

REPORT
OF THE
CORRUPTION ENQUIRY COMMITTEE
BIHAR.

30th November, 1938.



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Report of the Corruption Enquiry Committee, Bihar, 1938.

CHAPTER I.

GENERAL.

1. In view of the complaint which found expression in some cut motions, and demand made by resolutions in the Legislative Assembly, and, probably, moved by the crying evils of bribery and corruption believed to be prevailing in the various public services of Bihar, the Provincial Government decided to appoint, at an early date, a Committee to enquire into the malpractices, and recommend remedy to eradicate or check them.

2. By resolution no. 1366-A, Government of Bihar (Appointment Department), dated the 8th April 1938, the Corruption Enquiry Committee was appointed. Persons selected to form the personnel of the Committee were as follows:—

Chairman.

Mr. Syed Abdul Aziz, Bar.-at-Law.

Members.

- (1) Rai Bahadur Amar Nath Chattarji, Retired Judge.
- (2) Lt.-Col. A. E. J. C. McDowell, C.I.E., Retired Inspector-General of Police.
- (3) Rai Bahadur Brajnandan Singh, Retired Commissioner of Excise.
- (4) Mr. Brajnandan Prasad, M.A., B.L., M.L.C.
- (5) Mr. Maheshwar Prasad Narayan Singh, M.L.C.
- (6) Mr. Abdul Jalil, B.L., M.L.A.
- (7) Mr. Vindeshwari Prasad Verma, M.L.A.
- (8) Maulavi Muhammad Ibrahim, B.L., Sub-Judge.

Secretary.

Pande Ram Chandra Sahay, Deputy Magistrate and Deputy Collector.

3. The eight members who formed the Committee, besides the Chairman, were drawn from different classes. Few Committees constituted by the Provincial Government to enquire into questions affecting the moral and material welfare of the people can compare in their importance with the Corruption Enquiry Committee, and none had a more thankless and difficult task than the latter.

4. The Committee thought it desirable to recommend to the Government that the scope of its enquiry should be enlarged by including the services under the Local Self Government, Co-operative Department, and the Court of Wards. The Chairman accordingly addressed the Chief Secretary to the Government on the subject by a demi-official letter no. 17, dated the 26th April 1938. The Government accepted the suggestion that the employees of the Court of Wards might be included in the scope of our enquiry but they regretted their inability to include the other services as the staff is neither appointed nor controlled by Government.

The terms of reference of the Committee were as follows :—

“To enquire into the extent of corruption in the public services of Bihar and to ascertain its causes, means and occasions and to suggest suitable and effective remedies and to submit a report to Government.”

5. The Committee held its first meeting on 25th April 1938. The Chairman, in opening the proceedings of the Committee, said as follows :—

“The Government by appointing a Committee to enquire into the corrupt practices in the public services of Bihar and the gentlemen who have agreed to serve on this Committee have undertaken a great responsibility which will entail laborious work and anxious moments in the discharge of their respective duties. The subject of our enquiry is one which has attracted the attention of the Government and the people for a long time and has made both of them share the blame for the corrupt practices believed to exist in various departments. The decision to tackle the problem could not have been delayed longer. Some who are disposed to be pessimists say that the evil defies a solution. Others believe that the evil can certainly be minimized if not altogether eradicated. It is, however, obvious that we shall be seeking the remedy in vain unless we are assisted in our work by officials and non-officials who will take the trouble in a public spirit to acquaint the Committee with their knowledge about the existence, extent, causes and occasions of corrupt practices, and suggestions to remedy them.”

“It would be necessary for those who will be pleased to answer the questionnaire, if issued, and may supply information to the Committee by appearing before it when required to do so, to make sure of their facts which will be helpful to us in dealing with the matter. We expect unstinted co-operation particularly from members of the public to whom I appeal to take active interest in the subject of our enquiry. If the conscience and indignation of the people against the continuance of the corrupt practices are fully roused and this Committee and the Government in their turn are helped at the right moment half the battle will be won in fighting the evil which demoralizes both the giver and the taker of the bribe and leads to an unlawful gain for some at the expense of others including the State.”

The Committee framed a set of questions in respect of the following Departments:—

- (1) Civil Courts.
- (2) Criminal Courts.
- (3) Police.
- (4) Jail.
- (5) Excise.
- (6) Registration.
- (7) Irrigation.
- (8) Public Works.
- (9) Public Health.
- (10) Medical.
- (11) Veterinary.
- (12) Education.
- (13) Revenue including Khas Mahal and Survey Department.
- (14) Forest.
- (15) Industries.
- (16) Court of Wards.

The questionnaire will be found in Appendix 'A'.

Our questionnaire was issued to the public and was sent to all the members of the local Assembly, local Council, and to the Bihar members of the Central Assembly, and the Council of State, and to a large number of public organizations, professional associations, officials, and non-officials. The total number of questionnaire issued was 677. We received 256 replies. Out of these only 230 replies could be printed as the remaining were received too late.

The Committee regrets to have to remark that the number of replies received from the members of the Legislatures, and registered associations was very small. Number of questionnaire issued to the members of the Legislatures was 197, and the replies received were 14. Out of 35 organizations and associations to which questionnaire was sent only four replied.

Most of the officials and many non official gentlemen have sent elaborate replies to our questionnaire, and have stated the extent, causes and occasions of corrupt practices prevailing in the public services of Bihar. They have also suggested various remedies to eradicate the evil

6. The Committee has examined at all the divisional headquarters a number of officials representing different departments and non-officials competent to throw light on the subject of our enquiry. It was necessary to do so for a three-fold purpose. First, some replies on certain controversial questions required further elucidation which was possible only by examining the witnesses concerned. Secondly, it was felt that people in the interior may not come to know of the formation of the Committee if it held all its sittings at the provincial headquarters. Not only the need for publicity of the enquiry but also the convenience of the witnesses necessitated the visit to the divisional headquarters and to call witnesses from each district, as far as possible, to be examined orally. Thirdly, conditions vary in almost every division and the Committee thought it desirable to study them on the spot. For example, there is a general complaint of overwork on the part of both gazetted and non-gazetted officers in most of the districts of Bihar proper. But the same conditions do not prevail so far as the Chota Nagpur Division is concerned except perhaps in one or two offices. We examined 63 witnesses in all.

The Committee after fully considering the materials before it has formulated its recommendations which will be found in subsequent Chapters under the proper head.

CHAPTER II.

1. Corruptions can be classified under two heads:—

A. *Voluntary*:—

- (1) *Mamuli* or *dasturi* or tip or voluntary payments made in ordinary course to a person to do what is his duty to do.
- (2) Payments made for securing some advantage for a party or himself.
- (3) Payments made for gaining an advantage over the adversary.
- (4) Payments made to be suited without waiting for one's turn or for the usual course.

B. *Extortion or exaction*:—

- (1) Payment demanded for doing or omitting to do a thing which one is bound by law to do or omit.
- (2) Payment demanded for doing a thing or omitting to do what one is not bound by law to do or omit.

2. A departmental head, who is a European, in his reply to the questionnaire, says: "Corruption has been prevalent so long in India that it has become a *dastur*." There are others who think that bribery is an oriental vice. Some speak contemptuously even of those who ask for or get *bakshis*, which, according to them, is found on the lips of many from India to the western end of Eastern countries. They do not, of course, mind paying tips which are common, and, at places, very heavy, in Western countries. Sometimes under the cover of an euphemistic term good many things which would otherwise be objectionable become acceptable. They do not know that bribery is not confined to the oriental races but the evil is found in all the countries of the world though in Europe and particularly in Britain, the corruption in public services is much less now than it was before. There was the singular spectacle of Diogenes walking in the streets of his country in broad daylight with a lantern in his hand to find out an honest man! The trial of Lord Bacon on charges of bribery is well known to students of history.

It will not serve any useful purpose to quote recent instances of corrupt practices resorted to by some eminent public servants who are still in the land of the living in Europe. The existence, however, of corruption in other countries does not justify us to tolerate or ignore the evil here. But it must be admitted that the great and rapid purification of the bench and other public services in most of the European countries and particularly in Great Britain has reached a standard that we in India sigh for in shame and sorrow. There are, fortunately, signs of gradual purification in the public services of Bihar though it is time that a strenuous drive is made with determination by the Government and the people to eradicate the evil of corrupt practices.

3. *Bribery and its effects.*—No one will deny the baneful influence of bribery. It demoralizes both the giver and the taker of it. It has proved attractive even to some Judges and highly-placed officers of the Crown with handsome pay.

4. *Extent of corruption.*—The written and oral evidence before us abundantly proves the existence of corruption more or less in almost all the departments of Government. It is, however, not possible for us to state precisely the extent of corruption as it varies with the nature and functions of each department and according to the opportunities, need and greed of the giver and the taker of bribe. It is a mistake to think that bribery is confined to the ministerial staff and subordinate servants of lower ranks who get very inadequate pay. The Committee was pained to learn that some members of provincial and even of all-India services have descended to take bribe and have resorted to other forms of corrupt practices in a manner, and to the extent, which, in certain quarters, may appear to be incredible. The audacity with which they have abused their power and position was in proportion to the security of their service, difficulty of proof, and immunity from punishment. Such officers cannot be condemned too strongly. It is obvious that their dishonest subordinates will carry on their nefarious trade with greater impunity and the contamination will spread all round.

Holding that the reprehensible practices prevail in various services in a large measure, we do not think that they are as extensive and extortionate as prejudiced or ill-informed section of the Press and the people believe in regard to all or some of the departments of Government. There are many people who make sweeping remarks and speak in terms of exaggeration about bribery and corruption in Bihar. They, thus, injure honest public servants, and reduce the incentive to maintain integrity. In almost all the departments there is less corruption now than before. But people naturally will grumble more of their present sufferings and existing evils than they will complain of what they or their predecessors suffered in the past.

5. *Causes of corruption.*—Chief causes of corruption are as follows:—

- (a) Inadequacy of supervising staff in certain departments.
- (b) Lack of effective control over subordinates, and close supervision of their work by superior officers partly due to—
 - (i) an increase of their work ;
 - (ii) laziness and inefficiency in some cases ;
 - (iii) fear of incurring unpopularity, and raising a hornet's nest about their ears by attempting to check corruption specially when all the officers do not do it ;
 - (iv) despair of success in the efforts.
- (c) Ignorance of the people who do not know their rights and difference between legitimate and illegitimate work.
- (d) An absence of strong public opinion against giving or taking of a bribe.

- (e) The need of poorly-paid lower grade subordinate staff and menial servants.
- (f) The greed or expensive habits of some gazetted and non-gazetted officers.
- (g) Expenses beyond one's means by certain social customs on the occasion of birth, marriage and death.
- (h) Shortage of hands in certain offices and excessive work which necessitate employment of unauthorized extra hands by some members of permanent staff who have to pay them.
- (i) Want of character on the part of both the taker and the giver of a bribe.
- (j) Some unreasonable and impracticable laws and rules which create difficulties instead of providing facilities for citizens to get their legitimate work done with ease.
- (k) Non-observance of rules made by the High Court and other departments.
- (l) Failure to punish those who are known to be dishonest even through departmental proceedings, and success of some of them in getting promoted.

CHAPTER III.

We now come to general remedies for stamping out bribery and corruption in public services. These remedies may be divided into three classes :—

- (i) Educative.
- (ii) Preventive.
- (iii) Punitive.

(1) *Educative*.—We believe that the happiness and well-being of men can be secured by their own conduct, and not by legislation. But good legislation can be conducive to the happiness and prosperity of the people, and can check a good deal of evils and vices from which mankind suffer. It has been truly said that “National progress is the sum of individual industry, energy and uprightness what we are accustomed to decry as great social evils will, for most part, be found to be only the out-growth of our own perverted life, though we endeavour to cut them down, and extirpate them by means of law, they will only spring up again with fresh luxuriance in some other forms, unless the conditions of human life and character are radically improved”. It is necessary that the importance of uprightness and strong character should be stressed during the boyhood of a man. Its foundation should be laid in schools, and the boys and girls should be taught, and made to realize, throughout their period of adolescence, and youth, the value of forming a good character which will enable them to resist successfully temptations calculated to harm the society.

Text-books on the baneful influence of corruptions should be prescribed for all students who may be reading in some sort of educational institutions. The evil of some social customs involving excessive expenditure by which good many people run into debt and resort to dishonest means to augment their income should be exposed. It should be impressed upon men and women, young or old, that the giving of a bribe is as immoral and degrading as the taking of it, and that both should be regarded as a social stigma. Occasional lectures should be arranged, and delivered, and printed leaflets should be distributed as widely as possible to create and strengthen public opinion for a systematic and effective campaign against bribery and corruption. People should be exhorted both by officials and non-officials to help Government in eradicating this evil and they should be assured that no one will suffer any harassment if he reports to proper authorities a *true* case of corruption on the part of any employee of the Government.

(2) *Preventive*.—Prevention is better than cure, is an old adage. We recommend that the following preventive measures should be taken to stop the giving or taking of a bribe :—

- I. Notices showing the prescribed fees or charges payable should be hung up in a conspicuous manner in front of each

department and, if possible, such notices should periodically be distributed in rural and urban areas, to save simple and ignorant people from being easily duped and fleeced.

II. Superior and gazetted officers should exercise better control and supervision, and Heads of Departments should pay surprise visits to ensure that their subordinates do not come in contact with litigants, and that departmental work is carried on in a regular manner. But some contact with certain offices by those who have a business is inevitable. Rules made by the High Court in this respect cannot be applied to offices where the nature of work is different from that of the office of the High Court.

III. Many witnesses including some District Magistrates and a Commissioner have emphasized the necessity of increasing the pay of subordinate staff, and we not only share the views of these witnesses but feel that the subordinate clerks in the lower grade and peons in the lower courts do not get a living wage. A probationer's pay begins with Rs. 20 and after three or four years on being confirmed he gets Rs. 30 per month. His time-scale is Rs. 30—2—60 with an efficiency bar at Rs. 50. We are of opinion that the initial pay of a probationer should be raised to Rs. 30 per month. His pay on confirmation should start with Rs. 45 rising to Rs. 90 with an annual increment of Rs. 3. The present pay of an orderly in the lower courts is Rs. 10 per month, and that of a process peon is Rs. 10 rising to Rs. 15. We recommend that the pay of orderlies and process peons should start with Rs. 12 rising to Rs. 18 per month with a biennial increment of Re. 1 and selection grade of Rs. 20 per month for 5 per cent of the cadre.

The pay of the process peons is so low that they cannot avoid taking bribe. They are often required to serve processes long way away from the headquarters—50-60 miles—and are expected to walk these distances. They do not get any travelling allowance. It is most unlikely that they will walk long distances or meet their travelling expenses out of their own pay.

Probationers who know typewriting and shorthand are often employed by some Munsifs. These clerks have to attend them at their residence, and sometimes wait long hours without work. They thus do not get time to perform their prescribed duties properly in office for which they were appointed. They also have to engage unauthorized hands to cope with their work. This practice which leads to corruption should be stopped. The lot of temporary clerks is the worst. Their pay and prospects should be improved.

The minimum pay of clerks in upper division should be raised to Rs. 100 per month and the maximum to Rs. 200 per month.

In no court or office the lot of the ministerial staff is so bad in the matter of their pay and prospects as that of the clerks in the Registration Offices of heavy districts like Patna. They have to work harder than many other employees of the same class. Our recommendations made above should apply to them also.

IV. It is admitted on all hands that the subordinate staff are not only ill-paid but in many offices they are undermanned, and overworked. It is an indisputable fact that work has considerably increased in recent years. The permanent staff have to employ unauthorized hands to cope with the extra works, and have to find out funds to remunerate them. Many members of the ministerial service have to work much beyond office hours, and even during most of the holidays. In several districts the ministerial staff will be found short by dozens, judged by the standard of work, and the number of clerks sanctioned by the Ministerial Officers' Salaries Committee of 1905. We suggest that this important question should at once be taken up by Government and extra hands according to the increase in the volume of work and needs of an office, should at once be provided. In any relief that the Government may be able to provide for the ill-paid and overworked subordinate staff cheap residential quarters and free medical aid for them and for their family, wherever possible, should be included. Some modern industrial concerns do not ignore these requirements of their employees. Cheap, comfortable, and even pretty quarters can be constructed in an open and convenient locality to suit the means of different classes of employees. Inexpensive system of treatment can be provided when the supply of doctors, *vaidis*, *hakims* and Homeopaths is increasing.

V. No confidential report of dishonesty or inefficiency against an officer should be made in the annual merit statement without first obtaining an explanation of the officers concerned. Adverse remarks should be made only when the explanation of the officer is unsatisfactory.

All confidential reports—good, bad or indifferent concerning an officer—should be communicated to him, and in case of a bad remark he should be given a chance to explain his conduct. An officer with a continuous bad record should be compulsorily retired though it may increase the provincial pensionary charges. A business concern would give a short shrift to such an employee. Rule no. 836 in the Police Manual on this point should be extended and applied to all provincial and subordinate services.

VI. Several witnesses have stated that the supply of provisions to superior inspecting officers is a great strain on the honesty of the subordinate staff. We quote an extract from the

statement made by a member of the Indian Civil Service who is a District Magistrate at present. He says: "I know of one case in which a Superintendent of Police stayed for a fortnight in a Dak Bungalow, had all his provisions supplied through his sub-inspector, and in the end was presented with a bill of Rs. 2 by the sub-inspector. The Superintendent of Police, of course, promptly paid the bill without asking any awkward questions. The inference is obvious. The next day I occupied the Dak Bungalow for about a week and the same sub-inspector presented me with a bill of Re 1. On being questioned he said that the bill was perfectly all right and that the Police Sahib had stayed for two weeks for which a bill of Rs. 2 was presented."

This practice must be condemned, and we recommend to the Government to issue a circular order to all inspecting officers to make their own arrangements for the supply of provisions without employing the agency of their subordinates, and where a recourse to the services of a subordinate is inevitable, the superior officer must himself make out a list of his requirements or check it, and should obtain receipts for payments made according to the market price of the commodities purchased. His private servants or orderlies should not be allowed to make a requisition for any provision.

Another source of corruption is the presentation of *dalis*. This evil was checked to some extent by the famous Gait *Dali* Circular which, however, permitted acceptance of fruits and vegetables grown in the garden of the presenter. We are of opinion that no *Dali* in any form should be accepted by Government servants.

In reply to our question no. 12 under the heading "General" a very senior and experienced member of the Indian Civil Service says as follows:—

"This evil does persist and I believe the few superior officers who indulge in it are more to blame for its persistence than anything else. This kind of advantage, viz., obtaining provisions or means of conveyance free or cheap, has been seen by me practised by even very high officials. They like and encourage most expensive *dalis* and expect zamindars to provide them with "Nainital" potatoes, sea-fish, Darjeeling peas and Punjab fruit at their *shikar* or holiday camps. The zamindar is expected to make elaborate *bandobast* for their camps and for arranging "kills" and *hakwas*. The officers have sense enough to know that their zamindar host who puts on a smile and says it was a pleasure to make the *bandobast* cannot really afford it and must have run into debt and resorted to measures in securing beaters, coolies, etc., which are little short of criminal. But their greed makes them blind to all this."

"Some superior officers ask their subordinates to make arrangements for the provision, etc. But the requirements are so heavy and extraordinary and the inclination to pay their proper price so small that the subordinate cannot possibly make the arrangements without paying out of his own pocket or shoving the burden on to some zamindar or excise lessee or Public Works Department contractors."

"The subordinates have to make up for what they have spent out of pocket and they also like to have their fun and enjoyment. So they follow the example of their superiors."

VII. Another practice which leads to corruption is the entertainments of officers on the eve of their departure on transfer or from time to time during their stay at a particular station. The Government Servants' Conduct Rules permit restricted entertainments of officers on the eve of their departure. We suggest that all such entertainments of officers should be prohibited except in the case of officers retiring from service. Free admittance of Government servants to places of entertainments should be prohibited except, of course, of those who may go there on duty.

VIII. Some officers use borrowed cars or other conveyances, and place themselves under obligations of local men. This practice is undesirable from the administrative point of view and it would be better to stop it except where borrowing of a conveyance is inevitable for purposes of State or on occasions of marriage, and some other social functions customary in the country.

Some witnesses are of opinion that no reform is possible in certain departments and spheres without the co-operation and active help of the members of the Bar. We agree with this view. They belong to one of the noblest professions and have always taken a lead in advocating reforms and measures calculated to promote the well-being of the people. Their contribution towards public good has been great and valuable. A large amount of most useful materials have been supplied to us by the members of the Bar. But a young member of the Indian Civil Service has said that "75 per cent of them are corrupt themselves, and abet corruptions." We do not agree with him but we recognize that due to economic depression, failure of some to earn a living and the Bar being crowded with many who were forced by circumstances to join it without having aptitude, and full equipment it has not been possible for some of them to maintain the best traditions of the profession. But it is said that even some senior and successful members of the Bar have not set a good example, and have done little or nothing to check corruption. It is the general belief that the prevalence of toutism and misdeeds of lawyers' clerks are largely responsible for corruption in offices of the courts. It is necessary to take drastic action against touts, and those who employ them. We would appeal

to all members of the Bar to exercise a strict supervision of, and control over, their clerks' work, and see that the latter get a living wage by legitimate means without being a party to any act which amounts or leads to corruption. But it would be unfair to put the entire or even bulk of the blame on the weakest party. The position of most of the clerks is unenviable. They have to serve on inadequate remuneration not only their employers but are obliged to work for and help their clients and other litigants who cannot get even their legitimate work done without much trouble and without paying illegal gratification in certain offices. The system is to blame and not only the clerks of the lawyers.

(3) *Punitive*.—Lastly the necessity and importance of detecting and punishing the corrupt servants of the State are too obvious to be stressed. Different methods have been suggested to us by different men for the detection of corruption. One suggestion is that officers of the Criminal Investigation Department should be employed for this purpose. It is recognized that Criminal Investigation Department officers are already unpopular by the very nature of their work, and it would be very inexpedient to add to their unpopularity by deputing them to take up this new duty. Apart from the question of their unpopularity their deputation will naturally be resented even by honest officers, and their honest subordinates, and a system of espionage, if introduced, will have the effect of demoralising members of various services, and may, we fear, give rise to other evils, as bad as, if not, worse than those we intend to remedy. It is, however, certain that no system or agency for detecting corrupt public servants can be introduced without causing resentment on their part. This should not deter the Government from taking effective measures to detect corruption, and drastic action to punish the culprits. Honest people need not fear any agency which may be employed for detecting the evil, and evil-doers. The reputation, status, prestige and utility of the public servants will be enhanced if the black sheep amongst them are found out and severely dealt with. Honest men will gain by the removal of dishonest ones from service. Those who are fortunate to get into Government service in this country ought to consider the lot of their unfortunate brethren who, though highly qualified, are either unemployed or earn a very poor living with no power or position. The Government servants should, therefore, fully realize their responsibility, and be prepared to face the demand of strict integrity and efficiency on their part.

Another suggestion is the formation of a Provincial Vigilance Committee with its branches at each district and subdivisional headquarters. Of those who have sent replies to our questionnaire most of the officials are opposed to the formation of such committees but most of the non-officials favour their formation. A high official remarks: "I fear that such Committee will feel the urge to make some report or other from time to time to justify their existence. The non-official members of the Committee will themselves be not above suspicion. They will be influenced by various considerations—social, communal or political—and it will be easy to prejudice their minds against a particular public servant by an insidious propaganda. If their names are known people having a grudge

against a certain officer will seize every opportunity of poisoning the ears of the members of the Committee. It will be too much to assume that every non-official appointed to a Vigilance Committee will be honest. If honesty is to be presumed I would more readily presume honesty in a public servant than in a 'non-official' member of the Committee. Unfortunately communal bias is daily playing a larger, and larger part in public life of the country. And I have come across instances where an officer of one community is believed to be honest by his community but thought to be dishonest by the other community." The foregoing quotation contains an observation that the witness would more readily presume honesty in a public servant than in a non-official member of a Committee. His opinion may or may not be correct. This is a controversial point and it is not necessary for the Committee to express any opinion on it.

It seems almost certain that efforts to eradicate or check corruption will get relaxed, and the same old indifference to it or ineffectiveness on the part of most of the officials and non-officials will continue unless a permanent body is provided to keep the interest in the subject alive and to help in stopping the evil.

We recommend that there should be only a Provincial Committee consisting of the heads of departments, and five non-officials nominated by Government with power to the Committee to co-opt other persons. Its functions should be —

- (i) To see that the measures adopted by Government are properly enforced.
- (ii) To review from time to time the result of action taken by the officials to prevent corruption.
- (iii) To suggest to Government other methods to remedy the evil in the light of experience, and fresh revelation.
- (iv) To take such action as it may be competent to do within its means and opportunities to secure purity in public services.
- (v) To maintain continued activities of the officials, and the public in the matter, and remove false notion from their mind about corruption due either to a bias or ignorance.

There should also be a Special Officer of high rank appointed in the first instance for one division as an experimental measure to perform mainly the following duties :—

- (1) To be on the lookout to find out cases of corruption which may *prima facie* appear to be true, and report them to the Government either directly or through heads of departments concerned. The Government may order further investigations to be made into those cases or take such action as they may deem necessary or desirable.

- (2) To help officers in charge of certain offices and heads of departments in checking corruption.
- (3) To help members of the public in getting their legitimate work done in the ordinary course without paying any bribe. He will have to be easily accessible to those who have a business in any department.

The moral effect of a Vigilance Committee and a Special Officer being in existence to function as described above will lead to a considerable reduction of corrupt practices.

Our next recommendation in this connection is that departmental proceedings against a public servant charged with corruption should be simplified, and made expeditious, and deterrent punishment should invariably be awarded to the guilty. The procedure which commends itself to the Committee is as follows :—

- (i) Complainant should be examined and cross-examined then and there if the public servant concerned is present or his presence can be secured quickly ; otherwise, on the recorded complaint and preliminary enquiry, if any, he should be asked to give his statement orally or in writing at once
- (ii) Then either proceedings may be drawn up and charge be framed or no further action need be taken.
- (iii) In case a charge is framed explanation should be taken in writing within 24 hours or as expeditiously as possible.
- (iv) Next the statement of witnesses should be recorded as quickly as possible, and the public servant concerned should be asked to cross-examine the witnesses. Defence witnesses, if any, should be kept ready to be examined.
- (v) A finding should be arrived at after examining his previous record.
- (vi) If he is found guilty he should have the right of only one appeal.

Strict and close supervision by superior officers and their prompt action on genuine complaints is obviously one of the chief remedies to remove corruptions. But few heads of departments and other offices are easily accessible to those who may have a legitimate complaint to make against a public servant. Superior officers, with the exception, of course, of some, generally take the side of their subordinates or ignore the complaint. Some get annoyed and even insult or intimidate the complainant. If complaints are investigated they are almost invariably reported to be false or unproved. This state of affairs is due mainly to the unsympathetic and unhelpful attitude and dilatory and inefficient action of the

superior officers. A distinguished District Magistrate says as follows:—
 “It will greatly improve matters if each officer in charge of his department attends to complaints and supervises the work of his subordinates. If the rules are followed properly and if the officers do their work with their eyes open, more than 80 per cent of corruption will cease. At present heads of departments do not attend to litigants and members of the public I do know of cases where dishonest sub-inspectors have been promoted As Subdivisional Magistrate I found that a certain sub-inspector was thoroughly dishonest and there was perhaps not a single person in the subdivision who knew the sub-inspector that could testify to his honesty. The inspector who was thoroughly honest and made a report against this dishonest sub-inspector did not get any response from the Superintendent of Police who, instead of taking action upon the report of the inspector, always took the side of the sub-inspector. I had to adopt my own method to check corruption on the part of the sub-inspector. That is not an isolated instance of a dishonest sub-inspector being supported by his superiors against the view of the inspector.”

Bribery and corruption remain undetected and unpunished also by the fault of the private people concerned. Few have the courage and character to provide proof of the guilt of the offender. It may be conceded that there is a natural and, in many cases, reasonable fear on their part that they will suffer loss and harassment if they give evidence against a member of either superior or subordinate service. Instances are not rare when members of the public and even complainant himself deliberately destroy evidence and some even try to prove the innocence instead of the guilt of the public servants against whom corruption was alleged. A vigilant and active officer, however, who has conceived his duties in the right spirit can prove very helpful in increasing the facilities and decreasing the difficulties of the people who have a business in any court or office. It is true that sometimes unfounded allegations are made against a public servant due to malice or suspicion. It is also true that officers and subordinate staff are often approached with unreasonable requests by selfish or ignorant people. But the present conditions can be greatly improved if the system under which the people and the public servants have to work and the mentality on the part of both are changed. We must, however, emphasize that it is more essential to have good men than to put too much faith in any system.

Complaint Books.—Complaint books may be very usefully introduced in all the Civil, Criminal and Revenue Courts and in all other Government offices where the subordinate staff and peons come in direct contact with the public. Such complaint books ought to be open to the public and should be easily accessible to them at a place unwatched by any public servant and should be put up every day or on the day following before the gazetted head in charge of the department. The value and usefulness of such complaint book has been demonstrated by the State Railways.

CHAPTER IV.

CIVIL

Money passes at the time of—

1. Presentation of—

- (a) Plaints.
- (b) Written statement.
- (c) List of documents.
- (d) Petitions for —
 - (i) Commissions.
 - (ii) Attachment before judgment.
 - (iii) Receivers.
 - (iv) Injunction.
 - (v) Time.
 - (vi) Almost every other step.
- (e) Appeals.
- (f) Applications for execution and delivery of possession.
- (g) Petitions of objection (i.e., Mis. Jud. cases).
- (h) Petitions for restoration of suits and appeals.

2. Swearing of affidavits—

- (a) By identifiers as to service.
- (b) By any other person for any other purpose.

3. Issue of—

- (a) Warrants of arrests.
- (b) Process of attachment.
- (c) Process of sale proclamation.
- (d) Writs of delivery of possession.
- (e) Attachment before judgment.
- (f) *Ad interim* injunctions.
- (g) Injunctions.
- (h) Any other process when expedition is required.
- (i) Commissions.

- (j) Sale certificates.
- (k) Payment orders.
- (l) Chalans after they are passed.
- 4. (a) *Transfer of decrees to other courts.*
- (b) Communication of result of execution of decrees received from other courts, if expedition is required.
- 5. *Comparison of books of account by the Sheristadar.*
- 6. *Checking of complaints, appeals, petitions for execution and objection petitions.*
- 7. Adjournment of suits and appeals.
- 8. For giving facilities to parties for inspection of records on the dates fixed for hearing of cases.
- 9. On the dates cases are taken up known as "*Peshi*".
- 10. Preparation of decrees, especially in *Bhaoli* rent cases.
- 11. *Sending—*
 - (a) Requisition for records and papers.
 - (b) Documents to copying department when expedition is required.
 - (c) Documents by the Record Room in compliance with the requisitions of different courts.
- 12. *Supplying—*
 - (a) Dates of disposal of cases.
 - (b) Chalan number and date of deposit.
- 13. *Inspection of records—*
 - (a) Pending.
 - (b) Disposed of, but not deposited in the Record Room.
 - (c) Deposited in the Record Room.
- 14. Application for copies especially when expedition is required.
- 15. *Return of—*
 - (a) Sale certificates.
 - (b) Copies of decrees.
 - (c) Documents.
- 16. *Deposit of diet money in special cases.*

17. *Refund of unspent diet money.*
(The diet money is usually shared by the Cashier and pleader's clerk.)
18. Issue of processes to the serving peons, when expedition is required.
19. *Execution of important processes by Nazir.*
20. *Delaying issue of urgent processes—*
 - (a) By office.
 - (b) By Nazir.
 - (c) Service by peon.
21. Service of processes especially in attachment before judgment, injunction and *dakhal dahani* cases.
22. Making false reports of resistance to the process of the court.
23. *Testing of security by the Nazir.*
24. *Holding sales.*
25. *Releasing attached properties.*
26. *Passing chalang and receiving chalan money.*
27. Passing the bills of assessors, jurors and of Commissioners and guardians *ad litem*.
28. Appointment of clerks, probationers, copyists and typists.
29. *Transfer of clerks.*
30. Enrolment of candidate peons and appointment of peons.
31. *Ex parte disposal of suits.*
32. Transfer of appeals from the courts of District Judges to the files of Sub-Judges.
33. Obtaining permission to sell and other orders in guardianship cases.
34. Taking possession and submitting reports in insolvency cases.
35. *Issue of—*
 - (a) Succession certificate.
 - (b) Probate.
 - (c) Letters of Administration.

The amount varies from annas 4 to Rs. 5 or Rs. 10 and at times to Rs. 50 or more according to the occasion and necessity.

Corruptions can be classified under two heads :—

A. Voluntary :—

- (1) *Mamuli* or voluntary payments made in ordinary course.
- (2) Payments made for securing some advantage for a party or himself.
- (3) Payments made for gaining an advantage over an adversary.
- (4) Payments made to be suited out of turn or without waiting for the usual course.

B. Exaction or extortion for—

- (1) Doing a thing or omitting to do a thing which a clerk or peon is bound by law to do or omit.
- (2) Doing a thing or omitting to do what a clerk or peon is not bound by law to do or omit.

The hum and activities in the Civil Courts and their precincts are unmistakable signs of the great interest people take in their functions and the importance they attach to them. A vast amount of matters of varied character come before them for adjudication. These courts deal with disputed rights and interests which affect property and also honour, in many cases, of the litigants who go to law. The nature of work and the rule of business both on the appellate and the original side in these courts make certain amount of contact by the litigants or their agents, and, in some cases even by lawyers, with the offices of the courts inevitable. This contact does give rise to corruptions in offices. It is, therefore, desirable in public interest that the general public or the litigants do not come in contact with the staff except where it is unavoidable by the nature of their business. But the prevention of contact or communication with the staff cannot be altogether stopped nor would it be fair to stop it unless facilities for execution of legitimate work are provided to those who have a business in a court or office by improving the system of business which prevails at present and by having suitable and sympathetic Registrars or other officers easily accessible to those who wish to approach them for getting their lawful work done without difficulties which they otherwise will have to overcome by other questionable ways.

In the case of the High Court not merely the litigants but the lawyers' clerks and even the lawyers are not allowed access to the office. This necessity is recognized in rule 1, Chapter I, Part IX at page 197 of High Court General Rules and Circular Orders, Civil, Volume I. But the nature of work and the system in vogue in the High Court widely differ from those of the lower courts due to the High Court exercising almost exclusively the appellate and revisional jurisdiction in cases. Some of the

rules which can be profitably practised in the High Court cannot be made applicable to the lower courts without adding to the hardship of the litigants and the public and increasing the amount of bribery if not the occasions of it.

In order to prevent corruptions and provide facilities to the public in their legitimate work we propose the following remedial measures :—

Remedies.—1. Plaints should be filed in open court where there is no Registrar and not before the Sheristadar as is permissible under Order IV, rule 1 of the Code of Civil Procedure by a written authority of the Presiding Officer, and provided for in rule 10, Chapter I, paragraph 1 at page 6 of General Rules and Circular Orders, Civil, Volume I.

(Other papers are presented in open court and for that reason no contact with the office staff is necessary.)

2. Rules 11, 12, 12A, at pages 6 and 7 of Chapter I, Part I of General Rules and Circular Orders, and rule 3A at page 49 should be strictly enforced. Thus a party will know the number of the case and the date fixed without reference to office.

3. On the date so fixed, the record will be sent to court to enable the pleaders to make corrections there in the presence either of the Presiding Officer or Sheristadar in the first period of the day.

4. A pleader may be appointed at all the district and subdivisional headquarters to take affidavits for all courts. Deponent should pay two annas extra. This fee will not be grudged by the deponent and the fees will be enough to cover the pay of the pleader. We have elsewhere recommended to dispense with an identifier and affidavit by him. Peons' affidavits may be taken by the Sheristadar as it is done at present.

5. *Comparison of books of account.*—Copy of account should be certified by the pleader and accepted by the court. The comparison seldom, if ever, is made by the Sheristadar who is a hard-worked employee. The present practice leads to corruption.

6. Processes should invariably issue from the office within three days of the filing of the process-fee and the process. But important processes, such as attachment before judgment and injunctions, must issue on the very same day that they are filed (to avoid paying bribe for issue thereof).

7. Delaying the issue and execution of urgent processes may be avoided by supervision and exemplary punishment.

8. To prevent peons' practice of making false reports about service of processes two alternative suggestions were made before us :—

(1) Service by Postal Department.

(2) Service by chaukidars through the collecting *punch* and local or district boards.

The postal peons are certainly not so corrupt as those of the Civil Court, but if they are exclusively employed, they will probably prove to be equally bad. And it will be necessary for the Postal Department to increase the staff and run into additional expenditure. Moreover, the work of the department will be dislocated because the serving peons will be required often to come to court to give evidence about service. We do not, therefore, recommend a change in their favour. There is, however, a provision in Order 5, rule 9 (2), Civil Procedure Code, about the use of the Postal Department in the exercise of its discretion.

The second suggestion also does not appeal to us. The chaukidars are amenable to village intrigue and are prone to help a party to the prejudice of another. They will also be not always available as they have to attend police-stations, report offences, help in the execution of errand of a touring officer and do all kinds of miscellaneous work. Then the processes will come into their hands through the *punch* and the staff of the district and local boards where again corruption will prevail.

The following suggestions are made for better service through the present agency :—

- (1) The pay of the peons should be increased. Their pay should be fixed at Rs. 12 rising to Rs. 18 with an additional fixed travelling allowance of at least Rs. 3 per month.
- (2) There should be an occasional verification of service of processes by a gazetted officer. A probationary Munsif may fittingly be employed for the purpose.
- (3) Exemplary punishment should be awarded when any false report comes to the notice of the court in judicial proceedings or otherwise.

A Government Pleader says : " Peons report non-service with the object that the *talbana* would be exhausted and the party would have to file a fresh *talbana* which can be avoided only by payment being made to him and service being secured. The proper course to avoid this harassment of the parties is to amend the circular about filing a fresh *talbana* after every non-service and to require one and only one *talbana* for one process whether it is served or not served." We recommend that this suggestion may be adopted.

- (4) An identifier should be dispensed with except in cases of warrants of arrest, attachment of movables and delivery of possession. The High Court have recently framed a rule (15A at page 14 of General Rules and Circular Orders, Volume I) that an identifier should not be insisted upon for service of a process or notice. Special precaution should be taken against bribery and corruption in cases of warrants of arrests, attachment of movables and delivery of possession.

- (5) The peon should take the attestation of the chaukidar or dafadar, if present, and of one respectable person of the locality in proof of service. The rule on the subject is contained in rule 15 at page 13 of General Rules and Circular Orders. It will be quite enough to take an affidavit from the peon only. No affidavit from any other person for the service should be insisted upon because in that case no independent person would like to attest the service.
- (6) The sale proclamation and attachment of lands are at present executed by the process-server who is expected to go upon each plot of land. It is very doubtful if this is really done. The necessity of an identifier arises for such an execution because the peon who is a stranger cannot otherwise find out the land. It has been suggested by a senior District Judge that when the property is agricultural land in a village the processes should be proclaimed at a conspicuous place in the *basti* in which the land lies. This suggestion appeals to us and we adopt it. If it is acted upon the necessity of an identifier can be avoided. Where, however, the property is situated in a town the existing provision regarding service of such processes should be retained.
- (7) Only one peon should be deputed for one village for all the processes even if parties are different but reside in the same village. This, we understand, is not in vogue in every district.
- (8) Suits for rents in respect of lands of the same village and brought by the same landlord should be fixed for disposal for the same date as far as practicable.

9. It often happens that documents called for are not sent to the requisitioning court without exacting a tip. We would suggest that it should be the duty of the clerk in charge to see that records called for are received in office before the date fixed. If he be found negligent, disciplinary action should be taken against him.

10. *Inspection of Records.*—Records of pending cases may be inspected by the pleader of a party in court but records deposited in the record-rooms should be inspected in the record-room as provided for in rule 51 at page 97 of General Rules and Circular Orders, Volume I. If the records are brought to court from the record-room there is a danger of papers being lost or tampered with. The Judge in charge may occasionally pay surprise visits and see that everything is going on regularly. Pleaders should be allowed to take adequate notes (but not make copies) and the restriction in rule 49 at page 97 which provides for the taking down of notes merely for the purpose of identifying the documents should be modified. There is no danger of any loss of revenue. Parties as a rule do obtain copy of relevant documents. Only in very few cases under an emergency a pleader is compelled to inspect certain documents and take notes. If there is no time to obtain a copy and the

pleader is precluded from taking sufficient notes to be of any use at the hearing of the case the party concerned will have recourse to a dishonest method of obtaining a copy or adequate notes of the required documents. The existing rule, if rigidly interpreted as some courts may do, will either make the inspection utterly useless or will expose the pleader to the risk of being blamed or proceeded against for violating the rule. The Chairman has personal knowledge of a case in which a Judge taking advantage of the rule took action against a pleader though the latter had taken a very meagre note of the document he had inspected in the presence of the Judge with his permission. The High Court on reference quashed the proceedings drawn up against the pleader.

The present rule, therefore, can be a source of harassment or corruption.

11. The practice of giving short dates and frequent postponements does lead to corruptions because (1) the Peshkar will have to be paid a tip on each occasion and (2) a party desirous of choosing his own date will bribe him.

The rules for the fixing of dates of hearing and the grant of adjournments are to be found in Chapter III at pages 22-23 of General Rules and Circular Orders, Civil, Volume I. Corruption arises by a non-compliance of these rules. If the Presiding Officers follow these instructions, much of the hardship caused to the parties will be mitigated. But there are difficulties in their way :—

- (1) The files are usually so congested that they find it difficult to arrange their cases and fix dates. A Munsif has to keep about 100 or more cases fixed for a day.
- (2) They are afraid that if suits are peremptorily fixed for hearing and if on any particular day, the suit fixed for the day is compromised or withdrawn or cannot, for the death of a party or for any other reason, be taken up, they will remain without any work.
- (3) They also feel that the average duration of suits will increase.
- (4) They are also afraid of a decrease in the outturn of contested cases and of the consequent adverse remark of their superiors.
- (5) If a Munsif is compelled to fix dates for all the cases himself a substantial part of the day will have to be devoted to this work to the prejudice of the parties who are ready with witnesses.

So far as Subordinate Judges and District Judges are concerned they can fix the dates themselves. It is possible for a Subordinate Judge to fix a peremptory date in such a way as to avoid ordinarily the necessity of an adjournment on such a date. A party on good grounds may get an adjournment of the hearing of a case but it should not get postponed automatically from time to time by fixing too many cases for a day.

A Munsif also can, by fixing dates himself in old suits and by general instructions to his Peshkar, regulate his case work to a considerable extent so as to avoid harassment to the parties as far as practicable.

The adoption of the following methods is likely to reduce corruptions in certain directions :—

- (1) No adjournment should be ordinarily allowed in Small Cause Court cases for filing written statements. Oral statements of defendants or their lawyers may be recorded in the cause sheet.
- (2) Small Cause Court suits ought to be taken up serially by the court without the Peshkar having any hand in the matter.
- (3) *Ex parte* rent and other suits are to be taken up according to the order in the cause list at a fixed time, having regard to their number. Suits for rents in respect of lands of the same village and brought by the same landlord should be fixed for disposal for the same day as far as possible.
- (4) It is quite possible that on the date so fixed the Presiding Officer will find himself in the midst of a part-heard case going on from before. As soon as he finds that he takes up a suit which will go on for some days and will overlap a suit already fixed for peremptory hearing he should send for the lawyers and inform them beforehand that the suit would not be taken up on the date fixed in order to avoid trouble, harassment and unnecessary costs to the parties.

12. Rule 7, Chapter V, Part I, at page 28 of General Rules and Circular Orders provides for notice when a decree has been drawn up. Lawyers should come to court and peruse the decree made available in court within three days, the time allowed in the rule. But lawyers do not come and peruse the decree as the client does not come being ignorant of the date when the decree was to be ready and put up in court. Therefore the court should, on the day a judgment is delivered, fix an approximate date by which draft decree will be ready. The notice of this date should be hung up and a copy of it sent to the Secretary, Bar Association. The same may be done about the time for objection. Court should fix a date for delivery of a judgment.

13. *Certificate of non-satisfaction of decree for execution in another court*, is usually sent by post. If a rule is observed by the court that it would issue within three days as a matter of course no contact with the office will be attempted, but in exceptional cases the court should accommodate a party by an early despatch if so requested. Where *dusti* cover in this matter is prayed for, the Presiding Judge should make it over to the pleader in open court.

A strict observance of rule 17, Chapter VI, Part I, at page 35 of General Rules and Circular Orders, will stop corruptions in the matter of

sales. Where there is no bid or when the bid does not satisfy the decree or is evidently low the Nazir must obtain orders of the court who should hear the pleaders or the parties and then pass orders.

The same observations should apply to *communication of result of execution of decrees*.

14. When a *sale certificate* is ready for delivery a notice may be hung up on the board or an intimation be sent to the pleader concerned and it should be delivered to the pleader the next day in the presence of the Presiding Officer in the first hour.

15. The same rule may be adopted for the issue of *payment orders*. Pleadors do not generally take payment orders unless their clients are present and, therefore, delivery is sometimes delayed. It will not be convenient to bring payment orders to court day to day and to avoid this inconvenience to the staff, the pleaders should co-operate and take payment orders on the day following the notice of their being ready.

16. Rule 1A, Chapter VI, Part I, at page 30 of General Rules and Circular Orders, provides for payment of annas four as searching fee in respect of an application for execution for the purpose of supplying information to remedy defects. This provision may be extended to an application for payment order, since the payment of a tip for the supply of date of disposal and other particulars will be avoided.

17. It is suggested by the Secretary of a Bar Association that the date of disposal should not be necessary for an application for inspection of a disposed of record. The record deposited in the record-room cannot be traced without the date of disposal. Hence if a searching fee of annas four be paid, the office should get the date of disposal from the Register of Suits and supply the information in the application on the day following the day of its presentation.

18. *Chalans* after being filled up are to be presented in court and the Presiding Officer should arrange that they should be checked in office and passed by the Sheristadar as also the accountant and returned generally within one hour to the peshkar who will forthwith make them over to the pleader or his registered clerk. If there is any delay, the pleader should at once make a complaint to the court. On the other hand, if for any special reason a chalan is required to be passed at once, the court should arrange that when so requested by a pleader or a party. It is the duty of the accountant to get the signature of the judge in charge of accounts.

19. Payment of a tip for deposit or withdrawal of money may be avoided by generally educating the litigant that no payment is required and by strict supervision, occasional surprise visits and punishment of the guilty person.

20. Rules 18 to 21 at pages 110 and 111 of General Rules and Circular Orders, should be strictly followed since in that case there will be no occasion for giving tips for obtaining copies.

21. Notices showing preparation of Succession Certificates, Probates or Letters of Administration should be hung up on the notice board and documents prepared should be made over to the pleader concerned in open court on the third day (so that the pleader may send word to his client).

22. *Return of Documents.*—Rule 34 of General Rules and Circular Orders, page 92, should be strictly enforced. List of documents should always be sent by the courts when records are sent to the record-room. If the list is not found in the record-room, enquiries should be made from lower courts and explanation asked for. Defects, if any, in application for return of documents should be helpful and specific.

Litigants and lawyers have complained of delay and difficulties and the necessity of paying bribe for getting back the documents which had been filed in a case but in this matter the parties are more to blame than the office concerned. In many cases the litigants or their agents either give too little or misleading particulars of the documents and thus do not enable the clerks to trace them and make sure that the right documents are required by the right party.

23. Copies should be made over in open court; sale certificates, documents and copies of decrees which are required to be returned to a party should also be returned in open court at a fixed time. (See rule 34-C, page 92-H, General Rules and Circular Orders, Civil, Volume I.)

24. District and Sessions Judges should transfer appeal and sessions cases to whichever court they like and the peshkar and the office should have no hand in the matter.

25. The measures suggested above indicate that the presiding officer must be easily accessible to the public and the lawyers, take greater interest in supervision and administrative work, and cultivate a feeling of helpfulness to the litigants. This may adversely affect the outturn of judicial work and, therefore, the same outturn as is expected at present should not be enforced where the Registrar system is not in force.

26. District Judges should themselves pass orders about the appointments, transfers and dismissal of ministerial staff and also of the menial establishment and not depend on the reports of the sheristadars and nazirs. Sheristadars and nazirs should be transferred inter-district. Sheristadars should in no case be allowed to make inspection or prepare inspection notes. The prestige and authority of the Subordinate Judges and Munsifs are undermined, and this affects their power to check corruptions on the part of their subordinates who may be dishonest.

27. Appointment of Commissioners and pleader guardians.

The presiding officers should do this part of the work themselves and should also have in mind an equitable distribution of this work.

28. The system of having a Registrar for civil courts has worked, according to the testimony of competent persons, fairly satisfactorily in the districts of Patna and Gaya. But it has been pointed out by some that the efficiency and utility of the system has considerably deteriorated recently. Corruption has not been eliminated or checked considerably and facilities, to which the litigants, their agents and lawyers are entitled in their legitimate work, have not been forthcoming as expected. The position on the whole has much improved. The success of the system depends largely on the officer selected. If he can enter in a humane spirit into the woes and difficulties of the litigant public he can be very useful to the State and the people who deserve to be served properly.

We recommend the extension of the system because (1) The system enables a party to get all information quickly without approaching the staff. (2) There will be one whole-time Gazetted officer to supervise the working of the offices. (3) He will be able to arrange for inspection of records pending as also disposed of and those deposited in the record-room in his presence and without the necessity of contact with the record-keeper (as would be otherwise necessary). (4) The other Gazetted officers will be able to devote their attention to the cases in their file exclusively without distraction and waste of time over other matters. (5) The work of the Nazarat can be adequately supervised by this special officer.

No Registrar need, however, be employed in subdivisions or in small districts such as Champaran or Chota Nagpur where a subordinate judge can perform these duties.

CHAPTER V.

CRIMINAL COURT.

It is necessary to draw the attention of Government to the importance of making a careful selection of Magistrates to be Subdivisional Officers. A Subdivisional Officer can do a lot to prevent avoidable hardship of the people in his jurisdiction due to corruptions on the part of some public servants. The reports made by the police under sections 107, 144, 145 and 202 of the Criminal Procedure Code should be carefully scrutinized and an independent view should be formed of such reports. Opportunities of corrupt police officers at the time of making enquiries under these sections to take bribe are very great. People in many cases feel helpless against wrong reports made either by taking money or by an error of judgment.

2. It is, however, a common knowledge or belief of the people that Subdivisional Officers, with the exception perhaps of a very few, do not possess that amount of independence which is necessary to check corruptions particularly in the case of police officers.

3. Crown prosecutions in the court of Magistrates almost always are conducted by court Inspector or Sub-Inspector. Except in undefended cases it is, however, rare that a private prosecutor rests content with the services of the prosecuting police staff especially when the latter have to attend several courts who all need their services about the same time. The prosecuting staff have to do some clerical and other work also with the result that they cannot always fully devote as much time to a case as necessary and often fail to inspire confidence in the private prosecutor. In such a case the latter always engages a professional lawyer to conduct his case or to assist the court Inspector or Sub-Inspector. The first difficulty that the party and his lawyer have to contend against is the question of the lead being given to the private lawyer. For obtaining the privilege for taking the lead in the case the private prosecutor has to purchase the permission from the Crown prosecutor. Then comes the question of access to the police papers in the case. No professional lawyer can proceed with the prosecution of a police case without the case diaries. Here also money passes very freely and its amount depends upon the importance of the parties or the case or both. A daily fee is paid to the Crown prosecutor for all the dates on which the case is taken up. The Committee would have suggested a complete overhauling of the whole system but it refrains from doing so as it attaches far greater importance to the improvement of the moral tone of the people and securing good men than to improving a particular system under which men are selected for certain office and work under it.

4. The trial court should freely give permission to a competent private lawyer to conduct a police case and the police papers in connection with the cases should be shown to him.

5. Similar concessions should be extended to a private party in Crown prosecutions before the court of sessions with the consent of the District Magistrate who should exercise his discretion freely in favour of permitting a private lawyer to conduct the prosecution taking into consideration his standing at the bar and general reputation. Cases of Crown prosecutors taking fees both from the Government and the private prosecutor are not rare.

6. Money passes at the time of—

- (i) Filing a complaint or an objection to a police report before the Subdivisional Officer ;
- (ii) Issue of processes for service or execution ;
- (iii) Making an application for bail and executing a bail bond
- (iv) Filing a petition for time and on each date of hearing ;
- (v) Unauthorised inspection of records of pending cases by lawyers ;
- (vi) Obtaining surreptitiously copies of depositions and other papers on the record of a case ;
- (vii) Sending a " Rubakar " calling for a record ;
- (viii) Arguing a case by the court police to secure a conviction or acquittal ;
- (ix) Delivery of judgment ;
- (x) Obtaining a copy of a judgment sentencing an accused to a substantive term of imprisonment to move an appellate court ;
- (xi) Obtaining time for payment of a fine and depositing it in court ;
- (xii) Obtaining a *dasti* cover containing the bail order and certifying a bailor as fit ;
- (xiii) Putting up police papers (e.g. reports under section 144 or 107, Criminal Procedure Code) for orders before Magistrates ;
- (xiv) Influencing jurors and assessors in sessions trials ;
- (xv) Allowing conveyance to an accused ;
- (xvi) According permission to a lawyer by the Public Prosecutor to conduct a prosecution.

7. Remedies.—(i) All applications should be received by the Magistrate himself, and not by the Peshkar.

(ii), (iv), (vii) and (viii).—A vigilant magistrate can check these corruptions by taking timely and suitable action. No hard and fast rule or methods can be prescribed to check them. These must be left to the discretion of the Magistrates how to tackle them.

(iii) In no case should the fitness of a bailor or a surety be required to be judged and certified by the Court Sub-Inspector. The Magistrate himself should accept or reject the person offered as a bailor or as a surety. In assessing his worthiness the value of his immovable properties also should be taken into consideration, and not the value of his movable properties only. Their value can be judged by a reference to "Khatian", rent receipt, chaukidari receipt, etc. The Court Sub-Inspector would not know what movables are possessed by a bailor or a surety.

(a) Magistrates should respect the spirit of section 500 read with section 501, Criminal Procedure Code, more than they do at present.

(b) An accused should be released as soon as a bail bond has been executed. Verification of the bond may be made by a further enquiry only in cases contemplated in section 500, Criminal Procedure Code.

(v) and (vi) Arrangements should be made to grant copies of depositions from day to day, in cases which are being tried, on payment of the usual fee. This practice obtains in Sessions Courts, and in some Criminal Courts. This system should be introduced in all Criminal Courts. Uncertified copies of documents filed by or on behalf of a party but not exhibited may also be granted if applied for.

(ix) Judgment should be delivered in first hours.

(x) In case of conviction and sentence of imprisonment a copy of the judgment should be granted in the course of the day. Magistrates who dictate their judgments can supply a copy as soon as a judgment is delivered.

(xi) Date for payment of a fine should be fixed. If an accused applies for time it should be granted as a matter of course and sufficient time should be given. A fine should be deposited in court before the Presiding Officer.

(xii) When a party concerned applies for a *dasti* cover as soon as bail is granted, he should get it through a pleader as soon as possible in the course of the day. The jail rule for releasing at certain hours an undertrial or convicted prisoner, who has been granted bail, should be modified.

(xiii) Copies of reports under sections 107, 144, 202, Criminal Procedure Code and of final reports, inquest, post-mortem and injury reports received by the Subdivisional Magistrate should be granted as soon as applied for on payment of the usual fee. In a complaint case copy of the complaint should be granted to a lawyer, if he applies for it on behalf of the accused though the latter may not have been summoned or may not have appeared. He should see that police papers are put up quickly before him and that he is not influenced in his decision by the recommendations of the court police.

(xiv) Since there is a good deal of corruptions in the system of trial by jury or by aid of assessors every effort should be made to get good and

reliable men, and their list should be prepared after a most careful enquiry. If good men are not available the system of trial by jury should be abolished.

A very experienced officer who has recently retired from service says that 90 per cent of jurors and assessors succumb to temptation or recommendation. In communal cases seldom, if ever, their verdict or opinion is unbiased.

(xv) Consistently with safety a conveyance at his cost should be allowed to an accused from the jail to the court. This will obviate the necessity of bribing the police or the jailor or both when a conveyance is obtained in some cases.

(xvi) This has been dealt with under preceding paragraphs 4 and 5.

(xvii) Some District Magistrates and Subdivisional Magistrates are irregular in coming to their courts and do not come at a fixed time even when they are at their headquarters. This leads to corruption and harassment to the parties because they become dependent on peshkars for obtaining certain information, etc. A District Magistrate at Patna, not long ago, used to attend his court at a fixed time and intimate beforehand to the parties if he, for any reason, had to alter the hour.

(xviii) Appellate and revisional courts should pass orders as soon as an appeal or an application for revision is presented before them or fix a date for a preliminary hearing.

(xix) Recruitment of Honorary Magistrates from amongst men of at least a fair amount of education, good character, social position and independent means should be insisted upon. Some training in law and procedure may also be provided for persons newly appointed. For the old ones a short course of refresher should be prescribed. The trial of cases by Honorary Magistrates leads to a good deal of corruptions. We would have recommended the abolition of this system but for financial considerations we refrain from doing so.

(xx) The practice of disallowing expenses to witnesses for the prosecution in cases in which a lawyer engaged by a private party appears should be stopped.

(xxi) Proper prices should be paid for provisions supplied to officers or the subordinate staff when they go out in the interior of the district on official duties.

(xxii) A cause list with a column for noting the result in criminal and revenue cases should be prepared and hung up.

(xxiii) Court Sub-Inspectors should not be transferred frequently from court to thana or to any other work. In appointing a police officer as a prosecutor his degree in law, if any, should be given due weight. This recommendation has been made to ensure efficiency and to reduce chances of corruption.

Chaukidari Department.

Money passes at the time of —

- (1) Appointment of chaukidars ;
- (2) Selection and appointment of collecting punches ;
- (3) Approval of assessment lists ;
- (4) Considering reports against the rural police.

Remedies.—1. Although the appointment of chaukidars is made on the recommendations of the collecting punches and the local police, the Subdivisional Magistrate has to be very vigilant. He should not as a matter of course, accept such recommendations but should satisfy himself that the candidate to be appointed is not only physically fit but also suitable from the point of view of administration and local conditions. A chaukidar plays a very important part in the village life and the local police have to depend upon the information supplied by him.

2. At times undesirable men are appointed as collecting punches by bribing the police and the chaukidari clerk. This is reflected in the frequent defaults which a collecting punch makes in paying the chaukidars' salary and the cost of uniform. Most of the collecting punches are required to make enquiries under section 202, Criminal Procedure Code and, being themselves dishonest, they make money out of such enquiries. It is, therefore, necessary that the utmost care should be given while making such appointments. Men of character and means should be appointed rather than those who have ingratiated themselves into the favour of the police.

3. Collecting punches at times manage to have their assessment lists approved by bribing the chaukidari clerk though the assessment is not fair in many cases. The richer people are lightly taxed while the poorer people are heavily assessed to chaukidari tax. A vigilant Subdivisional Officer can stop such malpractices.

4. Reports against the rural police by the public are suppressed by the chaukidari clerk on being bribed. The Subdivisional Officer or the chaukidari officer should satisfy himself from time to time that these reports are properly entered in the prescribed register and that suitable action is taken against the rural police.

There is no dafadar in the Chota Nagpur Division. Nor do dafadars do the work properly required of them. The present Inspector-General of Police admitted in the course of his evidence before the Committee that they are a superfluity. We recommend that the posts of dafadars in the remaining three divisions of the province should be abolished at the earliest opportunity. The abolition of these posts will give some relief to the tax-payers.

CHAPTER VI.

POLICE.

This is one of the biggest and most important departments of the State. The police are entrusted with the preservation of order and are expected to protect honour, life, and property of the people, and investigate cases of crime committed. They come in contact with the masses and nearly all the classes and deal with matters of vital and varied interests in their day-to-day life. The police have vast powers and opportunities to do service or dis-service to the public. They can be a blessing or a curse.

2. It is generally believed that corruption of the worst character is greater in the police than in any other departments and occasions to take bribe are most numerous.

3. The Police Service, however, cannot be done away with. The lure of this service is so great that though the passing of the matriculation examination is the requisite educational qualification, under the rules, graduates are freely entering the service. The rush of candidates is partly due to economic causes and want of employment. But the keenness to get into this service is due also to the belief on the part of some that there is not a mine but an open field in this department strewn with ingots of gold which glitter like mica found on the surface in some parts of this province, for police officers to pick them up. Many, at the same time, join this service with the fullest determination to perform their duties with scrupulous care and honesty though some of them cannot long escape the contamination. Better educational qualifications have hardly tended to improve the moral tone of the service very much. The increase in the pay and prospect of the Sub-Inspectors and the Inspectors has not fulfilled the expectations of the last Police Commission which recommended it. Better educational qualifications also have belied the hopes of those who have been preferring graduates to matriculates in recent years.

4. Instances of slothfulness, indifference and uselessness of the police are not wanting. They have a peculiar knack of arriving too late at the place where they are wanted to prevent the commission of crime or to detect the criminals. It often suits them to arrive at the place of occurrence after the offence was over even when they had a timely information of the apprehended trouble.

5. Wherever there is money to be made without much labour the police is present but where there is little money or contemptuously small sum and much botheration one will not find the police or even their apparition. There is hardly any effective supervision and control over the subordinate police officers by supervising officers for want of sufficient time due partly to their desk work and partly to their happy-go-lucky routine work and an attitude of superior indifference on the part of many to the weal and woes of the people.

6. In no department honest officers remain so unrewarded and dishonest ones flourish so well as in the police. Honest officers have little incentive to continue to be so beyond their own principle to keep their conscience clean and satisfied. A clever Sub-Inspector or Inspector and even Deputy Superintendent of Police can easily deceive the Superintendents of Police and even higher officers by certain devices and mainly by flattery which is a palatable food for the vanity of some though such subordinate officers may have no or few rivals in dishonesty and corruption. Several Superintendents of Police have admitted in their oral statements before the Committee that many dishonest Assistant Sub-Inspectors, Sub-Inspectors and Inspectors get promoted because the supervising officers could not get legal proof of the corruption of the former. But if there is a belief or well-grounded suspicion about the honesty of an officer who had a previous bad record his promotion should be withheld. Unless an earnest and concerted action is taken by the different supervising officers to detect the dishonesty of their subordinates and punish them severely and facilitate the promotion of honest subordinate staff and officers corruption in the police will, it is feared, continue.

7. The experience of corruption and the difficulties of improving the police should not cause despair in any quarter. If the police is bad to-day it was worse yesterday and worst day before. On the whole there has certainly been a distinct improvement in the police force both in honesty and efficiency. The *darogas* of old days before whom the deeds of a Nero paled are fortunately extinct now. There can be a further and rapid improvement in the moral tone and usefulness of the force provided the supervising officers and particularly the Superintendents of Police are relieved substantially of their desk work by reorganizing the department to enable them to spend more time in the interior of the district and exercise greater vigilance and supervision over the duties of their subordinates and provided also the co-operation of the public and particularly of the educated section is forthcoming, at least, in some measure. The public do not co-operate with the police or respect them, not only because many members of the force are corrupt, cruel and impolite but also because they have done nothing or precious little in connection with the welfare of the people. Their sympathy and co-operation can be obtained both in the rural and urban areas by attending to their simple needs.

8. Money passes at the time of—

- (1) Recording station diary entries particularly in connection with land disputes;
- (2) Making enquiries in proceedings under sections 107, 144 and 145, Criminal Procedure Code;
- (3) Recording of a F. I. R.;
- (4) Investigating riot and other cases—particularly for roping in persons as accused;
- (5) Arresting a wrong person and not arresting an accused;

- (6) Searching for stolen articles and seizing or not seizing them ;
- (7) Making a correct or wrong note of inspection and wilfully delaying visit to a place of occurrence to allow circumstantial evidence to be destroyed or accused to escape ;
- (8) Submitting final reports or charge-sheets ; omitting or adding some facts or making wrong entries in case diaries and issuing unauthorized copies of case diary ;
- (9) Releasing an accused against whom there is not sufficient evidence and on bail in non-cognizable cases against person ;
- (10) Visit of the officer in charge and constables to the spot ;
- (11) First appearance of the accused at the thana ;
- (12) Not handcuffing an accused and showing courteous treatment to him ;
- (13) Giving evidence in court by investigating officers to spoil or support a case ;
- (14) Recording a F. I. R. against unknown under threat of prosecution under section 182, Indian Penal Code. Suspects pay money in such cases to avoid harassment ;
- (15) Delaying or non-executing warrants and processes under sections 87 and 88, Criminal Procedure Code ;
- (16) Instituting non-cognizable cases as cognizable and finally reporting them as non-cognizable ;
- (17) Removing names from the list of *dagis* ;
- (18) Suppressing cases under section 34 of the Police Act, under the Motor Vehicles Act, under the Gambling Act and under municipal and district board bye-laws ;
- (19) Recommending gun licenses, granting procession licenses, issuing driving licenses and allowing pedlars and others to hold shops on the foot-path ;
- (20) Instituting and submitting reports in unnatural death cases and under section 202, Criminal Procedure Code ;
- (21) Testing fitness of sureties and executing bail bonds ;
- (22) Verifying character-rolls of candidates ;
- (23) Not making unnecessary deductions in travelling allowance and other bills.

9. Remedies.—(1) A carbon copy of *saneha* or F. I. R. should be granted then and there by the recording officer to the complainant.

(2) A copy of the F. I. R. and *saneha*, if any, should be granted to the accused by the Subdivisional Magistrate, if applied for, on payment

of the usual fee. The Subdivisional Officer can get a copy of the *saneha* connected with the case sent to him by the inspector of police for a certified copy of it to be issued to the applicant. As soon as charge-sheet has been submitted in a case, copies of statements of witnesses for prosecution and defence, and of the accused, plan of the alleged place of occurrence with the inspection note should be granted to the accused retaining the safeguard in section 162, Criminal Procedure Code, against granting a copy of the full statement which in the opinion of the court may be inexpedient to do in public interests. Copies of *sanehas* or F. I. R. may not be granted in cases of organized crimes committed either in the name of a political party or creed or by habitual or professional criminals except in conformity with the existing provisions of the Criminal Procedure Code. Unless this discretion is given to the police and the court the investigation of the case may be hampered.

The practice of selling copies of *saneha*, F. I. R., case diary, sketch map and the inspection note has been fully established by the evidence of a large number of both officials and non-officials. Prohibition in respect of granting copies of these documents is a fruitful source of corrupting the police and even some of those who have an access to these papers. It seems almost impossible to stop this corruption as these papers pass through many hands. A large number of officials including some police officers, one District Magistrate and one Sessions Judge support the remedy which we have proposed. The danger of a police case being spoilt by the authorized issue of copies is either imaginary or grossly exaggerated. The parties who want copies of these papers do obtain them by bribing the police or one who handles or has access to these papers.

(3) The practice of making a note concerning a case by some investigating police officers in their personal diary should be strictly prohibited.

(4) Investigating officers should be directed to record then and there statements of witnesses as they depose just as an F. I. R. is recorded. The witnesses may, if necessary, be recalled and re-examined. The practice of making first a note of the statements on a plain paper and writing them subsequently in the case diary affords an opportunity to take a bribe for entering the statements in the diary in a modified form to suit a party. Some officers do this without taking any bribe to improve the case for the prosecution.

(5) Bribery for submitting charge-sheet or final report can be stopped or can be considerably reduced by better supervision and announcement, as a rule, of the result of the investigation to the parties by the supervising officer as soon as practicable.

(6) Bribery at the time of making a report under sections 107, 144, 145 and 202, Criminal Procedure Code, can be checked by—

- (a) requiring a case diary to be written briefly even in an enquiry under these sections ;
- (b) requiring a copy of information about an apprehended breach of the peace to be sent to the Subdivisional Officer ;

(c) prohibiting investigating officers from making a vague note that a confidential enquiry proved possession of a certain party ;

(d) expeditious despatch of report.

(7) If it is found necessary that a constable beyond the radius of 5 miles on public duty should travel by bus he should be given a *voucher* as it is done for the railway journey. The bus-owner can draw the money at the end of the month from the office of the Superintendent of Police.

(8) Postings and transfers should in no case be made by or on the note of the subordinate staff in the police line. They should be made by the Superintendent of Police or Deputy Superintendent of Police without any suggestion from the reserve officer. The existing rules on this point are not observed strictly everywhere.

(9) Not less than 50 per cent of sub-inspectors and 15 per cent of inspectors should be directly recruited with a declaration by Government that the percentage can be reduced or increased on the result of the experiment. Direct recruitment of a certain percentage of sub-inspectors and inspectors is absolutely essential in public interests under the existing conditions. Young men educationally and physically qualified and having a social position and good character with fresh knowledge and energy and without the taint of the department can do their duty with greater credit than those officers who have risen by promotion in spite of their dishonesty. It must, however, be admitted that even many of such young men get gradually spoilt by the environments in which they live and work and succumb to the temptations by the weakness of their character and the strength of their seducers who are private persons or parties.

No change in the present system of recruiting members of the police force seems necessary. The system is satisfactory as good and suitable men are selected with the exception perhaps of a few who may not be as good as some of their unsuccessful rival candidates. Such a contingency is inevitable in all services and in every system of recruitment. The deterioration and demoralization commences later after the appointment. Inspectors' allowance should be increased, and they should be made gazetted officers.

It is impossible for inspectors to pay their bill on tour with the most inadequate allowance they get at present and hence they are, in many cases, obliged to resort to questionable practices and even dishonesty. Their enhanced status by becoming gazetted officers will be conducive to dignity and integrity which is so necessary as they have to do the bulk of supervising work.

Since a good deal of corruption is attributed to most of the assistant sub-inspectors many of whom are nearly of the same status and education

as the sub-inspectors and since the former's pay according to the present scale is Rs. 25 rising to Rs. 35, it is desirable to raise their salary and make their initial pay Rs. 35 rising to Rs. 50.

(10) Inspectors need not be present at the headquarters during the trial of sessions cases. The present practice takes away a good deal of their time unnecessarily to the detriment of much more important duties of supervision.

(11) Informants should be encouraged to give their *saneha* or first information in writing wherever possible.

CHAPTER VII.

JAIL DEPARTMENT.

The jails in India are a terror to many people including criminals for obvious reasons. The confinement of convicts in a jail is regarded as a social stigma from which not only they but their children also suffer. Their liberties are restricted and curtailed though they are not altogether deprived of them. They are further alleged to be subjected to many indignities.

The objects of imprisonment are, in main, threefold (1) the protection of society, (2) the reclamation of the criminal and (3) prevention of the repetition of offences and to serve as a warning to others.

Many reforms have in the past been introduced in these jails. The Government of Bihar have under consideration many other reforms to provide certain amenities to the convicts and generally to improve their lot. The want of imagination and lack of sympathy of those under whom they have been placed have added not a little to their miseries. A kind deed done or a kind word said at the right moment may prove to be a turning point in the life of a convict and may make him a useful citizen.

Money passes at the time of —

- (i) Supplying prohibited articles to convicts ;
- (ii) allowing unauthorised interviews ;
- (iii) distribution of hard labour and rations among convicts ;
- (iv) supplying inferior articles and stores and condoning deficiency in weight, etc. ;
- (v) appointment and transfer of jail warders.

We suggest the following remedies for stopping these malpractices:—

- (i) Among the prohibited articles, tobacco is much in demand. It is smuggled in the jail precincts either by warders or outsiders who are handsomely paid for it. These warders carry on their trade with impunity. It has been pointed out to the Committee that tobacco is freely supplied to convicts in all jails in Bengal and the Punjab. The convicts in the jails of these provinces are not so much addicted to tobacco as they are in Bihar. There is a view that the free supply of tobacco is likely to undermine the health of prisoners. But there seems to be no real danger of it, particularly if excessive use is avoided. We recommend that tobacco should be removed from the list of prohibited articles and should be supplied to those who are addicted to its use.

Another source of corruption is unauthorised communication to or from a convict in a jail. This can be checked by affording greater facilities in the matter of receiving or writing letters and by exercising better control over the warders. Warders as a class are corrupt and an attempt should be made to recruit them from a better class of men with some education.

- (ii) A fruitful source of making money is provided for by allowing unauthorised interviews. Interviews are allowed at fixed intervals to different classes of prisoners under the jail rules. These rules are relaxed and frequent interviews are allowed by taking bribes. The present rules should be liberalised by affording greater facilities in the matter of interviews to all classes of prisoners but if this is not practicable or will involve risks, the evil should be checked by better supervision of the subordinate staff.
- (iii) Well-to-do convicts by paying bribes are admitted to jail hospitals and thereby escape hard labour. In fact, those convicts who are admitted to jail hospitals have to do no work. In addition they are supplied with better food, e.g., meat, milk, sugar, etc. This is possible by bribing the Medical Officer of the jail whose verdict is more or less final. A closer supervision of the work of this officer is very necessary. A periodical examination of such cases by a small district Medical Board may be a salutary check on his work. It is reported that at times money is extorted from prisoners or their relations under threat of giving hard labour, bad diet and jail punishments like flogging, bar fetters, etc., to convicts possessing poor health. We believe that such instances are rare and will disappear if superior officers are more vigilant and strict in supervision. It is true that many things which take place within the four walls of the jail seldom reach the ears of the superior officers or the official and non-official visitors. We suggest that the present powers of an official or non-official visitor should be enlarged and he may put any questions, not likely to impair discipline, to convicts either in the presence or absence of the jail staff. At present a visitor's remarks are not forwarded to Government but to the Inspector-General of Prisons. A provision may be made in the existing rules to forward important remarks to Government.
- (iv) The present system of making purchases by a Committee consisting of the District Magistrate, Superintendent of Jail and another member is an improvement upon the old system. It has eliminated corruption in the matter of giving contracts and fixing rates of articles to a large extent though instances are not wanting when the same contractor has managed to get the contracts from year to year or when a contractor has managed to get a contract by offering a higher rate. The vigilance of the Committee is frustrated at the time of

delivering the articles. Articles of inferior quality are passed in collusion with the jail staff and are accepted by the jail authorities. It is therefore very necessary that the delivery of the articles or stores purchased and their acceptance by the jail staff should take place before one or two members of the Committee who would compare the supplies with the samples in stock. The Committee should also check the quantity to ensure against deficiency in weight.

- (v) This form of corruption can be easily checked if the appointing authority exercises his own discretion without depending upon office notes. Much of the corruption in the appointment and transfer of jail warders is due to the fault of such an authority.

It is reported that some jail-manufactured articles are stolen by warders either for their own use or for sale. Theft of blankets is rather common. We have elsewhere suggested the recruitment of warders from a better class of men which, coupled with supervision, will stop this form of corruption in which the Government is the only sufferer.

In addition to the foregoing remedies we suggest the formation of a Provincial Jail Committee consisting of the Hon'ble Minister in charge of Law and Order, the Inspector-General of Prisons, all Superintendents of Central Jails and five other members—official and non-official—nominated by Government. The function of the Central Provincial Committee should be to control, supervise and regulate the work of the jails in the province.

CHAPTER VIII.

REGISTRATION.

The return of registered documents of the claimants either on the day of registration or on the day following has more than once been attempted to be attained but with no success owing to the method of working in vogue at present in the department. The documents registered cannot be returned till a copy thereof has been made in the register for copies of documents. This naturally involves delay and in emergent cases parties are put to much inconvenience and harassments. Then comes the question of the caligraphic merit of the copyist generally available to the department on remuneration offered under the circumstances of the case. An examination of the register does harm or at least causes annoyance to the eyes of readers of these documents. Poor clerks or copyists have to write a fixed number of words or pages in the course of their duties and many of them are hard put to complete the allotted work which is very heavy indeed.

2. In dealing with this subject one may get reminded of what the Chinese have done to facilitate the return of registered documents and preservation of their copies. But it is very painful to think of China at present. It has become a scene of appalling carnage. Atrocious acts of barbarity by diabolical methods and machines are being committed to destroy the life and property.

There are several things that the Chinese discovered several thousand years ago. Among these things come a finger print and the keeping of copies of registered documents. It is not quite clear why the Chinese method has not been copied by others. It may be that we are more prone by habit to imitate the useless and to leave the useful.

3. The Chinese method is that the executant of a document gets the document written on half the page of a paper. A copy of the document is written on the remaining half of the paper. The original and the copy must be in the hand of the same person. That half of the paper which contains the original document is surmounted with the stamp of the requisite value. The document as well as the copy is both duly attested by the executant and the witnesses. When all this has been done the paper containing both the document and its exact copy is presented before the Registrar. Whatever endorsement the Registrar makes on the original half he makes on the copy half also. But then without the aid of any instrument tears the paper into two halves—one containing the original and the other containing its copy. The copy portion is written for the office and the portion containing the original is then and there after comparison handed over to the party or parties concerned. The Chinese discovered that no two pieces of paper can be torn asunder without the aid of any instrument leaving exactly similar frayed edges in both. Whenever a question of the genuineness or otherwise of a document arose, the frayed edges of the original and the copy always told the true tale. If this method is adopted the document can be returned to the claimant on the day of registration and unassailable copy thereof can be preserved. The matter deserves the consideration of the Government.

4. Money passes at the time of—

- (1) Presentation of a document for registration ;
- (2) checking the sufficiency or otherwise of the stamp duty paid ;
- (3) returning a document registered ;
- (4) compulsory registration ;
- (5) issue of unauthorised notes of documents either from the Sub-Registrar's office or the District Record-Room ;
- (6) filing petitions for a copy of a document ;
- (7) appointment, promotion and transfer of the subordinate staff.

This department suffers more from the bad reputation of the past when bribery was rampant than from the present extent of corrupt practices prevailing in it. There has certainly been a considerable improvement in this department in recent years. The evil that continues is due largely to the immunity which some officers still enjoy and to the grossly inadequate pay of the subordinate staff, who, at some places, have to work much harder than the clerks of some other departments, due to the exacting duties and shortage of hands. We have in a previous chapter dealt with the question of their pay.

5. *Remedies.*—Surprise visits by inspectors and other superior officers and enquiries on the spot from the parties having a business there and from the people present whether any illegal gratification was demanded or paid is one of the means for checking corruption. Punishment by transfer to unsuitable places of suspected officers or clerks will have a salutary effect on the department. An Inspector-General of Registration who, with the support of the Government, took drastic action of dismissing or discharging officers who were proved to be dishonest or even those against whom there was well-grounded suspicion with a previous bad record, succeeded largely in checking corruption in this department. Parties should be frequently told by every Sub-Registrar, District Sub-Registrar and Supervising Officer that the Scribe should not be paid anything beyond his own charges if he asks for it in the name of the Sub-Registrar or a clerk. Many Scribes are said to be in the habit of taking money in the name of a Sub-Registrar or his clerk or both either for the latter or for themselves by fraud.

CHAPTER IX.

 EXCISE.

1. Money passes at the time of—

- (1) Settlement of shops and grant of licenses. Subordinate Excise Officers including warehouse officers also take monthly *salami* from excise vendors ;
- (2) marking palm-trees ;
- (3) initiating false prosecutions and planting of excisable articles ;
- (4) checking travelling allowance bills ;
- (5) issue of import passes.

2. In view of the policy and action of Government to abolish this department, it is hardly necessary for the Committee to state the evil and suggest remedies for it. If, however, the scheme of abolition fails, or is met only with a partial success, efforts should be made to remove the corruption that exists.

Better supervision and enhancement of the status of Inspectors of Excise by making them gazetted officers will effect improvement.

3. Remedies.—(i) Licenses should be distributed by the Superintendents of Excise themselves ; those for *tari* shops may be entrusted to the Inspectors of Excise for distribution under the supervision of Superintendents of Excise as far as possible.

(ii) The Superintendent of Excise should keep himself informed about the honesty or dishonesty of his subordinates. He should make occasional enquiry openly from the vendors whether illegal gratifications are extorted from them by any officer. Deterrent punishments to those who may be found guilty of dishonesty will go a long way to check corruptions. No dishonest officer should be promoted to a higher rank.

(iii) Complaints against officers should never be ignored but should be promptly enquired into.

(iv) Travelling allowance bills should be passed quickly.

CHAPTER X.

IRRIGATION.

This is one of the most beneficent and productive departments though only a small section of the people is directly benefited by it. It is a great pity that the physical feature and the natural lie of the land in this province makes it impossible to extend the system of irrigation by canals. No major project of irrigation can for this reason be taken up. Those cultivators who are lucky to hold land in the neighbourhood of a canal and are able to get water for irrigating their fields either raise a bumper crop, or, at least, it never fails altogether. Those who do not get any water or get less than they want begin to nurse a great grievance against the Irrigation Department or its particular employees. It is quite clear that the canal system is limited to a very small area and the discharge of canals is not sufficient to irrigate even the areas under lease without using rain water. The lucky cultivators who get canal water and flourish by it and who still grumble do not seem to realise the fact that the canal rates in Bihar are the cheapest in India.

Complaints about corruption amongst the subordinate staff of the department are heard in exaggerated terms but the remedy is not easy to find as the cultivators who pay a bribe to obtain an unauthorised irrigation greatly profit by it. Another difficulty is that *Satedars* who are mostly corrupt are elected by the cultivators themselves and there is no method of replacing the former.

Corruptions in this department can, however, be considered under two heads—

- (1) Those involving no loss of revenue to Government.
- (2) Those in which loss of Government revenue is caused.

As to (1) money passes without any loss of revenue to Government at the time of —

- (a) making applications for a lease for the supply of canal water ;
- (b) executing a long-term lease ;
- (c) opening the outlet ;
- (d) delivery of the permit to the *Satedars* or when their blocks are enclosed.

In times of drought, distributaries are often cut in collusion with the patrols and the sectional officers and they are handsomely paid to connive at the irrigation of leased or unleased fields.

2. The loss of revenue to Government is caused mostly by unauthorised irrigation which is done either in league with the patrol or sectional officer or without their knowledge.

Remedies.—(1) All applications for supply of water should be filed before the Subdivisional Officer and not before the sectional officer as at present.

(2) The Government should undertake the maintenance of village channels and realise the cost along with the water-rates from the irrigators if the latter do not prevent wastage of water. The cultivators should also be required to maintain fairly high and well-defined ridges of the fields in the leased blocks to distinguish them from unleased fields.

(3) Other measures calculated to reduce corruption are as follows:—

- (i) Intensive propaganda amongst cultivators who should also be supplied with a printed copy of the revised Irrigation Rules in the vernacular.
- (ii) Discharge of the patrol if unauthorised irrigation is detected in his beat on more than two occasions. This should be added to the existing Irrigation Rules.
- (iii) No officer below the rank of an Assistant Engineer—unless he is definitely known to be above suspicion—should be put in charge of an Irrigation Subdivision. Overseers and subordinates should not be promoted to the rank of Assistant Engineers unless they are definitely known to be honest officers.
- (iv) Irrigation Subdivisional Officers should be encouraged to undertake more touring and outdoor supervision and they should make enquiries more freely in the locality of the people concerned by giving them an opportunity to state their genuine grievances, if any, and report true cases of corruption.

CHAPTER XI.

PUBLIC WORKS DEPARTMENT.

This department has an unenviable reputation by the fault of the subordinate staff and the contractors. Corruptions which, in many cases are palpable continue for want of proper supervision by the superior officers and by the latter's inability or disinclination to detect and punish the offenders. It is mainly the State which suffers by the dishonesty of the employees of the department and the contractors.

For a review, however brief, on the working of this department with a view to describe corruption therein and suggest remedies some knowledge and experience of engineering is required. A committee consisting of non-experts in engineering matters can only suggest remedial measures and methods prompted by common sense and foresight. It is a matter of common knowledge that no sooner buildings and bridges are completed than estimates for their ordinary repairs are prepared and submitted. It is one thing to keep in view and make a provision for fund which will be required for the ordinary repairs necessitated by the wear and tear, so to say, in the course of time but it is another thing to find the buildings in need of repairs in the very year they were constructed. If these estimates for repairs are carefully scrutinized, it would be found that the repairs proposed were mainly due to bad work and still more to bad supervision. The Public Works Department officers cannot be expected to disclose the nature of the defects and their causes because only a few months before they themselves had finally passed the bills of the contractors and testified to the excellence of the work. Arches, lintels and foundations give way in some buildings not long after their construction, and leakage in new buildings is not uncommon. This is so discreditable for the department that even the laymen are often inclined to laugh at the whole department of Public Works. The subordinate staff who supervise the construction satisfy the goodness of work and the materials though they are bad if they are bribed and they reject and criticize them even if they are good when the subordinate staff are not paid. An illuminating reply of the Chief Engineer, Bihar, to our questionnaire about this department is worth quoting. He says as follows :—“ It is the custom for all contractors to pay a certain percentage of the amount of their contracts to the Public Works Department subordinate staff. This is sometimes distributed higher up and the office staff usually gets a share. Complaints are rarely forthcoming and then only when demands greatly exceed the *dastur*. Allowance for this is made in contractors' tenders even by well-established, wealthy and otherwise reliable firms.

“ The Manager of a European firm once told me that unless the Public Works Department overseer received his ‘whack’ everything would go wrong and they could not compete without conforming to the practice.

“ With great difficulty I managed to persuade him to give orders that on a particular small building he was about to construct for Public Works Department not a single pice would be paid illegally and I watched the result with interest.

“ I was amazed at how many things could go wrong. I forget all the details now but the head of the firm and myself agreed not to interfere.

“ Foundation trenches were mysteriously damaged and the contractor put to considerable expense in providing extra concrete. His bricks were rejected, his lime was rejected and so on, and though these were ultimately passed by a superior officer the consequent expense of keeping labour idle put the contractor to great expense. Trouble after trouble ensued always with a legitimate appearance and the Public Works Department subordinates displayed exceptional zeal in Government's interest.

“ A consignment of steel for the roof which could have reached the job by rail in two days was mysteriously sent halfway round India and lost for weeks. The job, which could have been completed in three months took about 12 and everything appeared to be the contractor's fault and the firm lost a considerable sum of money over it.

“ Later, in strict confidence and on the understanding that I should make no official use of it, I was shown the private correspondence between the Public Works Department subordinates and the contractor's agent on the job. It was most edifying.

“ I am unable to suggest a remedy. The Retrenchment Committee are apparently under the impression that by reducing rates they will cut out the ‘rake off’ and so save money. This will not be so. With all their faults Public Works Department subordinates get good work done under the present system. If the rates are cut, the *dastur* will continue and the ‘rake off’ will be found by passing bad work as in district boards.

“ The practice is universal in India and nothing but a change of mentality will remedy it. With intensive education, adequate wages, reasonable standards of living and avoidance of preposterous expenditure on dowries and weddings it may be possible to eradicate the evil in four or five generations, but I am far from optimistic.”

Even some superior officers of high rank have been found to be corrupt but the number of such officers is very small.

In cases of the construction of buildings, bridges and wells, etc., the contractor should be made to give an undertaking in the form of a regular contract that during the first three years after construction all repairs due to defective work should be done by the contractor at his cost. Suitable departmental punishment extending even to fine should be inflicted on the officers who had supervised the construction and passed the partial

or final bills in respect of the work which proved to be defective. The Government should also enquire why the supervision of public works by departmental staff should be necessary and a contractor with a reputation to lose should not be trusted to do the work with the sole responsibility attaching to him for the quality of work. Some supervision or testing may occasionally, if necessary, be made by some superior officers who should make inspection at random without giving any notice to the contractor.

CHAPTER XII.

PUBLIC HEALTH.

This also is a highly technical department. There is not much scope for corruption in this department though some members of the subordinate staff whose pay is very low are believed to take a small bribe. Money passes at the time of granting licences to the vaccinators. Some vaccination inspectors and the office staff exact an illegal gratification from the vaccinators when the former go out to inspect the work of the latter. The vaccinators in turn either realize excess fee from the people or show the vaccination done at home, for which a fee is charged, as having been done free at the depots and misappropriate the fee thus realized. A better supervision by the superior officers may eliminate or check this corruption.

This department is doing very useful work so far as preventive measures and the coping with epidemics are concerned. The activities of the department may further be extended by the delivery of lectures in vernacular in the villages on the subject, particularly of food, diet and water. The primitive idea that if there is neither discolouration nor bad smell in the water it is not objectionable for drinking and culinary purposes should be removed. The disease germs seem to be keeping pace with the increase in human population. But science has also made much advance and can be utilized to prevent the harmful activities of these germs. A practical demonstration of the wonders of a small microscope can easily form part of the lecture on hygiene. It will then and only then convince the people that even seemingly clear and pure water may contain millions of deadly germs which multiply fast.

The methods of keeping food and water free from infection should be instilled into the minds of the people.

The supply of milk and its sale, at least, in towns where there are municipalities should be absolutely under the control of the Department of Public Health. Many of the laws and regulations are useless without the preventive services. The Penal Code, the Excise Laws and the Salt Act, etc., are dependent for their success on the existence of a preventive service. The activities of this department should be substantially extended.

Municipalities, if left to themselves, will never do anything at least for years to come. It is just possible that the vigilance and activities of this department may succeed in rousing the municipalities to a sense of their primary duties. The activities of the department can extend even to areas outside the municipalities. The arms of the Indian Penal Code are very long. Washing dirty clothes and utensils on the parapet of a solitary well in a village is the most common thing to be met with particularly in the rural area. The practice of bathing while standing on

the parapet of such a well is also very general. These are not looked upon as an offence by anyone and even the officers of the Public Health Department look at such practices with a smile! The officers of this department should be made to pass an examination in those chapters of the Indian Penal Code which describe the offences dealing with Public Health and also in various Food Adulteration Acts.

We have made the foregoing observations in the hope that they may be of some use to the department though they are not connected with any question of bribery and corruption.

CHAPTER XIII.

MEDICAL.

The noble traditions of *vaidyas* and *hakims* who provided free medication and in many cases accommodation also to poor sufferers have practically disappeared. The disappearance of this kind of charity was inevitable in modern times. Most of them who qualify themselves as physicians do so to earn a living. But there are still some who are very charitable towards poor sufferers.

Some doctors by their corrupt practices have brought their profession into disrepute and have made hospitals very unpopular. It is the private practice of the doctors and even the dressers attached to hospitals that comes in the way of the efficient discharge of their duties in the hospitals and leads also to certain corruption. But if the door of private practice is closed, a great avenue to experience is closed apart from disadvantages to those patients who do not or cannot go to the hospitals. If that avenue is kept open, the interests of both the outdoor and indoor patients suffer very largely. Some doctors and dressers look more often towards the clock than towards the patients who need their attention in the hospitals. The evil is rampant everywhere and no measure will meet with any success till the problem is seriously tackled. The complaints, however, of the patients are not in every case due to indifference or neglect or an attempt of doctors or attendants to make money unlawfully. Many sufferers expect the doctors to effect cure by miraculous powers which the latter do not possess. Nor can the patients get all that they want and many therefore begin to complain without justification. Complaints arise also out of the difficulties in getting admission in the hospitals as an indoor patient when there are fewer beds than the applicants and an inadequate staff to cope with the work at the Patna Medical College Hospital where the number of both indoor and outdoor patients has enormously increased without a corresponding or proportionate increase in the staff. Complaints of corruption in the hospitals however are not altogether unfounded.

It may perhaps serve a useful purpose if we give greater details about the administration of the hospitals and dispensaries and the evils that exist there. Of the State institutions, the Patna Medical College Hospital and Darbhanga Medical School Hospital are the most important. The general belief so far as the Patna Medical College Hospital is concerned is that patients who are not able to pay to the doctors are not admitted or cared for. This complaint is greatly exaggerated. But there were doctors including some members of the Indian Medical Service who used to take special care of the patients on receiving a fee before the latter were admitted and it was an open secret that one had to get himself examined by a certain doctor at his house and pay him a fee not only to be admitted as an indoor patient but also to be treated with special care.

Public opinion as well as the change in the present staff has reduced the evil though it is believed to continue still to some extent. It is shocking that even the precincts of the hospitals are not free from touts who take a fee from a patient for getting him admitted to the hospital.

The stores, dispensaries and kitchen are the three principal places in which leakages and corruption occur.

For giving contract or making purchases for stores other than medical stores in the Patna Medical College Hospital and other hospitals there should be a committee consisting of suitable persons and tenders should be accepted on their advice. There should also be a managing committee for the Patna Medical College Hospital, and, if necessary, for each ward of it. There should be a committee of visitors for each hospital but they would be useless, and, perhaps, worse than that, if they are not vigilant and active. Members of the managing committee and visitors for each hospital should be chosen from amongst sincere and public-spirited people who would not utilise their position for their own selfish gain but would look to the interest of the sufferers. They can see whether the patients are properly treated and they get unadulterated medicine and food without having to pay to any one for them. They can talk to the patients and know what their needs are and should not expect that the doctors and attendants in the hospitals should do anything to please the members of the managing committee and the authorised visitors but should only do their duty devotedly and conscientiously towards the patients.

There is a great deal of corruption and shameful practice in the matter of granting medical certificate to those who are in need of it either as an applicant for a post or for taking leave or an extension of leave in the case of those who are in Government service. Some doctors and Civil Surgeons have been known to charge a fee of Rs. 16 for granting a certificate of sickness to a Government servant who was getting only Rs. 20 per month. It is difficult to suggest an effective remedy to check these evils. The Provincial Vigilance Committee, if formed, as proposed by us elsewhere in this report, may be able to inquire into the specific cases of corruption of this character and check the malpractices by suggesting drastic action against the offenders who may be suitably dealt with by Government.

CHAPTER XIV

VETERINARY.

In dealing with this department we cannot help making an observation that its importance has not been fully realized either by the Government or the people. It exists under a constant dread of the axe which is often raised over its neck. The activities of this department are unfortunately very limited and their extension in intensive forms cannot take place unless the people and the owners of animals, particularly of cows and bullocks, realize that good many fatal ailments of animals can be prevented or cured by the services of this department. Enormous loss of cattle is caused to the poor owners for want of proper treatment. An outbreak of a disease in epidemic form wipes out lakh and lakh worth of cattle and thus deprives the cultivators and other poor people of their means of living. An improvement in the breed of cattle cannot be effected without a propaganda amongst the cultivators and owners of animals in the rural areas and the expert advice and services of the Veterinary Department, when in this country human beings are not very anxious and disposed to take preventive measures or to get themselves treated for their own ailments, unless forced by pain and faced with impending death, there is no wonder that animals and particularly cattle should be allowed to continue in their present state of neglect.

There seems to be no room for corruption in this department except in one or two matters. It is heard that poor owners of animals, who are entitled to get them treated free, are sometimes asked by the subordinate staff to pay them something. The greatest complaint of corruption is in respect of the action of some veterinary surgeons, who are employed by the Society for the Prevention of Cruelty to Animals, and the municipality. Sometimes poor people who ply hackney carriage, *ekka* or cart on hire are indiscriminately prosecuted under the Cruelty to Animals Act or the offenders are let off by accepting bribes. These poor or ignorant owners of animals who use them as the means of their living do perpetrate great cruelty, but some dishonest and thoughtless veterinary surgeons perpetrate greater cruelty on human beings. The only remedy is to insist upon the selection of a good officer to work on behalf of the Society for the Prevention of Cruelty to Animals and the municipality and to exercise closer supervision by the proper authority.

In veterinary hospitals a distinction is made between animals used for agriculture and those not used for agriculture. The latter class is designated as pet animals. No fees, we understand, are charged for cattle belonging to poor owners. Both accommodation and medication are free. But for other animals both accommodation and medication are charged for. The result is that the stalls in the veterinary hospitals for dogs and horses which come under the unnatural classification of "Pet Animals" almost always remain vacant. This appears to be a crime against the animal kingdom. The treatment and accommodation in veterinary hospitals should be free for all animals and a small fee may be charged in the case of rich or well-to-do owners.

CHAPTER XV.

EDUCATION.

There is not much of corruption in this department but complaints of nepotism and of corruption to some extent are being heard in regard to the work of the Text-Book Committee and on the part of some teachers and lecturers who engage in private tuition. This presents a most undesirable feature and is highly detrimental to the education of the boys. It is deplorable that even the Text-Book Committee which consists of good men of education and social position could not escape the taint of bribery and corruption though it is confined to only a few of them. The Committee and the rules of business require complete overhauling. The proprietors of private presses who act as publishers also and at times become the owner of the copyright resort to nefarious methods and more often than not succeed in their objective. They find out the names of the reviewers appointed by the Committee and approach them either with recommendations or bribe or both. The objective should be the selection of books most useful to the young students and not the extension of patronage to private authors and printing presses. The present system discourages good and honest authors from producing good and really useful books. The Committee gets demoralised and proves baneful to the students. The frequent changes in the books prescribed add very much to the cost of education incurred by the parents of the students, and increases the difficulties of poor boys. Changes in the prescribed text-books should take place seldom and when absolutely necessary. Men who canvass for election or nomination to the Text-Book Committee should be considered disqualified for it. Only men of tried integrity and definitely scholarly qualifications should sit on the Committee. Many members of the Committee cannot write out a review on a book handed over to them. Some do not take much interest and trouble to read the book proposed along with the book suggested to be taken out of the list. The commercial spirit and unhealthy competition in the supply of text-books for the primary schools have caused corruption in quarters which were expected to remain free from it. Very often ill qualified writers are employed by some publishers who make considerable profit as they buy the copyright for a very small sum. Even when good writers are employed they do not get fair remuneration and thus their products gradually deteriorate. We draw the attention of Government to the desirability of acquiring a State monopoly in the publication of books and charts for primary schools and middle classes. Competent people can be found to prepare a scheme for the consideration of the Government. The Government will not, it is hoped, attempt to make any profit over this business but can get approved books printed by private printing presses and attract good authors by paying them adequately to write books for the primary schools and the middle classes. The reputation of the entire Text-Book Committee suffers though only a few members of it may become corrupt.

The list of approved books for the primary and secondary schools is to be maintained but it has been alleged that to help certain publishers another list containing fewer books or those not mentioned in the approved list is kept and circulated in schools.

2. As for the evil arising out of teachers and lecturers giving private tuition to the students of their schools or colleges the Committee is of opinion that permission to give private tuition should not be granted in the case of the students and the teachers belonging to the same school or college except in special circumstances. And no private tutor should be allowed to be a paper-setter or examiner. The teachers who give private tuition are not necessarily corrupt and no one may have dishonestly favoured his pupil but the practice creates an opinion and suspicion which is desirable to avoid both in the interest of the teacher and the pupil.

3. An officer of high rank in the educational service has, in stating the occasions for dishonest sub-inspectors to take money, said as follows :—

“First, the appointment of *gurus* and the transfers of *gurus*. Then at the time of selection of untrained *gurus* for training; there is competition and naturally a *guru* has some inducement to give something to the sub-inspector and the sub-inspector has some opportunity of taking bribe. There is also possibility of taking bribe in the selection of lower primary school students for scholarship examinations. The sub-inspectors come round to each school to select students who compete for a certain number of scholarships; so there is the chance of his selecting undesirable candidates by taking money. Then there may be complaints against *gurus* either directly to the Inspector of Schools or even to the local board and the sub-inspector is asked to go to enquire into them and like any enquiring officer he may take some money.”

“There is possibility of taking money from the *gurus* because the sub-inspector has to certify the working of the school and the *guru* every three months and upon his certificate payment is made by Money Order by the authorities of the local and district boards. Deputy Inspectors come within the same category as sub-inspectors. They have practically the same work to do and have practically the same opportunities to take money although the Deputy Inspector has fewer opportunities. The District Inspector has very little opportunity to take bribe except in the case of recognition of middle schools when he may be approached by local people interested in a certain school and offered something to recognise it.”

“Appointment, posting, transfer, enquiries about *gurus* and selection for training are made to a great extent now-a-days by the local body either directly or with the help of the sub-inspector. The sub-inspectors are now-a-days almost

entirely under the district board chairman and the local board chairman because they have got more power to transfer than either the District Inspector or even the Inspector of Schools, as the Inspector of Schools cannot transfer any sub-inspector from one circle to another. If the chairman wants to transfer a particular sub-inspector from one circle to another he just passes the order and records his opinion. The consent of the District Inspectors to the proposal is necessary. As regards confidential reports the District Inspectors send one copy direct to the Inspector of Schools and another copy to the chairman and the chairman records his opinion on the confidential report and without showing it to the District Inspector sends it to the Inspector of Schools."

The same officer thinks that Deputy Inspectors and some District Inspectors also take bribes. Since they work mostly under the local bodies we are precluded, under the terms of reference, from expressing any opinion and suggesting any remedy for the evil if it exists.

CHAPTER XVI.

REVENUE COURTS.

The importance of this department and the evils that prevail there are not fully realised by the public and the Revenue Officers generally either because the people have got used to the difficulties and dishonesty which they have to face in this department or because the sufferers do not resort to manifestly spectacular protests. Those who have any business in the Revenue Courts and Offices are mostly landowners and are men of education. Their resentment at the present method of dealing with revenue matters creates a public opinion unfavourable to Government and brings a discredit on the administration.

In most cases bribery in the Revenue Courts takes the form of *Mamuli* but instances are not wanting where both Government and private parties have suffered monetary losses at the hands of Revenue Officers—mostly ministerial—in collusion with some interested party by the offer of a bribe. We suggest the following general remedies to combat the vil of corruption in the Revenue Courts and Offices before making our separate recommendations section by section.

Remedies.—1. Office Superintendents have outgrown their real usefulness. They do not, and cannot for want of time, superintend the work of the offices under them. They are employed for a variety of other works relating to different offices, and matters which could, and should be done by officers in charge of or concerned with them. Office Superintendents should be replaced by Sub-Deputy Magistrates of about eight or nine years' standing whose functions should be similar to those of Civil Court Registrars with necessary modifications to suit the conditions prevailing in Criminal and Revenue courts and offices. They would be looking forward to earn their promotions by showing more than an average keenness and merit in their work. To compensate the ministerial officers for the loss of the post of an Office Superintendent we suggest that one meritorious clerk should be promoted to the Subordinate Civil Service every year. Office Superintendents who are 55 years of age should not be given any extension and those who are below 55 should be transferred to other districts where the proposed system cannot at present be introduced. No Office Superintendent should be allowed to remain in a station for more than three years.

2. Dates of hearing of petitions, cases, and appeals should be announced by the court or noted in the Daily Cause List which should be kept in a register open to inspection at a specified hour. One of the greatest evils in the Revenue Departments arises by the present practice obtaining particularly in the Certificate department of passing orders without informing the parties or their lawyers in cases in which objections had been filed. Rules 11 and 12 at page 57 of the Practice and Procedure Manual about maintaining a Cause List should be strictly followed.

3. Orders directing anything to be done by the parties or their lawyers should be communicated to them and signature of the latter should be obtained as far as practicable.

4. Copies of petitions and list of documents filed by a party in pending cases should be given to the opposite-party as it is done in the Civil Courts.

KHAS MAHAL.

The Khas Mahal is an important Revenue Department. It is important both from the point of view of revenue as well as administration. Government derives a fairly large amount of money as income from the Khas Mahal. It is in the interest of Government itself to see that its revenue is not affected by certain corrupt practices prevailing in the ranks of the subordinate Khas Mahal staff. In the management of the Khas Mahal, Government is supposed to play the role of an enlightened zamindar and to set an example to private landlords in their dealings with the tenantry. But this is hardly possible if the Khas Mahal *amlas* are allowed to be dishonest and instances are not wanting when private landlords have, with derision, pointed out various corrupt practices in the Khas Mahal and advised local executive officers to set their own house in order before asking the landlords to set matters right in their estates. It is, therefore, earnestly expected that steps will be taken that the present discreditable state of affairs should cease quickly.

2. Money passes in the Khas Mahal at the time of—

- (i) payment of rent to the Khas Mahal staff ;
- (ii) annual verification and classification of *diara* lands ;
- (iii) settlement of culturable and waste lands and shops in Khas Mahal area ;
- (iv) filing mutation petitions and when mutations are reported by the collecting staff ;
- (v) submitting reports in miscellaneous Khas Mahal cases ; and
- (vi) unauthorized sale of Khas Mahal trees.

3. We suggest the following remedies seriatim for eradication of these corrupt practices :—

- (i) The Khas Mahal collecting staff take some *mamu'i* when tenants offer rent, etc., to them. Some private landlords now pay land revenue and cess by postal money order and we suggest that this system should be encouraged in the Khas Mahal for acceptance of Khas Mahal rent. But in order to make it effective it will be necessary that the remittance of rent by money order should be either free of any money order commission or Government should pay the fee.

It will not be feasible to dispense with the collecting staff but the Khas Mahal Officer should visit central villages in the Khas Mahal estates on fixed dates which should be notified to the tenantry beforehand for receiving the Khas Mahal rent.

- (ii) It has been reported to us that the Khas Mahal staff including the Kanungo take money for the annual verification and classification of *diara* lands. These officers, in order to satisfy their own greed, allow the interests of Government to suffer. This is possible because there is no proper supervision of their work. The Committee suggests that this work should be entrusted to a survey-knowing officer of gazetted rank who should certify its correctness and be held responsible for it.
- (iii) The subordinate staff of the Khas Mahal are reported to settle culturable and waste lands without any authority to the detriment of Government revenue. This is possible because every Khas Mahal office does not maintain a Tauziwar list of all waste and unsettled culturable lands nor do touring officers locally verify that such lands do exist. We lay great emphasis on the maintenance of such a list which must be verified every year by the Khas Mahal Officer and other superior touring officers.

The settlement of shops in Khas Mahal area should be done by and in the presence of the Khas Mahal Officer and the subordinate staff should have nothing to do with it.

- (iv) Money also passes when mutations are reported, particularly when any tenant dies without any heir. The only remedy that suggests itself to us is that the Khas Mahal Officer should locally enquire into such cases of mutations in a larger number of cases than he has been doing so far.
- (v) Miscellaneous enquiries in Khas Mahal cases should be done by the Khas Mahal Officer or his Assistant or the Second Officer in a mufassal subdivision and the collecting staff should be altogether relieved of this work. The practice of sending miscellaneous enquiries to Khas Mahal Tahsildars not only interferes with their collection work but is a fruitful source of income to them.
- (vi) Instances are not very rare when Khas Mahal trees have been surreptitiously sold by the Khas Mahal staff. This unauthorized sale can be stopped by better supervision and tours in the interior, off the beaten track.

CERTIFICATE DEPARTMENT.

1. Of all the Revenue Departments, the Certificate Department is the most unpopular. It has the unpleasant duty of collecting various kinds of public demands either from habitual defaulters or from persons who

have defaulted in making payments through oversight or lack of funds. Its unpopularity has further been enhanced by the vagaries of the process-servers and the law which fixes the joint and several liability of a co-sharer who may have paid his quota. For more than a decade there has been a systematic and continuous agitation against the Department on the floors of the Legislative Council and Legislative Assembly without any satisfactory result.

2. It is a fact admitted all round that the actual working of the coercive processes of the law in respect of the realisation of arrears of cesses has, by the present defective practice, caused great discontent and resentment amongst the land-owning class. Every estate liable to pay Government Revenue, cesses has a ledger account open in the Cess Tauzi Office. Payments by the parties are made by Chalans, and these Chalans are posted in the ledgers. What is this posting? All the contents of the Chalans are not copied in the ledger. When a Chalan, say for Rs. 10, is received in the Cess Tauzi Office it is dealt with as follows:—The Chalan shows the Tauzi number. The ledger account of that Tauzi is opened and the receipt of Rs. 10 is noted in the columns provided for noting collections. The differentiation of current and arrear is made as there are separate columns in the ledger for current demand and arrear demand. The number and date of the Chalan are also noted. These are the only information that are culled from the Chalan, although it contains some other informations also. After the close of the kist the ledgers are examined in order to find out what demands have not been paid up. If this examination shows that there is an unrealised demand of Rs. 20 in a particular Tauzi and the issue of a certificate is called for, the clerk in charge has to go to the record-room in order to consult Register D of that Tauzi so that he may obtain the names of the proprietors of that Tauzi. He copies out ten or fifteen names. The position up to this time is that the ledgers do not show the names of the proprietors and Register D does not give any indication of payment by any of the recorded landlords. The rules require that in order to avoid the issue of certificates against persons who have already paid their quota the clerk in charge should rake up the bundles of dusty Chalans kept in the Tauzi office or on the racks in the upper regions of the record-room. The Chalans show the names of the payers with the list or the partial list of proprietors in his hand. The clerk has to find out if any of the persons named in the list have already paid their quota. In such cases the names of the persons who have paid up are scratched. When all this has been finished the clerk is expected to include in the draft requisition the names of such persons only as have not paid their quota. The system looks perfect on paper but experience has proved that it is an altogether unworkable system and that without a very substantial addition to the ministerial staff the rules cannot be enforced and observed. The result is confusion and dishonesty and their attendant evil hardship to individuals. This cumbersome and altogether unworkable system must be done away with. One more column should be added to the many columns of the ledger account for the insertion of the names of the proprietors. The insertion of this column would naturally require that the width of the ledger should be

increased by about three inches. When this is done the clerk will be relieved of the burden of consulting the bundles of dusty Chalan. With only the ledger under his arm the clerk will walk into the Record Room and take the names of the really defaulting landlords from Register D. This will necessitate some minor changes in the form of the Land Revenue Chalan [Schedule XIV—Form no. 368H (New) 1030 (old)]. Delete "Amount" against serial no. 9 and insert "Quota payable". "Extent of Share" may be added to the chalan under serial no. 10. These changes will facilitate proper check in the Tauzi Office.

Now the person who has paid is absolutely safe from harassment and the honest will not suffer on account of the dishonesty of others. The complaint of the habitually defaulting landlord as to why he is always selected for being proceeded against for recovery of arrears is absurd and does not deserve the sympathy of any sane person. His proper remedy is in his own hands. He should see that he regularly pays his quota and he will have no occasion for any complaint.

Unthinking clerks and even officials—and there is no lack of them—may raise the cry of extra labour. The balance is a very good invention and has to be used in all affairs though the poor instrument is much more misused than used. The balance of advantage, so far as the additional column we have proposed goes, is on the side of better, smoother and more equitable working of the department and greater contentment amongst the honest landlords.

3. To give protection to the person who regularly pays his quota but is even then made to pay either through the negligence of the cess clerks or at the instance of dishonest co-sharers it is desirable not to charge any court-fee or process-fee for application under section 49 of the Cess Act. In the case of a decree the court-fee and process-fee should be realized from the defendant and credited to the Government. In case of an unsuccessful application the court-fee and process-fee are to be realized from the applicant. All the realization to take effect after the disposal of the application.

The fees and incidental expenses of an applicant are so heavy that in most cases it costs him fifteen annas for each rupee he recovers. In some cases he prefers to suffer the loss in silence because it is not worth his while to go to court. The cost might exceed the amount that may be decreed.

The sufferings of the honest zamindar call for sympathy. Government must realize its legal as well as moral obligation and take drastic action to put an end to the tyranny or negligence of the clerks and the officers concerned. A rule may be made that the cost incurred by the zamindar in righting a wrong committed by the office should be made good by the clerk and the officer of the department concerned.

The remedies which we suggest are calculated to give relief to a large number of people who have dealings with the Certificate Department. It is trusted that the suggested remedies, if accepted and applied in the right and proper spirit, will considerably mitigate the evil, if not altogether eliminate it.

Money passes at the time of —

- (1) Preparation of a certificate requisition with an incomplete list of co-sharers. Habitual defaulters arrange beforehand to escape from the certificate procedure and attachment of their movable properties by distraint ;
- (2) Serving notices under section 7 and under rule 27 of the Public Demands Recovery Act sent out to another district. The certificate-debtor manages to have such notices returned unserved by bribing process-servers ;
- (3) Sending a report on an objection petition to oblige a certificate-debtor. At times an incorrect report is submitted by the section clerk concerned ;
- (4) Issuing a writ of release. In several cases this writ is not issued unless the certificate clerk's demand for illegal gratification is satisfied ;
- (5) Submitting reports of service of processes. Peons are bribed to submit false reports.

Remedies.—(1) Names of all the co-sharers should be shown by the Cess Department in a certificate requisition which should be checked before sending it on to the certificate department so that notice under section 7 may be issued to all. Payments by co-sharers should be noted against the name of each on the back of the requisition.

(2) Distress warrants should, in the first instance, be issued only against all the defaulters simultaneously so that office may not have a chance of exempting some by taking a bribe. A defaulter who makes payment on a distress warrant may be authorized to endorse the payment on the distress warrant itself in addition to taking a receipt from the process-server. On failure to realize the demand from the defaulters the co-sharer or co-sharers who have already paid his or their quota should be given a chance to pay off the dues before selling his or their movable property.

(3) Notices under section 7 and under rule 27 of the Public Demands Recovery Act should be sent by registered post with an acknowledgment due in the case of those certificate-debtors who live outside the district to prevent peons from being bribed by an interested party to report falsely.

(4) A report by a clerk of the cess or other requisitioning department on an objection petition filed by a certificate-debtor should be verified by the officer in charge of the department who should certify it to be correct before sending it on to the Certificate Officer. The Certificate Officer himself should pass orders and not let his clerks write out the orders as it often happens. If an objector is present he should be heard before an order is passed.

(5) Delay in issuing a writ of release in respect of movable property attached in a certificate case can be avoided by strict supervision. The writ of release should be issued on the day the order is passed or the next day at the latest.

(6) There is a good deal of corruptions in the Certificate Department in the matter of service of processes and the utmost vigilance on the part of the Certificate Officer can alone check the evil. The Certificate Officer must, without an exception, be in charge of the Nazarat Department.

TREASURY.

Money passes at the time of :—

- (1) Passing cheques issued by local bodies on the last date of the financial year ;
- (2) Seeking information to withdraw lapsed deposits by a party ;
- (3) Issuing stamps from the Treasury particularly during *tamadi* time ;
- (4) Payment of land revenue and cess during *kist* time.

Remedies —(1) Issue of a large number of cheques on the last date of the financial year should be discouraged wherever possible to check corruption as clerks point out imaginary defects and threaten to delay payment if they themselves are not paid first. A local gazetted officer may be deputed to perambulate and see that the cheques are cashed without bribing any one.

(2) Parties may be allowed to inspect the lapsed deposits registers on payment of a fee of, say, annas 4. This will stop the payment of unauthorized fee to the clerks of the accounts Department. The rule to the contrary may be modified.

(3) Treasury Officers should enquire from the Civil Courts a month before the *tamadi* day the requirements of stamps and keep a sufficient stock of them. The Treasury should be kept open on the last *tamadi* day even if it is not a day for issuing stamps and in the *mufassal* it may not be even a Treasury day.

(4) During each *kist* time, a gazetted officer should be deputed to the Treasury to see that parties deposit their money without any harassment at the hands of the Treasury clerks and *pottdars*. There have been several complaints in the past that payments are not received unless they get their *mamuli*. These people feel helpless and, in their anxiety to save their estates, are forced to pay tips. It is regrettable that even in making payments of Government dues, a surcharge in the shape of a bribe should be demanded and this state of affairs should continue in spite of there being so many officers who are expected to supervise the work.

LAND REGISTRATION.

Land registration cases—particularly contested cases—often raise difficult questions of Hindu and Muhammadan Laws which can be dealt with by experienced officers who have gathered a working knowledge of the

intricacies of such laws. It is suggested that young and inexperienced officers should not be entrusted with this work though the Committee recognizes that this may not be possible in every district and that the discretion of District Officers should not be fettered by any general direction about the allocation of work to their subordinates. Many of the corruptions are facilitated by the want of vigilance and experience of the officers themselves.

Money passes at the time of:—

- (1) Obtaining information regarding case number and date ;
- (2) Obtaining an unauthorized copy of an objection petition ;
- (3) Drafting incorrect routine orders by section clerks ;
- (4) Preparation of a decree ;
- (5) Return of documents filed in a contested land registration case.

Remedies.—(1) When an application for registration and mutation of names is filed, the applicant has to approach the section clerk and to bribe him to know the number of his case and the date fixed in it. It is suggested that a slip should be attached to each application giving the applicant's name, nature of the case, tauzi number and date of filing the application. The receiving clerk should put down on this slip the number allotted to the case and the date fixed for hearing and return the slip to the applicant immediately. This practice obtains at Patna and can be easily followed in other districts.

(2) In contested land registration cases no objection petition should be accepted unless a copy thereof has been previously served on the opposite party or his lawyer otherwise the practice of obtaining a copy surreptitiously will continue.

(3) Routine orders drafted inevitably by clerks should occasionally be checked at random by the officer to prevent corruption.

(4) Before a decree prepared by a land registration clerk is signed an opportunity should be given to the parties or their lawyers to check the decree. Under the present system a party sometimes does mischief by bribing the clerk.

(5) The documents filed by the parties in Land Registration cases should be returned to them in presence of the Land Registration Officer on the date the application is made if the records are in the Land Registration Office and, if the records are in the Record Room, on the following day at the latest. To get back their documents parties at present are obliged to bribe the clerks.

NAZARAT.

The Nazarat Office is the pivot of all the Revenue Offices. If the work in the Nazarat Office is done in time and smoothly, other offices can

do their work expeditiously and methodically. Much of the work in the Nazarat depends on the good work by the peons who are almost illiterate. They are as a class poorly paid. Elsewhere we have suggested an increment in their pay with a fixed travelling allowance. They have to provide their own liveries out of their meagre salary. The average cost of liveries of a peon per year will be about Rs. 3 and we strongly recommend that Government should bear this cost as it does in the case of Excise Peons and police constables.

Money passes at the time of :—

- (1) Distribution of processes to the peons by the Nazir ;
- (2) Submitting false reports of service of processes ;
- (3) Payment of witnesses' expenses ;
- (4) Purchase of furniture and stationery, etc. ;
- (5) Enrolment and appointment of peons.

Remedies.—(1) There are complaints that some Nazirs do not distribute processes for execution and service equitably among the process-servers. They have their own favourites who return the unfair patronage in some form and obtain the paying processes.

The jurisdiction of each Nazarat should be divided into two well-defined areas : urban (within a distance of six miles from the headquarters) and rural (beyond that distance). A process-server who has just returned from the rural area should not be sent again to that area but to the urban area. The system of distribution of processes prevailing in the Civil Courts under a Registrar may not be feasible in the Revenue Courts for various reasons, e.g., multifarious duties which the Nazarat Officer may have to perform in addition to Nazarat work. We, therefore, suggest that the Nazarat Officer should occasionally distribute the processes himself and exercise better control over their distribution in future.

(2) Some corruption prevails in the matter of service of processes. The only remedy is a closer supervision by the officer in charge of this office. Service of processes should be checked locally in a few cases by the Nazarat Officer and the Subdivisional Officers in their respective jurisdiction. This ought to provide a healthy check on the vagaries of the process-servers.

(3) Expenses of witnesses in criminal cases must be paid in presence of the Magistrate and the existing order of Government to that effect should be strictly followed.

(4) Purchase of furniture by the Nazir is alleged in certain quarters to be a fruitful source of income to him. Everything is done by the Nazir and the Nazarat Officer merely puts his initials on the bill and passes it. Such purchases should be made or checked by the Nazarat Officer himself or any other responsible officer.

Similarly when Government stationery is out of stock, the Nazir purchases stationery locally. He should not be allowed to make purchase of any article worth more than Rs. 50. If the Nazarat Officer is vigilant, he can considerably check corruptions under these heads.

(5) In the enrolment and appointment of peons the Nazir takes money from each successful candidate. This can be stopped if the Nazarat Officer makes his own selection and recommendations without relying upon the recommendations of the Nazir.

CESS REVALUATION.

Money passes at the time of:—

- (1) Filing returns by the zamindars ;
- (2) Getting reduction made.

Remedies.—Since many officers have a bias in favour of increasing cess a close supervision by the Collector is absolutely necessary. Only selected officers of experience should be deputed for cess revaluation work.

LAND ACQUISITION.

Money passes at the time of:—

- (1) Enquiries by Kanungoes for estimating the value of land ;
- (2) Payment of the award.

Remedies.—(1) We can suggest no other remedy than strict vigilance on the part of the Land Acquisition Officer who should locally verify the correctness of the Kanungoe's report.

(2) Payment of the award should be made locally as much as possible and where the award money has been kept in Revenue Deposit, the procedure for withdrawal of money as laid down in the Board's Miscellaneous Rules must be strictly followed.

CESS AND TAUZI.

Money passes at the time of:—

- (1) Preparing a certificate requisition to omit the name or names of a co-sharer or co-sharers from a certificate requisition ;
- (2) Submitting reports on objection petitions filed by certificate-debtors ;
- (3) Filing cases under section 49 of the Cess Act ;
- (4) Passing Chalans, particularly during *kist* time.

Remedies.—(1) We have already suggested some remedies while dealing with the Certificate Department for combating the evil of preparing an incomplete certificate requisition and an incorrect report in the Cess Office.

(2) To avoid corruption in the suit for contribution under section 49, rule 1A at page 30 of the General Rules and Circular Orders, Civil, Volume I, may be adopted.

(3) During *kist* days there is a great rush in the Tauzi Office when Chalans are presented to the section clerks for checking. Each presenter has to pay a tip before his Chalans are checked. In several cases this check is most superficial.

We suggest that an officer of gazetted rank should invariably be deputed during *kist* time to the Tauzi Office so that the work may proceed smoothly.

At present land revenue and cess can be paid by postal money order. This is an additional facility given to landlords and the system is working satisfactorily. The check of Chalans in the Tauzi Office, being at times most superficial, we propose another additional facility to be given to landlords. Those who wish to make direct payments in the Treasury or the Imperial Bank without going to the Tauzi Office should be encouraged to do so. This is likely to relieve congestion in the Tauzi Office during *kist* time and to lessen the work of the section clerks who will have much more time for preparation of their quarterly return and other works.

(4) We suggest that a statement showing the Tauzi number of an estate, the amount of arrears and the date of its sale should be hung up in front of each section clerk outside in the verandah in a glass shelf for the inspection of the parties concerned. We have made this recommendation so that the Tauzi clerks should not come in contact with the general public. This will also remove the complaint of the public that notice under section 6 of the Revenue Sale Law is often torn or removed from the notice board.

RECORD-ROOM.

Money passes at the time of :—

- (i) Seeking information from the record-room ;
- (ii) Unauthorized inspection of disposed of records ;
- (iii) Sending records to the Copying Department or to a court.

Remedies.—(1) Parties or their agents approach the record-room clerks for some information without formally applying for it. They bribe the clerks and get the information which causes loss of revenue to Government. This practice can be checked if the Record-Room Deputy Collector pays surprise visits to the record-room. No member of the public should be allowed ingress to the record-room.

(2) Clerks take records home from the record-room and allow parties or their agents to take copies. The taking of records home should, in no circumstances, be permitted and parties should be given the right to inspect disposed of records and to take notes on payment of a nominal fee of four annas. A clerk of the record-room will bring such records for inspection in his presence at a fixed time every day. Separate accommodation, where available, may be provided for this.

(3) Record-room clerks do not send records to the copying department or to a court unless they are bribed. This form of corruption can be stopped only by the vigilance of the officer or court concerned. Any record required by a court must be sent to him a day before it is required by him. In case of failure, he should take effective action himself without asking the party to make his own *pairvi*.

COPYING DEPARTMENT.

Money passes at the time of:—

- (i) Applying for copies and in the course of preparation of copies;
- (ii) Delivery of copies.

Remedies.—(1) If applications for copies are received by the officer himself there will be hardly any complaint. All sorts of tactics to cause delay are adopted if the bench clerk, copyist and comparer are not paid their *mamuli*. Records of pending cases should be sent to the copying department immediately after a requisition has been made for them. In the matter of notifying deficit folios, etc., the officer in charge of the department should satisfy himself that rules 286 and 288 of the Record-Room Manual are strictly and regularly followed in his office. He should also insist on a strict and regular compliance of rules 290 (notification of dates when copies will be ready) and 289 (list of copies ready) of the Record-Room Manual. He should pay surprise visits to the copying department and inspect the copyists' work to satisfy himself that no copy ready for delivery is being withheld.

(2) All copies after they have been signed by the officer in charge should immediately be distributed by him or in his presence. Any complaint of an aggrieved party should be immediately looked into and the result communicated to him then and there.

We quote an appropriate extract from the reply given by an experienced officer, who has retired, to our questionnaire. We fully agree with what he has said and adopt his suggestion. He says as follows:—
 “The applications for copies are generally and actually received by one of the comparing clerks in the copying department. At this stage the comparing clerk has to be paid a bribe otherwise there is a chance of either the application disappearing or the stamped folio disappearing. The copying department does not keep records and has to get them either from the record-room or from the bench clerk. Here again the applicant has to bribe either the record-room staff or the bench clerk before a record can reach the copying department. The bench clerk when not paid must cause some delay. The usual excuses that he puts forward are summed up in the following sentences: (a) The records are with the presiding officer. (b) The records are disarranged and are being arranged and indexed. The applicant is in a hurry and has to please the bench clerk. It is then only that the records are sent to the copying department. When the copies are ready they cannot be issued without

the signature of the comparing clerk and the record-keeper. For these 'Dastakhanas' have to be paid. It is aptly called 'Dastakhana'. Real comparison and attestation are never done. Anyone who is familiar with certified copies knows what comparison and attestation mean. Copies full of mistakes and omissions are certified to have been compared with the original and such defective copies are attested by the record-keeper to be true copies."

Remedies.—(1) The principle of first come, first served must as far as possible be observed by the departmental head.

(2) The report of the bench clerk about the records being not available at once for the copying department must be countersigned by the presiding officer of the Court.

(3) It should be the duty of every presiding officer of a Court and in whose Court incorrect and mutilated copies said to have been compared and attested are filed to draw the attention of the gazetted head of the department from where such copies were issued and the cost of fresh copies should be borne by the comparing clerk in fault.

(4) The fee charged for expedition copies requires revision. The fee is so prohibitive that the law of diminishing return applies. I am confident that a reduction in the scale of fees will result in greater returns to the public exchequer. At present there are two classes of application, viz., expedition and ordinary. Expedition copies are expected to be issued to the party in the course of the day on which an application has been filed. The expectation is hardly if ever realised. The earliest ordinarily is the next day.

I would propose three classes of applications:—

(1) Extra Expedition—One day.

(2) Expedition—Three days.

(3) Ordinary—Six days.

The charges for the expedition copies to be midway between the charges for extra expedition and ordinary. Then the gazetted officers in charge of the copying department should have purely business interests and should forget that he is a *Hakim*. Much of the corruptions rampant in the copying department will disappear if it be run on purely business lines. There is an adage "A satisfied customer is sure to come again". If the copying department be run on purely business lines the evil of unauthorised and surreptitious copies will be mitigated to a very great extent and may ultimately disappear.

The suggestions I have made are not theoretical but I had occasion to put many of them into practice as far as it lay within my power and I found that they worked well. While I held charge of Criminal and Revenue Record-Rooms I had no occasion to reduce the number of copyists employed but had always to increase their numbers. I used to look upon the copying department as a purely business concern and used

to give all possible facilities to the parties. The result was a definite rise in the volume of work. I have known of cases in which copyists used to inform me that some bench clerk and offices were in the habit of issuing unauthorised copies and the income of the copying department was on that account falling. It is my experience that a lax and unimaginative gazetted officer in charge of the copying department indirectly encourages the issue of unauthorised copies.

There should be a return showing how many copies were issued in how many days.

BATWARA.

Money passes at the time of:—

- (1) The preparation of the change list and entering disputes ;
- (2) Issuing notices for inspection of papers adopted under section 50 of the Partition Act ;
- (3) Raibandi and Pattabandi by the Batwara Officer ;
- (4) Issuing unauthorised extracts of maps of lands and other papers ;
- (5) Distribution of parchas by an Amin ;
- (6) Writing grounds of appeal by the Batwara Head Clerk.

Remedies.—1. After the documents have been adopted for the purpose of partitions under sections 48 and 49, a notice under section 50 should be issued within five days from the date on which the documents were adopted mentioning also the date of adoption which is absolutely necessary since no appeal can be filed after 30 days from the date of adoption. Sometimes a notice under section 50 is issued, 15 days after the adoption of papers, and by the time the notice is received the time to appeal expires. At times a dishonest co-sharer bribes the peon and takes the notice on behalf of all and keeps them in the dark. The date of adoption should be noted in the Cause List also.

2 Corruptions on the part of Amins can be checked if the Batwara Officer carefully scrutinises the change lists, i.e., the lists containing all up-to-date changes which have taken place since the preparation of the last record-of-rights, and the classifications of lands made by them. Too much reliance on the work of these Amins should not be placed. They should in no case be entrusted with the distribution of *parchas* at the time of delivery of possession. Batwara officers should keep a watch over them so that they may not tamper with the allotment or subsequent re-allotment of *takhtas* marked in the map.

3. Copies of extracts of maps of lands and Batwara Khatian should be supplied to the parties at a reasonable cost. They should not be driven to take unauthorised copies by making the cost prohibitive.

4. Batwara officers should not depend too much on their head clerk to write out grounds of appeal. They should themselves do this as far as practicable.

SURVEY AND SETTLEMENT OPERATIONS.

There being no Survey and Settlement operations in any district of the province we refrain from making any recommendations.

SEPARATE ACCOUNTS.

Money passes at the time of fixing disproportionate amounts in Separate Account cases. This evil can easily be checked if the Revenue Munshikhana Deputy Collector exercises proper check and scrutiny before submitting papers to Collector for approval.

MALIKANA MUTATIONS.

Money passes at the time of :—

- (i) Filing a mutation petition by a *malikandar*;
- (ii) Allowing mutation to a fictitious person without any proper scrutiny;
- (iii) Preparation of the roll.

Remedies.—1. All malikana mutation petitions should be received by the Deputy Collector in charge in open court. They should not be received in office by any clerk of the Revenue Munshikhana.

2. No malikana mutation should be allowed without making a proper enquiry and also a local enquiry by a responsible Government servant.

3. The roll prepared should be delivered to the applicant by the Deputy Collector in charge or in his presence.

STAMP ACT CASES.

Money passes at the time of :—

- (1) Making an application for refund of value of spoilt stamps;
- (2) Preparation of refund vouchers;
- (3) Recommending imposition of penalty on impounded documents.

Remedies.—1. All applications for refund should be received by the Deputy Collector in charge (and not by the clerk concerned) in open court.

2. Refund vouchers should be distributed to the applicants by the Deputy Collector in charge after he has signed them along with Collector's orders sanctioning refunds.

3. The Stamp Deputy Collector should exercise his own discretion in recommending the amount of penalty to be realised and office should not be required to make any suggestions in this connexion.

CHAPTER XVII.

FOREST.

During our visit to Ranchi in the course of our enquiry it occurred to us to explore the possibility of not only checking corruption in the Forest Department but also of improving revenue from it. With this object in view we requested the Conservator and the Deputy Conservator of Forests to give us a short note as to what steps might be taken to attain the objective we have indicated. The Chairman subsequently received their joint note extracts from which, in the opinion of the Committee, deserve a place in its report.

We draw the attention of the Government to the extracts from this illuminating joint note of these officers who, in addition to their long experience, possess a foresight. The extracts will be found in Appendix B.

On one point their suggestion needs a modification. Our recommendation is that only in cases where private forests are interspersed with Government forests acquisition should be resorted to at once. But private forests far apart from Government forests and in no way affecting the latter should not be touched for some time to come.

In an agricultural country like India, forests have a special value and usefulness. They influence the quantity of rainfall in Bihar. This fact has been fully recognized in all the Government reports. A good deal of forest wealth has already been destroyed in South Bihar and Chota Nagpur. If further wanton destruction of forest is stopped and the proposals made in the extracts of the joint note referred to above are accepted and acted upon by the Government their revenue from it is sure to increase considerably.

CHAPTER XVIII.

INDUSTRIES.

There does not appear to be any complaint of corruption having crept into this department. It is a very small and young department. Its activities are summed up and displayed in the Central Institute at Gulzarbagh, Patna. It has done very well so far in certain branches of Cottage Industries. It would have done better if the finances of the province permitted rapid expansion. In spite of an increasing bias in favour of hand-spun, hand-woven and hand-made articles, the sale of articles made through or with the aid of this department is not satisfactory except for *pardas* and curtains over which the department makes considerable profit by having good local and foreign markets for them. The commercial museum and depot have usefulness of their own and should be encouraged but they are generally accessible to city dwellers and the people of rural areas do not come in contact with them. The products of the department can probably be made more popular in rural areas by taking the goods to big village *hâts* on the *hât* days. The Cottage Industries Institute may be supplied with a properly fitted bus with suitable racks for cloths, toys and other products of the department. The experiment may be worth a trial. In making this suggestion the Committee feels that it has gone beyond its scope if its terms of reference are strictly interpreted.

CHAPTER XIX.

COURT OF WARDS.

1. The occasions for taking bribes in the Court of Wards Estates are almost the same as those in the Khas Mahal Estates and the remedies suggested for eradication of corruptions in Government estates will apply *mutatis mutandis* to all estates under the Court of Wards. Only two other matters call for special mention.

2. A senior I. C. S. Officer, who was himself a manager of a big estate, says : " If in a certain big estate in the province under the management of the Court of Wards, the manager is allowed with the approval of the Government to have any amount of milk, fuel, etc., from the Wards Estates free or for a nominal price we cannot expect all managers in other estates or their subordinates to be particularly scrupulous in their dealings with such properties of the Wards."

We invite the attention of Government to this state of affairs and suggest immediate stoppage of such privileges or practices.

3. It is also reported that there is much scope for taking money in the settlement of *jalkars*, *falkars*, etc., and in subsequent remission of these rents. We suggest that the settlement of *jalkars* and *falkars* above Rs. 250 should be made by the Wards Deputy Collector or the Collector and that remissions of such rents should be allowed only after a thorough local enquiry by a responsible Government servant.

CHAPTER XX.

We do not claim to have given an exhaustive list of causes and occasions for bribery in each department that has been dealt with by us nor have we given every conceivable remedy for all the evils that exist. But we venture to say that there is in our report a mass of materials which may enable the Government and the people desirous of checking corruption in public services to adopt measures calculated to attain the object.

It would bear repetition to say that opportunities, need and greed are the principal factors which tend largely to corrupt public servants. Unless wages of ill-paid servants are raised, work is simplified, hands in undermanned offices are increased, better and closer supervision over subordinate staff is exercised, and dishonest servants are severely punished, corruption will continue undiminished and may even increase.

But no one can be punished without proof of his guilt and evidence of corruption in individual cases cannot be found in many cases without the co-operation of the public.

In concluding this report I must thank my colleagues of the Committee for their co-operation in the spirit of a team. Though some of them could not attend all the meetings, every member has made some contribution towards the solution of the problems we had to tackle.

We are grateful to the officials and the non-official gentlemen who have assisted us by replying to our questionnaire and giving evidence before the Committee. We are thankful particularly to non-official gentlemen who at their own expense appeared before the Committee to be examined orally in response to its invitation.

We wish to put on record our appreciation of the work of the Secretary, Pande Ram Chandra Sahay, who rendered useful services in a methodical manner and helped the Committee with a good deal of information which he possessed on certain points relating to the subject of our enquiry.

We submit to the Government this report which embodies our unanimous recommendations.

SYED ABDUL AZIZ.

AMARNATH CHATTARJI.

A. E. J. C. McDOWELL, Lt.-Col.

A. JALIL.

MUHAMMAD IBRAHIM.

BRAJA NANDAN SINGH.

BRAJANANDAN PRASAD.

MAHESWAR PRASAD NARAYAN SINGH.

VINDHYESHWARI PRASAD VARMA.

APPENDIX A.

CORRUPTION ENQUIRY COMMITTEE.

QUESTIONNAIRE.

NOTE.—(1) Recipients of this questionnaire are not required to attempt to answer every question contained in it. The Committee will be glad if they will furnish replies to any question in which they are specially interested or about which they have personal knowledge or information.

(2) Replies should be sent so as to reach the Secretary, Corruption Enquiry Committee, Patna Secretariat, on or before the 7th June 1938.

General.

1. Do corruptions exist in all or any of the following departments? If so, please state the nature of and occasions for the corrupt practices.

- (1) Civil Court.
- (2) Criminal Court.
- (3) Police.
- (4) Jail.
- (5) Registration.
- (6) Excise.
- (7) Irrigation.
- (8) Public Works.
- (9) Public Health.
- (10) Medical.
- (11) Veterinary.
- (12) Education.
- (13) Revenue, including Khas Mahal, and Survey and Settlement.
- (14) Forest.
- (15) Industries.
- (16) Court of Wards.

2. What remedies can be adopted for eradicating or minimising them?

3. If any confidential report of dishonesty is made against an officer by his superior in the annual merit statement, should this be communicated to the officer with a warning?

4. Should not a well-grounded suspicion of dishonesty against an officer in any part of his service debar him from promotion to the selection grade or to a higher rank? Should such promotion be given only to those officers who are above suspicion?

5. Do you consider it desirable to remove an officer from service on the repeated confidential reports of dishonesty made by his superior officers?

6. Do you consider it desirable that officers whose record of service is indifferent should be compulsorily retired before the ordinary time, say, after 20 or 25 years of service?

7. Do you consider it desirable to form a vigilance committee of officials and non-officials in each district or subdivision to watch and report about the corrupt officers of different departments? Would it be necessary to have a provincial vigilance committee to keep the district committees active? What should be the constitution of the provincial committee, if any?

8. What action can be taken to improve the moral tone of the people in the matter of offering illegal gratification?

9. Do superior officers of the department take sufficient interest in checking corruption? Has the action of any such officer been fruitful of any good result? If so, the action taken by him may be stated in detail.

10. Do officers take loan from persons under their influence? Does not this affect their efficiency?

11. Do you consider that the present departmental procedure in taking action against persons accused of corruption should be simplified and made more effective and speedy? If so, in what way?

12. Do some gazetted and superior officers of Government get their provisions supplied free of cost or at nominal price and use motor cars without either paying the proper fare or even for petrol at the expense of some subordinates or private persons?

Questionnaire for Civil Courts.

1. Will you state the bribes and the perquisites which are paid to some employees of the Government and the unauthorised clerks, if any, employed by them from the time of filing cases to the time of their disposal?

2. What illegal exactions or perquisites are paid at the time of preparing and executing a decree and obtaining Dakhaldehani or delivery of possession of the property?

3. Do peons often make false reports about service of processes and are they usually paid their travelling expenses and tips by the parties to perform the former's duties?

4. (a) Can you suggest any better method of service of processes than what prevails at present?

(b) Do you think that local enquiries should be made occasionally by a gazetted officer into the reports submitted by a peon about the service of processes?

5. Is any illegal gratification generally paid for appointments of clerks, peons and even for enrolling candidates? If so, in what districts?

6. Do you know that the practice of giving short dates for the hearing of cases without any prospect of their being taken up at all and frequent postponements lead to corruption?

7. Can you suggest any method by which the hearing of the case may be taken up peremptorily on the date fixed?

8. Are the subordinate staff over-worked and ill-paid?

9. Are you aware that many of them work ceaselessly far beyond office hours and some have to employ unauthorised hands to do the extra work and thereby fall easily to the temptation of taking bribes?

10. Are some of the ministerial officers indolent and untrained in the methods of systematic work? If so, does this fact militate against quick disposal of their work within the office hours?

11. Are the gazetted officers generally inaccessible and indifferent to the members of the public who may want to know or report certain matters directly to such officers and thus leave the public to depend too much on the subordinate staff whose opportunities to take bribe increase thereby?

12. Do you think that supervision by gazetted and other superior officers over their subordinates should be more strict to stop corruption? If so, what do you suggest to make the supervision more effective?

13. Do you think that the system of having a Registrar for Civil Courts should be extended to all districts? If so, why?

14. Do you think that corruption will be eradicated or minimised by appointing a vigilance officer for each division whose duty will be to supervise the departmental work of the administration, to check corruption and help the public concerned to get their proper and legitimate work done speedily and without paying bribes or perquisites?

15. Should rules about inspection of records by a lawyer engaged in a case be made less stringent and should courts permit inspection of records more liberally to prevent corruption which would otherwise take place? If so, please state the extent and nature of the modification of the rules and the circumstances under which courts should be expected to exercise their discretion and power of granting permission for the inspection of records more freely.

Questionnaire on the Criminal Court.

1. (a) Is any illegal gratification given when a complaint or an objection to a police report is made before the Subdivisional Magistrate? If so, who is the recipient and who the intermediary? Can you suggest a remedy if the practice exists?

(b) Is the issue and the service of summons, notice or of a warrant of arrest the occasion for payment of a bribe? If so, who receives it? Can you suggest a remedy?

(c) Is an illegal fee paid (i) when a *hazri* is filed, (ii) when a petition for time is filed, (iii) on each date of hearing? Can you suggest a remedy to stop this practice?

(d) Is an illegal fee paid when a judgment is delivered? If so, how can it be stopped?

(e) Is an illegal fee paid when a fine is deposited in court? How could you check it?

(f) Is there corruption in the Nazarat? How would you remedy it?

2. (a) Does money pass (i) when an application for bail is made, (ii) when a court passes an order granting bail, (iii) when a bail bond is executed: is there a fixed scale of payment based on a percentage of the sum demanded in the bond? Can you suggest a means of checking these evils?

(b) Reading section 500, Criminal Procedure Code, with section 501, Criminal Procedure Code, do you think that magistrates should use their discretionary powers to grant bail more freely? Will not this lead to reduce the chances of corruption?

(c) Do you think it would eliminate an opportunity for corruption if a *dasti* cover is given to the parties concerned as soon as bail is granted?

(d) Do you favour the release of an accused as soon as a bail bond is executed leaving the verification to be done later on?

(e) Do you think that there exists a practice of assessing the worthiness of a bailor on the value of his movable property only?

If so, does it lead to abuses involving the passing of money?

3. In 110 and other cases tried locally how do the officers and the ministerial staff obtain their provisions? Are proper prices paid for them?

4. Do parties get copies of case diaries, station diaries and other papers by paying bribes? How would you stop this practice?

5. (i) Are copies of depositions and other papers on the record surreptitiously supplied without recourse to the Copying Department on payment of a tip? How would you stop it? (ii) When an application for copies is made in the proper form, has an illegal fee to be paid?

6. Do you think it is necessary that all appellate and revisional courts should pass orders as soon as an appeal or an application for revision is presented before them or fix a date for preliminary hearing?

7. Do you consider that jurors and assessors are exposed to temptation and influence and sometimes they succumb to it?

8. (a) Do you think that in all Crown cases prosecution should be conducted by legal practitioners and not any by a police officer? If so, give your reasons.

(b) Should the district magistrates be empowered to allow a legal practitioner engaged by the private party to conduct the prosecution at any stage of the trial even when there is a Public Prosecutor engaged in behalf of the crown?

(c) Does the practice of taking permission from the public prosecutor lead to corruption?

9. Does corruption exist in the ranks of the Honorary Magistrates? Can you suggest a better method of recruitment?

10. Does corruption exist also amongst some stipendiary magistrates? If so, can you suggest any remedies?

11. Do some magistrates at subdivisional and district headquarters hold court at irregular hours which leads to corruption?

12. Do you think that some corruption will be prevented if in the event of conviction with a sentence of imprisonment a copy of the judgment is kept ready to be granted as soon as the judgment is delivered?

13. Do you favour allowing conveyance to an accused from the jail to the court at his cost?

Questionnaire on Police Department.

1. Do you know that there is a general complaint of corruptions in the Police Department? If so, what is the extent and nature of such corruptions?

2. Will you please state the various opportunities which a police officer gets in his official capacity to accept illegal gratification from litigants and the persons concerned?

3. Do you think that the supply of copies of the First Information Reports and Sanbas immediately to the informant and to the opposite party if applied for is likely to stop payment of bribe to the subordinate police?

4. Do you think that F. I. reports should be attested by two independent literate witnesses in all cognizable cases whenever possible to preclude omissions or modifications by the police officer or subsequent false allegations by the informant?

5. Do you know that in certain reported cases against unknown persons, some people are suspected in Final Reports or later in Supplementary Final Reports on the information of interested persons or personal knowledge of the Investigating Officer and that such Final Reports are used in B. L. cases? If so, what suggestions have you to make to preclude the possibility of unfair play which may have been influenced by local conditions?

6. Do you think that some investigating police officers still continue to make a note concerning a case in their personal diary? If so, what steps should be taken to stop it?

7. Do you think that the despatch of case diary from day to day to the Subdivisional Magistrate is likely to reduce opportunities for taking bribes?

8. What objections, if any, have you to immediate supply to the parties of copies of notes and plans of local inspections made by the Investigating Officer and of statements of the accused persons recorded during investigation?

9. Do you think that all arrests by the police under section 54, Criminal Procedure Code, should be made bailable?

10. Do you think that corruptions in the Police Department are due mainly to lack of effective local supervision? If so, please make your definite suggestions to stamp out corruptions.

11. Does any class of Government servants use conveyances which are plied on hire without paying usual fares and obtain admittance to a commercial entertainment or show free of charges?

12. Do you think that any better system of recruitment and re-organisation will lessen corruption in the Police?

13. Does money change hands in the Police Lines in connection with postings and transfers? If so, what do you suggest to stop it?

14. Have you any practical and effective remedies to suggest other than those indicated in the above questions?

Questionnaire on Jail Department.

1. Are you aware that there are corruptions in all Central, District and Sub-jails? If so, what is the extent and nature of such corruptions?

2. Are you aware that tobacco is sold to convicts through warders at an exorbitantly high price and other prohibited articles are brought in through the connivance of subordinate jail officers by paying bribes?

3. How are purchases of articles of food made for consumption by the prisoners and under-trial prisoners? Is it a fact that contracts for supplies are given to the same contractors from year to year? Does the present method lead to corruption?

4. Are articles manufactured in jails dearer in spite of cheap labour there? If so, why?

5. Are unauthorised interviews with convicts and under-trials granted by taking bribes?

6. Who is responsible for distribution of labour and rations among convicts? Does the present method of distribution lead to corruption?

7. Does money pass in the appointment or transfer of warders?

8. Can a prisoner ventilate his grievances to the District Magistrate except through the jail authorities? If not what facilities would you suggest to enable the prisoners to represent their grievances before a non-official or official visitor?

9. Is the system of jail visits by non-officials and officials working well? If not, what improvements do you suggest?

Questionnaire on Registration Department.

1. Is there a general complaint of corruptions in the Registration Department? If so, please state the extent and nature of such corruptions?

2. Do you know that an unauthorised fee is charged per deed for its registration mostly through deed writers and that non-payment of this fee involves delay and harassment to the executant?

3. Are you aware that unauthorised copies of deeds are issued to the loss of Government revenue?

4. Has there been any change in the extent of corruption during the last 15 years? If so, please give details and the reasons for the change.

Questionnaire on Excise Department.

1. Do you know that there is a good deal of corruption in the subordinate Excise staff? Do you think that there is some corruption in the ranks of gazetted officers also? If so, please state the extent and nature of such corruptions. What remedies would you suggest for the evil?

2. Is it a fact that most of the sub-inspectors of Excise receive a monthly pay from all excise vendors of country spirit and drug shops for overlooking mal-practices, e.g., dilution, over-charge, short measure sale, etc.?

3. Is it a fact that they share this money with the Inspector of Excise and the menial staff?

4. Do you know that warehouse officers similarly extort money from these vendors on pain of giving to them trouble in the issue of country spirit and drug?

5. Are you aware that *salami* of a fixed amount is realised from such vendors including Tari vendors in the beginning of the financial year for the new settlement of shops?

Questionnaire on Irrigation Department.

1. Is any regular illegal fee realised by the subordinate staff of the Irrigation Department at the time of the execution of a *patta* by a cultivator?

2. Are you aware that unauthorised irrigation of land is allowed to the loss of Government revenue and some pattadars?

3. Should the Executive Engineer be asked to make surprise enquiries occasionally in a public manner whether or not illegal gratification is extorted by any class of officers?

4. If substantial rewards be given to the persons instrumental in the detection of irrigation of unleased land, will that check corruption of the subordinate staff?

Questionnaire on Medical Department.

1. Is there any corruption or complaint about the Medical Department in the matter of—

- (a) admission of patients to the General Wards of the Prince of Wales Medical College, Patna and in other Government hospitals?
- (b) treatment of outdoor patients and distribution of medicines to them at these hospitals?
- (c) giving certificates to candidates selected for Government service by a Medical Officer whose duty it is to examine them free of charges and in medico-legal cases?
- (d) supply of rations in the wards of the various Government hospitals of the Province?
- (e) giving certificates about age, health, illness, etc., by a Doctor in Government service?

If so, please suggest effective remedies to remove the complaints.

Questionnaire on Revenue Courts.

1. What are the corrupt practices prevalent in—

- (a) Batwara Department,
- (b) Land Registration Department,
- (c) Certificate Department,
- (d) Tauzi Department,
- (e) Treasury Department,
- (f) Nazarat Department,
- (g) Cess Revaluation Department,
- (h) Land Acquisition Department,
- (i) Survey and Settlement Department,
- (j) Khas Mahal Department,
- (k) Record Room and Copying Department,
- (l) Appraisement and commutation proceedings.

2. Is there an undermanning of any office necessitating the employment of extra hands by the office clerks to cope with the work?

3. What special measures can be suggested for checking corruptions in the different offices?

QUESTIONNAIRE.

Please state the extent and give details of corruptions if they exist in the following Departments with your suggestions for improvement :—

1. Veterinary.
2. Public Health.
3. Forest.
4. Industries.
5. Education.
6. Court of Wards.
7. Public Works Department.

APPENDIX B.

(Extracts from the Note of Messrs. Owden and Sharma.)

..... the pay of officers should be improved. [This recommendation refers to all grades of non-gazetted officers in the permanent establishment and especially so in the lower grades. Most of their time is spent out in the forests where they are exposed to the mercy of the elements. At any time they may be laid up or incapacitated as a result of sickness contracted in the unhealthy tracts in which they live. Medical aid is not always available to them unless they can manage to move to the headquarters stations. The education of their children is also a great problem for them under such circumstances. The hard life led by these subordinates discourages any but the most needy from entering the service and if their remuneration is insufficient to meet their needs, it should not be very surprising if this class of officers is apt to take advantage of the circumstances under which they are employed and possibly accept bribes. The people also with whom they come in contact are fully aware of this fact and with them the payment of a bribe is merely a business transaction to (a) get away with something extra and (b) to escape inconvenience which might result if the bribe were not given. They are always ready to take the risk (1) because they know the attitude of the subordinates towards a bribe and (2) they know that their chances of being found out or exposed should the officer be honest are small because (a) bribes can always be offered and accepted without any evidence being left and (b) they are aware that with the small amount of supervisory control which can be exercised by a single Divisional Forest Officer in a division the chance of detection of actual faults committed in exchange for a bribe taken is small Added to all this the procedure insisted upon in making enquiries after a case is detected takes so long and has from the nature of things to be so drawn out that it often takes months of the Divisional Forest Officer's time where, as a rule, he is already fully occupied with normal work of his division. No Divisional Forest Officer looks forward to the prospects of drawing up proceedings with pleasure and it all means extra and very tedious work.

3. we suggest the appointment of a special officer posted in Ranchi whose principal duty would be to propose and maintain a special drive against corruption including educative talks to subordinates while on tour in divisions and taking immediate action in any cases which come to his knowledge For the present and until his work could be estimated one such officer should suffice. He should be a gazetted officer, specially picked for the purpose and preferably a man of experience with good pay. The post might also draw a good special pay; he should make a special study of languages and might be rewarded for efficiency in this. In addition his services could be used for other works if his own duties did not keep him fully occupied

4. The forest subordinates are entrusted with looking after a very valuable forest property and to enable them to discharge their responsibilities of protecting the forests against theft, fires and grazing, etc., they have been vested with certain powers under the Indian Forest Act. It is sometimes complained that these powers are abused by some of the subordinates. That is inherent in the placing of powers in the hands of subordinates. The remedy lies not in taking away those powers, but in the aggrieved people coming forward and filing their complaints before the district officers or public representatives of the areas or the Divisional Forest Officers. The special officer suggested above for appointment to deal with corruption will be instructed to make a point of ascertaining by enquiries from local people and by investigating cases of abuse of powers by the subordinates and by taking adequate steps against them. If in addition to the duties proposed above, the special officer is invested with magisterial powers to try forest offence cases locally during his tours, it will provide him an opportunity for seeing whether the cases sent up by the subordinates are true or concocted merely to cause harassment to the people. This will also save the ordinary magistrates much of their time spent on trying the forest cases and will save the people from the need of going to headquarters for magisterial enquiry into petty forest offences. It will also save the Forest Department a very great deal of wasted time of subordinates now spent in attending courts at headquarters.

5. Having given better terms of pay we suggest a bonus equivalent say 3 to 4 per cent of the total surplus of the province to all non-gazetted ranks in proportion to their pay, clerks of all grades being included in these rewards. The effect of such a proposal would be to create savings and more economic work on the expenditure side and at the same time to induce all revenue due being fully credited. It would result in renewed vigil on the part of all subordinates not only against the outsider, but amongst subordinates themselves for they would all realize that if A took a bribe he would be reducing the bonus divisible between A, B, C., etc., etc. The proposal is a purely business proposal and the work of the Forest Department should be based on business lines In addition to these proposals Government should provide them with free medical treatment not only for themselves but also for the members of their family and also free education to their children.

6. One of the reasons for dishonesty and consequent loss to Government is lack of control..... But this problem could not be fully solved nor would it be fully solved without a fairly substantial increase in the executive staff and especially in the supervisory staff. For this purpose each Divisional Forest Officer should have a good attached Ranger whose main duty it should be to assist the Divisional Forest Officer in inspecting all works being done in the Division as directed by the Divisional Forest Officer. His energies would be directed chiefly to examining items of expenditure in the field and in carrying out a regular and systematic check on all markings in coupes and in

extraction from coupes sold with the sole object of looking round for faults and discovering and reporting the officer responsible. He would be fully occupied in such work and would probably pay his own pay many times over

7. Apart from this control however in the inner working of a division the introduction of *regular transit rules* in each division and for the province generally would give a much-needed measure of control which besides improving Government revenues would exercise an additional check on dishonesty perpetrated in the forests and escaping detection there and would tend to reduce the ease with which at present thefts can be and are committed. It would be a check both on the staff and on the public in their own interest. It would necessitate the introduction of a check on produce removed by right-holders and provide an easy means of discovering those who now can steal because there is no control over entry into reserved and protected forests or over any forest produce once it has left the forest. To prevent the thief getting away with it, either such entry should be controlled and offender prosecuted as trespassers, or transit rules must be introduced. Much of this work is done at *night* and restrictions even in this are desirable. These measures should, we feel sure, improve the position as far as bribe-taking is concerned and would also *increase Government revenue*.

8. With proper transit rules and a check on the movements of firewood, timber and other forest produce the need for a great increase in staff would be diminished. But until Government obtain complete control of the forest resources of the province even these measures will not prevent leakage. For as long as there are private forests in competition with Government and not subject to restriction as to cutting and extraction, so long will the sale of such produce to reduce Government revenues exist and so long will the theft of Government forest produce be facilitated to be passed off as the produce from private forests. This is so especially in the case where private property is interspersed in large areas of Government forest where it is impossible for Foresters or Forest Guards to control long lengths of boundaries of such areas in addition to their normal coupe supervision, road work, cases, etc., etc. Naturally such conditions increase the possibilities for corrupt dealings and the only policy which will succeed in such cases will be for *Government to make all such forests state-owned*. The indirect effect of such measures would be to control output of produce to the quantity which the state of the growing stock would warrant. This without in any way interfering with the legitimate and possible rights of the right-holding villagers would react favourably on right-holders themselves on prices to be obtained for Government forest sales and so on Government revenue based on an annual possibility of the forests.

9. Nor is it necessary to consider that such proposals would interfere with the rights of the people; in fact the whole position would be improved 100 per cent. if Government would only realise the true

objects of reservations which are to admit and perpetuate existing rights for ever. Let all forests in Bihar be reserved to-morrow and let the implication be fully explained to villagers and there would not be one complaint, for people would realize that their rights were then assured for good and that with controlled working there would be no chance for undetected harassment by subordinates of any department. To take any other action than reservation is to leave the position vague and insecure as it is at present and to leave the forests to inevitable destruction and the rights (which Government admits exist) to inevitable extinction. If in addition to securing the rights of the people for ever Government can add to the blessings increased provincial revenue and a control over its staff and the wastage of its forest wealth which will tend largely to reduce this evil of corruption, why hesitate? We know how much forest there is, and how much we ought to have and to keep in the interests of the country surely it should be merely a question of the time it will take to effect the transfer of it to Government control on a fixed policy of procedure. The procedure can be cheap or expensive according to whether Government take firm and determined steps after making up their minds to take everything or continue the present rather slow and laborious makeshift measures. Most of the department's troubles present and past can be traced to lack of development in the past. If the figures be examined for the United Provinces, the Central Provinces, Madras, Bombay and the Punjab, it will be seen that practically all forest lands are in Government hands. This gives Government a complete control over supply and so a corresponding control over prices. In Bihar we have been in continual competition with the private owners of large areas of forest which he has been able to cut without considerations of capital and merely to provide himself with revenue from stored capital which has come down to him from the past, where we have deliberately restricted our output to what our working plans have considered to be the proper yield. Now that capital has been largely destroyed and prices should gradually improve especially for big timber which is now only obtainable in Government Reserves and especially if Government get control of all available forests in the province, but the area under Government Reserve is small and much below the figure which most countries consider desirable about 15 per cent of the total land area (we have 1.7 per cent), a strong policy of reservation can save the position and increase the percentage considerably and as this will be managed under the principles of a controlled yield the prices obtainable from the much larger areas than under Government control should soon improve to a figure which will improve the profits on the working of the Forest Department to anywhere between two to three times its present value. It must be remembered however that mere reservation will not suffice, money must be spent on development and control and with that control if the measures we propose be adopted we can, we think, hope to reduce corruption which may exist in the department at present. The United Provinces gives an excellent example of what development can produce and the same is possible in this province.