the local head of a department be permitted to require the local Public Works department officer to prepare a project for a major work, unless he has first obtained the authority of the head of the department. The head of the department, if he considers the work to be necessary, must in all cases refer the proposal to the Government in the administrative department, ascertain whether it is likely that funds may be obtained to carry it out, and in that event ask for permission to have plans and estimates prepared. If Government consider that permission might be accorded, the head of the department will ordinarily be authorized to bring the proposal before a Buildings Board, of which the Secretary to Government in the Buildings and Roads branch and the heads of departments should be members. The Committee thinks it possible that the existing Board of Communications might with advantage be amalgamated with the proposed Buildings Board. Its functions in regard to buildings will be twofold. It will decide at a meeting in October what projects should be taken in hand, having regard to the normal possibilities of budget

provision. It will also decide what projects can suitably be entrusted to private firms of designers, and in the alternative whether the plans and estimates should be prepared by the Consulting Architect or the Engineering branch of the Public Works department. The Committee considers that this procedure should secure these two important results. A fair opportunity will be offered to the private firms: the useless accumulation of project work will be stopped. The Board will also be able to advise Government as to what amounts should be included in the forthcoming budget to cover the fees payable to private firms for designs.

#### *Designs for major works.*

41. After receiving permission to prepare plans and estimates the head of a department will, in cases where private agency is to be utilized, conclude an agreement with the firm to prepare the plans and bills of quantities. In this agreement it should be stipulated that the design must conform to such general rules as to stability as Government may prescribe, and that it should be subject to scrutiny by the officers of the Public Works department both as to stability and as to economy of design. The Committee is aware that this provision is not in accordance with the established practice in countries in which private architectural work has been fully developed. But in the present conditions in the United Provinces where there are few firms capable of preparing designs for large works, and competition is not therefore effective, and where a private agency may have as yet insufficient experience, it is necessary to arrange for this extent of scrutiny by Government officers.

#### *Procedure for sanction.*

42. When the agency for design is the Public Works department, the head of the department will either himself or through the local head obtain a preliminary project from the Consulting Architect or other officer of the Public Works department appointed by the Chief Engineer to prepare the plans. When the preliminary project has been prepared it will again come before the head of the department for his administrative approval, and subject to the reference to Government which has already been described, his powers of administrative approval should be unlimited. The fair plans and estimates will then be completed and will receive technical sanction in the Public Works department. After the estimates have been duly sanctioned, whether they have been prepared by private agency or by the Public Works department, the scheme will be sent up by the head of the department for inclusion in the schedules.

Urgent cases must arise to which this procedure will not be applicable. Such cases must be dealt with directly under the authority of Government.

#### *Powers of final sanction.*

43. The powers of technical sanction of the officers of the Public Works department have been rapidly increased in recent years, partly owing to the rise in costs, partly owing to the recommendations of the 1917 Committee. The latter proposed that an assistant engineer should be given powers up to Rs. 1,500, or for work on standard plans up to Rs. 2,500, that the powers of an Executive Engineer should be up to Rs. 15,000 or for work on standard plans up to Rs. 25,000, and that a Superintending Engineer should have powers up to one lakh.

Under our scheme the assistant engineer will not ordinarily have charge of a sub-division and will not be responsible for any original designing work independently of the Executive Engineer, whose assistant he will now become in actual fact. It is therefore unnecessary to recommend any alteration in his powers of technical sanction.

The Executive Engineer will be the principal executive officer of his department. In the case of projects entrusted to the Public Works department he will be in direct control of the preparation of the plans to a much greater extent than he is at present, when a large number of plans are initiated in the separate office of the assistant engineers. He will also be responsible within his limits of technical sanction for the scrutiny of plans prepared by private firms.

His professional powers should correspond with his responsible position.

The Committee recommends that the Executive Engineer should have powers of final technical sanction up to Rs. 50,000 and in selected cases up to one lakh. This is a large increase; but the present limits do not sufficiently take into account the great increase in costs, while the type of work which will ordinarily fall within the proposed limits does not justify a reference being made from the Executive Engineer to his professional superior, with consequent correspondence and inevitable delay. It will always be possible for the Chief Engineer, at his discretion, to obviate the risk of difficulty in the case of works of exceptional character by directing that any particular project should be submitted to him for final sanction.

Mr. Lewis, however, is of opinion that this proposal may lead to extravagance in design, and considers the powers should be restricted to Rs. 20,000 or in selected cases Rs. 50,000.

#### *Lump sum contracts.*

44. The Committee recommends that after sanction has been finally accorded to a project, the arrangements for the execution of the work should be made in all cases by the Public Works department. They contemplate, as a general practice, execution by lump sum contracts; but they would remark that, so far as major buildings are concerned, their scheme

does not depend on the success of the system of lump sum contracts, nor are the reductions of staff which they propose possible only in that event. The Committee need not repeat the remarks which were made by the Reorganization Committee, in chapter III of their report, on the present form of contract, or the arguments which led that Committee to consider that "the introduction in its entirety of the system of lump sum contracts is the ultimate policy to be aimed at by lump sum contract being understood a contract for the complete execution of a work at a fixed sum, accompanied by a supplementary schedule of rates upon which additions or deductions can be calculated." With this recommendation this Committee is in complete agreement.

That there will be difficulties in introducing the system was recognized then, and these difficulties remain; there is a danger of litigation; local contractors, especially in the smaller centres, may be unwilling to face the risk of loss, and may prefer to carry out contracts based as now on scheduled rates; alterations of design after the contract has been given out will be difficult to effect; a heavy responsibility is laid on the officers who prepare the estimates, for on the accuracy of their bills of quantities the economy of the contract depends. But these difficulties are certainly not insurmountable, and they are much more than balanced by the advantages, for without lump sum contracts it would be impossible to establish the building trade of the province on satisfactory lines.

The Committee acknowledges that in many cases the present system must continue for a time, but recommends that in all cases tenders should first be invited for a lump sum contract on the basis of the plans and bills of quantities. Every tender should be accompanied by a schedule of rates which would show how the lump sum for which the tender has been made had been arrived at, this schedule being sent in separately and being treated as confidential; it might be the same as or different from the schedule of rates for additions or deductions.

45. Satisfactory forms of contract already exist. We do not think it necessary to discuss the details of these forms, any modification in which may more suitably be determined by the Public Works department in consultation with Government's legal advisers and the Accounts department. These forms of contract should also be adapted for the guidance of the local boards.

#### *Director of Contracts.*

46. The Committee has heard no evidence which suggests to them that a new appointment of Director of Contracts is needed. The volume and variety of the contracts into which the officers of Government have to enter is not great, and they will in the great majority of cases be satisfactorily covered by standard forms of contract. In special cases the law officers of Government would be consulted.

In the absence of any proved necessity the Committee, on grounds of economy alone, cannot recommend the creation of any such new post.

#### *Powers to accept tenders.*

47. The Committee recommends that the powers of Executive Engineers to accept tenders may be raised to twice the figure for which they have powers of technical sanction. Tenders for works exceeding these amounts will be dealt with by Government in the Public Works department.

#### *Clerk of works.*

48. When the contract has been entered into it will be left to the Public Works department to arrange for inspection of the work in progress at such times and to such extent as may be considered necessary. The evidence of Mr. Lanchester has suggested that where a work has been designed by a private firm of high standing the supervision of construction may suitably be entrusted to the architect, assisted by a clerk of works. The Committee considers that this English practice may be followed with advantage in certain cases, though while a Public Works department is in existence such occasions will be rare.

We assume that on most of the larger works an assistant engineer or subordinate will be continually employed in the capacity of clerk of works, and we have calculated the ultimate strength of the Public Works department on that assumption.

#### *Payments on account.*

49. All payments for works executed on these contracts will be made by the Public Works department officers, who should be empowered to make advances on the basis of a certificate of the progress of the work, care being taken that these advance payments are at a substantial percentage below the work done. The Committee does not contemplate that on the completion of the work detailed measurements should be made except in cases where there has been a departure from the original design and specification or where the lump sum contract has had to be rejected. On completion the inspecting officer will send his certificate to the head of the administrative department for countersignature as a guarantee against subsequent complaints.

#### *Detailed measurements.*

50. The Committee is fully aware that a system of lump sum contracts without detailed measurements cannot be given effect to under the present rules of account. Even in cases where work has been carried out on a so-called lump sum contract, measurements have ordinarily to be taken in the measurement books of all details susceptible of count or measurement, and work in this respect has not as yet really been lessened. The Committee's decision in favour of lump sum contracts rests on two of the general principles put forward in the Local Government's resolution, the



encouragement of private enterprise and the simplification of procedure; and they follow the emphatic recommendation of the Reorganization Committee of 1917. Their view is that the advantages thus to be gained outweigh the risks, and will justify the Local Government in making representations to the Government of India in order to obtain the necessary modifications in the system of accounts.

#### *Lapses.*

51. The attention of the Committee has been frequently drawn by the Public Works department representatives to the inconveniences resulting from the present system of appropriation of grants in the financial year. The practical cases of inconvenience which arise are firstly that if an allotment is fully expended some time before the close of the financial year a considerable interval will pass before the officer in charge of the work can receive a second allotment under the new budget. He must either suspend work for two months or more in the middle of the best working season, or he must on his own responsibility attempt to continue the work without having any definite provision of funds, and in that case the expenditure comes under audit objection. Secondly, it may prove impossible for the officer in charge of a work to bring his arrangements for construction into full running order before the close of the financial year: part of the grant lapses, and the grant for the second year, the amount of which was fixed before the probability of a lapse was realized, will give only the sum which was necessary to complete the original grant, and no addition is made to cover the lapse: yet with the arrangements for construction in full running order the officer would have had no difficulty in expending the whole sum in the second financial year, and this would have been the most economical course. Various suggestions have been made, that lapses should be automatically regranted each financial year, or that the allotment to works should take the form of a building fund from which there should be no lapses, the fund to continue after the close of the financial year until the work has been completed.

It does not appear that in fact a new grant is ever refused when the construction of a work has actually been started, but the practical inconveniences are real. The matter is one which affects the control of the Legislative Council over the provincial finances, and the Committee recommends that the question should be taken up by Government for consideration in the Finance department.

#### CHAPTER IV.—PUBLIC HEALTH DEPARTMENT.

##### *Separation of the Sanitary branch.*

52. The Committee has received a note from Mr. Hoey, Superintending Engineer, Public Health, containing his view on the

future of this branch of the Public Works department, and they have had an opportunity of examining Mr. Hoey himself. The Committee is unable to make any recommendations on the major problems of local self-government with which Mr. Hoey's note is mainly concerned; they were reluctant to extend the scope and period of their enquiry by making a detailed examination of the present position of municipal sanitary engineering.

This branch appears to be in some degree more modern in its organization than the Public Works department: it is certainly established on a temporary and somewhat on an experimental basis; and its future can more suitably be determined by the Local Self-Government department of Government, assisted by the Board of Health, in direct communication with the municipalities. With this object the Committee recommends that this branch should be made entirely independent of the Public Works department. The staff of the Sanitary branch should be recruited as specialists, as has been recommended by the Reorganization Committee of 1917. Although there may occasionally have been some advantage in the past in securing control of this branch by the Chief Engineer when its officers have not necessarily been specialists and the Chief Engineer himself may have had some experience of sanitary engineering in India, yet there is no reasonable ground for retaining this control as a general principle when it may be assumed that the staff has been specially recruited as Sanitary Engineers and the appeal from their technical conclusions is an appeal from the specialist to the general practitioner. The result is simply to complicate procedure and to add to the work of the Chief Engineer with no corresponding advantage.

The Committee recommends that the Engineer in charge of this branch should be given full powers of professional sanction, and that his branch should be organized as a separate branch subordinate to the Local Self-Government department.

##### *Reduction of project work.*

53. The Committee has considered on the information immediately available the possibility of effecting reductions in the strength of the Sanitary Engineer's branch. The work which the staff carry out, whether in projects or in construction, is paid for by fees, and the branch is nominally self-supporting. It might be assumed, too, that as fees have to be paid in advance by the municipalities a check is placed on the preparation of premature or unnecessary projects such as have proved so heavy a burden on other branches of the Public Works department. This check does not however appear to have been fully operative. The Government, through the grants which are allotted by the Board of Public Health, themselves provide no small part of the fees; but the Government frequently initiate the

schemes, and the payment of these fees being a book transfer does not in these cases act as a check on the preparation of projects. The result has been an accumulation of project work far in excess of the power of the municipalities to finance new schemes, even with the assistance of Government.

The Committee recommends that when initial proposals are placed before the Board of Public Health, the Board should take no further steps to have the project prepared until they have inquired from both Government and the municipality as to the possibilities of financing the scheme in the near future. The principle to which we have drawn attention in paragraph 39 should be followed. If the municipality cannot finance the scheme, and the volume of prepared but unexecuted projects makes it unlikely that Government can give assistance, the Sanitary branch should not be required to prepare a project.

If this principle is strictly observed we believe that substantial reductions can be effected in the staff of the branch, though it must be noted that some of the superior officers are on a five years' contract, and it might not therefore be practicable to carry out these reductions at once.

#### CHAPTER V.—REORGANIZATION OF STAFF.

##### *Duties of Public Works department.*

54. The Committee has now to consider the strength of the Public Works department staff required to perform the duties which they have defined. These duties are, apart from the charge of Kumaun and Dehra Dun, firstly, to design and to supervise the execution of major works financed by Government, contribution works, and the minor and petty works required for the service of the Public Works department, secondly, to maintain provincial roads in certain areas, and thirdly, to inspect, to a strictly limited extent, the minor works constructed for Government departments.

The department is already being relieved of responsibility for the maintenance of buildings which are in the administrative charge of other departments. It is proposed to relieve it of all local works, including local roads, of a considerable mileage of provincial roads, of the arrangements for the construction of all minor works, and of the collection of rents. The Sanitary branch will no longer form part of the department. The procedure which the Committee recommends will greatly reduce the project work: the system of lump sum contracts should gradually simplify the accounts work: and the greater opportunities afforded to private enterprise will entail a progressive decrease in the responsibilities of the department. It is clear therefore that a very considerable reduction of the permanent staff should be secured. In deter-

mining the extent of this reduction the Committee desires to give the fullest acknowledgement to the assistance given by Mr. Verrières. Without the detailed statements which he has so readily supplied it would have been impossible for the Committee to arrive at a conclusion.

##### *Reduction of sub-divisions.*

55. The diminution of work affects the sub-divisions more directly than any other part of the department. With a few special exceptions the sub-divisional offices can be abolished altogether, and although the department will require a number of assistant engineers these should be attached as personal assistants to the Executive or Divisional Engineers, whose offices must be strengthened in order to provide for the transfer of so much of the remaining duties of the Public Works department as would otherwise have been performed in the sub-divisions.

##### *Concentration of divisions.*

56. It is clear also that there can be a concentration of divisions, for in large areas, especially in the east of the Province and in Bundelkhand, there will be no road work. A majority of the major buildings will be under construction in the larger cities, a fact which should fix the locality of the divisions.

The Committee contemplates that the new divisions will be established at Lucknow, Allahabad, Cawnpore, Agra, Meerut and Bareilly, in addition to Naini Tal where the present system will continue unchanged.

The organization of the provincial roads will necessitate the retention of Public Works department sub-divisions at Benares, Farrukhabad and Aligarh as well as at Dehra Dun, for the roads converging on these centres cannot easily be maintained from any of the divisional headquarters. Construction in the Eastern districts will be supervised from Lucknow, Allahabad and Benares and in Bundelkhand from Cawnpore.

Each division will have two or more assistant engineers attached to the Executive Engineer and a proportionate staff of subordinates. Their number is determined primarily by the number of major works which are likely to be under construction in normal years and also by the requirements of road maintenance and the inspection of minor works.

Detailed figures are given in Appendix B, together with a calculation of the ultimate savings and an approximate statement of the surplus staff. But while necessarily recording these calculations in detail in the appendix in order to arrive at a general statement of the strength required, the Committee does not thereby intend to prescribe absolutely the staff to be allotted to each individual division or sub-division. This must vary according to the pressure of work. The Committee recommends an ultimate reduction in the executive



strength of the department from 23 Executive Engineers, 53 assistant engineers and 214 subordinates to seven Executive Engineers, 30 assistant engineers and 103 subordinates with appropriate office staff.

*Absorption of surplus staff.*

57. The Committee recognizes that it is impossible immediately to dispense with the services of so many as half the present permanent staff of the department, but is no more in a position to make definite proposals for dealing with this surplus than was the Reorganization Committee; for the case of each individual must be separately considered and treated on its merits. The Committee does not recommend, as a general rule, the compulsory retirement of the surplus officers. This step may be taken in special cases, but ordinarily the Government must either retain the officers as supernumeraries in the department or find employment for them in other departments or under the local bodies on terms which secure to them their existing rights as servants of Government. The officers of the Royal Engineers should be returned to the Military department. Many of the clerks can be utilized for some years in the temporary posts of the Irrigation branch, the Public Health branch and in other departments, in place of the temporary staff at present entertained. With the transfer of local fund works to the local bodies there must arise a strong demand on the part of the latter for experienced draftsmen and subordinates and in some cases for engineers; and we assume that in making arrangements for the transfer the Government will, in suitable cases, endeavour to secure the deputation of their surplus officers to the local boards on appropriate conditions.

Mr. Chhote Lal has suggested that it would facilitate the disposal of the surplus staff if the officer in charge of a division were styled Inspector of Works instead of Executive Engineer. There would then be no difficulty in placing in charge of a division an officer whose personal status might be that of a Superintending Engineer and not of an Executive Engineer. The Committee as a whole does not attach much importance to changes of designation, but brings the suggestion to the notice of Government, on the ground that it has that advantage.

58. The Public Works department representatives and Mr. Gavaghan are in agreement with the rest of the Committee that the strength of the department should be reduced to correspond with the transfer of work, but they are apprehensive lest the scheme detailed in Appendix B should seriously lessen the prospects of officers of the department, with the result that their standard would be lowered and the quality of their work would suffer. Mr. Chhote Lal in particular points out that as service on the canals will offer more rapid promotion to the rank of Executive Engineer

it is inevitable that the best recruits will be attracted to the Irrigation branch.

The majority of the Committee, while admitting the fact that promotion will be slower, are not prepared to recommend that the cadre of the department should be so framed as to be independent of the number of posts which are required for the actual administration of the department. The pay of an officer must correspond with the responsibility of his work. It has, moreover, been repeatedly asserted that in both branches of the Public Works department promotion has been too rapid, and that no small a proportion of officers have become Executive Engineers who whether from incapacity or from inexperience have not been fit to be entrusted with the responsibilities which might properly be given to officers of that rank.

*Private practice.*

59. A special reference has been made to us by the Government on the question of the extent to which Public Works officers should be permitted to accept fees.

By the Fundamental Rules the power to sanction acceptance of fees is vested in the Local Government, which may delegate this power to the head of the department, to the extent of Rs. 500. It has been suggested that, with the object ultimately of encouraging the private designer, the Public Works officers should have the unlimited right of private practice and should also receive fees for every design they make for Government. It is asserted that it would then become possible for officers to gauge the extent of their incomes from designing work: some officers would then be led to retire from Government service and establish themselves as private firms.

If the Committee is right in assuming that by this suggestion it is intended that fees would have to be paid to the Public Works officers for all work done, in addition to their salaries, grounds of economy alone would make it impossible to entertain the idea. The practical difficulties are, in any case, too great. It would also act as much to deter as to encourage private enterprise; for it would hardly be possible for any designer to establish himself who was not a member of the Public Works department.

The Committee entirely agrees with the view taken by the Reorganization Committee on the question of private practice in general and in particular on the value of the analogy from the Medical service, an analogy which appears to be the basis of most of the proposals of this kind. The Committee does not recommend any change in the existing rules, which adequately provide for exceptional cases. They do not desire to alter the present limit of the powers to be exercised by the head of the department, but consider that all cases where the fee exceeds or is likely to

exceed Rs. 500 should be referred to the Government for sanction.

*Famine reserve.*

60. As has been mentioned, the Committee has heard some evidence specially on the question to what extent the consideration of famine relief should modify their proposals.

The Joint Chief Engineer has informed us that famine works on the 1907-8 scale would require 38 assistant engineers and 191 subordinates in addition to a reduced scale for the ordinary duties of the department. But on the one hand we have reason to believe that changes in the policy of famine administration make the opening of departmental works on so large a scale a most unlikely contingency. On the other hand we observe that the present strength of the department does not in fact provide a reserve approaching the strength indicated by the Joint Chief Engineer.

Although we have provided for nothing beyond the ordinary leave reserve we would point out that a reserve will in fact exist in the engineering staff of the district boards. The reduction in the departmental staff of engineers and subordinates will amount, in terms of cost, to 4½ lakhs. But the district boards will have additional resources of almost the same amount with which to obtain extra staff and it may reasonably be estimated that the total trained staff, provincial and local, will ultimately not be far short of present strength. The Committee does not therefore consider that their proposals entail any serious reduction of the potential reserve.

We recommend that as provided in the draft scheme attached to the Government of India's resolution, dated the 11th March, 1921, the Local Government should reserve powers to requisition the district board engineering staff when necessary for famine work.

We also recommend that the district boards should be encouraged to interest themselves in the investigation and preparation of projects for famine works.

CHAPTER VI.—HEADQUARTERS ORGANIZATION.

*Superintending Engineers.*

61. On the question of the abolition or retention of the post of Superintending Engineer the Committee has found it impossible to make a unanimous recommendation.

They are agreed that in any case the present position of the Superintending Engineer should be modified. Both Messrs. Verrières and Bion, in their evidence before the Committee, have proposed that the Superintending Engineer's separate office should be abolished and that he should be made a headquarters officer. This would radically change the character of the appointment, for the Superintending Engineer at headquarters with no intervening office and in

close contact with the Chief Engineer must become the latter's deputy. A further development on which Mr. Verrières lays much stress is the strengthening of the Technical section of the Chief Engineer's office by its being placed in charge of a Superintending Engineer. This section, which is at present controlled by one of the personal assistants, would be employed partly on original work on bridges, arches, domes and other special designs, partly on scrutinizing technical points in the plans prepared by the Consulting Architect and the Divisional Engineers. The Technical section could also be used most effectively for the training of assistant engineers, one of whom on appointment would be attached to the drawing office.

To provide a Superintending Engineer for this charge the Public Works department would be prepared to reduce one of the four present posts of territorial Superintending Engineers in the Buildings and Roads branch.

Beyond the consequent change in the limits of the Buildings and Roads circles, the closer attachment of the Superintending Engineers to the Chief Engineer, and the transfer of some of their engineering work to the Technical section, the two representatives of the Buildings and Roads branch do not appear to be prepared to go.

62. The majority of the Committee would go further. They have had from Mr. Verrières' notes and evidence a statement of the functions of the Superintending Engineer. They have also examined the very full statement of these duties contained in Mr. Elliott's note of the 8th February, 1922. Their conclusion is that even under the present system the functions of the Superintending Engineer could be very largely delegated to the Executive Engineers. Under the Committee's scheme of reorganization this conclusion becomes even more manifest. The Public Works department representatives would entrust the territorial Superintending Engineers with the charge of the provincial roads including the inspection of those roads which are to be transferred to local boards. But the majority of the Committee are not convinced that the boards cannot be trusted with full control of the road work transferred to their charge. For the control of the provincial roads which are not transferred they see no reason why the Executive Engineers should not suffice, and their scheme of distribution of divisional charges would give the Executive Engineers individually so small a mileage of roads and so convenient a circle of inspection that the charge of roads would place no very heavy burden upon them.

The project work of the department will, it is hoped, in any case be drastically reduced, and the Committee's scheme of procedure will simplify its preparation. As therefore Executive Engineers will have powers of final sanction up to Rs. 50,000 or in some cases up to

one lakh, as the more important buildings will be designed by the Consulting Architect, or by private agency, subject to final scrutiny by the Technical section if engineering difficulties in the design make this reference desirable, and as that section will be in direct charge of all special designs, it is not clear for what duties in regard to the preparation of projects the Superintending Engineers will be needed.

The retention of the present number of posts simply for the general administrative check and supervision of the Executive Engineers is neither economical nor necessary.

It is not too much to expect the headquarters staff of the department to be able to exercise all necessary control over the divisional officers now that both their number and the scope of their work will be reduced. On grounds of economy it is not justifiable to reorganize this department with five superior officers to control seven Executive Engineers.

#### *Deputy Chief Engineer.*

63. The majority of the Committee therefore recommend that the post of territorial Superintending Engineer should be abolished. The Reorganization Committee appears to have been deterred from making a recommendation to this effect by the fear that this would perhaps throw an undesirable amount of work upon the Chief Engineer. We recognize the force of this apprehension, but a majority of us consider that on the professional side this difficulty can adequately be met by giving the Chief Engineer the assistance of a Deputy Chief Engineer who should have the same pay as the present Superintending Engineer. The views of the minority will be stated in more detail when we refer later to the administrative side of this question in discussing the case for the appointment of a Civilian Secretary in the Public Works department.

The Deputy Chief Engineer should have the same professional powers as the Chief Engineer, although he will work under the latter's general control. Any lesser delegation of powers would only result in the greater number of cases being passed from the Deputy to the Chief Engineer, and would not be consistent with the simplification of procedure and expedition of work at which the Committee is aiming.

After giving full consideration to the effect of the great reduction in the work of the department which they propose, a majority of the Committee are confident that a Chief Engineer and one Deputy Chief Engineer should suffice for the scrutiny of such major projects as would be referred to them, should be free to inspect when necessary the most important works under construction and should be able to exercise all suitable professional control over the divisional officers.

#### *Technical section.*

64. In regard to the Technical section the Committee has given careful consideration to the proposals of Mr. Verrières, but the

majority, differing in this view from those of their colleagues who are members of the Public Works department, do not consider that the present is a suitable time for strengthening this section, except by the addition of a few computers and draftsmen.

For many years this section has been in the charge of an Executive Engineer, who has also been Personal Assistant to the Chief Engineer: no suggestion appears to have been put forward to put the section in the charge of an officer of higher grade, either in addition to the Superintending Engineers of circles, or in place of one of their number: the suggestion cannot be entertained now when financial exigencies demand all possible economy of staff, and at the same time must reduce the amount of project work likely to be undertaken by the Technical section.

#### *Irrigation branch.*

65. The preceding paragraphs refer to the Buildings and Roads branch alone. After hearing the statement of Mr. Bion as to the duties of the Superintending Engineers in the Irrigation branch the Committee has been led to distinguish between the position of the Superintending Engineers in the two branches. Whereas in the Buildings and Roads branch the attention of the headquarters of the department will be concentrated on the construction in any one year of a small number of important buildings at comparatively few centres, the Irrigation branch has to deal with the collection of revenue over a wide area, the distribution of water between the divisions, and the professional problems of construction and maintenance which must arise at so many points in a canal system of several thousand miles. There is no question that these duties require the supervision of superior officers. The distribution of water cannot possibly be left to be determined by the local officers who are in fact competing for the supply; and on the proper apportionment of water the revenue largely depends. In the case of canal works, even of comparatively small cost, experience is a factor of supreme importance; and local conditions vary so much that it would not be prudent to deprive the Executive Engineers, although they may be professionally most competent, of the advice of the most experienced officers of the department. The Superintending Engineers are required to safeguard revenue, to control the relations of a large number of divisional officers, much larger than in the Buildings and Roads branch, and to guide them with their superior professional experience.

#### *Number of circles.*

66. The number of circles is practically determined by the geographical factor. One officer cannot exercise detailed supervision over too large an area, and if his supervision is not detailed there is a real risk of loss of revenue.

The Committee has examined the possibility of amalgamating the Bundelkhand

circle with one of the other circles. In Bundelkhand each divisional officer controls a distinct canal system, and in the matter of water distribution there is no overlapping between the divisions. This diminishes the need for control by a circle officer. But on the other hand there are a number of major projects in Bundelkhand, either in progress or in contemplation, in regard to which the divisional officers need continual help from a superior officer. And even if this pressure of project work came to an end, it is not an easy geographical problem so to redistribute the circles that each of the three Superintending Engineers who would remain if the Fourth Circle were abolished would have a workable charge.

A reduction of one Superintending Engineer gives only a small saving, yet if the remaining Superintending Engineers were left each with too large a circle for effective control this might easily lead to a large loss of revenue. It is with this risk prominently before them that the Committee has decided to propose no change in the number of Superintending Engineers in the Irrigation branch.

At the same time Messrs. Kunzru, Ranjit Singh and Sita Ram, though reluctantly prepared for the present to subscribe to this conclusion in a general sense, feel that a reduction in the number of Superintending Engineers is feasible. They are not satisfied that the present system of detailed inspection is necessary. It appears to them from the evidence of Mr. Bion that no small part of the time of the Superintending Engineer is taken up with the inspection of channels and routine work which they consider ought not to be required if the Executive Engineers are efficient. In the Bundelkhand circle irrigation works are protective and not revenue producing, and there need therefore be no fear of loss if the control of the Superintending Engineer is removed. The case for reduction will be strengthened when the major works in Bundelkhand have been completed. Occasional inspection when necessary in this circle can be secured by rearranging the remaining circles, and this will be easy to effect as under the Committee's scheme all the Superintending Engineers will be at headquarters. Apart from any other considerations they consider that the reduction would make it possible to put more experienced officers in charge of divisions: with this object they would indeed have considered the practicability of reducing the number of divisions, had they not been precluded from this by the terms of reference.

#### *Executive Engineer's powers.*

67. The abolition of the Superintending Engineers in the Buildings and Roads branch should be accompanied by a large delegation of powers to the Executive Engineers in charge of divisions.

Although in the Irrigation branch the different nature of the work justifies the retention of the Superintending Engineer, yet the

Committee recommends that there should be some similar measure of delegation to the Divisional Engineers.

An Executive Engineer should be given powers of final sanction for original work or repairs up to Rs. 50,000, or if specially selected, up to one lakh. But although the Code powers of the Executive Engineers should thus be increased in order to simplify procedure and to relieve the Superintending Engineers of unnecessary work, we contemplate that executive instructions would be issued by the department in order to secure that projects are referred to higher authority in all cases where this is justified by their technical difficulty.

Mr. Lewis does not agree that Executive Engineers of the Irrigation branch should be granted the same powers in respect of original works as those of the Buildings and Roads branch. He maintains that the work of the two branches is totally dissimilar, and that an original work costing Rs. 50,000 or one lakh may have a far-reaching effect on an irrigation system. He points out that an ill-designed irrigation work added to an old system or built as an integral part of a new scheme may result in the loss of revenue of one complete season. Every irrigation design of any importance (and its cost cannot be the criterion), should be subjected to the examination of some experienced engineer apart from the designer; and the powers of Executive Engineers in this branch, so far as they relate to original works, should not be increased beyond their present limits. The majority of the Committee, however, consider that Mr. Lewis's objections are met by the executive instructions which they contemplate.

We recommend also that in the Irrigation branch, as in the Buildings and Roads branch, the Executive Engineer should be given greater powers in respect of the staff employed in his division. He should have the power to punish, including the power to dismiss and suspend, all officers subordinate to him, other than assistant engineers. The right of appeal will of course remain. He should have greater powers to grant leave to his subordinates. He should be permitted to correspond direct with other divisional officers on the subject of the transfer of subordinates and clerks. He should be enabled to sanction increments due to his subordinates. He should also have increased powers for the purchase of furniture, tools and plant, subject to the general restrictions at present imposed by the Code and Manual of Orders, and to the existence of financial provision.

#### *Abolition of circle offices.*

68. With this further delegation of powers to the Executive Engineers we believe that there should be no difficulty in amalgamating the circle offices with the headquarters office—a change in the position of the Superintending Engineer in the Irrigation branch which has been put forward by Mr. Bion and which we consider most desirable both in the interests of

economy and in order to simplify procedure. By this step a substantial reduction in recurring charges will be effected, correspondence will be saved, orders will be expedited and the department will gain by the closer contact of the Chief Engineer with his lieutenants. The Committee sees no reason to fear that the Superintending Engineers will then be less free to tour than they are now. The Chief Engineer in this branch is able to leave headquarters for extended tours of inspection, and the position of the Superintending Engineer should be the same.

The Committee recommends that, as in the case of the Deputy Chief Engineer in the Buildings and Roads branch, the Superintending Engineer should have the same powers of professional sanction as the Chief Engineer, and should be enabled to issue departmental orders with the same authority as Deputy Secretaries of the Civil Secretariat. These powers will be tempered by their discretion and the presence of the controlling Chief Engineer, and will avoid too great centralization of work.

#### *Promotion board.*

69. It was the opinion of the Reorganization Committee that, in the past, sufficient attention had not been paid to the principle of selection in making promotions to the administrative grades, and that assistant engineers had been promoted to executive rank before they were qualified to act efficiently as divisional officers.

Our proposals give greatly enhanced responsibility to the Executive Engineers, to the Superintending Engineers in the Irrigation branch, and to the Deputy Chief Engineer. It will be more than ever important to ensure that no officers are promoted to these posts who have not the requisite capacity and experience.

Those members of the Committee who favour the appointment of a Civilian Secretary for the Public Works department do not consider that the creation of a promotion board is either desirable or necessary. The other members endorse the recommendation of the Reorganization Committee and propose that all promotions, permanent or temporary, to the rank of Executive Engineer, Superintending Engineer or Deputy Chief Engineer, should, before they are referred for orders to the Member or Minister in charge, be considered by a promotion board consisting of the two senior technical officers of the branch concerned, assisted by an experienced Civilian officer.

### CHAPTER VII.—THE CIVILIAN SECRETARY.

#### *Views of Reorganization Committee.*

70. In suggesting that in order to simplify administration, to reduce delay and to set free senior inspecting officers for their inspecting duties, the headquarters of the department should form one branch of the Secretariat under the general control of a Civilian

Secretary, the Government have clearly been influenced by the same considerations as were in the minds of the majority of the Reorganization Committee of 1917. A paragraph in that Committee's report contrasted the system of the Public Works department with that of all the other Government departments. In the ordinary scheme of Indian administration the Secretary is responsible for showing how far the proposals of the head of department are in accordance with precedent and with the previously formulated policy of Government, and how far they conflict with or conform to the interests of other departments. He is also responsible for securing the advice of the Finance department in cases involving important expenditure and generally for presenting the case to the Government with such complete information as to enable them to pass orders thereon. His functions are purely ministerial and advisory. In the Public Works department alone the Secretary is also the administrative officer. It should follow therefore that the Secretary's proper functions of scrutiny, criticism and revision on behalf of the Government as a whole cannot be independently exercised in this department.

The arguments in favour of the present system were given full weight in the 1917 discussions. It was then urged, as it is urged now, that any change to the dual system in force in the other departments would involve increased labour and waste by requiring work to be done twice over. Public Works matters are too technical for any outside control. Secretariat appointments change so frequently that no Secretary would be in a position to deal with any of these matters with any degree of authority. The Reorganization Committee pointed out that the Secretary would not in any case be an administrative head as some Public Works officers appeared to imagine on the analogy of the present position of their own Secretary. They went on to say that:—  
“The force of these arguments is substantially lessened if the Chief Engineer is given the full and extensive powers which he should rightly possess as the head of the department, for the number of cases requiring submission to the Government would be much decreased and would consist almost wholly of such as under the present system he would have in any circumstances to prepare for the orders of Government, whereas he would be saved a large amount of drafting and other ministerial work which at present devolves upon him to the detriment of his professional duties.” The Committee proposed that the Chief Engineer should be given direct access to the Member (or Minister) in charge and considered that this would prevent any usurpation of functions by the Civilian Secretary. They thought that the head of the department would, if he were freed of his Secretariat functions, occupy a more independent position and would be able to press his views with greater force, while his inspection

work would not be so much interfered with. The majority of the Committee therefore considered that the separation of the Chief Engineership and the Secretaryship would be in the interests not only of the general administration but of the department itself. Their two Public Works colleagues did not agree.

*Views of Public Works department.*

71. Up to this point the discussions in the United Provinces Committee have followed a closely similar line: the same division of opinion has appeared. The Public Works department representatives are entirely opposed to the change, and they bring forward the same arguments which the 1917 Committee considered. The isolation of the Public Works department from other departments is emphatically denied. It is to the rigid system of the Public Works Department Code, and not in any way to the fact that the Chief Engineer is a Secretary to Government that the difficulties in the working of the department must be attributed. The fact that the Chief Engineer as such has very small powers as distinct from his powers as Secretary to Government does not really affect the position. There is no reason why the Chief Engineer should not equally well quote precedent, follow the formulated policy of Government and present cases in full accord with the interests of other departments, and with sufficient information for the orders of Government. Like their predecessors they lay great stress on the argument that there will be no decrease of the Chief Engineer's work under the dual system. There can be few cases upon which the Secretary would act unaided by the Chief Engineer's advice. In so large an organization as the Public Works department it would be impossible to divorce administration from actual construction and design. Friction between the Chief Engineer and the Secretary would be inevitable. If any relief is to be given to the Chief Engineer it could be best effected in their opinion by bringing the Superintending Engineers into headquarters as Deputy Chief Engineers. No other change is necessary.

72. All these arguments were before the 1917 Committee, and failed to convince the majority. They preferred to make no recommendation, "in view of the fact that time would give effect to their opinion and as the position was sanctioned by nearly sixty years of usage, as great importance was attached to it by the officers of the department and in deference to the opinions of those of their colleagues who desired the continuance of the existing system." But they did place on record their acceptance of the principle.

Stating the case as a general principle the majority of the United Provinces Committee recognize that the functions of a head of department and Secretary are essentially different.

The departmental head is an officer who is entrusted with the direction of the details of

administration. He must keep in constant touch with his staff, he should tour frequently, he must exercise a real practical control over the action of the department. The proper function of a Secretary is, under the control of the Minister in charge, to criticise and revise the administrative action of the department and to work out and to maintain on behalf of Government the principles by which the department should be guided. The technical head of a department cannot be expected to perform these functions. He cannot separate himself from the administrative detail. He cannot stand outside his own administrative action. His range of experience is necessarily departmental and limited. In any question which affects the interests of the outside public or other departments of Government he would be likely to take the traditional attitude of the department in which he has been trained. The changes in the administration due to the reforms have only emphasized the difficulties of the present system. The increased number of meetings in the Legislative Council and the growth of Advisory Boards have made it even less possible than before for the head of a department to make tours of inspection. Although part of the control which was formerly exercised at the Secretariat has now been transferred to the Members of the Executive Council or the Ministers, yet in the opinion of some members of the Committee this has not lessened the need for Secretariat criticism. It is impossible for the Minister or Member unaided to exercise all necessary control. It is only right that the details on which general criticism may be based should be worked out by a specially qualified officer before the orders of the Minister or Member in charge are taken.

*Appointment of special officer.*

73. The majority of our Committee are not satisfied with an inconclusive expression of opinion, but we are divided as to the form which our recommendation should take. The Committee is unanimous in proposing that a special officer should be appointed in the Buildings and Roads branch to carry into effect the scheme which we have recommended. We recognize that much work remains to be done. The reorganization of the staff, the modification of the Code and of the Accounts system will require prolonged correspondence and detailed labour for which the present Secretariat of the Public Works department, engaged in the normal business of administration, cannot possibly suffice. It is clear from the special nature of the duties to be performed in this reorganization that this officer should not be a member of the Public Works department.

*Permanent Civilian Secretary.*

74. The Nawab of Chhatari, Messrs. Kunzru,\* Ranjit Singh,\* Sita Ram\* and Wajid Husain\* contemplate that the special officer should not only be responsible for the work of reorganization, but should be the Secretary of

\* These members have signed a separate note on this subject.



the Public Works department, including the Irrigation branch. They think that, should our scheme so substantially reduce the work, the post might, in the interests of economy, be amalgamated with some other Secretaryship.

They recommend therefore, that the appointment of a Civilian officer as Secretary in this department should be regarded as a permanent measure.

With this proposal the majority of the Committee do not agree. They admit the force of the arguments which have been put forward in principle for the control of a department by a Civilian Secretary, but they consider that these arguments in the case of the Public Works department apply to the conditions of the moment and these conditions will be extensively modified by the adoption of the Committee's scheme. While the Committee is still under the impression of special and temporary difficulties, difficulties too which we hope gradually to remove, it is neither wise nor practicable to attempt to legislate for the not easily calculable circumstances of the department when the reorganization is completed. So far as the conditions of the reorganized department can be foreseen, its staff will be very much smaller, its work will be much more uniform and more concentrated, its problems generally of diminished importance and variety. In two important groups of cases, the framing of the annual building programme and the selection of officers for the higher appointments, the Minister will, if the proposals are accepted, have the advice of the Buildings Board and the Promotion Board, and his need for the independent non-technical advice of a Secretary will be correspondingly reduced.

75. The Chairman specially feels that the value of a permanent Civilian Secretary for this department is greatly exaggerated. Under the scheme proposed by the Committee the volume of purely Secretariat work should be largely reduced. The subjects dealt with by the Civilian Secretary will be of a routine and an uninteresting nature; they will not give him that grasp of the work of the department which will enable him to form independent opinions on really important problems, where alone his advice would be required or of value. An active Minister, who is in charge of the whole department, can afford to dispense with the advice obtainable from such a source, yet the provision of this advice appears to be the main if not the sole aim of the change now proposed.

The fact that from the very first and for over half a century the head of the department has been also Secretary to Government is a proof that those who went before us considered that this department stood on a different footing from other departments. The Chairman's own experience of Secretariat work has been considerable and varied. The work to be done by this new Civilian Secretary would probably be added as a department of an existing Secretaryship; it would quickly sink

into the ordinary routine of a Secretariat section. The staff would have little real knowledge of the Public Works department. In a technical department such as the Public Works department all questions that matter will really be decided in direct consultation with the head of the department. The Minister in charge will himself have all the knowledge requisite to test proposals of importance. It is possibly true that in the past there were times when the head of the department pressed too narrowly the views of the department, but it has to be remembered that the head of the department now, who is invariably a member of the Legislative Council, is much more amenable to and in much closer touch with *extra* departmental views than he was in the past.

Against the theoretic gain expected from the alteration proposed have to be set obvious, practical and real losses. The head of the department and through him the whole department is to be deprived of a status and privilege to which all the evidence taken before the 1917 Committee and taken now shows that they attach much value. This too is being done at a time when a large percentage of the higher appointments in the department are being marked down for reduction and when the prospects of promotion are being accordingly diminished. This aspect of the question is one that cannot be overlooked. Above the Executive Engineers there are now four appointments of Superintending Engineers. It is proposed to reduce them to one. In the face of all this, the Chairman feels that no step should be taken tending to add to discouragement in the department unless on grounds of incontestable clearness. The need of appointing a permanent Civilian Secretary at the present juncture does not seem to him to be either established or clear.

#### *Additional Deputy Chief Engineer.*

76. The course that the Chairman recommends and which Mr. Gavaghan also supports, though he would prefer to go even further, is to retain one more Superintending Engineer or Deputy Chief Engineer—by whatever name he may be called. The two Deputy Chief Engineers at headquarters would relieve the Chief Engineer of most of the Secretariat duties and leave him free for Council work, for the consideration of larger problems and for inspection, where needed. This solution would have the advantage of keeping the ordinary Secretariat work in the hands of those who through knowledge gained from years of familiarity with the personnel and working of the department could do it most efficiently and promptly. It would give at the same time one more inspecting officer for the province. Inspection in a department where the handling of money is a main feature is very different from the inspection of such departments as Medical, Sanitation and Education. Inspection in the Public Works department needs to be close and the mere

geographical extent alone of the province is more than a single Deputy Chief Engineer with the occasional help of the Chief Engineer can cover. The retention of one more Deputy Chief Engineer will meet the geographical difficulty; it will in itself be no more expensive than the creation of a Civilian Secretary and it will have the added advantage of redressing naturally the disproportion in the higher appointments involved in other proposals of the Committee.

Mr. Elliott however believes that two superior officers, one of them being the Chief Engineer, would suffice for the professional work, and he would be content with giving greater responsibility to the Assistant Secretary for the disposal of the office work at headquarters.

77. In any case these three members of

the Committee consider it unprofitable to speculate on the position of the department after its work has been reorganized, and on this question they confine themselves to recommending the appointment, as a temporary measure, of an officer from outside the Public Works department to give effect to the Committee's general proposals, a recommendation which also has the support of the representatives of the Public Works department. For the purpose of seeing that the proposals are carried out a special officer would be more effective than a permanent Secretary whose hands would be filled with the disposal of the ordinary day to day files. It is clear that this officer cannot be made responsible for any part of the normal work of the branch, and still less for the work of the Irrigation branch.

#### SUMMARY OF RECOMMENDATIONS.

##### Chapter I.

(1) Building works financed from local funds should be entirely controlled by the local body concerned.

(2) Except in Kumaun and Dehra Dun, all local roads should be transferred to the control of the local bodies which pay for their maintenance.

(3) Provincial roads, ferries, rest houses, etc., in certain districts should be transferred to the care of local bodies, whether district boards, municipal boards or cantonment committees. It should be the accepted policy that in course of time all provincial roads should be thus transferred.

(4) The Public Works department should inspect all important bridges and ferries on both provincial and local roads.

(5) The majority of the Committee do not recommend that special arrangements should be made for Government inspection of the provincial roads transferred to local bodies.

(6) Government should pay the boards a contribution for establishment charges at a percentage on the maintenance grant for the provincial roads transferred. The boards should then be expected to strengthen their engineering staff.

(7) Local boards should have full administrative powers in respect of public works financed entirely from their own funds.

(8) Local boards should have full powers for determining what staff they should employ for their public works.

(9) The public works staff of the local boards may be employed on Government work, in which case fees should be paid by Government on this account.

(10) Local boards should be permitted to ask for the help of the Public Works department in the case of bridges, irrespective of limits of cost, or of other building works costing more than Rs. 20,000, but in no other cases. For this help a contribution would be payable.

(11) When a local board work is partly financed from provincial funds Government should lay down the conditions under which the work is to be carried out.

(12) The present Public Works department system should be continued in Kumaun, Dehra Dun and the Tarai and Bhabar estates.

##### Chapter II.

(13) Works costing less than Rs. 5,000 should be treated as petty works.

(14) The design and construction of a petty work should be entirely in the hands of the administrative department concerned. The Public Works department should not be liable to be called on to assist.

(15) Petty works should be financed by a lump allotment and the expenditure treated as contingent expenditure.

(16) The local head of the department should have the power of giving final administrative approval to petty works, other than works on residences, subject to reporting to the head of his own department the nature and cost of the works executed each year.

(17) The majority of the Committee recommend that minor works should be works costing less than Rs. 20,000 or, in the case of works following standard plans, less than Rs. 30,000. Works exceeding these limits of cost should be defined as major works.

(18) With the approval of Government a major work may be treated as a minor work or a minor work as a major work.

(19) The designs for minor works should be obtained from private firms by the head of the department concerned. The Public Works department should not be called upon.

(20) The fees for design should be provided by lump allotments in the budget based on a rough approximation of the cost of the work.

(21) The administrative sanction of the head of the department should be given to the project for a minor work, before plans and estimates are obtained.



(22) Minor works should be constructed on a lump sum contract, through the local head of the department who should invite tenders on the basis of the plans and bill of quantities.

(23) The Public Works department should be required to inspect a minor work during construction (a) when the trenches are being dug, (b) when the foundation concrete has been laid, (c) when the roof is being put on, and should be at liberty to inspect at any other times.

(24) The accounts for minor works should be adjusted as contingent expenditure.

(25) All original work on official residences, whatever the limits of cost, should require the administrative approval of the Local Government.

(26) Except in the case of archaeological works, the Public Works department should not be responsible for Imperial minor works otherwise than for inspection at stated times during construction.

(27) The Public Works department should be responsible, as at present, for the maintenance of all archaeological monuments.

(28) The Public Works department, having reported to the Accounts department the capital cost and estimate of repairs of a building, should be relieved of further responsibility in connection with the assessment and collection of rents, except for residences of which it is in administrative charge.

### Chapter III.

(29) The Public Works department should design major works unless suitable designs can be obtained from private firms.

(30) The preparation of projects should be curtailed so that the amount of projects does not largely exceed the funds which may be allotted for construction.

(31) No project for a major work should be taken in hand until its preparation has been approved by Government in the administrative department and authorized by the Buildings Board.

(32) The Buildings Board should decide whether projects should be entrusted to private firms, to the Consulting Architect or to the Engineering branch of the department.

(33) Government should prescribe general rules as to stability to which the designs of private firms must conform.

(34) The designs of private firms for major works should be scrutinized in the Public Works department.

(35) The head of a department should have full powers of administrative approval, subject to recommendation no. 31.

(36) An Executive Engineer should have powers of final technical sanction up to Rs. 50,000 or, if specially selected, up to one lakh.

(37) The Public Works department should be responsible for the arrangements made for the execution of major works in all cases.

(38) The construction of a major work should, wherever possible, be by lump sum contract.

(39) The powers of Executive Engineers to accept tenders should be twice the amount of their powers of technical sanction.

(40) The Public Works department officers should be empowered to make payments on account, to dispense with detailed measurements in the case of lump sum contracts, and in special cases to entrust the supervision of construction to the architect designing the work.

(41) Government should further consider how the inconvenience resulting from lapses in the financial year may be avoided.

### Chapter IV.

(42) The branch of the Superintending Engineer, Public Health, should be separated from the Public Works department and placed under the Local Self-Government department.

(43) The Superintending Engineer, Public Health, should have full powers of technical sanction.

(44) Projects for sanitary works should not be prepared unless the Board of Public Health is satisfied that funds can be provided in the near future for construction.

### Chapter V.

(45) Except in special cases the sub-divisional offices of the Public Works department should be abolished, and the sub-divisional officer should be made an assistant to the Executive Engineer in charge of a division.

(46) The Public Works department should be reorganized in seven divisions, each to be in charge of an Executive Engineer, assisted by two or more assistant engineers.

(47) The strength of the department should be eight Executive Engineers, 10 assistant executive engineers, 20 assistant engineers, and 103 subordinates.

(48) No change need be made in the present rules as regards private practice by officers of the Public Works department.

(49) Government should reserve powers to employ the public works staff of local bodies for famine work.

### Chapter VI.

(50) Territorial Superintending Engineers in the Buildings and Roads branch should be abolished.

(51) The majority of the Committee recommend that the Buildings and Roads branch should be professionally controlled by the Chief Engineer aided by one Deputy Chief Engineer at headquarters and a personal assistant.

(52) The Superintending Engineers in the Irrigation branch should for the present be

maintained, but their offices should be amalgamated with the office of the Chief Engineer and their powers increased. The powers of Executive Engineers in this branch should also be increased.

(53) The majority of the Committee recommend that promotion to the rank of Executive Engineer or Superintending Engineer should be considered by a promotion board.

### Chapter VII.

(54) A Civilian officer should be attached to the department in order to assist in giving effect to the scheme of reorganization.

(55) Some members of the Committee recommend that this officer should from the outset be placed in permanent charge of the Secretariat in both branches of the department. The majority of the Committee does not recommend this.

MUHAMMAD AHMAD SAID KHAN,  
*Nawab of Chhatari.*

CHHOTE LAL.

A. E. LEWIS.

HIRDAY NATH KUNZRU.\*

SITA RAM.\*

WAJID HUSAIN.\*

RANJIT SINGH.\*

P. H. TILLARD.\*

E. L. GAVAGHAN.

I. D. ELLIOTT.

M. KEANE (*Chairman*).

## Minute by Mr. Tillard.

1. In signing this report I am generally in agreement with the lines suggested by the Committee for the encouragement of private enterprise and the simplification of procedure in order to avoid delays. I consider, however, that private enterprise sufficient to meet all the demands arising from our recommendations does not exist at present and special exertions on the part of Government will be required to create it.

2. I am not however in accord with the majority as regards the abolition of the senior inspectorate, and it is on this point that I would like to express my opinion and give my reasons in greater detail than is possible by brief references in the body of the report.

3. The proposal to retain one or two Deputy Chief Engineers in place of four Superintending Engineers may ultimately give an adequate establishment when the department is reorganized and the work that it now performs is fully undertaken by the agencies to which the Committee proposes to allot it, without any help or guidance from the officers of the Public Works department; but certainly for the present it would, in my opinion, be decidedly uneconomical to reduce the number of Superintending Engineers at the same time that the lower grades of the department are being curtailed in accordance with the proposed reorganization.

4. The additional reasons for forming this opinion are:—

(i) The objects underlying the general recommendations will be more quickly attained if what, at a first glance, may appear to be an undue proportion of officers in the administrative grades is retained; one of the first steps is that the Executive Engineers will have to undertake the very responsible and onerous task of organizing entirely new divisions on more or less unprecedented lines, for there will be no sub-divisional offices and communication between the direction and the divisional office will take a new form. Experienced senior officers will be certainly required to guide and help them in this organization if it is to be the success that we all hope.

(ii) Although it is proposed that a large mileage of provincial roads as well as the whole of the local roads shall be taken from the charge of the Public Works department, yet the responsibility for the inspection of important bridges on these roads is to remain. These inspections will entail long journeys over transferred roads and one or two Deputy Chief Engineers would,

whilst the other work is so heavy, find it impossible to undertake all these inspections. Incidentally as the inspections of these bridges will generally have to be done by road it would not be uneconomical if the Superintending Engineers were required to inspect and report on the provincial roads at the same time. I am of the opinion that such an inspection would be of the greatest value and Government would also then be in a position to judge as to the manner in which the district authorities were expending Government funds.

(iii) The proper demand and distribution of funds for road maintenance cannot be made economically without close control over Executive Engineers who will be competing for funds among themselves. No administrative officer without an intimate knowledge of the local conditions, based on actual inspections, could be expected to undertake this duty efficiently. In modern circumstances, traffic conditions are constantly changing and proper steps to deal with them can only be taken by an officer with local knowledge. It has been urged that the Executive Engineer is quite capable of supplying this local knowledge, but he is not in a position to draw correct and unbiased comparisons between the needs of his division and others.

The majority of the Committee failed to appreciate the problem of road maintenance and construction which, owing to the introduction of motor haulage, has been considerably complicated and there is every indication that greater expert knowledge will be even more necessary in the future than in the past, if roads are to be maintained in a satisfactory state.

(iv) It is contemplated that all plans and designs of major works prepared by private agency should be subjected to the scrutiny of the Public Works department and although the work involved may not, in the first year or two, be great, yet as private enterprise develops this work will also increase and for this reason I do not consider that, even in the final stages, one Deputy Chief Engineer will prove sufficient,

- (v) I anticipate, at any rate in the earlier stages of the scheme recommended by the Committee, that disputes will certainly arise out of the general adoption of lump sum contracts. The authority to whom an appeal would generally lie would be the Superintending Engineer and I foresee that this work alone will make considerable demands on the time of the administrative officers. The guidance and co-operation of experienced officers will be invaluable in introducing the system of lump sum contracts and, in the earlier stages, the present Superintending Engineers are essential to success.
- (vi) A great deal of stress has been laid, not only by the Committee, but by some of the witnesses we have examined, on the educative value of the recommendations in regard to extending local self-government and I consider that this object would be more rapidly attained, if local bodies had, to start with at any rate, the advantage of having their roads inspected by Superintending Engineers; also I feel that generally the advice of experienced Superintending Engineers could be of the greatest help in forwarding this object and I consider local bodies as well as their engineers should be permitted to obtain such advice if they so desire.
5. I am ready to admit that ultimately it may be possible to reduce the direction to one Chief Engineer and two Superintending Engineers, or Deputy Chief Engineers if the term is preferred; but it will be realized that no reduction of Superintending Engineers, in mathematical proportion, can be made during the transition period when the need for experienced officers in the administrative grade will be so great; and for the present I do not consider that there should be any reduction in the number of Superintending Engineers until the scheme recommended has been launched and is working satisfactorily. I am further influenced in arriving at this decision by the fact that compensation would have to be given to those officers now holding the appointment of Superintending Engineer if they were discharged and also by the inimical effect the recommendations will have on the prospects of the Executive Engineers and assistant executive engineers already in the department. I recognize that the interests of Government and efficiency are paramount, but at the same time I am sure that Government would not ignore the claims of its officers. Apart from this I most decidedly think that the recommendations made by the Committee can be most effectively and expeditiously carried out only by retaining for some period the same number of Superintending Engineers as now exists. It is a fact that while it is easy to get rid of officers with long experience of conditions in this province, yet it would be impossible to obtain Superintending Engineers by direct recruitment. In my opinion these officers would be of inestimable assistance in helping to inaugurate the new system.
6. Mr. A. E. Lewis is in full agreement with my opinion expressed above.

The 8th August, 1922.

P. H. TILLARD.

**Note of dissent.**

There is one aspect of the question of the Secretaryship in the Public Works department which has not been brought out in the report. The Committee contemplates a genuine move forward in the encouragement of private enterprise and in the construction of works by departments concerned without the help of the Public Works department. Disagreement is possible, under the scheme recommended by the Committee, between the Public Works department and the various other departmental heads who will be allowed to call for the aid of the Public Works department at certain stages of construction. Differences may also arise between large building firms and the Public Works department in connection with the construction of large Government works such as the Council Chamber, the Senate Hall and so forth. The files relating to these matters might contain a multiplicity of technical details with which a hard-worked Minister in charge of numerous departments cannot be burdened. It is, therefore, important that before these files are placed for final orders before the Minister they should be examined by an officer whose career has not been devoted exclusively to one branch of the administration and who can, therefore, take a balanced view of technical matters. The wide range of a civil administrator's official duties enables him to take a broad view of specialized subjects, and his vast and varied experience of all branches of the administration prevents his getting entangled in the meshes of red tape. He is, therefore, the proper person to advise the Minister on matters which though of technical nature have an important bearing on the well-being and prosperity of the people and province as a whole. If the building industry and trade in these provinces is to receive the impetus which the Committee wishes to give it, this aspect of the question requires special consideration.

We do not propose to make any recommendations as to whether a separate Civilian Secretary should be appointed for the two branches of the Public Works department or whether one of the existing Secretaries should take up the Buildings and Roads branch and another the Irrigation branch. The question is connected with the reorganization of the Secretariat, on which we are not competent to express an opinion. All we should like to submit is that mere monetary considerations should not prevent the Government from altering the existing arrangement, if they agree that it is illogical and anomalous and that a Civilian Secretary in the Public Works department is really needed. The ends we have in view will not be achieved by the appointment of a special officer as suggested

by the majority of our colleagues. Even for giving effect to the scheme recommended by the Committee a Civilian Secretary in charge of the Public Works department who will have a certain measure of fixity of tenure will be more useful as he will command more influence with the officers of the department than an officer placed temporarily on special duty. Then again the work of reform and retrenchment on the lines suggested by the Committee will take several years to be accomplished completely. For example, the experiment of making over provincial roads in specified localities to district boards will require many years of careful watching, and when it has been found to be successful the question of making over all the provincial roads to district boards will have to be taken up. The situation, therefore, needs an officer who will not merely help in carrying out the scheme recommended by the Committee but also keep the needs of the future in view.

The proposal to abolish the system of Civilian Secretaries generally and to make every head of department a Secretary to Government was in the minds of some members of this Committee. It is doubtful if the appointment of departmental heads as Secretaries to Government will lead to economy and if additional staff will not have to be maintained to perform the touring duties of heads of departments, who will be tied down to their desks as Secretaries. Granting that the proposal does lead to immediate retrenchment, it would not be real economy to secure retrenchment by destroying a most useful wheel in the administrative machine. The existing system under which experts are subjected to the moderating influence of non-technical officers with general administrative experience is the result of long experience and is one of the most successful adaptation of means to the end known in the history of Indian administration. It is to be sincerely hoped that this system will not be sacrificed at the altar of retrenchment. It would not be safe in the present circumstances to deprive the Reform Minister of the services of officers who may rightly be called the reservoirs of administrative experience on which the Minister can draw. On the other hand, it is necessary to extend to the Public Works department the benefits of a system which provides checks and safeguards by which the evils of departmentalism can be avoided. The existing arrangement is wrong in principle and judging by the great need for reform in the department it has not been justified by practical results. Its continuance cannot, therefore, be defended on grounds either of efficiency or economy.

WAJID HUSAIN.  
D. R. RANJIT SINGH.  
HIRDAY NATH KUNZRU.  
SITA RAM.

## APPENDIX A.

The following proposals are put forward by the Committee to show the lines on which we consider that the transfer of roads can suitably be made. There are other possible distributions and the Committee does not claim finality for the scheme set out.

In this statement the contribution payable to district boards is provisionally taken as being 10 per cent. of the allotment for the maintenance of provincial roads as shown in the 1922-23 budget. The road allotments for this year being below the normal, the resulting figure must be regarded as a minimum and may have to be increased.

2. We propose to transfer all provincial roads in the Gonda, Sitapur and Jhansi divisions.

District.	Mileage.	Contribution. Rs.
Gonda	31	1,780
Bahraich	4	654
Basti	62	2,681
Gorakhpur	53	3,540
Sitapur	86	3,855
Hardoi	...	...
Kheri	...	...
Jhansi	164	5,183
Hamirpur	69	3,279
Jalaun	59	5,106
Banda	45	1,635
<b>Total</b>	<b>573</b>	<b>27,713</b>

The staff at present maintained in these three divisions costs Rs. 1,89,216. If the Public Works department agency were retained an executive staff of six assistant engineers and nine subordinates would be required, costing half a lakh without offices.

3. In the Bareilly division we propose to retain the provincial roads of the Bareilly, Budaun and Shahjahanpur districts, but to transfer the roads in Moradabad and Bijnor.

We assume that there will be an Executive Engineer with assistant engineers at Bareilly: there is new road and bridge construction either in progress or contemplated on the sections of road which we propose to retain: it is both necessary and economical to reserve these roads, for whereas their retention requires the special appointment of only two subordinates costing Rs. 3,000, a contribution of Rs. 13,866 for establishment would have to be paid to the district boards if they were transferred.

District.	Mileage.	Contribution. Rs.
(a) To be retained—		
Bareilly	88	7,218
Shahjahanpur	85	4,534
Budaun	33	2,114
<b>Total</b>	<b>206</b>	<b>13,866</b>
(b) To be transferred—		
Moradabad	53	3,484
Bijnor	6	906
<b>Total</b>	<b>59</b>	<b>4,390</b>

The roads in the two latter districts are not easily reached from either Bareilly or Meerut, and their retention would entail special arrangements for inspection.

4. In order to save the necessity of establishing Public Works divisional headquarters at Fyzabad or Benares we propose to transfer the outlying provincial roads in those divisions.

We retain the roads in the districts of Benares, Mirzapur and Partabgarh. The Grand Trunk road through Benares and the road from Allahabad to Lucknow are among the chief roads in the province. There are important bridges. New construction is contemplated. The Stone Mahal roads in Mirzapur are a road charge of special nature and particularly concern Government interests.

District.	Mileage.	Contribution. Rs.
(a) To be transferred—		
Fyzabad	50	3,185
Sultanpur	30	883
Bara Banki	47	1,822
Azamgarh	85	3,583
Jaunpur	66	2,268
Ghazipur	22	1,063
Ballia	6	889
<b>Total</b>	<b>306</b>	<b>13,693</b>
(b) To be retained—		
Benares	72	...
Mirzapur	129	...
<b>Total</b>	<b>201</b>	<b>...</b>

Of the reserved roads, those in Benares and Mirzapur districts would form a special charge, the Benares sub-division. The 73 miles of provincial road in Partabgarh would be controlled from Allahabad.

The present cost of these Public Works divisions is Rs. 1,38,288. If the roads are not transferred the cost of the staff of engineers and subordinates alone would be Rs. 70,000. The cost on these proposals will be Rs. 13,693 contribution, and approximately Rs. 17,000 for both engineering and office staff in the Benares sub-division, with a share of the cost of the Allahabad and Lucknow divisions.

5. Lastly we propose the transfer of all provincial roads in Etawah, and also the Fatehpur-Banda road in Fatehpur. The Etawah roads are not easily accessible from either Cawnpore or Agra. The Fatehpur road is of little more than local interest.

We propose however to retain the Grand Trunk road in Fatehpur district, dividing it between the Allahabad and Cawnpore divisions.

District.	Mileage.	Contribution. Rs.
Etawah	83	7,838
Fatehpur	23	866
<b>Total</b>	<b>106</b>	<b>8,754</b>

6. We have recommended that the present Public Works system in Dehra Dun should remain unchanged. The Assistant Engineer in charge of the Dehra Dun sub-division will therefore retain control of all local roads in this district as well as of provincial roads. The contribution payable by the district board (Rs. 3,800) will continue to be

paid to Government. The 112 miles of provincial road in Saharanpur district should be controlled from this sub-division.

7. We contemplate that the remaining provincial roads will be organized in the following charges :—

	District.	Mileage.
(1) Meerut division	Muzaffarnagar	47
	Meerut	83
	Bulandshahr	30
	Total	160
(2) Aligarh sub-division	Bulandshahr	23
	Aligarh	118
	Etah	40
	Muttra	14
Total	195	
(3) Agra division	Muttra	67
	Agra	122
	Mainpuri	27
	Total	216
(4) Farrukhabad sub-division	Mainpuri	70
	Etah	15
	Farrukhabad	108
	Total	193
(5) Cawnpore division	Cawnpore	151
	Unao	30
	Fatehpur	28
	Total	209
(6) Allahabad division	Fatehpur	28
	Allahabad	126
	Partabgarh	73
	Rae Bareli	30
	Total	257

	District.	Mileage.
(7) Lucknow division	Rae Bareli	24
	Lucknow	80
Total		118

None of these charges are too large or too inconvenient for inspection. In order to make control as easy as possible we divide the roads in the Bulandshahr, Muttra, Etah, Mainpuri, Fatehpur and Rae Bareli districts between different Public Works department units.

8. The retention of these provincial roads means that in our figures of total staff has to be included a staff of five assistant engineers and 23 subordinates, otherwise than for Dehra Dun. Including offices and travelling allowance and additional staff for leave we estimate that the special cost of staff for these roads is one lakh, whereas the minimum contribution which would have to be paid, were they transferred to the boards, would be Rs. 1,38,000.

9. At this present stage, therefore, we contemplate the transfer to district boards of 1,044 miles of provincial roads, at a minimum contribution, for establishment, of Rs. 54,550. The Public Works department will remain responsible for all roads in Kumaun and Dehra Dun, and for 1,862 miles of provincial roads in other districts.

## APPENDIX B.

In calculating the savings which can be effected in and the consequent permanent establishment of the Public Works department on the Committee's scheme we have taken throughout the figures in the Budget for 1922-23.

## I.—DIRECTION.

1. We propose to eliminate the items (a) Temporary establishment in office of Chief Engineer, Rs. 17,808 and (b) Special establishment of Consulting Architect for preparation of projects, Rs. 39,520. These savings were the outcome of a suggestion to the Committee by the Joint Chief Engineer.

2. Under the head Superintending Engineers we propose to retain only (a) pay of one officer who will be the Deputy Chief Engineer, (b) two computers on Rs. 210 a month, (c) four draftsmen on Rs. 110, 90 and 70, (d) travelling allowance Rs. 3,000, (e) carriage of tents and records, Rs. 500. The cost of the above Rs. 38,660 will be added to the charges for the office of Chief Engineer and Secretary. The savings would be Rs. 1,42,082: three Superintending Engineers and 37 clerks, etc., would remain as surplus.

3. Under the head Chief Engineer's establishment we propose to reduce the number of office sections by one, which would probably be effected by the amalgamation of the Communications and Miscellaneous sections. The savings would be Rs. 27,866 (including a reduction of Rs. 1,000 in contingencies and two peons on Rs. 12 and Rs. 10½). The surplus staff would be one Superintendent (Rs. 580), three clerks (Rs. 270), six clerks (Rs. 138).

4. The total savings on Direction, excluding the Public Health and Electric branches, would be Rs. 2,27,296. The cost of Direction would be reduced from Rs. 5,45,207 to Rs. 3,17,911. We contemplate also a saving of Rs. 66,000 on the loans budget provision for the Joint Chief Engineer and his personal assistant.

5. These calculations do not provide for the alternative proposals of adding a Secretary or a second Deputy Chief Engineer.

## II.—ENGINEERS.

The budget provides for 23 Executive Engineers, 20 assistant executive engineers, 33 assistant engineers in the United Provinces engineering service, and two temporary engineers. This excludes the personal assistants.

Apart from one personal assistant, we have to provide for seven posts which will be filled by Executive Engineers.

We assume an average number of 25 works exceeding Rs. 50,000 under construction; we provide 12 assistant engineers mainly for their charge. We add six assistant

engineers for other major works, and five other assistant engineers for those centres from which provincial roads will be maintained. These assistant engineers will be available for the inspection of minor works. Four of their number will be in Kumaun. Nineteen assistants will be left for the other six divisions. As leave reserve for eight Executive Engineers, including the personal assistant, and 23 assistant engineers we must provide seven assistant engineers.

It may be assumed that of the 30 assistant engineers, 10 will be assistant executive engineers and 20 will be in the United Provinces engineering service. From the budget figures the average annual pay of the three classes of engineers may be taken to be Rs. 13,700, Rs. 7,700 and Rs. 6,200. The cost of the proposed executive staff will therefore be Rs. 2,97,000. The present cost of the engineer establishment is Rs. 6,71,249 and the savings would therefore be Rs. 3,74,249.

Two temporary engineers can be discharged. There will be a surplus of 16 Executive Engineers, 10 assistant executive engineers and 13 assistant engineers in the United Provinces engineering service, in addition to certain officers on deputation.

## III.—SUBORDINATES.

The budget provides for 214 subordinates of whom 82 are temporary. There are 27 upper subordinates and 105 lower subordinates in permanent service.

We require 27 subordinates for work in the hills, 23 for the 2,000 miles of provincial roads retained in the charge of the department, and may estimate that other works will require 43 subordinates. In this we follow the Joint Chief Engineer whose requirements are 70 subordinates for the hill districts and for all works other than the provincial roads in the plains.

A leave reserve of 10 subordinates should be provided. This is the rate assumed by the Joint Chief Engineer, and is suitable for leave under the old rules. With the extended facilities for taking leave on average pay, it is possible that this rate may have to be increased to 12 per cent.

The whole of the temporary subordinate establishment, costing Rs. 81,480, can be removed. The permanent staff will consist of 27 upper subordinates and 76 lower subordinates. Taking the budget average cost of the latter at Rs. 880 there would be a further saving of Rs. 25,520.

Twenty-nine lower subordinates will be surplus.

## IV.—OFFICE ESTABLISHMENT.

1. There will be seven divisional offices and eight sub-divisional offices, two in Naini Tal and one each in Almora, Garhwal, Dehra Dun, Benares, Aligarh and Farrukhabad.



2. Each divisional office will require one accountant, one head clerk and one computer.

Four assistant computers may be provided for Lucknow, Allahabad, Cawnpore and Naini Tal.

Twenty-five draftsmen will be required, two as at present for Naini Tal, five each for Lucknow and Allahabad from which centres the work in the eastern districts will be controlled, four in Cawnpore, and three each in the other three divisional offices.

Eight clerks may be allowed for each divisional office, other than Naini Tal.

3. This strength would absorb seven accountants on Rs. 270 (2), Rs. 240, Rs. 230, Rs. 200 (3), and would leave only two of the computers (on Rs. 100 and Rs. 95) unemployed.

4. Naini Tal would have its two present draftsmen on Rs. 90 and Rs. 40. For the other six divisional offices there would be, in all, three draftsmen on Rs. 110, three on Rs. 100, six on Rs. 90 and six on Rs. 40. Lucknow and Allahabad would each have two extra draftsmen on Rs. 80 and Rs. 60 and Cawnpore an extra draftsman on Rs. 60.

The two Naini Tal sub-divisions and Dehra Dun would appear to require each two draftsmen, on Rs. 70 and Rs. 40: the other five sub-divisions would need one draftsman on Rs. 50.

The total strength of draftsmen would be 36 (3×110, 3×100, 7×90, 2×80, 3×70, 3×60, 5×50, 10×40), leaving 49 surplus posts (1×100, 5×80, 8×70, 8×60, 14×50, 13×40).

5. The budget shows 28 permanent clerks in the offices of the Superintending Engineers, and 198 in divisional and sub-divisional offices. We cannot state with certain accuracy the actual numbers and rates of pay: there appear to be 38 clerks on a pay of Rs. 80 or upwards, 48 on Rs. 75, 24 on Rs. 65 or Rs. 60, 48 on Rs. 45, 52 on Rs. 40 and 16 on Rs. 35.

Of these clerks the Naini Tal division, and the four Kumaun sub-divisions and Dehra Dun take 30 clerks costing Rs. 21,360. For the remaining six divisional offices there should be three head clerks on Rs. 150 and three on Rs. 120. Each divisional office would have two clerks on Rs. 75, two on Rs. 65, three on Rs. 45 and one on Rs. 40. The three other sub-divisional offices would each have one clerk on Rs. 75 and two clerks on Rs. 45. The cost of these nine offices would therefore be Rs. 48,420. A surplus would remain which may be stated approximately at a total of 127 clerks (27 on Rs. 80 or upwards, 29 on Rs. 75, 15 on Rs. 65, 17 on Rs. 45, 32 on Rs. 40 and 13 on Rs. 35).

6. The provision of daftris, peons and chaukidars for the 15 offices should follow established proportions. One daftri, four

peons and one chaukidar should suffice for each divisional office, three peons and one chaukidar for each sub-divisional office.

The cost would be Rs. 9,264.

7. The resulting cost would be—

	Rs.
Accountants	20,000
Clerks	69,780
Computers	16,200
Draftsmen	29,520
Daftris, etc.	9,264
Allowances	2,279
Total	1,47,228

All temporary establishment would be reduced and the present total cost Rs. 3,56,767 diminished by Rs. 2,09,544.

#### V.—TRAVELLING ALLOWANCE AND CONTINGENCIES.

We adopt the suggestion of the Joint Chief Engineer that on the average a monthly allotment of Rs. 200 must be made to cover the travelling allowance of each engineer and of Rs. 50 for each executive subordinate.

On the proposed staff the total would be Rs. 1,27,800. We are safe therefore in taking a possible saving of Rs. 1,20,000, the present grant being Rs. 2,51,030.

The amount by which the contingent grant can be reduced in consequence of the abolition of so many offices is a matter of detailed inquiry into which we are unable to enter. We take the very moderate figure of Rs. 20,000.

#### VI.—TOTAL SAVINGS.

The total savings we contemplate would be ultimately as follows:—

	Rs.
Direction	2,27,296
Direction loans budget	66,000
Engineers	3,74,249
Subordinates	1,07,000
Offices	2,09,544
Travelling allowance, etc.	1,40,000
Total	11,24,089

To arrive at an estimate of the net savings we have to deduct the district board's contributions amounting to Rs. 4.25 lakhs and the establishment charge for transferred provincial roads amounting to Rs. 54,000. Fees for the design of minor works are not likely to be less than Rs. 50,000.

The possible net savings are therefore Rs. 6 lakhs.

#### VII.—SURPLUS OF PERMANENT STAFF.

The approximate surplus of permanent staff would be—

- 42 engineers.
- 29 subordinates.
- 60 computers and draftsmen.
- 148 clerks.
- 186 daftris, peons and chaukidars.