

**COMMITTEES AND COMMISSIONS
IN PRE-INDEPENDENCE INDIA
1836-1947**

Volume 1: 1836-1879



सत्यमेव जयते

The Book

The Commissions in the British administration have been known as Royal Commissions and had their origin in the functioning of the King during the beginning of the second millennium that we have just left behind.

The thirties of the nineteenth century were crucial for the development of the Commission and Committee system in Britain. The institution of Royal Commission was given a new boost by the Whig Party in the early thirties that led to the appointment of many Royal Commissions in India by the time the nineteenth century was to come to an end. It is very significant, therefore, that included in these volumes are the Commissions and Committees starting with the thirties of the nineteenth century.

Reports were prepared by Commissions and Committees of the British Indian Government to facilitate the continuance of the British rule in this country with the help of assessment of the ticklish issues in key areas of administration. Two important Committees whose findings are included in this volume are: the Committee on Prison Discipline (1838) and the Indian Jail Committee (1864). Another significant panel, particularly in view of the experience of the rebellion of 1857, whose report is included here is the Special Ordnance Commission (1874). On the economic front, the significant panels featured here are the Indian Famine Commission (1878) and two Commissions dealing with the manufacture, sale and other aspects of salt (1853 and 1875).

The rebellion of 1857 had challenged the might of the British Government which thought it necessary to enquire into the working of the vital sectors of the Indian Army. In this respect, report of the Special Commission to Enquire into the Organization and Expenditure of the Army in India (1879), included in this volume is quite important.

The material provided about the Commissions and Committees is quite useful and even comprehensive. It provides the names of the Chairmen/Presidents and the Members of a particular Commission or Committee, the necessary details of its Appointment, the Terms of Reference, the list of contents (chapters, sections, etc.) and, at the end, the all important Recommendations.

It is hoped that contemporary researchers would make a positive use of these reports and benefit from their findings, keeping in view, all the time, the colonial biases that might be a significant feature of these reports.

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With an Introduction by
M. ANEES CHISHTI



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INTRODUCTION

Independent India has had numerous problems in the process of self-governance. All systems of governance had to be organised on set principles and considerations of national interest. It was the job of the leaders of the government as well as the opposition following independence in 1947, and particularly after the enforcement of the Constitution of the Republic of India, to evolve a system of credible probe and enquiry into various sectors of the polity. As a consequence, we see a very well organised system of Commissions and Committees of Enquiry to go into any serious matter of national concern in a thorough manner, before arriving at any new legislation or action plan. Before prescribing remedies for any situation of ailment, the real nature of the maladies has to be known and that has been done in a remarkable manner through the functions of the various Commissions and Committees that have performed very useful roles in the first fifty years of our Constitution at work.

While the Government and the opposition parties put in their efforts in establishing a tradition of enquiries through Commissions and Committees set up under the provisions and powers of the Parliament and the State Legislative Assemblies in independent India, the picture was not the same under a British dispensation prior to the country's independence.

The concept and method of enquiry in British India were not bound by the country's own national interests. They had to be useful for the overall paradigm of the British Government and its interests in India and, perhaps, in its other territories, going by the example of the developments in the large and pluralistic territory of India.

It would be interesting to go into a little bit of the background of Commissions and Committees under the British administration, to throw some light on the system of enquiry in the period covered by the volumes of this comprehensive publication.

The Commissions in the British administration have been known as Royal Commissions and have their origin in the functioning of the King during the beginning of the second millennium that we have just left behind. The Royal Commissions were consequential in the era before the Parliament and the institution of the Cabinet of the Government. The affairs of the state were enquired into through the Royal Commissions and the Privy Council. The system of these agencies had matured by the beginning of the sixteenth century. At the beginning of the seventeenth century, the two Houses of the British Parliament had evolved a well-defined and regulated system of Parliamentary and other Committees.

The thirties of the nineteenth century were crucial for the development of the Commission and Committee system. The institution of Royal Commission was given a new boost by the Whig Party in the early thirties that led to the appointment of many Royal Commissions by the time the nineteenth century was to come to an end. It is very significant, therefore, that the compilers and the publishers of this important work have chosen to start the study of the Commissions and Committees at the thirties of the nineteenth century and present in these volumes the details of the large number of such bodies during the period of the boom.

A study of the nature and coverage of the Commissions and Committees of the boom period would reveal the true motivation behind their appointments. They were appointed to know the lacunae in the administration of the country by the British, particularly after a firm notice had been served on the British masters of India by the rebellious Indians in 1857. Only after detecting the shortcomings, the loose ends could be tightened, be they in the management of prisons, the operation of the penal code, sale of and tax on salt, the famines that could be the cause of unrest, different areas of the economy, the crucial sector of education, the conditions in the matter of narcotics, or even tackling health issues like Plague, Kala-Azar or Leprosy where success could create favourable public opinion about the alien government among the people, at least in the consequential urban areas.

The functioning of the Commissions and Committees in independent India, talked of earlier, is vivid in the memory of today's Indians. Their records of evidences and research coverage are also widely available in the libraries and other collections that have come up in the country after independence. But similar records of Commissions and Committees that worked and submitted their reports prior to independence are not as easily available. But for a few depositories or archives, the reports of these bodies are hard to access. Herein lies the value and usefulness of the labour of the compilers and the publishers of these volumes.

Even if the detailed reports of these Commissions and Committees were available, it would require tremendous effort to study them in full. Only very motivated and resourceful researchers could perform this enormous task. It has, therefore, been rather generously and stoically resolved to give the details of appointment and recommendations of these investigating bodies in a nutshell. This condensation would, as it were, provide the incentive (or disincentive) to go further and study these reports in great detail by those researchers whose agenda of research so requires.

The material provided in the description of the investigating bodies is more than a bird's eyevew. It provides the names of the Chairpersons and the Members of a particular Commission or Committee, the necessary details of its appointment, the Terms of Reference, the list of contents (chapters, sections, etc), and, at the end, the all important Recommendations.

In an investigating body, the Terms of Reference are very crucial, as these have to be according to the motivations or administrative requirements of the appointing authority. While a Committee is supposed to restrict itself to the Terms of Reference, a Commission may, on many occasions, opt to go beyond the Terms of Reference and study any issue or development if found useful for the enquiry. It would thus be very interesting to study if and where the Chairperson and Members of a particular Commission chose to go beyond the Terms of Reference. The interest in this context attains weight in an effort to find out if at least some of the British officials or legal authorities chose to look beyond

their noses and study the Indian realities in all their dimensions, and possibly kept the Indian people's interests at heart rather than merely following the dictates of the government in London that had the primary motivation of making the British Raj as stable and longer lasting as possible, irrespective of the woes and sufferings of the people of the governed land.

The appointing authorities of the Commissions and Committees in British India could be any of the following: (a) the Crown; (b) the Secretary of State for India with instructions from the British Parliament; (c) the Governor-General in Council and the Viceroy of India; and (d) local boards and councils in an advisory role. The reports compiled here fall under these categories and they have been organised in a chronological order rather than in a subject-wise arrangement.

That the findings and recommendations of a Commission of Enquiry are primarily of an advisory nature and it is not mandatory for the appointing government to implement the recommendations of these bodies has been a constant source of disappointment to aggrieved sections that are concerned with the issues that lead to or cause the appointment of an investigating agency. This issue should be debated thoroughly and the need for some mandatory status being given to the recommendations of Commissions and Committees has to be highlighted forcefully. Legislation to this effect is indeed a desirable step, but that does not seem to be very easy to achieve.

In independent India itself where an open and democratic system of governance exists, the voice of the people, particularly the exhortations of the Press to the government to implement recommendations of its Commissions and Committees from time to time, such implementation is found to be often not complied with. And, one can imagine, what degree of arbitrariness might be associated with picking and choosing of recommendations for implementation by an alien government governing India in case some of the recommendations of an investigating body were unpalatable to the foreign rulers.

There has been no systematic study of the proportion of recommendations of a Commission or Committee that were

implemented by the government in different cases. If any such study is conducted for a selected group of Commissions and Committees, that might be a useful indicator of the gap between intentions and actions with regard to the implementation of the vital recommendations arrived at by these bodies after years of lengthy and costly proceedings. This can only be a pointer for the future, as no study of the decisions with regard to implementation of recommendations by the government in the pre-independence India on these lines is possible at this point of time.

To come to some specifics, some of the reports in these volumes are quite relevant even today. Among the health issues, for example, the reports presented here include those of the Committee on Cholera Enquiry (1885), the Leprosy Commission of India (1890-91) headed by none other than the Prince of Wales, the Commission on the Nature of Kala-Azar (1898) and the Indian Plague Commission (1898).

Cholera, incidentally, has not been driven out of the country given the state of environment for public health that we have and recently this disease afflicted the top echelons of our society in a prestigious scientific institution of the Capital. Leprosy, after years of research and treatment in different parts of India, continues even today to be an important subject of study and the government and non-governmental organisations including foreign agencies are involved in massive work on this front. Similarly, Kala-Azar shows its head in parts of India and is taking many lives in the countryside and thus worries our health administrators and agencies greatly. It was thought over the last many years that Plague was a thing of the past, but its appearance in Gujarat recently made us sit up and rethink about the still lurking menace.

The reports of the Commissions and Committees at the end of the nineteenth century on these subjects would be very helpful in a contemporary study of these dreadful diseases afflicting our people. Examples of the past would help correct our perspective today and need to be studied thoroughly to devise the strategy for planning a war against these menaces in today's India.

To take another example, reports of three important Committees on Indian jails have been included in these volumes: Committee on Prison Discipline (1837), the Indian Jail Committee (1864) and the Committee on Jail Administration (1888). Also relevant here is the Committee on the Police Administration of the North-Western Provinces and Oudh (1890). The issue of jail reforms has been actively debated for a decade now and certain measures in the jails of Delhi, especially those mooted and implemented by an enthusiastic woman officer of the Indian Police Service, have been the subject of special interest. Now, these measures may be seen in the context of a colonial situation at the end of the nineteenth century and some useful lessons would be learnt in our process of reforms in at least avoiding those measures of the British Government that were only in the nature of punishment without any concern for the social and economic causes of commitment of crimes and the need to lay emphasis on reforms that could make a law abiding citizen out of a criminal after he or she leaves the jail.

Similarly, a lot is being written and spoken about the need for overhaul of our Police machinery. With the issues of custodial deaths, encounter killings, lack of safeguards in monitoring and preventing crime and restoration of people's faith in the Police as their saviours and supporters the Committee on Police Administration of the British days would be useful in today's context, as it would provide an insight into the functioning of the Police over the many many decades. And, the pitfalls of the colonial days could be avoided after having an account of the situation of those days.

The report of the Famine Commission of 1897 is, likewise, useful as a background for formulation of policies to meet the challenge of drought in a number of States of India today.

The report of the Committee on School Textbooks (1877), the Education Commission (1882) and the Mohammedan Educational Endowments Committee (1885) have immense useful material while we are trying to bring about changes in these fields of education and learning today.

The findings of the Special Commission on Expenditure of the

Army (1879), the Finance Committee (1886), the Public Service Commission (1886-87), the Indian Currency Committees (1892 and 1898), the Indian Expenditure Commission (1895) and the Labour Enquiry Commission (1895) are obviously very useful in the context of our present permanent Commissions concerned with these areas of work.

The onset of the twentieth century made the British Government concentrate on infrastructural administration and tightening the loose ends in different areas of governance. Thus we see in the initial years of the century panels like the Indian Famine Commission (1901), Indian Irrigation Commission (1902-03), the Railway Commission (1902) and the Railway Police Committee (1907), Indian Survey Committee (1904-05), Indian Excise Committee (1905), Telegraph Committee (1906-07) and the Indian Factory Labour Commission (1906). A very important report in this period was that of the Royal Commission upon Decentralisation in India (1907).

In the following decades much attention was devoted to the planning of the new capital of Delhi, after the capital was shifted here from Calcutta. We find some very useful reports on this subject. There was also concentration in this period on the public services. Other Commissions and Committees that gave their reports in the second decade of the century were: the Indian Constitutional Reforms Committee (1917), the East India (Sedition Committee) (1918), the Army in India Committee (1919-20), the Committee on Reorganisation of Medical Services (1919), and the Disorders Inquiry Committee, Calcutta (1919-20), the Committee to investigate the Disturbances in the Punjab, etc. (1919) that has great significance for historians studying India's freedom movement.

Prominent among the panels reporting in the third decade of the twentieth century were the Indian Press Committee (1921), the Royal Commission on the Superior Civil Services in India (1927-28) and the Royal Commission on Labour in India.

The emphasis in the fourth decade was largely on economic matters, the important panels in this categories being the Federal Finance Committee (1913) and 12 Committees on National

Planning (1938) including the sub-committees. Also important during this period were the Committee on Representation of Muslim and Other Minority Communities in the Subordinate Railway Services (1931) and East India (Constitution Reforms), Indian States Enquiry Committee (Financial) (1931).

In the fifth decade, prior to India's independence, the British Government devoted some serious attention to issues in the realms of Education and Labour. The years between 1942 and 1944 were marked by panels on these subjects. Other important panels on the eve of independence were: Indian Railway Enquiry Committee (1946) and the All-India Congress Committee (Congress Agrarian Reforms Committee) (1947).

It is hoped that the contemporary researchers would make a positive use of these reports and benefit from their findings, keeping in view, all the time, the colonial biases that might be a significant feature of these reports.

November 30, 2000.

M. ANEES CHISHTI



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COMMITTEE ON PRISON DISCIPLINE, 1836 — REPORT¹

JANUARY 2, 1836

President The Hon'ble Henry Shakespear.

Members The Hon'ble Sir Edward Ryan; The Hon'ble Thomas Balington Macaulay; The Hon'ble Sir John Peter Grant; The Hon'ble Sir Benjamin Heath Malkin; Mr. Charles Hay Cameron; Mr. John Macpherson Macleod; Mr. George William Anderson; Mr. Frederick Millett; Mr. Charles Barwell; Mr. William Hay Macnaghten; Mr. David Macferlan; Mr. Charles Edward Trevelyan; Mr. John Peter Grant.

Secretary Mr. John Peter Grant.

Appointment

The Committee on prison discipline was constituted under the order of the Hon'ble Governor General of India in Council on 2nd January, 1836.

Terms of Reference

1. To obtain information on the present state of Indian Gaols,
2. The physical and moral condition of their inmates accused and convicted of crimes, (which includes all circumstances of diet, discipline, and internal economy, under the present system;) the effects which the punishment of imprisonment, as now inflicted, produces on those who suffer it, and the feelings with which it is regarded by the body of the people.

3. To obtain the opinions of officers in charge of prisoners, respecting such alterations of the present system as struck us, with the general information we then possessed, to be amongst the most obvious methods of improvement.

¹ Baptist Mission Press, Calcutta, 1838, 138, 13 p.

4. To extend enquiries to prisoners not confined in Gaols, but employed under engineers in working parties, and to transported convicts in the Straits of Malacca and the Tenasserim Provinces.

Contents

Resolution; Introduction; Objects of Inquiry; Inquiries how made; Deliberations of Committee; Contents of Report; Arrangement of Report; Reasons for this Arrangement; Present State of Gaols and Treatment of Prisoners; Transportation; General Scheme of Reform; Minutes; Extract from the Appendices.

Recommendations

Present State of Gaols and Treatment of Prisoners

We are of opinion that one certain rule of weight ought to be adopted all over India, and we are not aware that any better rule can be adopted than that suggested by the Bengal Committee of convict labour. It is probable that the use of fetters cannot safely be dispensed with when prisoners are employed at outdoor work; but when they are at work within the Gaol, fetters seem unnecessary in any well constructed prison, except for refractory prisoners.

We recommend the following description and weights of fetters, viz.

1. For small, infirm, or quiet prisoners,
the chain or linked fetters :

Minimum weight	¾ seer
Medium weight	1 seer
Maximum weight	1¼ seer

2. For large, strong, and turbulent prisoners,
the chain or linked fetter :

Minimum weight	1¼ seer
Medium weight	1¾ seer
Maximum weight	2½ seer

3. For refractory, insubordinate, and
violent prisoners :

The bar fetter

2½ seer

All over India, wherever female prisoners are employed at all, they labour within the Gaol. The only exception to this rule appears to be at Arrah, where female and infirm prisoners go daily to some distant place to ponned bricks. We are of the opinion that females should universally be employed within the Gaol, in a separate ward.

In the Great Gaols of the towns of Calcutta, Madras, and Bombay, all the prisoners are entirely idle. We think that it would be a great improvement to introduce the means of forcing certain convicted prisoners confined in these Gaols to labour, and if allowing the voluntary labour of the others. At Madras, as there is at present neither a House of Correction, to which the Supreme Court can send offenders, nor labour within the Great Gaol, this observation applies much more forcibly than at the other two Presidencies. We do not see why a prisoner under sentence of transportation should not be forced to labour, whilst detained till he can be transported to the place of his destination.

We are of opinion that no such power of alleviating the sentence of a competent tribunal is necessary, and that it ought no longer to exist in practice. We have no doubt that, in the absence of a better system, this discretionary power has often been exercised very beneficially, and so as to avoid mischievous results which might, without it, have occurred. Thus, supposing it to be the custom of a Gaol to employ as many prisoners as possible at the work of same trade, it would be an extreme aggravation of the legal penalty if a *Hindustanee Zemindar* of a high caste, convicted of an affray, and sentenced to hard labour, were obliged to work at that trade. On the other hand, the in-door employment of some prisoners, which is contrary to the usual custom, appears, in some instances, to have been enforced with good effects. But we think this large discretion very liable to abuse, and we cannot doubt that it is in fact often abused, whilst we are convinced that all its advantages can be obtained, free from any of its disadvantages, by laying down well-considered general rules, which should never be departed

from, excepting under special circumstances, to be specially reported to some superintending authority.

In respect of the great diversity of the systems adopted in different Gaols, and under different officers, and the wide discretion left to those incharge of Gaols as to the nature and quantity of work to be exacted not only from the prisoners generally, but from every individual prisoner, apparent from the returns from Madras and Bombay, the same remarks and objections apply as those which we have above made in reporting on the system pursued under the Bengal Government.

The principles on which the General Rules that we have recommended to be passed, and to be universally enforced, ought, in our opinion, to be founded, will be explained in another place, when we come to submit our general scheme of reform. It will not, we fear, be possible to carry out those principles to their full extent, excepting in such Gaols as may be entirely remodelled. In this place, where we have confined ourselves to the suggestions of improvements that we think it indispensable to introduce universally, and immediately, we think it sufficient to refer to the subsequent part of this report above alluded to, and to recommend that the principles therein explained be followed in every Gaol as far as its present construction will permit.

In the towns of Calcutta, Madras, and Bombay, the Gaolers are Europeans on good salaries, and in the settlements of Singapore, Penang, and Malacca, also, the Gaolers are Europeans, on salaries lower of course than the salaries of the Gaolers at the Presidencies. Under the Bombay Government the Gaolers in the interior receive 50 rupees a month, but under the Bengal and Madras Governments the salaries of this class of officers are much smaller. In Bengal the usual pay, in a large district, is 25 rupees a month, and in the North Western Provinces 30 rupees a month; but in some small districts it is as low as 15 rupees a month. In the Bombay territories persons of some respectability are obtainable as Gaolers, but in the interior of the other Presidencies the pay is insufficient to obtain Natives of good character and adequate qualifications for this office. Under the persons now employed in Bengal and Madras no extensive improvements of prison-discipline are

practicable; but looking at the low rate at which many other important officers are still paid, such, for example, as Thannedars, and considering what little improvement is practicable, even with good Gaolers, without a radical change of system, we are not prepared to recommend any general increase in the salary of this office so long as the present system may remain unaltered. In some districts, however, where the allowance is smaller than usual, it may perhaps with advantage be raised to the usual amount; but it should be borne in mind, that wherever our proposed plan may be introduced, the class of persons now filling the office of Gaoler will be entirely superseded by a superior class of functionaries.

The Magistrate's Gaol at Madras is so small and so ill continued for the purposes of a Gaol, that it does not admit of any classification whatever of the prisoners properly separated from the female prisoners; and now, in order to effect this separation, it has been necessary to confine all convicted females in the lock-up hence attached to the Magistrate's office, which is used for the retention of unconvicted prisoners for short periods. This Gaol is in fact one of the hesitations of the walls of the town of Madras, the bomb-proofs of which form the wards for the prisoners. It is reported to be in every respect so ill adapted to its object, that it is difficult to state what number of prisoners it is calculated to hold. The Chief Magistrate of Madras is of opinion that more than 200 prisoners should never be confined in it, but he had known as many as 430 prisoners in it. On the date fixed for our returns, there were no less than 307 prisoners in it. We are informed that the lamentable state of this Gaol has frequently been represented to the proper authority, but without effect. We strongly recommend the condition of this Gaol to the immediate consideration of the Government.

We are very decidedly of opinion, for reasons which will be elsewhere developed, that caste ought to be respected as much in prisoners as in free men, but no feelings of caste are outraged in the Gaols of this side of India, and yet there is in them no classification by castes. This practice, therefore, appears to us to be unnecessary, and if so, where the means for useful classification are much more limited than they ought to be, it must be pernicious.

We think that classification to be of any material use must be carried at least so far as to separate absolutely, by day and by night, and whether in Gaol or in working parties out of Gaol, the following descriptions of prisoners:

- Accused persons suspected of being *thugs*.
- Males accused of the more heinous crimes against persons or property; such as murder, rape, robbery, and house-breaking, or of attempts to commit such crimes.
- Males accused of simple theft, receiving stolen goods, perjury, forgery, fraud, and similar offences, or of conspiracy to commit offences of this nature.
- Males accused of affray, assault, and offences which are commonly described as ordinary misdemeanors.

We find it impossible to offer any very definite and practical recommendation on the subject of classification. If our new system be introduced, it will supply the place of the most effectual classification. It will relieve the district Gaols of all convicts of the worst descriptions, and in that case the arrangements best suited for the classification of all prisoners in one Gaol, under the present system, may not be best suited for a district Gaol under the proposed new system. If it be determined not to build Central Gaols, then we recommend that the capabilities of all present Gaols be improved to the utmost, by making as many wards as can be made consistently with a due regard to ventilation, after which the plan of classification which we have sketched can be put into execution in every Gaol, so far as its internal arrangements will permit. But if our scheme is to be ultimately adopted, then we recommend that the improvements to be made in the internal arrangements of the present Gaols be executed with a view to their ultimate use when the Central Gaols shall have been adopted under the proposed system.

Whatever classification be adopted, the rule of maintaining prisoners kept as a separate class when in Gaol, perfectly separate from those of all other classes, when at work on the roads ought to be strictly enforced; for otherwise the separation in Gaol is useless. At the same time we are quite aware that this may interfere with the advantageous employment of the prisoners at outdoor work.

We hope that solitary confinement will be adopted as a punishment on a large scale; but for this some such extensive improvements of our Gaol buildings as those to be recommended as a part of our great plan of Gaol reform will be absolutely necessary. Where the present plan is to continue, we recommend that a small range of solitary calls be built in every Gaol, so constructed as absolutely to seclude their inmates from all sight or hearing of one another. The number ought, we think, to be at least sufficient for confining all prisoners when it may be desirable to punish for breaches of Gaol discipline, and all boys, or offenders of fair character confined for very short terms, as these appear to us to be the prisoners in regard to whom our present system operates the most injuriously. No prisoner ought to be confined in solitude, from the commencement of his imprisonment, or at any time as a necessary part of his punishment, unless the Court passing sentence should so order, and it may be that in the provinces subject to the Bengal Regulations a legislative enactment may be necessary on this subject. We are further of opinion that the infliction of this aggravation of imprisonment should not be permitted for breach of prison-discipline, excepting under such restrictions as to the term, such rules of formality, and such control, as will be a security from every misuse of the power with which officers in charge of Gaols must necessarily be entrusted.

In making that general revision of the allowances to convicted prisoners which is the least of the reforms we recommend on the subject of diet, we are of opinion that no greater provision ought to be made in each district than may be sufficient for purchasing, as the staple article of the prisoner's food, the coarsest grain on which the mass of the people of that district lives.

We strongly recommend that the money allowance of every convicted prisoner be entirely stopped, and that rations be universally given out instead, under such regulations as shall ensure a proper variety of food, and a sufficient quantity of stimulating condiments to assist digestion. We are particularly anxious that it may be understood that we lay great stress upon this proviso with which our recommendation is accompanied, and that to the case and judgment, or the want of them, which

may be shown in this respect by the officers in charge of convicts, we look for the success or failure of the change.

For similar reasons we recommend that no convicted prisoner be hereafter allowed to cook his own victuals, but that a Brahmin and Mussulman cook be provided for each Gaol. We have no doubt that the expense of hired cooks will be more than repaid by the saving in the expense of feeding, the prisoners which the proposed change would effect, and the time of so many men which would be thereby saved. We feel objections to the common practice of employing one or two convicts in such work as this, because it is, or ought to be, much lighter than the hard labour of the others, and in so far it is a contravention of the principle of punishment. If each convict could take his turn to cook for one day, this objection would vanish; but this is impossible in regard to Hindoos, and it would not, we think, be expedient to put Hindoo and Mahomedan convicts under different regulations.

The cooking of his dinner is, we believe, one of the greatest enjoyments of every individual amongst the lower orders in India, even when at liberty, and consequently this long operation must be the chief alleviation of the tedium of a prisoner's life. The privation of this enjoyment appears to us one of the most legitimate means of enhancing the effect of imprisonment, as it conduces neither to a prisoner's health, nor to the improvement of his character. We have little doubt that the absence of the two pleasures of marketing and cooking would add materially to the severity of the punishment of imprisonment, without taking away from the efficacy of the punishment.

The system of rations is universal in the Madras and Bombay Gaols, and in them it is reported to work very well. In some of those Gaols, however, a small money allowance is given to the prisoners, where with they purchase their spices, and condiments. Under proper rules for varying and selecting the small articles where with the food is rendered digestible, we do not consider this exception to be necessary; and as it is to a certain degree liable to all the objections to which the Bengal system is open, we recommend that money be altogether stopped, universally.

Our recommendations as to having hired cooks is equally applicable to the Madras and Bombay provinces, as to those under this Presidency.

We are of opinion that all convicted prisoners sentenced to hard labour ought to be completely deprived of every indulgence not absolutely necessary to their health. The general diet ought, we think, to be regulated with this view, and nothing additional ought to be allowed to any one convict, excepting on the special report of medical officer respecting that individual's case, when, for so long as the peculiar state of the health of that individual may continue to require it, and no longer, the article recommended ought to be afforded as medicine. This provision will include tobacco, if it shall ever happen that the peculiar circumstances of any goal, or of any working party, at particular seasons, may render that narcotic necessary to the health, either of individuals, or of the prisoners generally. The necessity has been anticipated by some officers, but it is not necessary to discuss the probability of that anticipation. Though we see great objections to making tobacco an exception to the general rule, merely because of its being universally prized as a luxury, we can see none to leaving it to be given under medical advice, when necessary, in the same manner as spirits, or generous diet may occasionally be given. This provision will also suffice for the extreme case of confirmed opinion-eaters.

We are strongly of opinion the European convicts ought not to form any exception to this rule. If therefore, the practice of allowing spirits to European convicts, which formerly existed in the Calcutta Gaol, prevails elsewhere, we recommend that it be immediately discontinued universally.

We strongly recommended that every possible precaution be taken to prevent the access of any person to the prisoners sentenced to confinement with hard labour, without the written order of the Magistrate, or other officer in charge of the Gaol; and we think that no such order ought ever to be granted excepting by a formal and recorded proceedings and only upon proof of an urgent necessity for this indulgence, for the sake of some authorised object. We are not aware of any objects other than those of the following descriptions, which we consider ought to authorize the access of others to a prisoner under sentence of hard labour: (1) the promotion of public justice, and (2) avoiding of injury, or the obtaining of advantage to the criminal himself, other than present gratification. We think that communication by letter ought to be subjected to similar restrictions.

In our opinion strictness in this respect is an essential part of any tolerable system of prison-discipline, not only because of the danger of escape, and the obstruction of justice which a contrary course involves, but because the privation of intercourse with the world is a great aggravation of the pain of confinement, and one of the most legitimate aggravations, for its effects are mostly limited to the actual term of the sentence, and without it all attempts to reform the character are futile.

It appears to us desirable that, with every transported convict, a description of his previous rank and habits should be sent. In cases of transportation we attach great importance to the sending a trustworthy and particular character with each convict. Our late lamented colleague Sir B. Malkin, has informed us of an instance that occurred during his official residence in the Straits, wherein the ignorance in which the authorities there are kept as to those points produced fatal results. We are further of opinion that a statement of punishments inflicted on any prisoner of breach of prison rules ought to accompany all convicts on their removal from one Goal, or place, to another.

No effectual method is adapted to ascertain how often the same individual is re-committed to Goal as a convict, who has before been convicted to any offences. The estimates which have been made from inquiring amongst the Gaolers, Peons, and guards as to the proportion of re-committals, to as low as one, out of a hundred committals. As was to be expected, the proportion is greatest in large towns, and least in districts where the urban population bears the smallest proportion to the agricultural population. The method which was adopted to ascertain the actual proportion was to take the number of prisoners in confinement at a given time, and to endeavour to discover how many of them had ever been in Goal before. The average of the percentages returned is, as follows: in the lower provinces of the Presidency out of one hundred prisoners in Gaol, about nine and a half have been in Gaol before, in the North Western Provinces, the percentage averages at about ten and a third; in the Madras territory it is a little less than six; on the whole of India the average percentage is light and three quarters. We believe that the above may be relied upon as not very far from the true proportion of prisoners in Gaol who have before been sentenced to the same Gaol. We have taken into

consideration the return of such officers only as appear to have taken pains to ascertain the actual proportion, and most of these seem to be aware that the proportion is probably higher, for what is returned may be regarded as a minimum which more accurate information might have augmented but could not have diminished. The officers who have made mere guesses suppose the proportions to be very much greater, even so high as two re-committals to one first committal. Perhaps ten per cent may be taken as the average proportions of returns to the same Gaol. There exist no means of estimating the number of prisoners who have before been sentenced to any other Gaol than that in which they happen to be.

No difficulty is anticipated by the officers in charge of Gaols in accurately ascertaining every individual who is more than once committed to the same Gaol, and for this purpose the keeping in each Gaol of a well arranged register of convicts has been recommended.

This information is very necessary in order to ascertain the effect of punishments; and though it is impossible any where to obtain it completely, enough can be obtained in India to be of great service, as in this country the more common classes of habituals offenders do not often migrate to great distances. We recommend therefore, that every officer in-charge of a Gaol be directed to keep an alphabetical register of all convicts sentenced to be confined in his Gaol, with a minute personal description, and a statement of the parentage, caste, residence, occupation, age, crime and sentence of each. The date of the sentence, and the Court by which it was passed ought also to be specified. Where a prisoner has been previously sentenced for any offence, that circumstance ought also to be noticed.

We also recommend that copies of these Registers be interchanged amongst neighbouring districts, as has been suggested to us by some Magistrates; and we are of opinion that great attention ought to be required on the part of Gaolers, and other officers employed in the preparation of these documents, in order to their correctness, particularly in the case of prisoners who cannot be ascertained to have been old inhabitants of the districts in which they committed their offences. Besides the value of the statistical information that will thus be obtained, such a system cannot fail to be useful for the apprehension of offenders who may abscond from their homes.

Untried prisoners are not forced to labour, but they are put into fetters if accused of heinous offences, when that measure is necessary in order to prevent escape. This is the rule, but from the nature of all Provincial Gaols in India. It may be understood to be a usual practice to put all persons accused of heinous offences into fetters. We leg to refer to note (at Singapore the transported convicts are not fettered. The prisoners in the "Common Gaol" which is a substantial building, surrounded by an outer wall, and which either is, or might with very little outlay and judgement be rendered quite secure, and within the yard of which, armed centinals are placed day and night, every prisoner without distinction, of accused and convicted, or of offence, or of character, is kept in fetters from the time of his entrance till his exit. This struck me as a very strange and unwarrantable cruelty; it appears from what is stated in the report as the result of the evidence to exceed in its unnecessary severity and injustice, the usual practice in the Provincial Gaols in India) for an account of the treatment of untried prisoners in the Gaol at Singapore, given by our colleague Sir John Grant, who has lately visited it.

We think it very desirable that fetters should, if possible, be never used except for prisoners convicted of crimes of a peculiarly disgraceful character. At the same time we are sensible that the climate of India makes it more difficult than it is in England to construct award that shall be perfectly secure, for an unfettered man, without being so close as to be uninhabitable. As far as personal comfort is concerned, probably every prisoner would prefer being in irons in an airy place, to being unfettered in a confined place. But we nevertheless believe that sufficient security might be obtained in every Gaol, at no immoderate cost, and without making the place too hot, to do away with the necessity of putting irons on men not convicted. At Singapore, where there is a good Gaol, we have no doubt that the fattering at least of untried prisoners may be at once discontinued.

No provisions, we believe, made for the support of prisoners apprehended at the Thanas on their way to the Magistrate; but as we understand this evil to be already under the consideration of the Government of India, we abstain from offering and remarks on this point.

The regulations allow the Thanedars a discretion whether or not to put handcuffs on prisoners sent in by them to the Magistrate, and their doing so ought to depend on considerations of security. We think some more definite rules might be enforced on this point, by determining the offences of which an accusation shall warrant the imposition of hand cuffs in all cases, leaving other cases to depend upon proof of necessity.

We recommend, therefore, that it be suggested to the Court to recall both the Circular Orders above alluded to, for when labour is legal and proper, the authority sentencing can always award it, and, where that authority has not awarded it, we consider it a pernicious abuse to allow a subordinate ministerial officer the discretion of enhancing the sentence of an authorised tribunal.

We do not, of course, object to allowing prisoners not sentenced to labour to work, if they ask for work. We even think that such prisoners, unless prohibited from work as part of the punishment in the case of solitary confinement for a short term, ought to be allowed to work on their own account, after paying for their maintenance.

In the Madras Gaols it seems to be more common than in those of Bengal to oblige prisoners to work who have not been sentenced to labour. Under the regulations of that Presidency, though it has been determined that the authority to imprison includes authority to enforce hard labour, yet the circular order which puts that interpretation on the Regulations, does not suppose any other authority, than the one which passes sentence to have that power. Our recommendation that this practice be strictly prohibited applies, therefore, more forcibly to Madras than to this Presidency.

The Penal Regulations in the Bombay Code provide only two descriptions of imprisonment. If the sentences so direct, but not otherwise, ordinary imprisonment may be attend with hard labour which may be enforced on the roads. If the sentence expressly forbid it, a prisoner sentenced to ordinary imprisonment cannot be obliged to work even in Gaol. But where the sentence neither specifies hard labour, nor forbidal labour, it is left by the Regulations for prison-disciplined entirely to the discretion of the Superintending officer of the Gaol, (who in Zillah Goals is always the Sessions judge) whether to employ

a prisoner sentenced to imprisonment not solitary at any manufacture that can be carried on under shelter, and without severe exertion, for six hours a day, or to let him remain quite idle. Such is the Law. The practice, as might be expected where there is so large discretion, is very different in different Gaols. At Ahmednagar and Ahmedabad it appears to be the general practice to make prisoners sentenced to ordinary imprisonment without hard labour, to work for six hours a day in Gaol. At Tannah and Rutnaghuree such prisoners are "sometimes" obliged so to labour. At Khaira and Sholapore, such prisoners are never forced to labour at all, though at the last mentioned place they sometimes work of their own accord in preference to being idle. At Candeish the acting assistant Session Judge says, in and out of Gaol.

This last variety of system seems to us to be quite contrary to Bombay Regulations, and to be an abuse which ought to be immediately stopped. But, except in Candeish, the practice does not seem to be at variance with the law. We cannot however approve of the principle of law which leaves the nature of the punishment, in so many cases, to depend upon the officer under whose control the execution of the sentence is left. In this respect we think that the law ought to be changed; but so long as it may remain, we recommend that some rules may be adopted for enforcing an uniformity of practice. If it were ordered the all prisoners sentenced to ordinary imprisonment without specification, should be forced to labour in-doors for six hours a day, the authorities passing sentence would see the property of specifically adding an exemption from all labour to the sentence of all prisoners whom they might think under serving of the aggravation of imprisonment.

Convicts who have been in confinement for six months or upwards, are under each of the three Presidencies, on their liberation, presented with an allowance sufficient to maintain them for one month, if their circumstances are such as to require that assistance. In the Bengal and Madras Presidencies this allowance must in no case exceed five rupees, and under the Bombay Presidency it must not exceed seven rupees and a half. If convicts have been sent from one district to another, and are liberated before being returned to their own district, besides

the allowances abovementioned, they are presented, on liberation, with a sum sufficient to support them on their journey home.

We recommend, it be adopted as a rule, that no prisoner on his liberation shall be allowed to take away any part of his prison clothes, more especially his blanket, and that every prisoner on his imprisonment be supplied at once with his proper share from the half-used clothing in store.

We find that no single consideration of prison-discipline has been regarded in the system of any one engineer officer.

Such being our opinion of this plan, thinking it, as we do, to be incompatible with any improvement of prison-discipline, it is our earnest recommendation that the entire system be put an end to with as little delay as possible. Such would be our recommendation if we thought that a financial loss would be the consequence; for we cannot think that the duty which a state owes to those whom it is obliged to deprive of liberty can properly be abandoned because of a small charge which the misuse of those unfortunate people might save. We cannot, therefore, but rejoice that it is in the power of Government to do so great a moral good, with direct pecuniary advantage.

There appear to be a few hundred prisoners, both under the Madras Presidency and under that of Bombay, employed away from their Gaols on roads or other public works. We have no information as to the mode of treatment in respect to these gangs, but, as the opinion above expressed is founded on general arguments, our recommendation applies equally to Madras and Bombay as to this Presidency.

The buildings within which the prisoners sleep consist of twelve wards, but the large area between them and the outer enclosure is not divided by any partition walls, so that all the prisoners are together from mid-day till sleeping time. Thus, though nothing can be worse than the management of this prison, the building itself, rather than the gentlemen who have successively had the superintendence of the prisoners, is the cause of this great evil.

We understand that the sepoys of the Calcutta Militia who guard the inmates of this Gaol, have not even their muskets loaded when on duty, although it is only by being able at any

moment to destroy the first who commence any outrage, or revolt, that a few guards can ever be able securely to restrain such a large body of criminals.

The objects which we think ought to be chiefly attended to in the treatment of prisoners confined for life are, first, the confining them with perfect security; secondly, the making the punishment as severe as is necessary for the sake of example, without being more so; and thirdly, the employing them in such a manner as will best pay the State. As reformation is no longer an object, politically speaking, in the case of this class of prisoners, classification beyond what is requisite for preserving good order, does not seem necessary. Indeed, moral classification, where it must be assumed that all are unfit to return to society, would be almost impossible to any great extent, even if it were useful.

Neither security nor economy can be provided for, until the prisoners are broken up into such small distinct bodies as to be no longer objects of constant dread on the part of those who have the management of them. To do this it will be necessary, by building high partition walls, to divide the great area of the Gaol into a number of compartments. We do not think that more than fifty men can, with any propriety, be allowed to inhabit one yard, and we are inclined to think that the number of each party should be still fewer. It seems to us that the fewer the number of prisoners may be in one ward, the fewer guards will be required for the prison generally. If so economy must be best consulted by having many sub-divisions. The guards should have loaded muskets, and should be ready to suppress any act of open mutiny at a moment's notice. The knowledge of this precaution will, we hope, always prevent the necessity of actually firing on a convict. The parties of prisoners may be classes solely with regard to the nature of the work which each man is most capable of doing profitably. Even considerations of caste become of less importance in the case of prisoner for life, who will never be allowed any further communication with his friends, than in the case of any other description of prisoner.

We are unable to make any definite proposal with respect to Allipore Gaol.

Insane prisoners are never confined in Gaol, there being Lunatic Asylums supported entirely by the Government at each

of the principal stations, to which all such prisoners are transferred, when it has become certain they are really instance.

The committee have nothing to recommend in regard to the prisoners who sleep in Gaols, excepting that as many as possible of those sentenced for long terms should be made over from Gaols which have been demonstrated to be peculiarly unhealthy to the most healthy Gaols in the neighbourhood. This, however, ought always to be done with caution because, in some instances, Gaols have been found healthy for inhabitants of the neighbourhood, but the reverse for people from a distance. In some few Gaols the mortality has ranged above 12 per cent per annum for three or four consecutive years. If, on inquiry, it be found that this great mortality is owing to physical causes, we think that no prisoners ought to be detained in these districts who cannot, without the utmost inconvenience, be removed elsewhere.

Excepting in the Western Districts of Bengal, the mortality of prisoners under the Bengal and Bombay Governments is not greater than we should have anticipated, considering that they belong either to the poorest and worst fed, or to the most dissipated classes of the people. Possibly some part of the excessive mortality in the west of Bengal may be owing to the neighbourhood of the Trunk Road, for the deaths on the roads are returned as if they occurred in the Gaols from which the deceased prisoners were sent, and the gangs on the lower part of that road are chiefly supplied from the West Bengal.

There exist not known data from which to infer the mortality of the labouring classes in this country, and it is only with them that an useful comparison could be made.

On the whole, in reviewing the treatment of prisoners in Indian Gaols, although on some points, which we have not failed to throw into a strong light, the humanity of it is doubtful, yet, generally the care that is taken of the physical condition of these unfortunate men in the great essentials of cleanliness, attention to the sick, and the provision of food and clothing, appears to us to be highly honourable to the Government of British India.

Doubtless within the last ten years many European countries have possessed a few Gaols to which much more individual attention is turned than to any one Gaol now in India; but we

would only be understood to compare, in respect of the attention paid to the physical condition of the prisoners, the general system of Gaols in India, with the general system of other countries.

There is no systematic carelessness to the circumstances of the prisoner, no niggardly disregard of his natural wants he is not left to starve of cold, or hunger, or to live on the charity of individuals; he is not left in filth, and stretch, to sink under disease, without an attempt to cure him: he is not compelled to bribe his Gaoler, in order to obtain the necessaries which the law allows him. What was in England the second stage of prison reform seems to be nearly the present state of prison-discipline in India.

The proportion of distinct civil Gaols to all other Gaols in India, is very honourable to the Government. The mixture of the two senses in Indian prisons is unknown, and in general, the separation of tried and untried prisoners is at least as complete in India as in other countries. We allude to these things, not to give more credit to the Indian Government in this matter than it deserves, but to show that, although we have found much fault, and recommend many reforms, it is not from a vain contempt of all that has been done before. In showing how much has already been done, we feel that we do but strengthen the argument for completing all that there is to do.

We believe that the feelings of the people of India, with regard to the condition of a person committed on a charge of an offence, or convicted and punished for an offence are similar, in their general character to the feelings of the people of England. But it cannot be doubted that there are circumstances which cause the feelings of the people of India to afford in a very considerable degree less support than the feelings of the people of England afford to the of criminal justice.

It is true, as we have already admitted, that, under the existing circumstances of British India, the weakness of the feelings of disapprobation with which these offences are regarded, (for they are regarded even here with a certain degree of disapprobation), is the cause of great evils to the people; but these circumstances are of recent origin, and the morals and habits of nations are not formed in a day. For these reasons we differ entirely from those who have argued from the manner in

which this class of crimes is regarded in India, that the people are devoid of all moral feelings in respect of crimes generally.

Our conclusion is that there is no reason to doubt that the administration of criminal law derives in India great support from the feelings of the people and that, as the law, and the administration of the law improve, that support will increase indefinitely. We see, therefore, every reason for improving the law and its administration, here, that the wisest and the best men have seen for doing so in other countries; and looking upon prison-discipline as a part of the administration of the law, and a most important part of it, we believe that every argument which applies in more fortunate countries in favour of the improvement of prison-discipline, applies with equal force in this country in favour of such measure. A difference of circumstances may render different means necessary: a particular plan which may, in some other countries, be beneficial, in this country may possibly be useless, or injurious; and means elsewhere available may here be beyond our reach: but the measure of benefit to be derived by the people from any given degree of general improvement in this department is, we are convinced, fully as great in India as it is in those wealthy and enlightens need nations in which the most attention is paid to it.

We consider it but fair that time-expired convicts should be brought home if they desire it, and we recommend that this be done under the same rules at every penal settlement. This will have a very little prospective effect if our recommendations be adopted.

As has been before observed, no descriptions accompany the convicts transported; the only information that is sent with convicts to the authorities in the penal settlement to which they are consigned is contained in a list of names, in which list the crime and the sentence of each are noticed. The want of uniformity in these lists is complained of, and we recommend the universal adoption of some one convenient form.

The treatment of convicts on their arrival at the place of their destination differs very considerably in the different penal settlements. At the three settlements in the Straits the treatment ought properly to be uniform, and in conformity with one set of local rules, whereof a copy accompanies Mr. Bonham's answer (see Appendix 4 answer to question B of Appendix 2 of

the report) but these rules appear to be very little attended to in practice.

We conclude, therefore, that the 51 men in this class are all either old servants of private persons, or in the service of public officers. There are 49 in the service of Government, who are employed as peons, sweepers and the like. These, whilst in such service, differ in no respect from free servants. There are 28 employed as peons to superintend the work of the other convicts. These men are selected by the Superintendent, and they are paid in the same way, though perhaps not quite so much as free peons would be paid. When not at work these peons are shut up with the other convicts. There are 5 invalids, and women. The remainder, consisting of 672 able men actually labour on the roads.

Before proceeding to explain the reasons for the rules which we propose for the discipline of transported convicts, we think it incumbent on us to put your Lordship in Council in complete possession of our views on the general subject of transportation, in conformity with which the plan of treatment recommended is framed. The worth of our rules will thus be more easily ascertained, which we think would of itself be a sufficient reason for a brief exposition of our general views; but there is still another reason which induces us to treat the question of the propriety of transportation, as a punishment, more elaborately than we should otherwise have done.

Many persons of very high authority, who have devoted much thought to the subject of punishment, and who have made themselves masters of the science of criminal-discipline in its details, have very strongly objected to transportation as a substitute, in any cases, for imprisonment in the country where the crime has been committed. Had we quite coincided in the views of those high authorities, generally, and had we thought their objections applicable to India, it would have been our duty to have recommended to your Lordship in Council the abolition of this punishment, and the substitution of some other modification of confinement in its place. But we do not coincide in those opinions, in the unqualified manner in which we have seen them expressed. We think that some of the objections usually urged to this punishment are invalid; we think that many more apply, not essentially to the punishment, but to

certain modes of it in which it is not necessarily inflicted any where, and in which it has never, or rarely, been inflicted in India; and we do not think that any of the objections of an essential character, which, we admit, may have a certain force in England, and in other countries in a similar state of civilization with England, apply in the slightest degree of India. Such being our opinions, which lead us to approve a punishment in India, that has been generally censured, by very high authority, upon reasoning intended for universal application, we think it due to the importance of the subject to state at length the arguments which induce us to abstain from recommending the abolition of this punishment in India, and on the contrary, to suggest a modification of the rules under which it is now inflicted, where of one effect would be an extension of the use of it.

We are of opinion, partly for reasons of a general character, and partly for reasons peculiarly applicable to this country, that transportation ought never to be inflicted except for life. Whenever, the speedy reformation of a criminal is an object, the temporary discipline of a penitentiary has great advantages over the temporary discipline of a penal settlement: and the constant return of a great many Natives of India from transportation would soon destroy that peculiar feeling of dread which this punishment now so happily inspires in India. It follows that we are also of opinion that transportation should never be inflicted in any case where it may be expected that a criminal, after suffering sufficient punishment for his crime, may safely be restored to society in his own country. These two points fall exclusively for the consideration of those to whose wisdom the business of legislation has been entrusted. We therefore abstain from discussing the merits of these propositions, and we content ourselves with explaining that our recommendation of retaining transportation as a part of criminal discipline is made only under the expectation of these two points being settled in this manner. At present transportation inflicted by sentence of the Company's Courts, is, under all three Presidencies, invariably for life: the contrary system obtains only in regard to persons transported by the King's Courts at the three Presidencies and in the Straits, and the convicts sentenced by those Courts for fixed terms do not form more than about one-eighth or one-ninth of the whole number of

transported convicts. It must be remarked that the Supreme Courts, in sentencing persons convicted of certain offences to transportation for a term of years, exercise no discretion. At present, they can not, by law, do otherwise. The existing practice must not, therefore, be considered as any evidence that the Judges of these courts consider transportation for a term of years as a good punishment in this country.

One of the objections urged to transportation in all shapes, which we regard as invalid, is this that whatever precautions be taken, whatever rules be enforced, there never can be any precision in this punishment, because unexpected aggravations of the penalty can never certainly be avoided.

It has been recommended to confine prisoners for life at home, in Gaols, but to invite the public to inspect them constantly. On this scheme we may remark, generally, that in populous country such as this if a constant stream of new visitors were to be passing through the prison no considerable part of one generation could have time to perform the visit; and, further, that the class of people whom it is wished to deter would everywhere be the last to come forward to inspect a prison. But assuming that it is not of course intended to allow of communication by word or sign with the prisoners, we may confidently affirm that, in India, hardly a single individual, high or low, European or native, not forced by his office to do so, would even enter a Gaol. The inspection of prisoners by the public would thus, in this country, certainly be a delusion. But if it should be otherwise, we cannot see how the two plans, the one being the turning of prisoners out to be gazed at by the public, and the other the inviting of the public in to gaze at them, differ essentially from each other. In any country the effect of the latter method would be incalculably less general than that of the former; and in this country the effect of the latter method would probably be reduced to nothing. But whatever the extent to its effect would be, the good or bad character of that effect would be the same.

We conclude, therefore, that, under any circumstances, the long continued sufferings of persons condemned for life would not be exposed to the senses of the public. That, such being the determination, the perpetual example of a man immured in an unseen cell at home is no greater than that of a man in a convict

settlement abroad. That, consequently, as the act of transportation produces an extraordinary effect on the people of this country, it would be the abandonment of an unmixed advantage not to make use of that punishment, whenever it can be substituted for one of no less real surety.

We arrive at a conclusion exactly the contrary of that from which those whose opinions we are now considering deduce their arguments in favour of perpetual confinement. We think that the real punishment of perpetual imprisonment must ever be incalculably greater than the apparent punishment. We think exactly the contrary of transportation as an Indian punishment.

We have heard but of one more objection, and that of a collateral sort, urged against transportation; namely the expense of it. Now when this punishment is restricted to those who must otherwise, for the general good, be made to be in confinement for life, it seems impossible that the advantages of the two punishments can be so nicely balanced that the consideration of expense ought to be allowed weight in either scale. But in India, it seems probable, that whatever weight ought to be given to this argument at all is in favour of transportation. The labour of a convict at Singapore is valued as worth Company's Rs. 1-12 a month more than the expense of his keep; a sum which would soon pay for his transportation. Indeed if it can pay private persons to carry free Indian labourers under a temporary apprenticeship to the Mauritius, it does not appear why it should not be made to pay Government to carry prisoners for life to the Straits, which are nearer at hand than the Mauritius, where labour is as dear as at the Mauritius, and where the Government has great need of labourers. The convict must equally be fed, whether at home, or in the Straits of Malacca, and as the staple of his food in the Straits can be sent from India, it is evident that his extra cost there ought not greatly to exceed the small expense of freight on his food; whilst it seems equally evident, as the price of labour is there at least three or four times what it is here, that, whatever the value of a convict's labour may be here, it ought to be three or four times more valuable there.

We have now examined all the objections that have been made to transportation, and have come to the conclusion that

none of them are tenable as against that species of the punishment which we propose, and as applied to this country. We will only further mention one very peculiar advantage which this punishment seems here to possess. Under the present very lax system, we have now before our eyes numerous instances of complete reformation. Men who have been savage robbers are now sought for as domestic servants, or make a peaceful livelihood by other honest means. It cannot, therefore, be doubted that reformation, one of the ends of punishment that has seldom been attained any where, under any system, and that has never been attained by imprisonment in India has often been attained by the transportation of native of India. We think, that by judicious use of great severity at first, of relaxation in reward for good conduct afterwards, this chance of reformation can be retained, and even strengthened, without abandoning the main end of punishment which is determent.

The fact seems to be that there are peculiar advantages in the application of this punishment to a native of this country. The general morals of the people may possibly be bad enough, but an Indian criminal is probably a better man than any other criminal of the same sort. His general character certainly differs less from that of the mass of his countrymen than would be the case in more civilized and moral countries. A large proportion of the crimes in this country are committed by persons whose tribe have done the same time out of mind, and they are almost as naturally the result of birth as another man's honest trade. Many more are committed as it were professionally by the members of immense confederations, who are not much worse than other people in matters unconnected with their profession. Owing to feelings and principles which we can never comprehend, there is little or no consciousness of moral guilt amongst these classes on account of the exercise of what they regard as their proper business.

We have ready made to our hands a weapon of tremendous power. The horror with which the people regard transportation is a feeling both with them, and the questions whether it be a wise or a foolish feeling, whether it be a just deduction from true premises or the result of ignorance and superstition, are nothing to the purpose. We have the extraordinary opportunity of punishing with extreme effect towards deterring others with

sufficient effect in incapacitating the criminal for future crime, with the chance (obtainable in no other way).

The above comparison has induced us to recommend the retention of the punishment of transportation. But our arguments carry us much further than this. In this country and at the present time, transportation for life, whilst it causes less pain, excites amongst the great mass of the people greater terror than imprisonment for life. At the capitals of the Presidencies, where transportation for terms of years is a common punishment, the feeling is not the same; yet in them too the dread of this punishment is doubtless susceptible of being very much increased by a change of system. Probably also in the neighbourhood of all seaports the feeling generally is less strong than it is with the mass of the people. Sea-faring people have undoubtedly none of this peculiar feeling. But those who fall within these exceptions form but a small portion of the population of British India. Nevertheless, they are sufficiently numerous to prevent our arguments from applying with their full effect, universally. Yet our arguments apply to their full extent so generally, that if the Government should coincide in our views, in order to make the most use, by way of example, of the same actual infliction, the penalty of transportation for life ought to be generally preferred to that of imprisonment for life for the most heinous offences not punished with death. This is the course which, with one dissenting voice, the committee recommend. Our colleague Mr. Macfarlan dissents from our opinion on the subject of transportation, and he therefore, does not concur in this recommendation. He has entered a minute on this point which is appended to this report. On the other hand our colleagues Sir Edward Ryan, Sir John Grant, and Mr. J.P. Grant would go much further in their recommendation. They feel insurmountable objections to the punishment of imprisonment for life, which they think ought to be entirely discontinued, transportation for life being substitute for it where necessary. They have entered a minute on this subject under paragraph 178.

Communications have been received by the Indian Law Commissioners from Madras, complaining of the laxity of discipline amongst the prisoners in the Straits and stating that, in consequence of the agreeable life which the convicts there

lead, the terror of transportation has greatly diminished in some maritime parts of the country. This is a great evil, but it arises solely from the mismanagement of the convicts in the Straits, and the remedy is very simple. We observe that it has been proposed, in consequence of these representations, to send no more convicts to the Straits of Malacca, but to send all in future to the Tenasserim Provinces, where it has been supposed that the treatment is at present more severe. But this measure seems to require further consideration. Our return show that the climate in the Straits is more healthy for convicts than that on the Tenasserim Coast, and the advantages derivable from convicts labour are certainly at least as great, whilst the usual price of out-door labour, we believe, greater in the Straits than on that coast. That the convicts are now mismanaged at Penang and Malacca seems a good reason for improving the discipline at those two places, but not for sending all convicts elsewhere. At Singapore, as far as we can judge from our returns, the labour of the convicts is at the least as well managed as on the Tenasserim Coast.

We look upon it as advantageous to have several convict settlements, because we think that no two prisoners of the same gang or family ought to be sent to the same settlement, if it can be avoided. Where it possible, no two prisoners from the same settlement. With this reservation the greatest number may properly sent to the place where they are the most wanted, and the best superintended.

We are not aware of any objection to the immediate introduction of rules founded on such of these suggestions as may meet the approval of your Lordship in Council. Some of them would require a legislative act to be passed. If it should not be easy to obtain the means of good superintendence at all three of the settlements in the Straits, we recommend the removal to Singapore of all convicts now at Penang and Malacca, and not in private or public service. But we by no means wish it to be understood that, under good management, the labour of convicts would not produce as great public benefit at the two last mentioned places as it is capable of producing at Singapore. We think that every where, both in the Straits and in the Tenasserim settlements, the management of the convicts ought to be entrusted to a responsible officer, whose principal duty 'his

should be. There is such an officer now at Singapore, under whom much useful work is done, and who seems to be exceedingly well qualified for this duty. The system, as we have said, every where required improvement. Here as elsewhere indulgence, whether by promotion to be an overseer or otherwise, should be prohibited till after a certain period of residence. Here as elsewhere money allowances, which, in the Straits are, we are sure, excessive in amount, should be restricted, and prohibited to all but promoted convicts. But these are the faults of the system, not of the executive management, and we are led to believe that nothing is wanting at this settlement but a reform of system, which must originate with the Government.

We have now described the prescribed the present state of (Indian Prison-discipline, and suggested such partial) improvements as it appears to us advisable to introduce immediately, wherever applicable. We have also fully treated the subject of transportation, in connection with the object of our association. We now proceed to lay before your Lordship in Council an exposition of our general views of the principles on which the treatment of prisoners should be made to depend, by way of introduction to the general scheme which we propose, the intention of which scheme will best be understood by consideration of the principles on which we have proceeded in preparing it.

The great end of punishment is, according to our view, to deter all men from crime who are capable of committing it, and susceptible of the fear of punishment. We include the sufferer himself amongst those for whom this end is sought, whenever it is desirable to deter him from are petition of his crime; and, on this understanding, it appears to us that this single object of be aimed at in any such way as that thereby this main object will be attained in any material degree less perfectly than would otherwise be the case.

We are strongly of opinion that the demoralizing effects of imprisonment cannot be avoided until the system of putting convicts to out-door labour be abolished. That system renders the mixture of prisoners in large gangs necessary, whilst it makes it impossible to prevent communication between one prisoner and another. It affords facilities to convicts with money for procuring means of rendering their punishment, for all good

purposes, little more than nominal, and thus it makes a poor prisoner think that whatever renders his punishment severe is the consequence not of his offence, but of his poverty. When inflicted on those whose offences are not considered disgraceful, as is the case too often for affairs, it has a doubly bad effect; it punishes a man severely, not because he has done wrong, but because his general character is respectable; and at the same time the publicity of the severe punishment of that man, inflicted as it is without distinction in the society of robbers and thieves, tends to make the mass of the people imagine that legal punishment has little connexion with justice. Labour within doors is subject to none of these disadvantages. It may be conducted free from the gaze of strangers, in silence, without indiscriminate association, and if necessary in solitude. Moreover, those engaged in it can be superintended by one trust-worthy officer, whereby rich and poor will be subject to the same discipline.

There is, however, a great question as to the manner of employing convicted prisoners sentenced to labour within the walls of a Gaol; and it is also a great question whether to employ such prisoners at all, or to confine them in strict solitude.

If it be agreed to enforce labour in Gaol, there are two plans of doing so. First, to employ prisoners at such trades as will most readily pay for their maintenance, allowing those who know a trade suitable to a prison to practise it, and teaching some trade to those who know none; and, secondly, to employ them in some dull, monotonous, wearisome, and uninteresting task, such as stepping upon a tread-wheel, turning a capstan or handerank, pumping water, pounding bricks, grinding flour, or the like, in which there shall be wanting even the enjoyment of knowing that a quicker release can be got by working the harder for a time.

There is a peculiarity in India which makes the universal introduction of trades unfit for the Gaols of this country. The work of agriculture, and labour resembling the work of agriculture, is absolutely prohibited to no caste, however, degrading it may be in other respects. But the case is very different with trades. To force a man of a higher caste to work at any trade would disgrace him for ever, and be in fact inflicting a dreadful punishment not only on himself but on every member

of his family. It would be looked upon as a barbarous cruelty, and excite nothing but indignation against the laws, in the strength of which the most dreadful crime would be forgotten.

This would be the effect of such a practice, viewed as a penalty. We need hardly allude to the impolicy of the attempt on other grounds. It would not assist towards weakening the rooted prejudices of the people, that it should be observed that the only time when men of certain families had ever been known to put their hands to a useful trade, was when they were in Gaol, as convicts.

Some years ago the court of Nizamut Adawlut at Calcutta, with the most praiseworthy object, directed the employment within the Gaol of prisoners convicted only of misdemeanors. Our colleague Mr. W.H. Macnagthen, who was then Magistrate of Shahabad, in a letter which will be found recorded in the Government consultation of the 27th of June 1822, brought the danger of those orders to notice and after some inquiry, it was found necessary to modify them.

This peculiarity prevents the possibility of employing all convicts on trades. On the question of the limited employment of convicts on trades, after full consideration we have come to the opinion that such a course is in any case inadvisable, for the following reasons:

We are, however, far from agreeing with those who think, on grounds that at first sight may appear similar, that it is unfair and impolitic to employ the profit of the public the physical power or the previously acquired skill of a convict. The doing so lessens the charge to the public; and it takes the bread from no man, because the convict would, if at large, either have employed his physical power or his skill for his own advantage, in rivalry with honest men, or else we would have done absolute injury to the honest men by robbing them. But there is a great difference between such a course, and a system which would charge the honest men for supporting rogues, for ears together, and for teaching the rogues during that time skill which they would otherwise have no more been able to acquire than the honest men are able to acquire it. Such a system must tend to make crime less odious, and at the same time to make skill in honest trades a dishonourable distinction. If the Government will assume the paternal care of instructing its subjects in

useful arts, criminals would seem to be the least proper of all subjects to be commenced with.

If such would be the indirect effect of the success of this plan on the public, its direct effect on criminals would be equally bad. It would be in fact a reward which would tend to neutralize the pain of punishment; it might even convert what would otherwise deter men from offending into what would induce men to offend. That it would not be felt as a reward until after the pain of imprisonment had been endured, does not affect the reality of the reward and as to the reward being less in appearance and the punishment more in appearance than in reality, the deceit could not last long. It would very soon be discovered that going to Gaol would be the first step to fortune.

In regard to the question of economy, we have already stated that we do not believe that the difference between the value of the prisoner's labour under the two systems will be great. And we are certain that any difference which can reasonably be anticipated will be unworthy of consideration, in comparison with the difference of the efficacy of the two systems, and the difference between the length of imprisonment which will be necessary under one plan, and that which will be necessary under the other.

The second method of enforcing labour, namely, by machine which render the working at them a dull, wearisome, and disgusting exertion, and which at the same time force every individual to exert himself equally and constantly, is open to none of the objections felt against the method of trades. Whichever plan may be adopted, provision should be made in every Gaol for this species of labour, for the use of all prisoners sentenced to labour when caste may make it objectionable to employ them at any trade, and of all prisoners so sentenced who are not trades men, and who are confined for terms too short to allow them to be taught any trade. If the Government should agree with the arguments against the introduction of trades, for any class of prisoners, it will be proper to make provision of this sort for employment of all prisoners who may be sentenced to labour.

The tread-wheel appears to some of us better adapted than any other machine for this purpose, because it prevents all risk of partiality on the part of overseers; as has been observed, it

will show no more favour to the foot of a rich Rajpoot than to the foot of a poor Chumar. Neither the capstan, nor any other machine with which we are acquainted, possesses this advantage in an equal degree. The tread-wheel wherever it has been used in India has produced the best effects, and demonstrated that there is nothing in the Indian Constitution or climate which makes its use in this country objectionable. It is extremely dreaded, and it produces no permanent ill consequence, moral or physical.

We see no reason to doubt that the power of our prison tread-wheels will be hired. The large prisons are always in the neighbourhood of large towns. At Delhi, and other places in the Western Provinces where the canals give a water-power, the Government gets a large daily rent for numerous flour mills driven by water. There seems no reason to doubt that the same rent would be given for the same purpose, in return for an equal power of tread-power is not to be had. In Bengal the wheel might be used to drive an oil-mill, and many other mills.

Some members of our body are inclined to prefer the handcrank to the tread-wheel. What we propose is that both these machines, as well as any others of a similar nature that may appear worthy of a trial, be erected in some one large Gaol, and that whichever be proved by experience to combine the most advantages with the fewest disadvantages be universally adopted in every Gaol in India in which prisoners may be sentenced to hard labour.

We do not recommend that females be put on the wheel, or employed on any machine of a similar nature; and with males the system must be introduced under the advice of the Civil Surgeon, and with those precautions which ought always to accompany the introduction of a system. The London Prison-discipline Society have given four rules according to which they recommend that the tread-wheels of all prisons should be regulated. Some general rules will be indispensable in order to make the punishment actually inflicted uniformly the same under the same sentence. In England the difference between the labour on the tread-wheel exacted in different prisons is or was lately very great. The evil of such a variety of practice, is, in fact as great as the evil of an equal variety of penal laws. We give in a note the rules which we have referred to. The third

rule ought only to be adopted so far as to fix the quantity of labour to be usually exacted at that amount which experience may show to be suitable to the Indian Constitution.

There can be no doubt that solitary confinement, is generally the most dreaded of all descriptions of confinement, and that, therefore, the great end of punishment is generally most effectually attained by solitude. From the answers to the inquiries we have made on this subject there is no areas on to doubt that this punishment would be severely felt by natives of India, for that has been the case in the few instances in which it has actually been tried.

European soldiers, in India, are sentenced to solitary confinement, as a military punishment, but from the faulty construction of most of the cells the confinement, is in truth, generally not solitary. It is little more than simple confinement, without labour, for what terms. Yet it is the circumstance that such a punishment is lightly thought of, that has led many officers of high character to doubt the efficiency of solitude. To us it seems evident that no deduction ought properly to be made unfavourable to the humanity of the punishment from one class of these examples, nor unfavourable to its efficiency from the other. The system of confining prisoners in solitude has, under better management, been tried in England, Scotland, and America, with admirable success. So long ago as 1790 it was introduced into the Gaol at Gloucester, and continued till 1802, when it was given up only from necessity on account of a great increase in the number of prisoners. About the year 1824 solitary confinement, with leave to labour by day, in solitude, was introduced into the Gaol at Glasgow, and the system was attended with the most satisfactory results, both in its effects on the prisoners, and in diminishing the expense of the establishment. More lately, about the year 1829, the Glasgow system was introduced in the Eastern Penitentiary in Pennsylvania, prison which was erected to suit the system, and its success there also has been complete.

It may, however, be a matter of great nicely to apply this system to the Indian climate, and the Indian character, physical and moral; but there is no reason to despair of success from a modified plan of this sort. There may be some difficulty in finding occupations with which prisoners of certain castes will

consent to alleviate their confinement; it being essential to the perfect system that the occupation should be voluntary. A wide distinction must be made between hard labour which is enforced as an aggravation of imprisonment in society, and work which is allowed, on application, to a prisoner in solitary confinement. In both cases it is the intention to make the whole punishment taken together as severe as can be inflicted without bad consequences. In the former case the labour may be of the most irksome description, without producing any bad effect. In the latter case work is allowed with the knowledge that it will greatly alleviate the punishment, but it is nevertheless absolutely necessary to allow it in order to make the confinement supportable without destruction to the health or mind of the sufferer. However, interesting the work may be, the punishment on the whole will still be as severe as can justifiably be inflicted for other than short terms. This punishment forms a specific penalty in the Bombay Code, but it has not been inflicted in the Bombay Gaols generally so as to prove to our complete satisfaction what the effects of it, when properly conducted, are on the Natives of India. None of the Gaols generally so as to prove to our complete satisfaction what the effects of it, when properly conducted, are only the Natives of India. None of the Gaols of that Presidency are capable of confining in strict solitude more than a very few prisoners at a time. The experiment has therefore not been tried excepting in individual cases now and then. In these cases work does not seem to have ever been allowed, and consequently bad effects on the health of the prisoner have been occasionally produced. But whatever is shown from the experience of Bombay is favourable to the expediency of a more general adoption of this punishment, under proper restrictions.

We are inclined to think that it will be found that solitary confinement in an airy cell, with work allowed after a short time as an indulgence, can be inflicted for at least two or three years together will safely to health and reason, and with moral benefit. Prisoners are sentenced to this discipline in the eastern Penitentiary of Pennsylvania for terms as long as twelve years. Two years is a very common term. No bad effects have yet resulted from this sort of confinement, although five and six years have in several instances already been so passed. On the

other hand, in the Gaol of Gloucester, when the experiment of solitude for the first part of the term, with ordinary labour in society afterwards, was tried, it was found that the solitude had very good effects, but that those were all obliterated by the subsequent association. Yet the management of that Gaol was at that time admirable, so that this result must be attributed to the fault of the system of association, and not to neglect.

Again, it is a great object to make the imprisonment as severe as can properly be borne, and as short as possible, consistently with its main object. This is cheaper to the state, more efficacious in respect of the main end of punishment as far as the prisoner is concerned, and less wasteful to the public than a long, lenient confinement. As solitude is the severest secondary punishment we have, the more it is enforced the shorter need be the term. Thus the proper course to be adopted seems this, to ascertain practically how much solitude can be borne without ill consequence, then to inflict so much and no more, and to diminish the term of the entire sentence as the term of solitude is increased.

For all these reasons we think that it will be better to authorise the Judges to sentence to certain terms of solitude, with or without certain terms of imprisonment of any other description, and not *a priori* to restrict the use of solitude by any definite law, till experiment shall have shown with what qualifications solitary confinement can most be unofficially be inflicted, and how much of it, so qualified, can be borne wholesomely. Then, but not before, the law of prison discipline on this point can be framed with confidence; but till experience can be our guide, we think it will be the safer course to declare that a sentence of imprisonment in solitude for any term shall mean no more than that as much of that term shall be passed in solitude as may be found to consist with the health and reason of the sufferer; otherwise the experiment will scarcely be allowed fair play. The discretion which will thus for a time be left to the executive authority in charge of the Gaol will be an evil, but something of evil is inseparable from an experimental measure. This evil will be only temporary, but the benefit that may be fairly expected from a good, practical system of solitary confinement, when once established, will be perpetual. In what we have said we do not of course recommend any interference

with the discretion of the Judges as to the sort of imprisonment to which they may sentence offenders, and the manner in which they are to apportion a mixed imprisonment of various sorts if they sentence to such a description of punishment. We only mean that it should be well understood that, at present, a sentence to solitary confinement for any given term will, in its execution, be liable to a certain restriction.

Some officers have recommended the introduction of a system of rewarding convicted prisoners who may be conspicuous for good conduct, by giving them money and better fare, or by shortening their term of imprisonment. We do not think that any such system is expedient in respect to prisoners sentenced to temporary confinement. If the object were to make the prisoners work hard, we should certainly recommend a system of rewards for good workmen. But no one recognises such an object as one of the main ends of punishment in the case of prisoners of this description. We think that the judge should fix the sentence not only as to the time of confinement, but as to the degree of the severity of the confinement. A system of reward leaves the Gaoler to fix the severity, even if he be not allowed to alter the time of imprisonment. This opinion is not inconsistent with our recommendations in respect to criminals transported for life. The principles which ought to regulate the treatment of these two classes are altogether different, as we have elsewhere attempted to show. (See Paras, 145, 218 to 223, and 278 of the Report)

If solitude be enforced on some, strict silence and constant steady work on the others, excepting in the cases of rebellion against rules, which will be punished, there seems little opportunity for distinction.

Several officers have recommended the education of prisoners, that is to say, the instructing them in reading, writing and cohering. Such a system would involve a very heavy expense, and we must say that there are no other 56,000 men in India whom we do not think more deserving of educating at the public charge, than the 56,000 criminals in Gaol. That any part of that very small which the state has hitherto been able to expend upon the instruction of the people should be consumed in teaching the worst class of people in the community, the class who would be least likely to turn their instruction to good

account, and the class who least deserve public favour, is a proposition which we can not approve. There is no man whom it would cost more to instruct than a criminal prisoner; there is none who would sooner forget instruction. And it would be surely an unjust thing to let the children of an honest man, too poor himself to send them to school, want instruction, and to spend the money that might educate them in trying to teach a man whose only peculiarity is his dishonesty. Besides any instruction continuous enough to be effectual is quite inconsistent with any plan founded, as our plan is founded, on the principle of making a Gaol a place to which its inmates will have every possible inducement not to return. And any instruction effectual enough to benefit the criminal on his release is inconsistent with another principle on which our plan is founded, namely, the making a Gaol a place to which those who have never been in it should have every possible inducement not to go.

We think also, that, without distinction as to creed, every prisoner who wishes to receive religious instruction may be allowed occasionally to see a Minister of religion for that purpose, subject always to the rules necessary for maintaining the discipline of the prison.

At the presidencies there are always several Christian prisoners, both Roman Catholic Priest is engaged to attend the prisoners of that creed, and that in fact those prisoners at present never communicate with a minister of their religion. A Catholic Priest formerly used to attend the great Gaol, but his visits have lately been discontinued. We believe that the reading of prayers once a week by one of the chaplains on the establishment is all the religious instruction afforded to the Protestants in the same Gaol. We recommend this matter strongly to the favourable consideration of your Lordship in Council.

We are not sanguine in the hope that we shall be able to effect any material reform in the moral characters of convicts. But we have a confident expectation that, under the system which we recommend, a prisoner will leave the Gaol no worse a member of society than he was when he entered it; and we are quite sure that, if we do succeed in doing thus much, no slight improvement will have been effected.

The fact is apparent that the present system of prison-discipline has a demoralising effect on those who are subjected to it. But we trust that the severe privation, the really hard work, the solitude, or, where we may not enforce solitude, the silence and separation which we recommend, by rendering the Gaol of place of dread, and divesting it of all pleasurable recollections, without rendering any of those who are sent there worse than they were before, would do much good, by preventing much harm.

We should be deceiving ourselves if we allowed ourselves to expect from any system of prison-discipline that can be carried into effect in India, any better result than this. When we consider the small success of the most zealous endeavours to reform the hearts of prisoners that has attended associations in other countries, which, with objects the same as those of our committee, are free from the peculiar obstacles against which we have struggle, we feel that it would be unjustifiable to hold out any expectation of obtaining a higher degree of success than that to which we have now pointed.

The principle on which the treatment which we propose for such prisoners rests is, in short, to condense the punishment as much as possible by every severity which does not produce some bad effect on the mind or body of the sufferer, or on the feelings of society, and to shorten the term of punishment in a corresponding degree. It is very evident that this principle is inapplicable to the case of prisoners for life, for the term of the punishment in this case cannot be shortened. We beg to be distinctly understood as not recommending that prisoners for life should be treated, during the whole of their lives, with the same severity as we have recommended to be adopted in respect of temporary prisoners during the whole term of their imprisonment.

We believe that a few years of the same discipline as that of temporary prisoners and for the rest of life the enforcement of hard work at any profitable occupation, without other circumstances of aggravation, will make imprisonment for life adequately dreaded. We have already mentioned that classification, and still more individual separation, are not necessary for life prisoners. We may further remark that if our recommendation made in treating of transportation be adopted,

imprisonment for life will be a punishment rarely inflicted in India.

First, we propose to have erected great central Gaols, or Penitentiaries, one to be placed in the middle of every six or eight districts, and if possible, to be in the immediate vicinity of the largest town in the set of districts in which it is placed. To this central Penitentiary all prisoners may be sent who are sentenced for a term of more than one year to solitary imprisonment, or to imprisonment with hard labour. This will relieve the district Gaols of more than half the working criminals within them.

We propose that each of these Penitentiaries shall be put under the management of a keeper, who shall be paid with a salary sufficiently ample to obtain the services of an honest, impartial man, of good temper, sound judgement, coolness, energy, and courage, and one who will take a lively interest in the important duties of his office. We do not propose that this office shall be restricted to Europeans, but the salary ought, we think, to be enough to induce an European of the character we have described to take the situation; for great difficulty may be experienced, particularly in the province of Bengal, in finding a sufficient number of natives in every respect qualified for the place. Perhaps a salary of Company's Rs. 300 a month may be necessary.

In the Penitentiaries which we propose, there should be a number of solitary cells of convenient dimensions, sufficient to contain all the prisoners condemned to solitude by day and night. There should always be a separate sleeping cell for each of the other prisoners. As it will not be necessary to have equal provisions for making the latter sort of cell so strictly solitary as the former, and as they may also be considerably smaller, without danger, we hope that this part of the plan will not involve every serious expense.

Sufficient number of tread-wheels, or other machines of a like natures, should be provided to keep all the prisoners to be employed upon them at work for as many hours every day as may be consistent with their health. The strictest silence should be enforced day and night, at work and at meals. Cooked rations should be provided for each prisoner, to be eaten, in solitude, in

his sleeping cell. If work at trades be permitted the same strict silence should still be enforced, as far as practicable.

The punishments for a breach of prison rules should be solitude in darkness, and private on food. Experience alone will prove whether shipping be indispensable; if so, that punishment must of course be authorised, but under rules calculated to prevent abuse. We are at present inclined to think that no such punishment will be necessary.

The district Gaols have not generally the capacity for confining day and night the whole number of prisoners under sentence, in such a manner as to meet the ends of any tolerably efficient discipline. Extensive additions would thus be necessary before any considerable improvement could be effected, and the money which these would cost would build the central Penitentiaries. If any where a district Gaol may be too large for the uses which would remain for it as a district Gaol.

We propose that the present district Gaols be used as Houses of Correction for all prisoners sentenced to solitary imprisonment, or to imprisonment with hard labour, for terms not exceeding one year; as prisons for the confinement of prisoners sentenced to simple imprisonment; and as place for the safe custody of untried persons; and that the present buildings be divided into three compartments entirely separated from one another, and each adapted by further subdivisions for one of these distinct purposes. Wherever, there is no separate civil Gaol in a district, a fourth compartment will be required for debtors.

The House of Correction should be provided with tread-wheels or other machines sufficient to give full work to all the prisoners confined in it, but not in solitude, and with solitary cells sufficient for prisoners sentenced to short terms of solitary imprisonment, and for those likely to be confined in solitude at any one time for breaches of prison rules. The discipline and method of employing the prisoners in the Houses of Correction may be the same as in the Penitentiaries.

In the compartment for prisoners in simple confinement, the inmates may be allowed to work, if they please, and to retain any part of the profit their labour that may be in excess of the cost of their food. It does not seem fair to the unoffending

workman to allow an offending workman to enter into competition with him, with the advantage of being fed for nothing. The prisoners in these compartments may be allowed money to the value of the rations of the other prisoners, with no restrictions as to cocking, or purchasing any luxuries not inconsistent with good order, if they can afford them. There should, we think, be separate accommodation for prisoners of this description who may prefer it, and who may be able to pay a certain price for it. A slight degree of classification ought also to be provided for, sufficient to keep those confined for dishonest offences, or for those of the more disreputable descriptions, apart from the others who will generally be rioters and the like. On the other hand, imprisonment in this compartment, which is intended as the most lenient sort of imprisonment, must be carefully distinguished in practice from solitary confinement, which is intended to be the severest. This will best be done by following to a certain extent, the wishes of the prisoners themselves. The free access of visitors ought, we think, to be allowed under such regulations as good order requires. Courts in which to take air and exercise ought also to be allowed to these prisoner, and amusements not inconsistent with good order may be permitted to them. In one District Gaol, here and there, suitable accommodation should be provided in this compartment for one of two prisoners of European habits, who may be sentenced to simple confinement.

The compartment for untried prisoners may be arranged with the view of affording each prisoner, if he wish it, a small apartment to himself, with a court to which he may have access; or the means of living with those prisoners only to whose society he may feel no repugnance, and from whose society there may be no reason to fear ill-consequences to himself. We attach great importance to the absence of any compulsory association of untried prisoners or at least the perfect classification of such prisoners. Where this perfection may not be obtained, the nearest possible approach to it may be made by having as many distinct apartments as can be divided off for the purpose of separating known and hardened offenders from others, and persons charged with the most heinous offences from those charged with offences of less trupitude. on this side of India, where the sessions are held monthly, the imprisonment

will seldom be long, so as to produce the most painful effects of solitary confinement, even if the perfect separation of each prisoner from all others be effected; but we think this hardship ought to be every wheel avoided as much as possible by allowing the prisoners to provide for themselves employments of amusements of any fitting description; by allowing exercise in courts where, at the discretion of the Magistrate, several prisoners may remain for a certain time; by allowing the visits of friends; by giving an ample money allowance instead of reaction; by allowing the prisoners to cook their own victuals, and to purchase any luxuries not inconsistent with good order. If these prisoners choose to work they ought, in our opinion, to be allowed every facility for selling the produce of their industry, retaining the whole profit for themselves. The walls of this part of the prison must be very secures as otherwise the unjustifiable use of fetters on untried men, and other indefensible practices, cannot be avoided.

For this reason, wherever District Gaol may be found to be too small for the reformed system which we propose, we recommend that instead of increasing that building, as small separate prison be erected in another place, and called by another name, with which the idea of punishment may not be associated. This plan, which has been recommended by high authority, will not be more expensive, and nothing will tend more to make the distinction felt by the people at large.

We are not aware that the treatment of debtors calls for general improvement. If any where the debtors happen not to be perfectly separated from other prisoners, the recommendations made in Paragraph 42 will apply specially to such a case, apart from any general reform. Possibly also, in some districts, it may be the practice to put the access to debtors, of their families and friends under unnecessary restriction, as we have heard; if this be so a relaxation in this respect would seem very desirable.

The office of Keeper of a District Gaol will not require such high qualifications as that of Keeper of a Central Penitentiary; but it will. We think, require much higher qualifications than those of the existing District Gaolers. To procure fit men the salary must be raised, we imagine, to 80 or 100 rupees a month.

The only remaining feature of our plan is the appointment of an Inspector of prisons over a certain number of sets of Districts. We think that there should be one such officer, at least, for the provinces under the jurisdiction of each Local Government. This officer should be constantly visiting the Gaol under him, and be in confidential communication with every Magistrate in his province, and with the Government. The appointment of officers of this description in England has lately been made, and it is there deemed appoint of great importance. We consider such offices at least equally necessary in India, in order to ensure the good and uniform working of any general system of prison-discipline. The Keeper of every Gaol will of course be superintended by the District Magistrate by whom each Gaol ought to be visited frequently, and unexpectedly; but both the keepers and the Magistrates, as far as the Gaols and Penitentiaries are concerned, ought to be subject to the control of the Inspector. Such an officer, besides being essentially necessary to ensure the goodness of any general system of prison-discipline, might, we think, be of use of the Police, from the knowledge of the people of the worst character spread over a large tract of country, which he ought to acquire in his tours, and this not the less effectually because he would have no police powers himself. We think, therefore, that these officers ought to be selected from amongst the most zealous and intelligent Magistrates and Joint Magistrates.

The above is the plan of general reform which we now think may ultimately be extended into every Gaol in India, with the greatest public advantage. But, as we have before said, we recommend that the plan be first tried experimentally. We propose to introduce a scheme which, however well or will conceived it may be, has never yet been attempted in India, which depends for its success entirely on the manner in which its details are carried into execution, and which cannot be properly executed unless its physical machinery be adapted to existing circumstances. It would, we think, be very imprudent to build all the new prisons, and to make all the alterations of old prisons, required by our scheme, at once over every part of India, for time only can prove what new arrangements of wall, wards, and cells are really improvements suitable to this climate, and what new methods of discipline are really improvements

suitable to the bodily and mental constitutions of those on whom our discipline will operate. We think that the merits of the scheme ought first to be put to the test of experiment; and we do not think that the experiment could be tried any where with so much advantage as here, under the eye of the Government.

We propose that a central Penitentiary be established in the immediate neighbourhood of Calcutta. If the life prisoners were removed from Allipore Gaol, and that building were reconstructed, the Penitentiary might be established there. But whatever advantages the plan of altering the Allipore Gaol can have over the plan of erecting a new Penitentiary, must be in point of economy, and they must be confined to the saving of an outer wall, and to the value of the ground, for the Allipore Gaol possesses no internal arrangements that would be of much use. This question is one on which we have not the means of offering any opinion.

We recommend, therefore, the preparation of a Penitentiary fit to contain two thousand prisoners. If the plan succeed, it will doubtless be found both economical and expedient to provide in the same building for Calcutta prisoners who may be sentenced by the Supreme Court to the punishment of Penitentiary discipline. It may also possibly be found economical, and sufficiently convenient, to add some more distant districts to the number from which this Penitentiary will be supplied, rather than to build a different Penitentiary for those more distant districts. But room will be made for these additional prisoners, by releases occurring more rapidly than entrances, in consequence of the shortening of the terms of confinement which may be anticipated.

We anticipate, therefore, from a continuance of the present system a yearly increasing charge for prisoners, and from a better system a charge under the same head which will decrease yearly for some time to come; that is to say, until the good effects of the improvements to be introduced shall arrive at their maximum.

We think that our scheme, though it may cause some greater outlay at first will in every short time effect a direct saving to Government. We are satisfied that there is no reasonable ground for apprehending that any such increase of

expense can result from it as ought to be allowed to outweigh the advantages which it fairly promises. Economy is always to be attended to, but it is extravagance, not economy, to expend from twenty-one to twenty-two lacs of rupees a year for no good purpose. If there be an actual impossibility of attaining perfectly this, the chief end of the institution of Government, owing to an absolute want of means, we think it would be a better plan to allow half the crimes committed to go unnoticed, and to punish effectually those that are noticed, than to notice all, and to punish none effectually. We do not know of any other branch of Civil Government the efficiency of which ought not to be postponed to the making efficient the system of punishing offenders. To what purpose is a heavy charge incurred to apprehend criminals, and to try them when apprehended, if punishment, the sole object of apprehension and trial, be not effectually inflicted? For what end are the Judges, Magistrates, Thanedars, and Burkundauzes maintained at a cost very many times greater than the cost of the prisoners, if a trifling sum is to be a sufficient reason for neglecting the infliction of that which it has cost so much to be able to inflict?

It seems to us that it would be no more unreasonable and impolitic in any State to impair the efficiency of the army, of the navy, or of any other public establishment, in an attempt to make it pay itself, than it is to impair the efficiency of the prisoners in a similar attempt. If the object of an establishment which, like the criminal judicial establishment of a civilised country, costs a large proportion of the whole revenue of the State, be worth the expenses of so much money, it must be an object of immense importance. That object then must be gained, or else the State will close what is more than an equivalent for the cost of the whole establishment. Therefore, till that object is gained, no question as to saving a small part of the expense incurred on account of it can be worthy of consideration.

We confidently trust that whatever may be the opinion of Your Lordship in Council as to the excellence of the plan we recommend, that opinion will be formed on very different considerations from this. Let it be first candidly enquired whether the present system effects its object as completely as its requisite, and with no unnecessary evils to the sufferance, or to society. If this be determined in the negative, let our scheme, and any

others that may present themselves, be examined, and if it be thought that any one of them offers a fair promise of obtaining the objects of punishment more effectually than they are now obtained, and of avoiding the evils of the present system without introducing any evils of equal consequence, let that scheme be fairly tried, on a small scale. If experience shows that it is based on sound principles applicable to this country, let it be introduced universally. No greater blessing could be gained by human agency to the millions under the government of your Lordship in Council, than the diminution of crimes amongst them. So great a good would be cheaply bought by a much greater sum than any that can fairly be anticipated, by the least sanguine statement, as the additional cost of our scheme. It is now sixty years since the first step was taken towards the practical improvement of prison-discipline in Great Britain, under the auspices of the late Lord Auckland, Mr. Justice Blackstone, and Mr. Howard. We hope that we may be excused in regarding it as a happy omen, that it is the son of one of those eminent men whom we have now the honour or urging to take the first step towards the practical improvement of prison-discipline in India.



INDIAN LAW COMMISSION ON SCHEME OF PLEADING AND PROCEDURE WITH FORMS OF INDICTMENT ADAPTED TO THE PROVISIONS OF THE PENAL CODE, 1848 — REPORT¹

1848

President Mr. C.H. Cameron
Member Mr. D. Elliot

Terms of Reference

To enquire into the scheme of pleading and procedure with forms of indictment adapted to the provisions of the penal code in the Presidencies of Bengal, Bombay and Madras.

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¹ W. Ridsdale Military Orphan Press, Calcutta, 1848. 41, XLI, XXVI, 4 p., February 1, 1848.

of Sessions Courts; Subordinate Criminal Courts; Power of Punishment; Trial of Offences; Heads of District Police etc.

Recommendations

Process of Commitment

The question of the expediency of continuing the process of commitment in cases amenable to the jurisdiction of the Session Courts was discussed when the reform of the Madras Judicial System was under consideration. The Court of Foujdaree Udalut at Madras, strongly recommended, that "offenders should go direct from the Native Police or Magistracy, who arrest, to the Judge who is to try them." Observing that this mode of proceeding already obtained generally in cases within the jurisdiction of the lower Courts, they said, they saw "the most urgent reasons for its adoption universally." They remarked, that

"it would be necessary under this arrangement, that the Session Judge should himself perform what may remain to be done in order to complete each case for trial, that is to be tried by himself; but this is only what is often now done by Circuit Judges, and always by Criminal Judges, Sudder Ameen, and Assistant Criminal Judges, in cases in which sentence is passed by themselves, and what will be done under the proposed new arrangement by Assistant Judges and Principal Sudder Ameen, in cases in which sentence is passed by them; and the Foujdaree Udalut believe, that it never will be found liable to any objection so far as the trial itself is concerned. It will besides be attended with three obvious advantages, viz. (1) It will bring higher qualifications to bear upon the preparation of the cases; (2) The preparation will be more exactly adapted to the trial, both being the work of the same person, who must know better than any other can know what parts of the case require further elucidation, for the full satisfaction of his own mind in the discovery of the truth; and (3) It will be a clear saving of so much of the Assistant Judge's or Principal Sudder Ameen's time, and so of much delay before the trial, as it would take to hear and consider the original informations, without

taking up but a very little more of the Judge's time, than if that work had been performed by the Assistant Judge or Principal Sudder Ameen; for whatever either of these did, the Judge must still, before the trial, make himself acquainted with all the previous informations and proceedings." (*Proceedings, 14th January 1841*)

Upon this recommendation of the Madras Foujdaree Udalt, the Law Commissioners made the following observations:

"There can be no doubt that some time would be saved, and certainly much inconvenience to the prosecutors and witnesses, in the cases tried by the Session Judges, if they came to them directly from the Police or Magistracy, and we think that this will be the proper course when a good system of Police under a public prosecutor shall be organised. The plan suggested is to dispense with the intervention of the Assistant Judge or Principal Sudder Ameen, in all cases cognizable by the Session Judges. But it is to be remembered that by this intervention the cases which are sent up by the Police, etc., without sufficient proof to support the charges against the prisoners are prevented from going to trial. We find on reference to the operations of the Criminal Courts in cases cognizable by the Courts of Circuit that the number of persons discharged for want of evidence is generally greater than the number of persons committed. This plan, under existing circumstances, would therefore at once more than double the number of persons to be tried by the Session Judges, and they would have a great deal more to do in the cases to be tried from their coming to them without previous preparation by a committing Officer. On the other hand the Assistant Judges and Principal Sudder Aameens whose time is in every respect less valuable would be relieved from a very large portion of the business intended to be assigned to them." (*Report dated 10 July, 1841*)

To Government of Fort St. George, Legislative Department

The Governor General in Council objected "to the proposition for sending cases directly from the Police to the Session Judges,

without a previous sifting and arrangement of the evidence by another responsible officer, and a regular commitment for trial, upon specified grounds, after such preliminary inquiry," observing that "the preparation of a case, involving the detection and pursuit of traces, and suspicious of guilt, the active conduct, in fact, of a public prosecution, is wholly inconsistent with the calmness and impartiality requisite in a Judge. These indispensable qualities in the Judicial Bench, he would never, in this manner, put in hazard. The expedition which can be gained only at the risk of their loss, would, in his judgment, be an expedition subversive of the first securities for justice."

Act VII. 1843, Sections 44 and 45

The result was that the process of commitment was continued except where the station of the Subordinate Criminal Court is different from that of the Session Court, or where there is no Subordinate Criminal Court in the Zillah, in which cases the Session Court takes cognizance of offences subject ordinarily to the jurisdiction of the Subordinate Criminal Court, as well as of offences subject properly to its own jurisdiction, as they are sent up by the Police, and proceeds to the trial of them both in the same manner.

We adhere to the opinion expressed in the Report of the Law Commissioners quoted above that when a good system of Police shall be organized with a provision for the appointment of public prosecutors there will be no reason for an intermediate investigation in cases cognizable by the Session Court, between the initial inquiry of the Police and the trial by the Session Court, nor for a commitment by an intervening Officer. But as was observed by the Governor General in Council on the same occasion, the measure here adverted to is contemplated as a part of a general arrangement which may not be practically undertaken for a length of time, and under existing circumstances the present mode of procedure for bringing offenders amenable to the jurisdiction of the Session Courts to trial before them is perhaps the most convenient that could be adopted.

We think it proper however to take this opportunity to observe that the mode of proceeding proposed by the Madras

Foujdaree Udalt does not appear to us to be so objectionable in principle as the Governor General in Council considered it to be. We do not perceive that the preparation of a case for trial in the manner intended by that Court is wholly inconsistent with the calmness and impartiality required in a "Judge". It does not seem to us that what the Judge would have to do amounts to "the active conduct of a public prosecution" "involving the detection and pursuit of traces and suspicious of guilt." The manner of proceeding would be something like this.* On a case being sent up to him by the Police the Judge would peruse the informations and depositions submitted to him, and if they presented a statement of facts which being proved would constitute an offence subject to his jurisdiction, and bring it home to the accused, he would frame a charge accordingly and proceed to try the accused upon it. If he found a statement of facts which if proved would not constitute an offence, or would not serve to convict the accused of it, he would dismiss the case and discharge the prisoner. If from the informations and depositions submitted, it appeared that an offence had been committed, and that the accused was liable to strong suspicion, but could not be pronounced positively guilty or not guilty without further evidence, which evidence it appeared from the previous proceedings might be obtained from persons indicated therein as having knowledge of the facts, the Judge would notify to the Police the points on which further evidence was required to complete the chain, indicating the parties whom it would be proper to examine, and would commit the accused to custody or bail him till such further evidence could be had, and then proceed according as the evidence might appear on the whole, *prima facie* to be sufficient or not. If he should determine to put the accused on his trial after having proceeded in this manner, we do not see why he should be less capable of conducting the trial with "calmness and impartiality" than if he had entered upon it at once after he had perused the informations and depositions sent up at first, or than the Session Judge is, under the present system, when after having made himself acquainted

* It must be in some such way as this that the Session Courts processed in the Madras Presidency under the provisions of Sections 44 and 45 of Act VII. of 1843.

with the facts of the case by perusing the examinations taken by the committing Officer, he proceeds to arraign the prisoner on the charge deduced therefrom.

It is meant no doubt that the Judge, under such circumstances, is liable to a preconceived bias, a prejudice, - that his mind is likely to be occupied with a pre-established notion of the prisoner's guilt. We admit that the mind of a Judge ought not to be pre-occupied with opinions respecting the matter which he is to investigate acquired extra judicially before the judicial investigation begins. But the proceedings in question are properly the beginning of the judicial investigation and not something anterior to it. The Judge sitting on the bench of justice forms an opinion, a provisional opinion, upon evidence submitted to him which has yet to be tested by a solemn trial - such an opinion, as it appears to us, cannot with any propriety be called a prejudice or pre-judgement, more than the provisional opinion formed by a Judge or Jury upon the evidence adduced against the prisoner before he has entered on his defence. The Judge and Jury cannot but form some opinion - if the opinion is to this effect, "as far as the case has gone the prisoner appears "to be guilty," are they no longer a fair and impartial tribunal because their opinion is based by what they have heard? Biased their opinion is no doubt, but in that way which makes it incline to what is probably the truth, and the opinion is provisional depending upon what is still to be heard.

It is unnecessary to pursue this argument as we are not going to propose at present that cases shall be sent directly from the Police to the Session Court "without a previous sifting and arrangement of the evidence by another responsible officer and a regular commitment for trial upon specified grounds, after such preliminary enquiry." We are however going to propose that it shall be competent to the Session Judges to amend the charges or indictments framed by the Committing Officers, as well in substance as in form, to adapt them to their own view of the effect of the evidence submitted as the ground thereof, whether the intention of the alteration shall be to aggravate or mitigate the charge; and the observation shall be to aggravate or mitigate the charge; and the observation we have offered may tend to remove the objections which seem to have been entertained, to even this degree of interference on the part of

the Judge, before the prisoner is brought to be bar of his Court to plead to the charge which he then announces to him.

In Cases Committed to Session Courts, Judges to have power to amend the indictments framed by the Committing Officer

What we propose is somewhat analogous to the proceeding of a Civil Court, which before taking evidence in the trial of a cause, considers and records the point or points to be established by the plaintiff and defendant respectively. This is done after the Court has made itself acquainted with the case to a certain extent by perusal of the pleadings and hearing the explanations of the parties or their pleaders. It has much the same amount of information as the Session Judge obtains in a Criminal case, from the record submitted to him by the Committing Officer. In either case the Court is in a condition to ascertain and define the issues or questions to be tried. In the Civil suit if the issues are well stated in the pleadings, the Court will at once adopt that statement. If not it will record the issues to be tried according to its own view of the points in dispute. So also if the charge submitted by the Committing Officer is expressed with sufficient distinctness and precision for the purpose of certainty, and describes the offence correctly according to the evidence, the Session Judge will proceed upon it. If not, we propose that he shall amend it by supplying what is defective and correcting what is erroneous, *so that the prisoner may be tried for what appears to be really the offence imputable to him*. We propose that the Judge shall amend the charge himself instead of remitting it to the Committing Officer to be amended, according to the present practice. We do not see anything to be gained by the case being remitted to the Committing Officer. If any discretion is left to him as to the amendment of the charge, it may still come up in a shape which the Judge may think improper, and if the Judge is authorized to prescribe to the Committing Officer the amendment to be made, he may surely as well make it himself. The time which will be saved by the Judge, at once amending the charge, is a good reason for this being the appointed course where nothing is to be gained by adopting the alternative.

The old rule in the Bengal Presidency required the Session Judge on first taking up a case committed for trial to "compare carefully the written charge on which the prisoner is committed with the facts of the case as stated in the Magistrate's roobukaree of commitment," and to cause the Magistrate to rectify "what may have been omitted," and it was laid down that a Session Judge might annul a commitment, and direct the Magistrate to re-commit the prisoner on a different charge. There is a difference of opinion now between the Calcutta Court of Nizamut Adawlut and the Court at Agra, as to the powers of the Session Judge in this respect. The Calcutta Court holds, that since the enactment of Act XXXI of 1841, the Session Judge has no power to alter an indictment or charge once preferred by a Magistrate against a prisoner, *to the prejudice of the prisoner*. The Agra Court maintains the former rule and practice. (*Circular Order No. 135, dated 22nd February, 1833*)

The Bombay rule on this point gives the Session Judge power to return a commitment, and to order the particular correction which he deems requisite, whether the effect will be to aggravate the charge or otherwise, and to do so at any time during the trial. (*Regulation XIII of 1827, Section 21, Clause 1. Section 38, Clause 4*)

We are not certain of the rule, which obtains in the Madras Presidency when the charge framed by the Committing Officer appears to be ill laid.

With reference to the principle upheld by the Nizamut Adawlut of Calcutta as above stated, we have to observe, that to amend the charge on which a prisoner is committed in a way to aggravate it, when, by a mistake of the Committing Officer, it has been laid for a less offence than the evidence appears to warrant, will no doubt be "to his prejudice" in a certain sense. But not to amend the charge would be to the prejudice of public justice. By amending if the prisoner will not be prejudiced in his substantial defence, and we cannot see that in any respect injustice will be done him. And if public justice will be served without injustice to the prisoner by the measure proposed, there can, we think, be no valid objection to it. It may here be observed that the reason for not altering indictments in the English Courts, which appears to be chiefly insisted on, namely, that the charges therein bear on the face of them that they are

charges found by the Grand Jury, which would be untrue, if the Courts took upon themselves to alter their tenor, is one that does not apply to the Company's Courts.

Alteration of Indictment after the Evidence for the prosecution have been taken

In the Bombay Presidency, as we have remarked, the Court of Session is empowered, at any time during the trial, to cause the charge to be altered, if it shall appear that it is not applicable to the facts of the case. We propose to make this rule general, so that, if the evidence on the trial turn out to be different from that which was given before the committing Court, but sufficient, if not refuted, to prove an offence against the defendant; the indictment may be altered so as to charge him with the offence, which the evidence serves to establish, instead of that with which he was first charged, and upon which he was arraigned.

While we propose that the present system of commitment should be continued generally in respect to cases triable by the Session Courts, we do not think it necessary to maintain the rule laid down in Regulation IV of 1823, of the Bengal Code, which directs that when the Officer, who has made a commitment to the Session Court, happens to be appointed to preside as Judge in that Court before the trial has taken place, the case shall not be tried by him, but shall be reserved to be disposed of under a special provision. The Madras rule is, that the Judge in such a case shall call upon the prisoner in open Court to state whether he is willing to be tried by him or not, and it is only when the prisoner objects to be tried by him that the case is to be reserved. Entertaining the opinion above expressed, we think that the trial may properly be held as a matter of course by the Judge of the Court, notwithstanding his previous intervention in the case as committing Officer. (*Section 6, Circular Order, No. 17, Vol. 3, 21st August 1833*)

Indictment how to be Framed

We have now to consider how the indictment should be framed and what it should contain.

"An indictment," says Lord Hale, "should be a plain, brief and certain narrative of an offence committed by any person, and of those necessary circumstances that concur to ascertain the fact and its nature." "The first object to be attained by an indictment," say the English Criminal Law Commissioners (*8th Report*, p. 8), "is certainty in law, or that certainty as to the *corpus deficit*, which, assuming the allegations to be true, enables the Court to pronounce the proper judgment. Certainty in this respect is indispensable." "The sufficiency of the indictment in this respect necessarily depends on its allegation of every thing, which by definition is essential to the offence. No words can more certainly describe the offence than those used in the definition, and those or equivalent ones the indictment must contain." "With a view to other objects it is requisite that the description of the particular offence should not be confined to the precise words of the definition, but should be amplified by a statement of particular facts and circumstances. It is, however, absolutely essential that the allegations, if true, shall show distinctly that an offence has been committed by the defendant." "Another species of certainty in an indictment," they observe, consists in setting forth the facts with such circumstantial particularity as may identify the offence which is the subject of trial with that submitted by the Grand Jury," "and may also notify to the accused the facts and circumstances on which the legal charge is founded, and so identify the offence alleged with that to which the proof relates as to protect him against any subsequent charge in respect to the same offence." "Another kind of certainty," they continue, "which may be termed certainty in law and fact consists in such a description of the charge, as independently of the use of any general technical terms, shows on the face of the indictment that the crime has been committed. This involves both the kinds of certainty, that is, of legal and circumstantial certainty as already described, and also the further certainty by which the Court is enabled to see, not only that an offence has been committed, and that the facts are sufficiently detailed for the purpose of defence and identification, but *also* that the very facts detailed constitute the offence in point of law."

The Commissioners justly observe, that whilst circumstantial particularity within certain limits is essential, great inconvenience

and even mischief would result from the enforcement of rigid rules, requiring the circumstantial description to be satisfied by precise proof. It would, they conceive, be inconvenient and impolitic to require even the time of committing an offence to be proved precisely as alleged. On the other hand, referring apparently to the English practice, which insists on the indictment being minutely circumstantial, particularly as to time and place, but in effect treats the statement of those particulars as merely formal and insignificant, they lay it down as "a principle that cannot be doubted, that no certainty in circumstances ought to be required, which is not to be regarded as truly made and for a legal object," observing that "the requiring a formal degree of precision, which may be wholly disregarded, cannot but be looked upon as matter of vain affection, unworthy of the dignity of the law."

They propose as "consistent with the object to be attained by circumstantial certainty," and as a means of obviating the difficulties likely to arise from the rigid requirement of proof of the circumstances alleged, "that the rules as to mere circumstantial certainty should be regarded as directory only," "that Grand Juries should be directed to state such circumstances only, and with no greater precision than accorded with the evidence." Circumstantial allegations, especially those of time and place, would then, they think, cease to be unmeaning, and it would rarely happen that the accused was not sufficiently apprized of the particulars of the charge to be enabled to meet it, and afterwards avail himself of the verdict, should a second prosecution be instituted in respect of the same offence. Accordingly in the act of procedure they have introduced articles declaring that the provisions as to the specification of time and place "are to be deemed to be directory only in order to give more effectual information to the defendant, and for better identifying the offence," and that "no false or defective statement of the time or place shall vitiate the indictment," "unless a specific allegation of the time or place be material to the description of the particular offence charged," and etc. (*Articles 27 and 30, Chapter II, Section 2, 8th Report, p. 78*)

M.D. Hill, Esq., Queen's Council, respecting the offences larceny and receiving stolen property

Now what we propose is, that the indictment shall be "a plain, brief, and certain narrative," framed upon the evidence before the committing Officer, of the substantial facts laid to the charge of the defendant, and of the significant circumstances which concur to characterize those facts, and to make it apparent that they constitute an offence or *corpus delicti*, concluding with an averment expressed as nearly as possible in the words used in the Code respecting the intention, and etc., such as will determine the offence of which the defendant is accused, and bring it within the definition in a certain Clause of the Code, or with alternative averments (instead of several Counts) answering to the descriptions of several cognate offences defined in different Clauses of the Code, according as the evidence admits to the offence being designated positively or otherwise, with reference to the intention or other distinguishing feature determining the character of the offence being clearly developed or not. We mean that a commitment ought not to be made unless the evidence which has been taken presents a state of facts and connected circumstances, which, if proved, constitute an offence according to the definition in a certain Clause of the Code, or which constitute an offence, which may fall under that Clause, or under one or other of several Clauses according to the discovery which shall be made of the intention, and etc., on trial, and that, when a commitment is made, the indictment shall be framed so that if the substantial facts and adjective circumstances alleged in it are proved on the trial, and if no exception is established, the Court will be able, upon those facts and circumstances, to convict the defendant of some offence of which by the indictment he has had notice sufficient to admit of his adapting his defence to clear himself of it.

Confessions before Magistrate or other Committing Officer

By the Regulations of Bengal (IX of 1793, Sec. 6) and Madras (XIII of 1816, Sec. II) when a prisoner in a case, triable by the Session Court, confesses the offence laid to his charge, or confirms a former confession before the committing Officer,

that Officer is required, notwithstanding, to summon the witnesses and to cause their attendance before the Session Court to be examined in the same manner as if the prisoner had denied the charge. The Bombay Regulation (XIII of 1827, Sec. 27, cl. 2) appears to require the same, it being laid down that confessions before any authority different from that by which the trial is held shall be deemed of weight according to the degree of corroboration they may receive before the Court. It seems to us that a full and circumstantial confession such as is described below, in treating of confessions given before the Session Court, tested by close interrogation in the manner there mentioned, and so complete in its account of the matter of fact, that it would be sufficient evidence of it if the relation were given by a witness, ought to be held sufficient for commitment. Of course corroborative evidence is desirable, and ought to be had, if possible; but it appears to us that where there is independent proof of an offence having been committed, as there will be generally by the deposition of the complainant, a plenary confession deliberately made by a party before the committing Officer, avowing his agency in it, and detailing the particulars, renders an extended inquiry unnecessary. If for example, A deposes to the fact that B was found dead at a certain time and place, his death having been caused apparently by certain wounds inflicted on him, and C confesses that he inflicted those wounds upon B, intending to murder him, relating circumstantially and in detail all that passed, and adhering to his statement through a close cross-examination upon all the particulars, we see no need for further enquiry by the committing Officer. It may be proper for him, however, to summon the witnesses named by the prosecutor, as having knowledge of the facts, to attend before the Court of Session to give evidence if required.

Preliminary Communications between a Committing Officer and Party accused of an Offence

We proceed to offer some observations and suggestions as to the preliminary communications which should pass generally between the Magistrate or other committing Officer, and a party brought before him as an offender.

By the Regulations of Bengal (IX of 1793, Sec. 57) and Madras, (X of 1816, Sec. 9) as well as by the English Law, it is directed that the defendant shall be *examined*, and this, we apprehend, is intended also by the Bombay Regulation (XIII of 1827, Sec. 37).

There seems, however, to be no definite rule as to the manner of examining the defendant, and the extent to which the examination may be pursued. But it appears to us that this is a part of procedure, which it is very necessary to regulate uniformly.

We would recommend for imitation the rules on this subject contained in the Code of Procedure for Louisiana, prepared by Mr. Livingstone, who appears to us to have hit upon the right principle, and to have drawn the line justly between excessive indulgence to the prisoner and excessive anxiety to draw his condemnation from his own mouth. The Article we refer to is as follows :

“Article 173 — The Magistrate shall then proceed to the examination of the person accused in the following manner:

(1) He must be informed that, although he is at liberty to an answer in what manner he may think proper to the questions that shall be put to him, or not to answer them at all, yet a departure from the truth, or a refusal to answer without assigning a sufficient reason, must operate as a circumstance against him, as well on the question of commitment, as of his guilt or innocence on the trial.

(2) The Magistrate shall next put the following interrogatories to the person accused :

Where were you born?

Where do you reside, and how long have you resided there?

What is your business or profession?

Where were you at the time the act (or omission) of which you are accused is stated by the witnesses to have taken place?

Do you know the persons who have been sworn as witnesses on the part of the accusation, or any, and which of them, and how long have you know them?

Give any explanation you may think proper of the

circumstances appearing in the testimony against you, and state any facts that you think will tend to your exculpation.

(3) If any writing or any article of property be produced in evidence, it must be shown to him, and he must be asked whether he recognises it.

(4) The answers of the accused to the several interrogatories shall be reduced to writing by the Magistrate, or some one by his order. They shall be shown or read to the accused, who may correct and add to them; and when made conformable to what he declares is the truth, may be *signed* by him; but if he refuses to *sign*, his reason shall be stated in writing, as he gives it, by the Magistrate himself; and the examination shall be signed and certified by the Magistrate, whether the accused sign it or not. This examination is not to be on oath.

In support of the above suggestion we beg to quote from the Westminster Review (No. 34, page 20) the following observations of Mr. Sheriff Alison, the text writer on the Criminal Law of Scotland, referring to the practice which obtains under that law :

"The principle of law and the rule of common sense is, that every deed done, and every word spoken by the prisoner, subsequent to the date of the crime charged against him, is a fit subject for the consideration of the Jury, and that, if duly proved, it must enter into the consideration of their verdict. Of course among the circumstances which may be of weight either for him or against him, none can be more material than what he deliberately said himself when brought before the Magistrate for examination. If the story then told is probable in itself and agrees with what the witnesses have proved, on those particulars in which it is susceptible of confirmation, it is as material a circumstance in his favour, as if it be absurd or incredible and contradicted by their testimony, it is a circumstance of weight against him. If the prisoner chooses to decline any or all of these questions, he is perfectly at liberty to do so, and no compulsion whatever can be largely employed to compel him to speak out; but on

the other hand the prosecutor is entitled to have the question, and the fact of the prisoner's having declined to answer it put down in the declaration; a thing which is constantly done in practice, and by which it frequently happens that the most important presumptions are obtained against a prisoner; for certainly nothing in general tells more against a prisoner with a jury, or any body of sensible men, than a refusal to answer all the questions which have any bearing on the crime with which he is charged. A declaration therefore is in general as great a benefit to an innocent, as it is a disadvantage to a guilty person; and in both cases it conduces to the great ends of Criminal Law, the conviction of the guilty and the acquittal of the innocent."

Attestation of Confessions

We shall now consider the question upon what attestation a confession made before a committing Officer ought to be received as evidence by the trying Court.

From Deputy Secretary to Government of India, 15th June, 1835 and From Secretary to Government of India, 11th January 1841.

On this subject two references have been made to the Law Commission from the Government of India as noted on the above.

The last reference was occasioned by a proposal of the Government of Bombay on the recommendation of the Sudder Foujdaree Adawlut of that Presidency to repeal the provision of the Bombay Code, which requires the confession of a prisoner to be authenticated by the certification and signature of two witnesses, who are to be held in attendance at the final trial, and to allow the confession to be admitted at the final trial when it is authenticated by a European authority, and the trying authority is satisfied of the identity of the authenticating Officer's subscribed attestation.

The Government of India had previously consulted the Governments of Bengal, Madras, and Agra, upon the proposed change in the Law, as a general measure, and the papers transmitted to the Law Commission, contain the opinions of

those Governments and of their Sudder Courts upon the proposed change, also Minutes by Mr. Amos and Mr. Bird.

It appears that the provision in the Regulations of Bengal (VI of 1793, Sec. 6) and Madras (X of 1816, Sec. 10) requiring confessions to be attested by witnesses was introduced in order to satisfy the Mohammedan Law of evidence, a reason which will not exist if the Penal Code shall be enacted. At present under the Laws of both Presidencies the Courts are authorized by particular Regulations (Bengal Regn. XVII of 1817 and Madras Regn. I of 1818) to set aside the rules of evidence prescribed by that Law, and the Madras Sudder Judges have said (18th July 1839) that they consider the Courts to be now released altogether from the obligation of observing them, and that in practice they generally follow the English Law of evidence. In cases of *Thuggee* the Mohammedan Law is dispensed with generally in all the Presidencies. In the Presidency of Bombay it has not been referred to at all since the introduction of the New Code in 1827.

Extract of Report from Greenhill, Judge of the Sudder Court

It is stated that under the Bombay Regulation the attesting witnesses to a confession "need not know its content, and yet if the prisoner on his trial denies having made it or signed it, the attestation of the Magistrate is not legally sufficient to the fact, but the witnesses must be called." The Judges of the Foudaree Adawlut at Madras say also that the attesting witnesses to a confession "may not and need not know the contents, that is to say, all the material facts declared by a prisoner in his confession, it is sufficient that they prove at the trial that the paper before the Court is the record of the confession of the prisoner, that it was fairly and voluntarily delivered, and that it was read over and signed, or marked by the declarant in the presence of the said witnesses." Register Foudaree Adawlut to the Chief Secy. to Govt. Fort St. George, dated 20th November 1840. They add that the Court rely most upon the signature of the Magistrate at the foot of the declaration as proof of its having been duly taken. It would appear that under the Bengal Regulations also the witnesses are held to be requisite especially to prove the record, "under the Regulations," say the Nizamut Adawlut at Calcutta, "no paper can be placed on the record of a criminal

trial until the same shall have been established by evidence; and by the Mohammedan law two witnesses are necessary to establish such proof. The practice in the Criminal Courts is in conformity to the law." (*Register Nizamut Adawlut to Secretary to Government Bengal, 30th October 1840*)

The change is proposed by the Bombay authorities, on the ground that the provision in question is unnecessary, and that it is a cause of vexation and inconvenience. The same alteration of the law was proposed on similar grounds by Mr. Evelyn Gordon, when Commissioner of the Moorshedabad Division, whose suggestion to that effect is the subject of the first reference above adverted to. A strong representation to the same effect we find in a paper written by Colonel Sleeman, in the records of the Law Commission. (*On Secondary Evidence without date, Received 6th November 1837*)

We think there is ground to believe that the present practice is vexatious, though the inconvenience arising from it must ordinarily be much less considerable than it was formerly, now that the Courts of the Magistrates and other Committing Officers and the Session Courts are commonly at the same station. The question then arises is there any advantage in the present practice to compensate for the inconvenience which attends it? Is it necessary for any reason to continue it?

First with regard to the verification of the record, we think that when a committing Officer sends up to the trying Court the record of a confession given before him, his attestation thereto ought to be received as the best proof of the authenticity of the record, and that the evidence of witnesses for this purpose is quite unnecessary. Even now, it seems, when witnesses to confessions depose to their authenticity it is not their evidence, which is chiefly relied on by the Court, but the attestation of the committing Officer. The record is not received as authentic so much because its identity is proved by persons who were casual by standards when the confession was given by the prisoner, or when it was read over to him, and were called upon to be witnesses when he signed it, but because it bears the attestation of the committing Officer. The Court indeed would not be less satisfied of the genuineness of the record if there were no witnesses to it. For what then are witnesses necessary? Is it to prove that the confession was duly taken, and that the record

of it is complete? We are of opinion, that the committing Officer is entitled to such credit that the facts, which he certifies by his attestation, ought to be taken for true without the evidence of witnesses. If for example, the written examination of the prisoner attested by the committing Officer, bears on the face of it a certificate that before he delivered his confession he was cautioned by that Officer, that if any one had told him it would be better for him to confess, or worse for him if he did not, he must pay no attention to it, and that notwithstanding, he freely gave his confession, and that the examination was taken in the presence and in the hearing of the committing Officer, and was written down in the words of the prisoner and contains the whole of his statement, we think there should be no hesitation in giving credit to the record to this effect on the attestation of the committing Officer. It appears that the law of England gives this credit to Magistrates and will not admit parole evidence against written statements duly authenticated by such Officers. It presumes them to be trustworthy and incapable of falsifying the record, and what they certify is therefore received as true. We do not see why we should proceed upon a different principle, why we should rather presume that a Magistrate is not to be trusted for giving a true and perfect record of all that passes, and therefore provide witnesses to supply what he may have omitted. (*Phillips, p. 446, Note 4*)

There remains the question, is it necessary that attestation of the committing Officer shall be formally proved if witnesses to the confession are dispensed with? All that is really requisite is, that the Judge shall be satisfied that the signature of the Committing Officer is genuine. At present the attestation of the Magistrate is not proved at the trial, and yet, according to the Madras Foujdaree Adawlut, the Courts rely upon it more than upon the evidence of the attesting witnesses. It appears to be admitted without a doubt of its genuineness upon the strength of the circumstantial and collateral evidence with which it is accompanied; upon the same evidence by which the Judge is satisfied that the record of the prisoner's commitment is genuine, and feels himself warranted in acting upon it. This indirect evidence would not lose its force if the evidence of witnesses to the confession were dispensed with, and we do not imagine that Judges would feel less satisfaction in relying upon it in that case

than they do under existing circumstances. We do not see why there should be any more question of the propriety of a Session Judge accepting the attestation of the committing Officer to a confession without direct proof of his signature, than of the Nizamut Adawlut accepting the attestation of the Judge without proof of his signature in a case referred for the sentence of that Court, in which it may be, that the conviction of the prisoner is founded mainly or entirely on a confession made before the Judge. The reason that the attestation is allowed to be received by the highest Court in cases of the greatest importance without proof, is, we suppose, because it comes before the Court under circumstances which afford no room for doubt of its genuineness, and for the same reason, we think, that the committing Officer's attestation to a confession made by a prisoner before him, ought to be admissible without proof, by the Judge to whom the prisoner is committed for trial. If the Judge has a doubt on the point, of course it should be open to him to call for proof to satisfy himself.

So also it should be open to the Judge generally, as suggested by Mr. Amos, where there are *interlineations*, or other unusual, or informal circumstances, or any matter apparent in the examination which seems to require explanation, to call for the attendance of the Officer, who took down the examination in writing, or even occasionally of the committing Officer himself, if the Judge, in the exercise of his discretion, should deem it necessary to examine him personally. (*Minute, 20th August 1840.*)

It should be prescribed as a general rule, as proposed by Mr. Amos, that the examination of the prisoner shall contain a declaration under the hand of the committing Officer, that the same has been taken in his presence and in his hearing, and contains accurately the whole of his statement. We do not think it proper to require a positive certificate that it contains the very good words of the prisoner, though these should always be taken down as nearly as possible.

We are persuaded that it is not when he is before the committing Officer that a confession is likely to be extracted from a prisoner by promises or threats: but it is not unlikely that a prisoner may come before the committing Officer prepared to make a confession under the influence of promises or threats

previously held out to him; or under the impression of previous ill-treatment, and the fear of a repetition of it, to confirm a confession extorted from him. Upon this point very proper cautions are given to the Magistrates in a Circular Order of the Nizamut Adawlut at Calcutta, in which, among other things, they are particularly directed to satisfy themselves, by making prisoners tell their own story, that their statements are deliberate and spontaneous. (*No. 73, p. 5, dated 23rd August 1810*).

Confessions made by Prisoners when in Charge of the Police

There is too much reason to believe that confessions are often obtained in this country from prisoners in charge of the Police by means of actual ill-treatment or threats of it, and probably they are sometimes false; but it may be presumed they are much oftener true. Notwithstanding, this presumption, in order to take away the motive for ill-treatment, we think it advisable that such confessions should be rejected absolutely whenever it appears that they were extracted from the prisoners by any undue means, and even where there is no evidence of such undue means being used, we are of opinion, that a confession taken before the Police, which the prisoner, when he comes before the committing Officer, disavows, should not be credited without corroboration. But, we think, that the prisoner should be liable to examination upon such confession in order to draw forth as many particulars as possible, the truth of which can be proved or disproved by independent evidence, and which being proved or disproved will be in some degree tests of the truth or falsehood of the whole confession. Supposing it false every thing elicited by such examination will assist to clear the prisoner. Supposing it true, the cause of justice will be served by any evidence that may be obtained through such examination, tending to establish its truth. It will be better for the innocent to be examined, and worse only for the guilty. The principal security, say the Calcutta Nizamut Adawlut, against the practice of procuring false confessions, will consist in the careful investigation by the Magistrates and Courts of the cases coming under their cognizance. The investigation will be greatly more effectual if it include the examination of the prisoner taken in the manner proposed. (*Circular Order No. 73.*)

If confessions before the Police are not to be taken as conclusive by themselves, if they are required to be particular and circumstantial, if the prisoners are cautioned when they come before the Committing Officer, that they need not be influenced by any promises or threats previously held out to them, and are made to tell their own story first, and are afterwards examined as to any difference there may be between their present statement and the confession alleged to have been given by them before the Police, and a collateral inquiry is also made into any of the particulars and circumstances related in the confession upon which independent evidence can be had, it appears to us that the best means will be used to ascertain the truth. There will be no risk of a prisoner being convicted on a false or pretended confession. On the other hand a confession given before the Police, which stands the test of such a shifting may well be considered as entitled to full credit.

Evidence on behalf of the accused when to be taken by the Committing Officer

By Regulation VIII of 1830, of the Bengal Code, the committing Officer has a discretion to take evidence on behalf of the accused. There was a similar provision in Regulation XIII of 1832 of the Madras Code, but it was rescinded by Act VII of 1843, which in constituting the Session Courts ordained that permanent Sessions should be held for the speedy trial of all persons accused of crimes cognizable by them. It was a proper provision when a prisoner committed for trial might have to lie in goal for months, perhaps for six months between the periodical Sessions of the Circuit Court. This reason for it is removed when the trial may follow the commitment immediately, the Committing Court and the Session Court, generally, being at the same station, and the Session Court being ready to sit day after day as cases come before it. On this ground, and in order to expedite the proceedings in Session cases, with a view to give relief to prosecutors and witnesses by shortening their attendance, the said provision was annulled with respect to Madras, and the committing Courts were authorized to make commitments upon the depositions given before the Magistrate, or the Police, when confirmed on oath before them, if they were satisfied thereby,

that there was evidence to sustain the charge. The Governor General in Council, however, agreed to these provisions with some hesitation, expressing an opinion "that the proceedings of the lower officers should be extremely careful and nearly complete, and that the time of the higher Courts should not be taken up excepting with cases in which there may be sufficient reason to anticipate a conviction". And upon the more mature consideration we have given to the subject, we are now of opinion, that the committing Courts should examine the prosecutor and the witnesses in support of the charge afresh, and in a careful and searching manner, allowing them to be cross-examined by the defendant, and should not commit the defendant unless *prima facie* the evidence to taken be such as, to use the words of the existing Law of Bengal, affords "a reasonable probability of conviction," that is to say, unless it be positive, consistent, and apparently credible and sufficient (if it shall not be refuted or discredited by evidence adduced by the defendant on the trial) to make good the charge.

To investigate the case more closely, and particularly to take evidence counter to that for the prosecution, it appears to us is in a manner to anticipate the trial, which is the proper function of the Session Court. We think that this should not be allowed in general. We are of opinion, however, that it is expedient still to leave a certain discretion to the committing Court, under a caution to use it very sparingly, and only upon special grounds, and when it appears highly probable from the examination of the defendant, that the evidence he offers will manifestly prove the charge to be false. It does not appear to us that the committing Court ought over to take evidence from the defendant under this discretion, except in particular cases,* unless the witnesses be actually in attendance or can be brought immediately. If the witnesses are to be summoned, the case had better go before the Session Court, and the witnesses be summoned to give their evidence there. The Session Court, in general, will be ready to proceed with the trial as soon as the witnesses can attend.

* The exception will be where the Sessions are not permanent, but are held periodically by a Judge from another station as at Pubna by the Judge of Rajeshaye.

Chitty's Criminal Law

The English law requires that the defendant shall be committed or held to bail in order to trial, if the charge against him "be supported by positive and credible evidence of the fact, or by such as, if not explained or contradicted, shall in the opinion of the Justice or Justices, raise a strong presumption of his guilt." The law contemplates evidence being adduced on behalf of the person charged, but it provides that "no Justice shall be bound to hear evidence" on his behalf, "unless it shall appear to him to be meet and conducive to the ends of justice to hear the same." It is to be observed, that under the English system the trial takes place at periodical Assizes, and in general does not follow the commitment until after some interval, during which it would be a serious hardship to the defendant to be kept in goal when he can adduce evidence which, when it is heard judicially, will probably be sufficient to acquit him. And it would seem that the law intends, that exculpatory evidence shall be taken with a view rather to the defendant being admitted to bail in cases in which unless there be evidence weakening the presumption of his guilt he ought to be committed to prison, than to his being discharged by the Justice. Chitty says, "If there be an express charge of felony on oath against the prisoner, the Justice cannot wholly discharge him, but must bail or commit him, and it is said, that if a person be killed by another though it be *per infortunium* or even *se defendendo*, which is not properly felony, the Justice ought not to discharge him, for he must undergo his trial, and therefore must be sent to prison or admitted to bail. And in modern practice, though exculpatory evidence is received at the instance of the prisoner, and certified with the other depositions, unless it appear in the clearest manner that the charge is malicious as well as groundless, it is not usual for the Magistrate to discharge even when he believes him to be altogether innocent." (7 George 4, Chapter 64, Section 1; 9 George 4, Chapter 74, Section 2 for India.)

Exceptions to be pleaded before the Session Court in General

We observed in our first Report on the Penal Code that the exceptions in Chapter III. are "to be alleged in defence and

proved by sufficient evidence." We meant that when an offence is charged against any person who can make out an exception that will absolve him from culpability, it is for the defendant to plead the exception and to adduce evidence to establish it, not for the prosecutor to negative the plea in anticipation. 'The committing Officer, however, ought not to commit in a case in which there is a palpable and indubitable exception, as when an offence is charged against a child who is manifestly under 7 years of age (Clause 64), or when the evidence necessarily taken in the preliminary investigation of the facts of the case unquestionably establishes some legal exception, as in the instances given in the illustration under Clause 70, the illustrations under Clause 72, and the like. It would be contrary to the truth to charge an offence when all the facts and circumstances taken together prove that the act committed, which by itself has the appearance of being an offence, is indeed no offence in the eye of the law. And when circumstances are elicited which render it very likely that upon a view of the whole case it will be found to fall within a certain exception, the inquiry ought to be prosecuted to ascertain this point. But when such an exception is not patent on the face of the evidence to the facts upon which *prima facie* the defendant is chargeable with an offence, and is not suggested by any circumstances which have transpired in the course of the preliminary inquiry into those facts, it does not appear to us that it should be made the duty, or that it should be left to the discretion of the Officer conducting the preliminary inquiry to prosecute his investigation, at the instance of the defendant, into facts which he alleges will bring the case within some exception defined in the Code. The defendant notwithstanding such allegation should be committed, and the indictment should be framed according to the evidence which has been taken, stating the facts as they appear in that evidence, and inferring the intention from the attending circumstances.

Extenuating Circumstances also in general to be Pleaded before the Session Courts

So likewise, in cases of voluntary culpable homicide, for example, unless the preliminary inquiry into the facts elicits evidence of

extenuating circumstances which manifestly reduce the offence to one of the three mitigated descriptions enumerated in Clause 295, we think that the indictment should charge the defendant with the offence of "voluntary culpable homicide," according to the definition in Clause 294, of the description designated in Clause 295 as "murder," leaving it open to the Court to convict of "murder," or of one of the mitigated descriptions of homicide, as the evidence shall turn out on the trial. The rule in force, at present, in the Presidency of Bengal, directs that where it is doubtful whether the offence amounts to murder, or only to culpable homicide the commitment shall be for murder. Where the mitigation is manifest by the evidence taken in the preliminary inquiry, the indictment should be framed accordingly, stating the circumstances which constitute the mitigation, and charging the offence specifically agreeably to the definition under which it appears to fall. (*Circular Order, No. 54, 16th July, 1830, page 16.*)

Indictment to be Communicated to the Defendant. List of Witnesses to be delivered and the Points they are prove to be Stated by the Defendant

As soon as the indictment is ready, it should be read and explained to the defendant in open Court, and a copy of translation of it should be furnished to him, in order that he may be prepared to answer to it before the Session Court, and he should be required* to deliver on the following day, (or after a longer interval if cause be shown for delay) a list of any witnesses he may wish to be summoned to give evidence on his trial before the Session Court, and at the same time to state the points they are to prove respectively, with reference to the indictment, according as his intention, which he must then declare, may be to plead specially an exception or mitigation, or to plead generally not guilty, or, admitting the facts, not guilty of the offence charged upon them, on the ground of the absence of guilty intention, or otherwise. (*Appendix (C) 8th Report, Criminal Law Commissioners, Article 1, page 367.*)

* Judicial Evidence, 3, 378.

Note : Bentham speaking of the plea of *alibi* being very frequently supported by per-jury, suggests as a remedy, that notice might be required to be given, a certain number of days before the trial, of the names and places of abode of the witnesses intended to be adduced to this point, a practice, he remarks, already established, as to all evidence on the side of the prosecution in cases of treason and much less liable to be abused in this instance than in that. A further remedy suggested by him, and as he thinks the only adequate one, is that there should be a power in the Judge to adjourn the trial when the plea of *alibi* is supported by suspicious or doubtful witnesses in order to afford an opportunity for more numerous and unexceptionable witnesses being brought to prove, if the case be so, that the first set were themselves, at the time, in a place other than that wherein they pretended to have seen the accused, or in some other way to disprove their story if it is untrue. This power, in the procedure we contemplate, the Courts will have. In Scotland, it appears, every defendant is bound by law to furnish the prosecutor two days before the trial, with his written defence, accompanied by a list of such witnesses as he intends to call.

Arraignment and Trial

At present in the Presidency of Bengal the prisoner is not arraigned before the Court of Session till after the examination of the prosecutor has been taken in his presence, apparently that he may be thereby apprized of the facts upon which the charge against him rests, these not being set forth in the indictment with sufficient distinctness to afford this necessary information. In the Presidencies of Madras and Bombay the indictments are much more specific. The rule in the Madras Presidency requires the result of all the examinations to be compressed into a brief statement of the nature of an indictment, in which are to be noted, if possible, the time *when* and the place *where* the offence was committed, and in cases of murder or wounding, etc., a description is to be given of the instrument with which the act was done. In the Presidency of Bombay the indictment must declare the precise act for which the prisoner is committed and the manner how and the time at which it is alleged to have been perpetrated. In both these Presidencies the prisoner is arranged by the indictment being read to him, and he is required to plead to it, as the first step of the proceedings in the trial. It appears to us that this is the proper order of proceeding and we propose that it shall be followed generally. (*Circular Order 31st January 1814; Regulation XIII of 1827, Section 18.*)

When the defendant is arraigned he should be asked whether he admits or denies the facts alleged in the indictment, and if he admits the facts, whether he is guilty or not guilty of the offence thereupon charged against him, or has any exception or mitigation to plead. If he admits the facts but pleads not guilty of the offence charged against him upon those facts, or pleads specially an exception or mitigation — as, for example, in a case of homicide, if the defendant admits that the deceased died by his hand, but pleads not guilty of voluntary culpable homicide of any description, averring that the event occurred by mischance, without any intention on the part of the defendant to cause the death of the deceased, or knowledge that he was likely to cause his death, by the act by which it was caused; or pleads by way of exception under Clause 76, that he did the act which caused the death of the deceased in self-defence, or by way of mitigation, under Clause 297, that he did the act which caused the death of the deceased on grave and sudden provocation given by the deceased by grossly insulting and striking him — the trial must proceed of course, but it will be directed more particularly to the ascertainment of the circumstances from which it may be judged whether the act was intentional or not, or whether it was done in self-defence; or on grave and sudden provocation.

Pleading Guilty

By the English Law “if the accused confess the charge to be true, the confession is to be recorded, and judgment is to be awarded according to Law.” But the Courts, as Blackstone observes, are usually very backward in receiving and recording such confession in capital cases and will generally advise the prisoner to retract it, and plead to the indictment. (*Article XI, Section 2, Chapter V, Act of Procedure in 8th Report of Commissioners on Criminal Law*)

Case of Burket Fuqeer

The laws of Bengal (IX of 1793, Sec. 47) and Madras (VII of 1802, Sec. 15) on this point are the same, agreeing with that of England, they enjoin that the confession of a prisoner shall always be received with circumspection and tenderness, but it

is evidently intended that if he deliberately plead guilty the proceedings shall go no further, the directions as to taking evidence applying to the alternative of a prisoner pleading not guilty — thus “or if he plead not guilty, the evidence which he may have to adduce being all heard,” &c. But the Bengal Court of Nizamut Adawlut (*Construction No. 650, 22d, July 1831*) have ruled that if a prisoner plead guilty, the trial should proceed in the ordinary course as if he had pleaded not guilty, and there are decisions that a party cannot be convicted on his own confession solely, unless there be evidence to the actual commission of the crime which he confesses. This is laid down (case of Burkut Fuqueer, p. 255) very expressly in a case of murder reported in the 4th Volume of Nizamut Adawlut Reports, in the words of one of the Judges, (the other concurring) as follows: “The guilt of the prisoner is placed beyond all question by his own confession, but as no evidence to the fact of the murder has been taken by the Commissioner, the trial is incomplete.” By the law of Bombay (XIII of 1827, Sec. 37, cl. 2) “a prisoner’s confession made before the Court in which he is tried is sufficient proof for conviction, provided that on having the evidence in the case (or such part of it taken before any competent authority, as if admitted to be true would prove the charge,) read over to him, he confirms the confession.” By Mr. Livingstone’s Code for Louisiana, it is provided that “if the defendant answer in the affirmative (to the question of guilty or not guilty) it shall not be recorded until the Court shall have explained its consequences and desired him to reflect, and if he wishes it, to consult with his Counsel: if after this he preserve, the confession shall be recorded, provided there is no reason to suppose the confession proceeds from insanity.”

Rationale of Judicial Evidence

We are of opinion, that when the defendant pleads guilty, admitting the facts and avowing the intention charged in the indictment, and, upon interrogation, giving such a full account of the matter, as amounts to what Bentham calls a plenary confession, “mention being made in it of every fact (psychological as well as physical) which is necessary to complete the description of the offence” the trial need not proceed further. Bentham

laying it down, that a "mass of confessional evidence amounting to a confession does of itself form a sufficient ground of conviction," observes that it would be of no small utility in practice if a criterion was established to determine what is a complete confession. He suggests, that "this criterion be constituted by the application of the process of interrogation judicially performed in so much that be the mass of confessorial evidence, upon the face of it, ever so correct, as well as complete, yet until, and unless, for the assurance of its correctness as well as completeness, it has had that security which it is not in the power of anything but the process of interrogation to afford, let it not be considered as amounting in any case to a confession, for any such practical purpose as that of conviction." He suggests another condition "that to amount to a confession, although extracted by judicial interrogation, it ought to be such as would have been sufficient to warrant a conviction had it been delivered by an extraneous witness."

The confession of a prisoner being thus tested by close judicial interrogation, and furnishing a body of evidence which if delivered by a witness would be held sufficient to warrant a conviction, as respects another person, ought surely to be sufficient to warrant the conviction of the person whose testimony it is, of the offence of which he deliberately declares himself to be guilty. To go on with the trial of the case after this, as if the prisoner had pleaded not guilty, it appears to us, would be indeed a work of supererogation, especially when the Court, in the evidence upon which the indictment was framed, has reason *a priori* to believe that the confession states the truth. When the confession is apparently not plenary as when there is no mention in it of some material fact deposed to by witnesses previously examined, or when there is some other discrepancy, which makes the Court desire corroborative evidence for its own satisfaction, it should of course be at liberty to continue the trial.

And when a prisoner has been committed, for any offence on a plenary confession made by him to the committing Officer describing circumstantially the manner in which he committed the offence, although he may after all deny it and plead not guilty when formally arraigned before the Session Court, it appears to us that if the Session Court is satisfied from a perusal

of the record that he gave his confession deliberately and with perfect consciousness, and that the interrogations of the committing Officer were sufficiently close and searching to detect simulation if the prisoner were from any motive falsely accusing himself, it may properly convict him upon that confession without further evidence of his guilt, the fundamental fact to which it refers, being proved independently by the deposition of the prosecutor alone or corroborated by additional evidence.

Adjournment of Proceedings after Commencement of Trial

We propose to extend the rule contained in Section 30 of the Act VII of 1843, now in force in the Madras Presidency to the other Presidencies with exception of one part. The rule requires that, when a prisoner is committed for trial before a Session Court,

“the Session Judge shall commence the trial immediately, and shall take the examination of the prosecutor, and of the witnesses for the prosecution, and the defence of the prisoner, and the examination of the witnesses for the defence, and if more witnesses have been previously summoned and are expected to attend, or if the Session Judge thinks it necessary after the commencement of the trial to call for further evidence, he shall adjourn the proceedings, permitting the prosecutor and witnesses, to return to their houses, unless he shall see special cause to detain them in order to their being confronted with the other witnesses whose attendance is expected.”

The exception, we think advisable, is that part which relates to the prisoner's defence and the examination of his witnesses. With reference to the provision, we propose for the alteration of the indictment after the case for the prosecution has been gone through, it is proper that the prisoner's defence should be reserved till it has been determined whether or not the original indictment is to stand. But it may often happen, that it will be no prejudice to the defendant to examine his witnesses called to speak to particular points contained in the evidence for the prosecution, and it should be left open to the Court to do so,

when from a delay in the trial they might be subject to inconvenience by being detained, either upon the motion of the defendant himself, or upon his consenting to their being examined and released from further attendance.

Proceedings after the Close of the Case for the Prosecution

We propose, that after the case for the prosecution has been gone through, the Judge before calling on the defendant to make his defence, shall consider the evidence recorded, and determine whether to leave the indictment upon which the defendant was arraigned, unaltered, or to alter it under the authority we have before proposed to be given to the Judge, according to the turn the evidence has taken, so as to adapt the charge to it, and shall proceed accordingly, giving the defendant, in the event of his altering the indictment in substance, such time as may be necessary to enable him to meet the altered charge, where the alteration is made upon evidence of facts, or circumstances of which the indictment gave no intimation, and which the defendant could not have anticipated from the relation contained therein. In the event of such an alteration, the prisoner ought, of course, to be allowed to call witnesses other than those named in the list delivered by him to the committing Officer.

In other cases also, it should be at the discretion of the Judge upon good cause being shown by the prisoner, to allow him to call additional witnesses, but the allowing additional witnesses should be regarded as a deviation from rule, for which a substantial reason must be recorded on the proceedings. When an application for additional witnesses is refused, the reason for refusing it should likewise be recorded.

Judgment

Lastly, we propose, that on the conclusion of the trial the Court shall pronounce a judgment upon the defendant, acquitting him absolutely, or convicting him of the facts and intention alleged in the indictment, and adjudging him to be guilty of the offence which the facts and intention combined go to constitute; or if the circumstances are proved, which the law declares to be

mitigatory, adjudging him to be guilty of the mitigated offence, noting in either case the particular clause of the Code to which the judgment refers; or if the averment touching the intention be alternative, adjudging him to be guilty of the offence constituted by the said facts, with that one of the alternative allegations, which the Court shall find to be proved, or if it be doubtful under which of two clauses of the Code, the offence constituted by the facts proved, properly falls, from the intention of the party not being distinctly discovered or otherwise, declaring him to be guilty under one or other of the two clauses between which the doubt lies.

Mode of Trial before Session Courts

All persons arraigned before the Session Court to be entitled to claim to be tried with the aid of Assessors

The Judges of Courts of Session in all the Presidencies (*Bengal Regulation VI, 1832, Sec. 4; Madras Act VII. 1843, Sec. 32; Bombay Regulation XIII, 1827, Sec. 38, Clause 6*) have authority at present to avail themselves at their discretion, of the assistance of Assessors in the trial of criminal cases. As after the introduction of the Penal Code, there will be no occasion for the attendance of Law Officers to assist the Judges, (Vide p. 43, Report of Law Commissioners, dated 10th July 1841) we think it very desirable that their place should be supplied generally by Assessors. It might be inconvenient, however, to make this obligatory all at once as a general rule, and we propose only that all persons arraigned before the Courts of Session shall be entitled to claim this mode of trial.

Trial of British Subjects

As intimated in a Note of our 2nd Report on the Penal Code, we are of opinion that British subjects committing offences in any part of the Territories of the East India Company without the local limits of the criminal jurisdiction of Her Majesty's Courts, should be subject to the provisions and penalties of that Code in common with all other classes of persons.

The Law Requires that the Number of Assessors shall be two or more

In our Report, dated 4th November 1843, in which we recommended that British subjects in the Provinces should be made amenable to the jurisdiction of the Company's Courts for all offences, but such as are capital by the law administered by the Supreme Court, we proposed that such persons should have the right to claim a trial with the aid of Assessors and that one of the Assessors should always be a British subject. We would now suggest that when a person being a British subject is arraigned before a Court of Session, he shall have a right to claim that one of the Assessors, who are to assist at his trial, shall be a British subject when the number is confined to two, and that two of them shall be British subjects, when the number is more than two.

In Capital cases British subjects to have the Option of being tried by the Judge with a Jury, or with Assessors

With respect to cases in which the offence charged against a British subject is punishable with death, we are of opinion, that it should be at the election of the defendant to be tried by the Judge and a Jury of his countrymen, or by the Judge aided by Assessors.

In our Report (8th February 1842) upon the Administration of Justice in the Straits' Settlements, while we recommended that all cases not capital, but above the jurisdiction proposed to be assigned to Magistrates, should be tried with the aid of Assessors, we said that we did not think it advisable under the circumstances of those Settlements to dispense with a Jury in the trial of capital cases, but suggested that if there were a difficulty in obtaining the attendance of 12 sufficient Jurors, the number should be reduced. We intimated at the same time, that we did not think it necessary to insist upon the verdict of the Jury being unanimous.

Constitution of Jury

We now propose that the trial by Jury may be dispensed with unless it be demanded by the defendant. When a Jury is

demand, we propose that no greater number than three Jurors shall be *necessary*. We think that the maximum number of Jurors should be nine. When the number does not exceed five, the verdict of the majority should be sufficient for the conviction of the defendant, *if the Judge concur in it*. Should the number of Jurors be six, the majority to convict should be four; if seven or eight it should be five; if nine, six. *Without the Judge's concurrence* a verdict of conviction, we think, should not have effect unless it be unanimous. When the defendant is convicted by the unanimous verdict of the Jury, whether the Judge concurs in it, or not, or when the verdict of the majority convicts the defendant, and the Judge concurs in it, the case should be referred for the final judgment and sentence of the Sudder Court. When the verdict of the majority convicts the defendant, but the Judge dissents, the defendants should be acquitted, and also when the Jury are divided if the number of Jurors voting for conviction be not sufficient to constitute the prescribed majority.

Assessors

In all cases tried with the aid of Assessors, we propose that, as at present, the decision shall be passed by the presiding Judge according to his own opinion, after considering the opinion of the Assessors, whether he agrees with them or not, if the case is one, in which he is competent to pass sentence. If the case is one, in which the Judge is not competent to pass sentence, it should be referred to the Sudder Court, as well when the Judge finds the defendant guilty against the opinion of the Assessors, as when both the Judge and Assessors agree in finding the defendant guilty; but the Judge should have power to acquit the defendant when he finds him not guilty, notwithstanding a contrary opinion delivered by the Assessors.

We have hitherto treated of cases in which indictments submitted to Courts of Session are proceeded upon by those Courts with or without alteration.

How the Session Judge is to Proceed when an Indictment is Submitted without evidence sufficient to Prove an Offence Against the defendant, but Affording Ground for Suspicion

When the indictment is submitted to a Court of Session and the Judge, on perusal of the accompanying record, finds that the evidence, though it affords ground for strong suspicion, is insufficient to prove any offence against the defendant; we think that he should be at liberty to record his opinion to that effect, and thereupon to pass an order for the discharge of the defendant. As the defendant, who is thus discharged without a trial, will be liable to prosecution anew on the same charge, the Judge should exercise the greatest caution in taking this course, lest the defendant should be kept without reason under the dread of a fresh prosecution. If the evidence is insufficient apparently from defective investigation, the Judge should make a note to this effect in his proceedings and communicate the same to the committing Officer in order that the Magistrate may cause a more searching inquiry to be made immediately.

When the Evidence Leads to the Presumption that the Defendant is Innocent

If the Judge is of opinion not only that the evidence taken by the committing Officer is insufficient to prove an offence against the defendant, but that the defendant is probably innocent, and if the defendant demands a trial in order that he may have the advantage of a full acquittal if the charge is not proved, we think that the trial should take place.

On this point it was formerly ruled by the Bengal Nizamut Adawlut, that Session Judges are competent to cancel commitments made by the Magistrates; the Judges being required to use this power with the greatest caution and to report each case specially to the Nizamut Adawlut; but we find a subsequent Construction, which seems to restrict that rule, though the exact effect of the Construction is not clear. The following is the rule in the Presidency of Madras :

Foujdaree Adawlut's Circular Order, 26th November 1821

“Whenever it may appear to a Judge on Circuit, that any persons brought before him for trial have been committed on insufficient grounds it will be proper, that the Judge should call the trial, and having declared that there were

not sufficient grounds for proceeding to trial, should order the discharge of the parties.

It will be proper, however, that the Judges of Circuit in all cases of this nature, should report the grounds of their not proceeding to trial for the information of the Court of Foujdaree Udalut."

Committing Officer not to withdraw an Indictment

The committing Officer should not have power of his own authority to withdraw an indictment and cancel a commitment made by him, but if after making a commitment and submitting an indictment to the Session Court, he obtains new evidence with reference to which he thinks it proper to revise the indictment, it should be competent to him on such grounds to apply to the Session Court to return the indictment in order that it may be revised and amended if necessary, and to remand the defendant to be present at the further examination intended, and the Session Court should have power to pass orders accordingly.

How the Session Court is to Proceed when a person has been sent before it as a Witness, who ought to be arraigned as a Party in the Offence

When it appears to the Judge of a Session Court on perusal of the record of a case committed to him for trial a person has been sent up as a witness, who ought to be arraigned at the bar as a party in the offence, we think he should have power to include him in the indictment immediately, or to send back the indictment to the committing Officer in order that he may be included in it with or without additional evidence. The latter we apprehend to be the course followed in practise at present. In such a case the examination of the party on oath before the committing Officer would not be used as evidence against him.

Perjury and Forgery

There are special rules in all the Presidencies for bringing

before the Session Courts persons accused of Perjury and subornation of perjury and forgery.

In Bengal, in cases of perjury before the Civil Courts whether before a Zillah or City Court, or a Subordinate Court, it has been ruled that the commitment according to Clause 2, Section 14, Regulation XVII 1817 (Circular order No. 169, Vol. 2), must be made by the Civil Judge, and that the case cannot be trial by him in his capacity of Session Judge, but must be brought before some other Judge. When perjury is committed before the Sudder Court (XXVII of 1817, Sec. 14, cl. 4), the party, it seems, may be brought to trial upon the order of that Court. In perjuries committed before a Session Judge, he may direct the Magistrate to commit the party and may try him upon the Magistrate's commitment. The last rule is applicable expressly to cases of forgery, and generally, it would appear, the rules relating to perjury are considered applicable to forgery. *Regulation II of 1807, Section 6; Construction No. 572, Circular Order No. 14, Vol. 2)*

In Madras, on the contrary, the Sudder Court has constructed Section 5, Regulation VI of 1811, corresponding with Section 5, Regulation II of 1807, of the Bengal Code, (*Circular Order, 12th February 1834*) as requiring commitments for perjury to be made in all cases by the ordinary committing Officer, under the direction of the Court before which the perjury took place. All Courts, Civil and Criminal, are authorized to send persons deemed to be guilty of perjury in proceedings before them to the ordinary committing Officer in order to their being brought to trial before the Session Court. These rules apply equally to forgery. *Regulation VIII. 1829, Section 3)*

In Bombay, in regard to perjuries committed before a civil authority, (interpretation, 6th Aug. 1832) it is directed that such cases are to be handed up to the Session Judge by the civil authority, without the intervention of the Magistrate. When a forgery is discovered during the trial, or after the completion of a civil suit, the case is to be sent to the Magistrate "to be proceeded with by him in the same manner as when a case is returned" by a Session Court, for the purpose of having the prisoners committed upon any charge the Judge may deem expedient."

In Bengal (III of 1801, XVI of 1817, Sec. 14, cl. 4) the Magistrates are not competent to entertain charges of perjury in respect of proceedings had in a Civil or Criminal Court without the direction or sanction of such Court. The same rule obtains in the Madras (IX of 1816, Sec. 29) Presidency. In Bengal (II of, 1822, Sec. 8) it has been applied by analogy to the offence of forgery also.

By the Draft Act, read in Council, under date the 16th October 1847, it is proposed to give the authority to express law to the rule, which hitherto has been constructively applied to charges of forgery, etc., relating to documents exhibited in Civil and Criminal cases, and to empower Civil and Criminal Courts generally to send charges of that nature arising out of proceedings before them respectively to be investigated by the Magistrates in order to ulterior proceedings in the usual course before the Courts of Session.

It is further proposed to authorize Principal Sudder Aumeens to commit for perjury in civil cases pending before them; and to enable Session Judges to try persons committed by themselves on the Civil side of the Court for perjury or subornation of perjury.

The offences commonly termed perjury and forgery are designated in the Penal Code, as the offences of "giving or fabricating false evidence." The rule we propose is, that when such offence is committed in any stage of a judicial proceeding, or with a view to its having effect in any stage of a judicial proceeding, it shall be brought before the Court of Session by an indictment preferred by the Judge or Court of Justice conducting the judicial proceeding, or under whose authority it takes place, and not otherwise, except with respect to the offence of fabricating false evidence, when the case may not be fully before such Judge, etc.; and a further inquiry may be necessary to discover all the circumstances, and parties concerned, which inquiry will properly be referred to the ordinary committing Court.

We propose also that the offence of making a false declaration referred to in Clause 195, shall be cognizable by the Session Court, only on an indictment preferred by the Court to which the false declaration was exhibited. We propose the same with respect to the offence of making a false statement upon oath

punishable under Clause 162, if it be made to a Judge or Magistrate or Court of Justice.

Jurisdiction to be assigned to the Session Courts and to the Subordinate Criminal Courts Respectively

We have assumed that the offences of perjury and forgery will be left as at present to the jurisdiction of the Courts of Session. This leads us to submit a general scheme for determining the jurisdiction of the Session Courts, and the Subordinate courts respectively, for the better understanding of which we have prepared a Schedule of the offences of the Code, classified according to the punishment to which they are liable, which will be found annexed to this Report.

The Courts existing at present for the trial of offences in the Provinces are the Courts of Session, and several Courts of inferior jurisdiction, variously designated in the several Presidencies as Subordinate Criminal Courts, Magistrates' Courts, Court of Joint Magistrates, etc., with the full powers of Magistrate, Courts of Assistant Magistrates with special powers, Courts of Assistant Magistrates with ordinary powers, etc. (*Regulation III of 1830, Section 10, Regulation VIII. of 1833.*)

Note : In the Presidency of Bombay, all State trials, and occasionally other trials of importance, are held by Judges of the Sudder Court when they go on Circuit as visiting commissioners. We do not think it necessary to provide for the continuance of this arrangement.

We recommend that all the Courts inferior to the Courts of Session be divided into three classes under the general denomination of Subordinate Criminal Courts. The 1st class to comprehend the Courts at present designated as Subordinate Criminal Courts in the Presidency of Madras, and the Magistrates' Courts, and all Courts vested with the full powers of the Magistrate in the Presidencies of Bengal and Bombay. The 2nd class to be composed of the Magistrates' Courts of Madras, and the Courts held by Joint Magistrates and Head Assistants, exercising a separate local jurisdiction with the full powers of the Magistrate, and the Courts of Assistant Magistrates, Deputy Magistrates, and etc., with special powers in Bengal and Bombay. The 3rd class to consist of the Assistant Magistrates, and etc., with the ordinary powers of Assistant.

Jurisdiction of Session Courts

We propose, that the Session Courts shall have exclusive jurisdiction for the trial of the offences punishable by the Code with death, or transportation for life, or banishment from the territories of the East India Company, or with imprisonment for life, or for a term which may extend beyond three years, or which may extend to three years, and must not be less than one year; of the offences punishable under Clauses 162, 276, 346, 365 and 468, with imprisonment which may extend to three years and must not be less than six months; of the offence punishable under Clause 434, with imprisonment which may extend to three years, and must not be less than three months; of the offences punishable under Clauses 113, 114, 309, 312 and 323, with imprisonment which may extend to three years; of the offences punishable under Clauses 141, 142, 195, 304, 479, 480 and 481, with imprisonment, which may extend to two years; also of the offences punishable under Clauses 364, 369, 387 and 390 with imprisonment, which may extend to three years, when the value of the property, which is the subject of the offence exceeds 300 Rupees; of offences, however, punishable charged against public Servants of the first four classes described in Clause 14; and of offences punishable cumulatively with imprisonment, which may extend beyond three years.

We propose, that they shall also try offences punishable individually or emulatively, with imprisonment, which may extend beyond one year, other than those above specified, which shall be brought before them, as being attended with aggravating circumstances, calling for a more severe punishment than can be inflicted by a Subordinate Criminal Court of the 1st class.

It seems to us, that it may be advisable that the Session Courts should also try offences of the nature described in Clauses 278, 280 and 282, as being likely to involve questions, which require to be handled with judgment and delicacy, although the maximum punishment to which the offenders may be adjudged, is within the limit to which we propose, that the sentences of the Subordinate Courts of the 1st class shall extend, they are therefore included under the jurisdiction of those Courts in the rules we have framed.

Subordinate Criminal Courts of the 1st Class

We propose that the Subordinate Criminal Courts of the 1st class shall be empowered to try all offences not assigned to the jurisdiction of the Session Courts absolutely or conditionally, and that the Subordinate Criminal Courts of the 2nd class shall be empowered to try offences punishable with imprisonment, which may extend to one year, except those assigned to the jurisdiction of the Session Courts, which being unattended with aggravating circumstances, will be adequately punished with imprisonment for a term not exceeding 6 months, or with a fine not exceeding 200 Rupees or both, also the offences punishable under Clauses 364 and 390, when the property, which is the subject of the offence, is of a value not exceeding 50 Rupees.

Subordinate Criminal Courts of the 3rd Class

The jurisdiction of Subordinate Courts of the 3rd class, we propose to be confined to petty thefts and the receiving of stolen property to the amount of 10 Rupees, and assaults which will be sufficiently punished with imprisonment not exceeding 1 month, or a fine not exceeding 50 Rupees.

The Subordinate Courts of the 1st class upon this plan will have an exclusive jurisdiction in respect of certain offences and a common jurisdiction partly with the Courts above and partly with the Courts below. The Subordinate Courts of the 2nd class will have a jurisdiction common, partly to the Courts of the 1st class and partly to those of the 3rd. The jurisdiction of the Courts of the 3rd class will be common to them with the Courts of the 1st and 2nd classes.

The Subordinate Courts of the 1st class, we propose to be the ordinary committing Courts in cases triable by the Courts of Session, leaving it open to the Government to commission other Courts to perform this duty occasionally.

According to the suggestion of the framers of the Penal Code, we propose that offences falling under Clause 149 shall be cognizable by the official superiors of the offenders. (*Note E, page 36, 2nd Report on Penal Code, para 82.*)

We also propose to authorize the Courts to punish certain contempts and disobedience of process under Chapter IX of the

code, and under Clause 197 of Chapter X, and such offences as are defined in Clauses 193, 194 and 196, when they come under their cognizance in regular proceedings before them.

We propose as a general rule, that offence under Chapters V to XII, XVI and XVII shall not be brought before the Courts by private prosecutions; and that no person in the capacity of a Judge shall be prosecuted in a Criminal Court without the special order of Government directing or authorizing the prosecution. On the last head, we beg to refer to paras. 80 to 82 of our 2nd Report on the Penal Code.

With respect to offences under Chapter VIII we are sensible that the rule we propose is liable to serious objections. On the whole it appears to us advisable to shield public servants from malicious prosecutions by the restriction we suggest, but it is not without hesitation that we submit the suggestion, and we think it proper to notice it as one calling for mature deliberation. (*Appendix C, 8th Report, page 363*)

Having indicated the offences, the *trial* of which we think ought to be reserved to the Courts of Session, we have further to suggest the limits within which it may be advisable to empower those Courts upon the conviction of the defendant, to pass sentence absolutely, and beyond which the sentence should be left to be determined by the Sudder Court.

In the Presidency of Bombay at present the Courts of Session pass sentence in all cases tried by them; but the sentence requires the confirmation of the Sudder Court when it awards a more severe punishment than imprisonment for seven years. In the other Presidencies the Courts of Session are empowered in general to pass an absolute sentence of imprisonment to the extent to seven years, which in cases of burglary, robbery or theft, with wounding, or other violence not dangerous to life, may be extended to fourteen years. In all other cases the trial must be referred to the Sudder Court with which it rests to pass sentence.

Referring to the annexed Schedule we propose that in all the Presidencies the Session Courts shall be empowered to pass sentence of imprisonment which may extend to seven years and of fine to the amount of 5,000 Rupees, and that it shall be at their discretion to exercise this power not only in all cases punishable with imprisonment limited to seven years, but also

in cases in which the maximum term of imprisonment is ten and fourteen years respectively, where the offence may be of a degree that does not appear to them to call for a more severe punishment than imprisonment or banishment for a term within the limits abovementioned.

Offences tried by the Session Courts for which the Sudder Courts are to pass sentence

All cases punishable with death or transportation or imprisonment for life we propose to reserve for the sentence of the Sudder Court, also cases punishable with banishment or imprisonment for a term which may extend to ten or fourteen years, in which it may appear to the Judge who has conducted the trial to be proper to extend the term of banishment or imprisonment beyond the limit of seven years to which we propose that the power of the Session Court shall be confined.

In cases tried by the Session Courts, and referred for the final judgment and sentence of the Sudder Courts, these Courts not to be empowered to order a further inquiry but to pass judgment on the record of trial as submitted by the Session Court

It may be convenient here to consider a question which has arisen, whether the Sudder Courts ought to be bound to pass judgment in every case on the record submitted by the Session Court, holding the trial to be closed when the finding of the trying Court is recorded, or should be empowered to direct the trial to be resumed for the further investigation of particular points when they see occasion.

Enclosures in letter from Chief Secretary to Government of Bombay to Secretary to Government of India dated 4th November, 1846

The existing laws of Bengal (IV of 1797, Sec. 4) and Madras (VIII of 1802, Sec. 11) expressly authorize the Sudder Courts in trials for murder referred to them "to require further evidence if they see occasion," and it is understood that it has been the practice to direct further evidence to be taken occasionally in trials for

other offences also. The law of Bombay does not give the same authority to the Sudder Court expressly, but it is stated to have been the practice of the court since the introduction of the Code of 1827 to call for further evidence when it has appeared to be requisite.

From Mr. Secretary Bushy, 25th September, 1847

A reference having been made by the Government of Bombay to the Government of India on this subject in consequence of a discussion regarding it which has lately taken place in the Sudder Court of Bombay, the papers have been transmitted to us for consideration in order to the settlement of an uniform rule of procedure at all the Presidencies.

Mr. Cameron's Minute

The question as respects the procedure prescribed in the Bombay Court, is whether when the case for the prosecution has closed and the prisoner has been called on for his defence, and sentence has been passed by the Court which tried him, the Superior Court to which the sentence is referred for confirmation ought to be permitted to direct that fresh evidence for the prosecution shall be taken. There is a difference in the procedure of the Bengal and Madras Courts in that sentence is not passed by the Court which conducts the trial; it passes judgment convicting the prisoner of the offence, and there stops, leaving it to the revising Court to pronounce the sentence. This is the procedure we propose to be observed generally. The function of the Session Court in cases referrible to the Sudder Court, we intend to be confined to the trial and delivery of a judgment of acquittal or conviction. The question adapted to this procedure, is, whether, after the close of the trial and the delivery of a judgment by the trying Court (which of course must be a judgment of conviction when the case comes before the Sudder Court, since a judgment of acquittal by the Session Court is final) the Sudder Court, if it cannot concur in the conviction of the prisoner on the evidence taken on the trial, shall have power to refer the case back in order to afford an opportunity for supplying evidence on which he might be convicted.

Mr. Millett's Minute

We are of opinion that the Sudder Courts ought not to have this power. Under the provision we propose for the amendment of the indictment after the evidence for the prosecution has been taken and before the defendant is called upon for his defence, with the power, which, as Mr. Millett observes, the Session Courts in all the Presidencies are vested with to adjourn proceedings when any witnesses have failed to attend, or further evidence may be considered necessary (a power, the continuance of which we contemplate) it appears to us that every proper opportunity will be given in order that if the prisoner is guilty of an offence he may be legally convicted of it. Our intention is that the Judge, before calling on the prisoner for his defence, shall pause and consider the case as it stands on the evidence adduced for the prosecution. This is the time to call for fresh evidence, if any defect appears, which, it seems, may be supplied; or if there is any obscurity, which may probably be cleared up, by the examination of parties, who are indicated in the previous proceedings as likely to have knowledge on the subject. Then when all the available evidence has been taken, the Judge is to consider whether it corresponds with the indictment, and if there is a variance to modify the indictment accordingly, so that it shall describe with certainty and precision the offence of which the prisoner appears to be really guilty, and thus prevent him from defeating justice by taking advantage of discrepancies between the facts and circumstances alleged, on imperfect information, as the grounds of the charge on which he has been arraigned, and those that have been proved on the trial.

Bentham's Judicial Evidence, 3, 378, Exception

Here we think that the case for the prosecution ought to be finally closed. There must be some term at which the prisoner shall be assured that he is in possession of the whole matter that can be brought against him, and that if he can make a good defence as respects that matter he will be entitled to acquittal. It appears to us that this is the point at which that term should be fixed. We propose therefore, that when the Judge has revised and finally settled the indictment at the stage above-mentioned,

and has called upon the prisoner to make his defence accordingly, the admission of further evidence against the prisoner to supply any omission or defect in that which has been recorded, or to corroborate it in any part, in order to his conviction, shall be absolutely precluded. If, however, the prisoner in his defence should open and attempt to prove any new matter, for example when he resorts to the plea of *alibi*, this rule should not debar the prosecutor from introducing evidence to rebut that which the prisoner has adduced touching such matter, or prevent the Court from calling for any evidence by which it is probable that the truth of such matter will be elicited. The trial being closed the Court should deliver its judgment of acquittal or conviction; a judgment of acquittal should be final, absolving the prisoner for ever from responsibility on account of the subject matter. Upon a judgment of conviction the case should go before the Sudder Court in order to a revision. If upon revision the judgment of the lower Court is approved, sentence should be passed according to law. If the judgment of the lower Court is disapproved absolutely, it should be reversed, and a judgment of acquittal recorded. If it is disapproved on the ground that the offence proved does not answer to the legal definition of that of which the defendant is convicted, the Court should annul the conviction, but should pass a judgment convicting him of the offence which it finds to be legally established, if it is of the same nature, and is not liable to a higher punishment. The only case in which the Sudder Court should be permitted to require fresh evidence is, when, although the recorded evidence as it stands seems to be sufficient for the conviction of the prisoner, there appears to be some point, which has not undergone a perfect investigation, and, it is surmised, that a more close examination of it may probably prove favourable to the prisoner. In such a case the Sudder Court, we think, ought to have the power of remanding the case to the trying Court in order that additional evidence may be taken on the point indicated, of course in the presence of the defendant, the cause of the further inquiry being explained to him, and he being invited to interrogate the witnesses.

Powers of Punishment to be assigned to the Several Courts inferior to the Session Courts respectively

The jurisdiction we propose to give to the Subordinate Criminal

Courts of the 1st class with a general power to punish with imprisonment, which may extend to 1 year, will, except in the Presidency of Bombay, where the same rule already obtains, bring many offences under their judicial cognizance, which are excluded from it under the present Constitution. It will, however, restrict their power of punishing thefts, etc. It does not appear to us that there is any good reason for giving the subordinate judicatories greater power in cases of theft, etc., than in other cases. In Bombay the amount of fine, which may be inflicted by a Magistrate, is not limited. It appears to us that 1,000 Rupees is a proper limit; and that in all cases in which a larger amount is authorized as a punishment in the alternative, or in addition to imprisonment limited to 1 year or to a less period, the case should be sent up to the Session Court, if the Officer, who has been investigating the case, is of opinion that a higher fine ought to be imposed.

According to our scheme no Courts with a jurisdiction inferior to that of the Magistrates' Courts of Bengal and Bombay, and the Subordinate Criminal Courts of Madras, will be authorized to impose a fine exceeding 200 Rupees; and the power to fine to this extent will be restricted to those,* which are empowered to imprison for a term, which may extend to 6 months. Again the Courts,** whose power to imprison is limited to a term not exceeding 1 month, we intend to be restricted from imposing a fine exceeding 50 Rupees. When an offence comes before a Court vested with criminal jurisdiction of either of the grades last mentioned, which is punishable by the Code with a larger fine than such Court can inflict in addition to, or as alternative for imprisonment for a term, which it is within its power to inflict, and which in the opinion of the Officer holding the Court ought to be visited with a larger fine, the case should be passed to the next Superior Court to be disposed of.

By classing together the Assistant Magistrates of Bengal, who are vested with special powers and the Assistant Magistrates of Bombay, and assigning to them generally the powers of the former, we diminish the powers now exercised by the latter, who are authorized to award punishment to the same extent as the Magistrate. We are of opinion that the power now proposed

* Subordinate Courts of the 2d Class.

** Subordinate Courts of the 3d Class.

to be vested in them is ample. We think it ought always to be given by a special order of Government. (*Class 2d*).

In Madras not only are the Head Assistants to Magistrates, so appointed by Government, competent to exercise the full powers of the Magistrate, but the Subordinate Assistants also may exercise the same powers in all cases referred to them by the Magistrate. The former, we presume, will be generally empowered by Government to hold Courts of the 2d class, according to our scheme. The latter, we suppose, will generally be restricted to the exercise of the powers we propose to assign to Subordinate Courts of the 3d class, which are somewhat larger than could be exercised by the Magistrates of Madras, before the enactment of Act VII of 1843. But it will be at the discretion of Government to empower them specially to hold Courts of the 2d class, whenever it is thought fit to vest them with a separate local jurisdiction.

Trial of Offences

With respect to offences to be tried and disposed of by the Subordinate Criminal Courts, we propose that when the evidence of the complainant and of the witnesses for the prosecution has been taken, the Officer presiding shall consider whether any and what offence is proved by it *prima facie*; and if he finds that an offence is apparently proved against the defendant, which falls within a certain definition, or within one or other of several definitions in the Code, he shall notify the same to the defendant, and shall call upon him to answer for himself as charged accordingly upon the evidence which he has heard; and that when the defense and the evidence offered in support of it have been taken, and the trial is concluded, the presiding Officer, in passing judgment, if he convicts a defendant, shall distinctly specify the offence of which, and the Clause of the Code under which he convicts him, or if it be doubtful, under which of two Clauses the offence falls, shall distinctly express the same, and pass judgment in the alternative according to Clause 61. If the defendant, after having been called upon for his defence, is acquitted, the acquittal should be recorded, so as to bear a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related. So also the

defendant ought to be acquitted if the Court is satisfied, without taking his defence, that he is not guilty of an offence in respect to the matter laid to his charge, and the acquittal should be so recorded that he may not be liable to further prosecution in the same matter. In these two cases, there should be a *judgment of acquittal*. But where the Court finds merely that there is not sufficient proof to convict the defendant of an offence, without being able to pronounce him guiltless, it should not *acquit* the defendant, but simply discharge him, leaving him liable to a renewed prosecution in the same matter, if better evidence should be forthcoming. It should be at the discretion of the Court in such a case, however, when the defendant makes a statement from which it appears very likely that he can adduce evidence which will clear him, to proceed to take the evidence he offers, and if it is satisfactory, to pronounce a judgment of acquittal calculated to save him from further prosecution in respect of the matter in question.

Head of District Police, etc.

The jurisdiction in respect of petty offences¹ and thefts of trifling amount, which by the existing laws is vested in the heads of District Police in the Presidencies of Madras and Bombay, and the jurisdiction vested in landholders having charge of the Police within certain local limits in the Presidency of Bombay, we could leave undisturbed.

Heads of Village Police

That which in Madras² is vested in the heads of villages, we are disposed to think may be discontinued. Instead of conferring

1. Petty thefts, value not exceeding 5 Rupees, punishable by confinement with labour, not exceeding ten days.
Trivial offences, viz. abusive language, inconsiderable assaults and affrays, fine not exceeding 3 Rupees, commutable to confinement for three days.
(*Madras* : Reg. IV, 1821, Sec. 4, modified by Reg. XIII, 1832, Sec. 5. Reg. XI, 1816, Sec. 32, modified by Reg. IV, 1821)
Trivial thefts, abuse, assault, or resistance to public Officers, fine not exceeding 15 Rupees, or confinement not exceeding 20 days.
(*Bombay* : Reg. XII, 1827, Sec. 41, modified by Reg. IV, 1830, Sec. 5.)
2. Theft not exceeding 1 Rupee, abusive language and petty assaults punishable by confinement in the Choultry not exceeding 12 hours, or in the stocks, not exceeding 6 hours.

upon a District Police Officer the extended powers described in Section 42, Regulation XII of 1827, of the Bombay Code, we think that when there is peculiar occasion for such an Officer exercising extraordinary powers, he should be vested with the jurisdiction of a Subordinate Court of the 3d class.

We propose the continuance of the jurisdiction at present exercised by the Heads of District Police at Madras and Bombay, merely as a temporary arrangement, hoping that here long Government will be prepared to adopt the recommendation we offered in our Report, (para 45) dated 17th May 1843, that the Moonsiffs generally be vested with Criminal jurisdiction, in which event we conceive there will be no occasion for the performance of judicial functions by Officers of Police any where. The jurisdiction we would now recommend for the Moonsiffs is that proposed to be assigned to Subordinate Criminal Courts of the 3d class.

The suggestions we have offered in this Report, we have reduced into form in the accompanying scheme of provisions and rules for the Administration of Criminal Justice, according to the Penal Code, to which is annexed an Appendix containing forms of indictment, adapted to the provisions of the Code with some examples of pleading and of the manner of recording the finding of the Court.

This scheme we submit as a contribution towards a Code of criminal procedure, providing that in all points as to which the rules contained therein give no direction; the rules applicable thereto by the existing laws of the several Presidencies shall be considered in full force, and that in all points provided for by the rules contained therein, in so far as they differ from the rules heretofore in force by the existing laws of the several Presidencies, the latter shall be considered as repealed.

The Schedule C. annexed to this Report, contains rules similar to those referred to in Section XIII of the Draft Act, submitted on the 27th January 1844, as a Supplement to our Report, dated the 4th November 1843, regarding the qualifications of Assessors and Jurors, the challenging of them, the manner of summoning them, and the penalties to be imposed on persons not attending when summoned.

We submit this our Report for the consideration of the Right Honorable the Governor General in Council.

**COMMISSIONER APPOINTED TO ENQUIRE
INTO THE MANUFACTURE AND SALE OF,
AND TAX UPON SALT IN BRITISH INDIA
AND MORE ESPECIALLY UPON THE
PRACTICABILITY OF SUBSTITUTING
FOR PRESENT ARRANGEMENTS:
A SYSTEM OF EXCISE IN THE
PRESIDENCIES OF BENGAL AND MADRAS,
1853¹ — REPORT**

DECEMBER 16, 1853

Commissioner : Mr. Geo. Plowden Esq.
(One-man Commission)

Appointment

The One-man Commission was appointed with reference to the letter addressed to the Commissioner from the Home Office No. 908, dated 16th December 1853.

Terms of Reference

To enquire into various questions connected with the manufacture of, and tax upon, Salt in British India, and more especially the feasibility of substituting for present arrangements a system of excise upon the manufacture of salt in Presidencies of Bengal and Madras.

Contents

Part I : Bombay : Introduction; Past History and Administration of the Salt Revenue; Mode of Manufacturing Salt, and system of administering the Revenue, now in operation; On the fitness and efficiency, or unfitness and inadequacy, of the existing

1. Thos Jones, Calcutta Gazette Office, Calcutta, 1856, 184; CCXLVI, CCLXIV p. with Appendices

system and arrangements; On the rate of duty; On the Supply of Salt for the Province of Sind; Recapitulation.

Part II : Madras : On the rise, Progress and Present State of the Salt Revenue System; On the Practicability of Substituting, for the Monopoly, a system of Excise upon the Manufacture; On various Questions connected with the Present state of Salt Revenue System; On the Rate of Duty; Recapitulation.

Part III : Bengal On the Rise, Progress and Present Salt of the Salt Revenue System; On the Practicability and Expediency of Substituting for the Monopoly, a system of Excise upon the Manufacture; On various questions connected with the Present State of the Salt Revenue System; On the Salt Tax generally and the Rate of Duty; On the Supply of Salt for the Tenasserim and Martaban Provinces; On the Supply of Salt for the Province of Pegu; On the Supply of Salt for the North-West Provinces of the Bengal Presidency; On the Supply of Salt for the Punjab; Recapitulation; Concluding Observations.

Recommendations

Part I: Bombay

1. The full enforcement of the Provisions of Section VII Act XXXI of 1850, by the immediate suppression of all Salt Works producing a less quantity of Salt than 5,000 maunds yearly, which are not so grouped with larger works as to allow of their being supervised without any additional expense.

2. The adoption of the method of measuring the produce into store, and adjusting the stock account which prevails in the Madras Presidency, in substitution of the present practice of booking up the produce, and taking stock, by estimate only.

3. The Consolidation of the Law relating to the Salt Excise in our new enactment, on the basis of draft appended prepared by the Law officers of the Bombay Government, the opportunity being taken, *First*, to alter the rate of Excise Duty from one rupee per maund, as fixed by Section II, Act XVI of 1814, to 12 Annas per maund, as fixed and now levied, by a Notification of the Bombay Government; *Second*, to authorise the removal of Salt taken for export by Sea beyond the Presidency, without the Levy of the Excise duty optionally by weight or measure, in place of by weight only, as now required by Section II, Act XVI of 1844.

4. The practice of remunerating the Native Superintending officers, viz., the *Sir-Karkoons* and *Darogahs*, partly by a Commission on the gross Excise collections; to be discontinued, and fixed salaries on a graduated scale proportioned to the extent to several charges, and of liberal amounts to be substituted.

5. A higher scale of salaries to be assigned to the *Suzadars* and *Nakadars*, being the officers in immediate charge, respectively, of a group of Salt Works and of the preventing posts surrounding them.

6. The practice of partially unloading the re-weighting Salt covered by a Permit, as it passes the Preventive Chowkies, to be discontinued, and the check confined to comparing the numbers of packs, and the quantity of Salt noted on each, with the entries in the permit.

7. The present practice of interfering with Salt in transit, or in store, beyond the preventive line, to be relinquished as illegal except in illicit Salt Works. The Permit to provide for a protection only to the Chowkies and to be there taken and cancelled.

8. The Government to withdraw entirely from the manufacture at once, closing their works, if they cannot sell them at five years purchase of the profits, or let them on lease, or if the coorumbies or manufacturers, should be unwilling to take over the Government share of the produce, with its liabilities, on the conditions : (i) of paying the usual rate of ground-rent for the works, and (ii) of keeping them in repair, and restoring them in as good condition as when they received them.

9. The Government to endeavour also to exchange their works for detached works of private owners, producing a larger quantity of Salt than 5,000 maunds yearly, with the view of suppressing such of these detached works as offer, at present, an obstacle to concentration of the manufacture.

10. The rent derived from Government Salt Works let on lease, and the Sale-Proceeds of the Government shares of the Produce of Salt Works belonging to Government, managed by its own officer, to be credited uniformly, in part to Land Revenue as ground-rent, and the remainder as a profit of the Salt Department, distinct from the Excise revenue.

11. All Exports of Salt by Sea beyond the Presidency, to ports or places in India or beyond India to be free from the payment of the Excise duty, and from the execution of bonds for payment of the same.

12. On Exports to Bengal, the full Custom Duty to be levied at the port of import, to credit of the Bengal Revenue on the quantity actually landed, subject to whatever rules may be in force at the Port.

13. On Exports to British Ports of the Madras Presidency, the full Customs Duty to be levied at the port of import, to credit the Madras Revenue, the production of landing certificates within six months from the date of Export being exacted as at present, and the exporter being required in every case in which the quantity landed exhibits a deficiency in excess of 10 per cent. On each shipment, to amount for the excess deficiency to the satisfaction of the Collector at the Port of import, or pay the full Bombay Excise duty thereon. The decision of the Madras Authorities to be final, and the connection of the Bombay Authority with the Salt to cease from its export. Any duty levied on deficiencies in excess of the authorised percentage to be credited to the Madras Revenue.

14. The charge of a quarter of an anna per maund, now levied on Salt exported to British ports of the Madras Presidency, to cover a proportion of the expenses of the establishments entertained at the several Salt Works to watch the manufacture and keep an account of the produce, to be discontinued, as an illegal and unauthorised cess, and no such charge to be levied on any salt manufactured in the Bombay Presidency.

15. The levy of one anna per maund, now taken as a reduced duty on Salt exported to foreign ports under the Madras Presidency to be discontinued, and so such levy to be made of on Salt exported to many Foreign Port in India. The production of landing certificates within six months from the date of export to be exacted, as at present, in the case of exports to all Foreign ports. The inquiries into deficiencies in the quantity landed in excess of the authorised percentage to be made, in the case of exports to Foreign ports in India, by the Bombay Authorities, or relinquished altogether. A monthly or quarterly return of Imports to be required from the British Residents at such ports, as a check to secure the authenticity of the landing certificates.

16. The half duty contributed by the Nuwab of Cambay, on account of Salt manufactured at Works in his Territory, to be exhibited not as Excise, but as Custom Revenue. The proportion of the cost of Frontier Establishments charged against the Salt Revenue to be debited to the customs and not to the Excise Revenue. The distinction in the Accounts and Returns between the results belonging to the Islands of Bombay and those belonging to the remainder of the Presidency to be abolished.

17. The existing rate of Duty, viz. 12 annas per maund, to be maintained for the present; but if, after a reasonable experience of a new arrangements in progress and of the other measures of reform which have now been recommended, the Revenue should not exhibit a decided improvement, no further time to be lost in reducing the duty to its former amount of 8 annas per Indian maund.

18. If it should be considered advisable at any future time to raise a Revenue from Salt in Scinde, a system of Excise to be adopted.

19. The exportation of Salt from Scinde, by sea or land, to be entirely unrestricted and free from the levy of any Duty.

20. The importation of Salt into Scinde, by sea or land, to be entirely unrestricted and free from the Levy of any Duty. So long as no tax is levied on the Salt manufactured or naturally produced in the Province.

21. The Government not to be concerned in any project for supplying the rest of India with Salt from Scinde; but to leave it entirely to private enterprize to work the deposits in that Province in any manner that may be thought best.

Part II : Madras

1. The immediate and total discontinuance of the present system of making advances to the manufacture of Salt.

2. Immediate measures for the gradual substitution, throughout the Madras Presidency, of a system of Excise upon the Manufacture of Salt, upon the General Plan of the Bombay Salt Excise, in lieu of the Monopoly.

3. Immediate permission to manufacture Salt under Excise Regulations in the District of Malabar.

4. Immediate relinquishment of the Monopoly manufacture and simultaneous permission to manufacture under Excise

Regulations, in the District of Canara, the whole quantity of Salt required for the consumption of the District, and not supplied by the Private manufacture or importations, being purchased, as the additional Supply for the Service of the Monopoly now is, from Bombay.

5. Immediate measures for the substitution of the Excise system in the Madras Collectorate.

6. Salt Swamps to be rented out under Excise Regulations.

7. The manufacture of Earth Salt to be brought under Excise Regulations, upon the Bengal Plan, in the Districts of Bellary and Kurnool, in suppression of the Mohturfa Tax now levied on the manufacturers in Cuddappah and in every other District in which Earth Salt can be produced; all manufacture, except under an Excise License, being strictly prohibited.

8. Simultaneous measures to be taken to prevent, or to levy Customs upon, the importation of earth Salt into the Districts of Tanjore and Madurai from the intermediate independent state of Poodocotta and into the District of Canara from Mysore.

9. The Same rate of Excise Duty to be levied on Earth Salt as on Sea Salt.

10. If it should be found impracticable to introduce an Excise upon the manufacture of earth Salt or to suppress the manufacture altogether, the Mohturfa now levied on the manufacturer in Bellary and Kurnool to be nevertheless relinquished, and the manufacturer to be left absolutely free.

11. Madras Salt to be at once made available for private exportation by Sea, not at certain parts only, but whenever it is manufactured; and not at one average price for the Whole Presidency, but at its actual cost at each place.

12. Madras Salt required for the service of the Bengal Monopoly to be debited to that Presidency at its actual cost at the place from whence it may be supplied, its conveyance being separately contracted for, or effected by taking up vessels for the purpose.

13. The restriction in regard to the tonnage of vessels to be employed in the transport of Madras Salt, temporarily removed, not to be re-imposed.

14. The rate of Sea Customs on Foreign Salt imported into the Madras Territories to be fixed, for the Coromandel Coast at 15 annas, and for the Malabar Coast at 13 annas, per maund, in substitution of the present uniform rate of 12 annas per maund.

15. If it be deemed more convenient to fix a single rate for the whole Presidency, the lower rate of 13 annas per maund to be adopted.

16. The rate of Land Customs on all Foreign Salt imported into the Madras Territories to be fixed at 13 annas per maund.

17. The annual payment range of 4 lakhs of Sicca Rupees, made to the French Government under the Convention of the 7th of March 1815, not to be debited in future to Bengal, but altogether to Madras.

18. The unlimited range of inequisition to which Salt is now liable by Law to be curtailed. The permit to provide for a protection only to the limits of the establishment; to be these taken and cancelled and beyond those limits no interference whatever to be allowed with Salt in transit, or in store, except in illicit Salt Works.

19. The laws relating to the Salt Revenue to be remodelled and adapted to the proposed new system.

20. The control of the Salt and Abkaree Revenue to be withdrawn from the management of the Collectors and entrusted to that of Separate Officers, upon the plan of the Salt system which now prevails in Bombay, or of the Abkaree system which was lately in force in Bengal.

21. The rate of Excise Duty for the Madras Presidency to be fixed at the rate prevailing in the Bombay Presidency namely 12 annas per maund.

22. The present Monopoly price of 120 Rupees per grace, or One Rupee per maund, to be reduced at once to the old rate of 105 Rupees per grace or 14 annas per maund, so as to equalize the net profit in Madras with Excise Duty in Bombay.

23. If the Monopoly price should be lowered, as now proposed, to 105 Rupees a grace or 14 annas a maund, the Sea Import Duty on Foreign Salt to be fixed, in Excise Districts, at 12 annas a maund; and in the other Districts, pending on Excise, at 13 annas a maund on the Coromandel Coast and 12 annas a maund on the Malabar Coast, or if a single rate be preferred, at 12 annas a maund for all ports on both Coasts, the Land Import Duty being fixed at 12 annas a maund.

24. A system of drawback on Salt conveyed a certain distance Inland, or of Government Depots, at all the large towns, or of Government retail shops in all the Interior Districts, not to be introduced.

25. The Communications from the Coast to the Interior to be improved.

Part III : Presidency of Bengal

1. The reopening of the eastern portion of the Agency of the 24 Pergunnahs does not operate as any interference with the Excise experiment now in progress in the Western portion of the same District.

2. Under a system of private manufacture, the Supply of Salt in the interior of the country would not be deranged.

3. Under a system of private manufacture, a few capitalists would not obtain a monopoly of the supply.

4. Under a system of private manufacture, there need be no more evasion of the tax by illicit manufacture of Salt, than there is under the present system of Government manufacture.

5. The preventive system necessary under a *regulated* Excise need not be more expansive to Government or more vexatious to the Molunghees, than the present plan of Government manufacture.

6. It is not practicable to establish any system under which the manufacture and sale of Salt in Bengal should be 'absolutely free, subject only to such Excise or other Duties as may now, or from time to time, be levied on such Salt so manufactured'; if by this expression it be meant that, subject to such duty, any person might make Salt, in any quantity and at any time and place.

7. A system of private manufacture, in particular places, under such restrictions and rules as may be necessary for the security of an Excise Revenue, but free so far as to be open to all speculators who satisfy the necessary conditions; which is what is understood by a system of modified Excise, such as that of granting licences to private persons to manufacture Salt at stated localities" is perfectly feasible.

8. The regulations and arrangements under which the manufacture and sale of Salt have been thrown open in the 24 Pergunnahs should be extended gradually, as private speculators become prepared to take up the field now occupied by Government. If the change be not introduced gradually, there will be a risk of the supply of Salt failing; but there is no reason why the Excise system should not be eventually extended so as,

in course of time, to admit of the Government withdrawing altogether from any direct interference with the manufacture.

9. When the Government stocks are replenished, private manufacture may safely be encouraged further by gradually giving upto speculators portions of the best Salt Districts, such as Tumlook and Hidgelee. But at the present moment the Government have done all that can be done, without incurring the risk of a dearth of Salt.

10. A general revision of the Agency Establishments, with a view to increasing the pay of the Native Officers employed by the Government to superintend the manufacture, is a measure which should receive early consideration, as the manufacture on account of Government is likely to be continued for some time.

11. In Tumlook and the Province of Cuttack, the Preventive Agency should be separated from, and made independent of, the Agency employed in the manufacture of Salt on account of Government, and the whole preventive force in those tracts should be placed under the Authority of the Controller of Salt Chowkies, in accordance with the system which prevails in all the other Salt producing localities.

12. As a general rule, the Preventive should be concentrated in the neighbourhood of actual Government manufacture, and distributed more sparsely over those parts of the country where manufacture is not authorised. The River Hoogly and the Channels of the Soonderbunds require to be closely watched. On the other hand, in the delta of the Ganges, and especially in the Districts of Backergunge, the guarded tract might be still further limited by the abandonment of some of the Northern Chowkies most distant from the Sea.

13. The practice of examining and endorsing Rowannahs, protecting the Cargoes of boats carrying Duty-paid Salt by the principal river routes, might be entirely abandoned.

14. The pay of the subordinate officers of the preventive establishment is generally on too low a scale, and should be raised. The saving consequent upon the greater concentration of the force, and the further limitation of the guarded tract, might afford the means of increasing the emoluments of these officers without any additional charge to the State.

15. Under the proposed system of Excise, it is probable that no considerable change will be found practicable in the strength and distribution of the existing preventive force.

16. With respect to sales from Government Depots, at reduced prices, in certain localities, the conclusion arrived at, on the whole, is that it would be proper, practicable, and profitable to abandon the system of retail sales in Bengal, and of local sales at low prices, in addition to retail sales, in Orissa, at once

17. The wholesale prices of Government Salt are adjusted with as much accuracy as the nature of the case admits of, and it seems certain that the tendency of the adjustments is to included in the cost price every item that can with reason be classed in that category, so as to obviate any imputation of the unfairness as towards the importer of Salt from abroad or the producer of Salt Under Excise.

18. There is clear necessity for modifying the principle laid down for observance, in accordance with the recommendation of the Select Committee of 1836, in the pricing of Government Salt; and in order to meet this necessity; there seems to be no objection, either in principle or practice, to fix one general price for all kinds of Salt hereafter conveyed for Sale to the Sulekea Depot, whether it be brought from any one of the Cuttack Agencies, from Tumlook, from Hidgellee, or elsewhere. The intense avidity with which the cheap Salt is bought up, as soon as advertized, proves the desirableness of some such measure as this. The difference of quality in the different descriptions is small compared with the difference of price, and it so happens that, under the present system, what difference there is, is in favour of the Cheapest Salt.

19. The Rules for bonding Salt, as they now stand, are believed to give complete satisfaction.

20. There is nothing on record to indicate, or the slightest reason to suppose, that Molunghees are subject to the least degree of coercion, or that their condition is in any respect worse than that of any class of labourers in Bengal.

21. Under the proposed system of Excise, no special regulations for the protection of the interests of the Molunghees are needed.

22. The laws for the protection of the Salt Revenue, in the Lower provinces of the Bengal Presidency, are not considered to operate unjustly, or with undue severity, upon any class.

23. The Salt tax is the only tax, direct or indirect, of any description, which labourers and other people in India are obliged to pay.

24. The argument that Salt is the only condiment an Indian labourer consumes with his food, which is of such a nature that without Salt it would be intolerably insipid, is a mistake of fact.

25. The Indian labourer, when the facts of his case are ascertained is found to be much more fortunate in the fiscal system under which he lives than the English labourer.

26. The whole of the evidence on both sides of the question of monopoly goes to this, that it is impossible to point out any equally productive source of Revenue in India, less objectionable, all things considered, than a moderate Salt tax.

27. The Salt tax, even at its present high rate in Bengal, is not, all things considered "a heavy and grievous burthen" to the labouring man, or to anyone else, living under the protection of the British Government.

28. At the same time, the tax is positively too high, even at its present reduced rate, and apart from financial considerations, it is very desirable that further reductions of Duty should be made.

29. If any reduction be made, it should be a reduction of 8 annas per maund at one leap.

30. The recommendations of the Select Committee of 1836 "that the Duty to be imposed shall be fixed at the lowest rate consistent with the maintenance of the Revenue, and not exceeding the average rate of the net profit of the Company's Monopoly for the last ten years" was Revenue from the Salt tax for past for years should not be exceeded in future years; but rather, that the rate of Duty should be fixed on the Mound of Salt, according to the average net profit derived during the past ten years from every maund consumed.

31. If the finances are considered capable of bearing the loss which the measures would cause for several years to come, the rate of Duty ought to be reduced at once from its present amount of Rupee 2-8 per maund to the rate which prevails in the North-West Provinces, namely Rupees 2 per maund, the differential Duty of 8 annas per maund now levied on Allahabad line of those Provinces, for the protection of Bengal Revenue, being, of course, discontinued at the same time, and the line abolished.

32. In course of time the rate of Duty might be further reduced, throughout the Bengal Presidency and the Punjab, to Rupees 1-8 per maund, or double the Excise rate prevailing in the Bombay and proposed for the Madras Presidency, without ultimate injury to the Revenue.

33. The extension of the Salt tax to Arracan does not appear necessary or expedient at present.

34. The prohibition to Export Salt from Arracan to Chittagong and the Eastern Districts of Bengal, except from a Government Depot, should be strictly maintained.

35. In like manner, the exportation of Salt from Arracan to Calcutta by way of the Soonderbunds should continue to be strictly prohibited.

36. But private parties should be allowed to ship Salt for transport to Calcutta, by the Sea route, in any part of the Province, in vessels of any tonnage, without let or hinderence, the Duty on such Salt being levied in Calcutta, as in the case of all other imported Salt.

37. The Salt tax ought not, which it is levied elsewhere in India, to be relinquished in the Tennasserim and Martaban Provinces; but attention should rather be turned to the improvement of the Revenue from Salt, upon the present simple system of Excising the manufacture.

38. The rate of Excise should be raised to that which now prevails in the adjoining Province of Pegu, namely, 8 annas per earthen pot.

39. A drawback of the Excise Duty should be allowed on Salt exported by Sea, and Foreign Salt should be admitted on payment of a Customs Duty equal to the Excise Duty.

40. In Pegu, a drawback of the Excise Duty should be allowed on Salt Exported by Sea.

41. No Customs Duty should be levied on the exportation of Salt by Land; consequently the Duty of 1 Rupee the 100 viss, or $4\frac{1}{2}$ maunds, now taken on Salt exported across the Frontier, which is nearly five times higher than the Excise Duty of 8 annas per pot, should be relinquished.

42. Customs Duty of 6 annas per maund, now levied on imported Salt, should be reduced to the Excise rate per maund, which, at 8 annas per pot, amounts to only 9 pie, or three-fourths of an anna, per maunds.

43. It seems questionable whether the provisions of Section III, Act XIV of 1843 can be taken to convey any power to the Lieutenant-Governor of the North-West Provinces in respect of the Saugor and Nerbudda Territories; and also, whether those provisions empower the Lieutenant-Governor, in any case, to impose any other rate of Duty on Salt imported into the North-West Provinces than 2 Rupees a maund. If these objections be well founded, so much of the Lieutenant-Governor's Notification of the 9th of May 1855 as effects the Saugor and Nerbudda Territories, wants authority.

44. The cost of an adequate supply of Salt cannot be regarded as burdensome to the labourer in the North-West Provinces. Much less can it be said that an adequate supply of good wholesome Salt is beyond his reach.

45. It calculated that not half the quantity of Salt consumed in the North-West Provinces is brought under contribution; Consequently that not half the Revenue is collected that ought to be collected.

46. The customs line on the Eastern Frontier of Oude should be abolished and Acts XIV of 1843 and XXXVI of 1855 should be extended to that territory.

47. Under the combined operation of the advanced and extended customs line on the Western Frontier, the annexation of the Oude territory, and the increased powers lately conferred by the legislature for the Suppression of illicit manufacture, every marked improvement should now have taken place in the Salt Revenue of the North-West Provinces.

48. Whenever the increased collections on Salt reach the aggregate amount of the remaining collections on Sugar and Cotton, the customs on those articles should be altogether abolished; and a Duty levied on Salt alone throughout the North-West Provinces.

49. The customs line maintained at Allahabad, to secure the differential Duty on Western Salt, cannot be abolished unless the Duty on Bengal Salt be reduced, as recommended, to Rupees 2 per maund.

50. If the Allahabad line be abolished, the saving might advantageously be expended in strengthening the new line on the Western Frontier, if that line has not already been placed on the same footing as the line above the junction of the Jumma and the Scinde, of which it is the continuation.

51. In the Punjab, no simpler or less objectionable mode of raising a Revenue from Salt could be established than the existing system of confining the first transactions in the article exclusively to the mouth of the Mines.

52. Nothing would be gained by allowing private manufacture under Excise licences, in addition to sale from the Government mines, at all commensurate with the additional expense and inquisition which the measure would render necessary.

53. It is a question for consideration whether, in order to equalize the tax in the Punjab and the North-Western Provinces, the price of Salt at the mines in the former ought not to be raised to Rupees 2-2 a maund.

54. The pressure of the Salt tax on the labourer in the Punjab is about the same as in the North-West Provinces, and cannot be regarded as severe.

55. Though the Sales of Salt in the Punjab are increasing, they are, at present, in low proportion to the population, and the Salt Revenue admits of much greater development than it has yet attained.

56. Enquiries should therefore be directed towards a more exact ascertainment of the relation borne by the Sales to the population, with a view, if it proved as low as the estimates indicate, to the discovery and cure of the causes.

सत्यमेव जयते

INDIAN JAIL COMMITTEE, 1864 — REPORT¹

MARCH-APRIL, 1864

President Mr. A.A. Roberts

Members Mr. H.L. Anderson; Mr. R.S. Ellis; Mr. John Strachey;
Mr. J.W. Sherer; Mr. H.A. Cockerell; Dr. F.J. Mouat;
Dr. Chas. Hathaway, Dr. Jas. Pattison Walker;
Dr. T. Farquhar

Appointment

The Indian Jail Committee was appointed in 1864.

Terms of Reference

To look into the causes of deaths in Jails which was at that time seven per cent.

Other things which Committee had to look into :

- (i) Health of Prisoners;
- (ii) Juvenile delinquents and reformatories;
- (iii) Female Prisoners, whether to be associated in Jails especially set apart for their reception or not;
- (iv) Jail dietary, whether sufficient inequality as well as in quantity to preserve health;
- (v) Non-deterrent nature of imprisonment under the present system; leave system how far applicable to India.

Contents

Health of Prisoners; Juvenile Delinquents; Reformatories; Female Prisoners; Jail Dietary; Jail Discipline; Habitual Offenders; Tickets of Leave; Classification of Convicts; Salaries of Jailors; Fines Imposed on Prison Officers; European Prisoners; Statistics.

1. Bengal Printing Company, Calcutta, 1864, 38 p.

Recommendations

Health of Prisoners

1. No Central Jail should contain more than one thousand criminals, and those all men whose sentences exceed the period of one year.

That District Jails containing only prisoners where sentences are for less than one year, should be divided into two classes, according to the requirements of their positions.

1st Class District Jail to contain more than 500 prisoners.

2nd Class District Jail to contain not more than 300 prisoners.

2. That in existing Jails, where many prisoners sleep in one ward, the minimum floor space allowed to each prisoner should be nine feet by six ($9 \times 6 = 54$ square feet). This calculating the height of the ward to be never less than 12 feet, will give each prisoner a minimum cubic space of 648 feet ($9 \times 6 \times 12 = 648$ cubic feet).

3. That in new Jails the number of prisoners sleeping in one ward should not exceed 32. This rule to be carried out also, as far as practicable in existing Jails, and to be always kept in view in proposed, alterations.

4. That wherever a separate cell system is introduced, the cells should contain a superficial space of 10×10 feet, with an altitude of 15 feet. The size to be considered the minimum. And that where these cells are used for solitary confinement, they should be provided each with an airing yard.

5. In the event of a Jail being full, the officer in charge should be authorised to accommodate any other prisoners who may be sent either in huts or tents outside the Jail. A greater number of prisoners than the Jail is calculated to contain, should not be admitted on any account.

Ventilation

Then special attention should be paid to ventilation in the sleeping wards, and that in all cases there should be amply sufficient lateral ventilation, amounting to not less than 20 feet for each prisoner, and in addition, free roof ventilation.

Conservancy

Dry Earth Conservancy system be introduced into all Jails, with such construction of day and night privies as the system may require. And that to carry out the plan effectively where convict labour cannot supply atleast two scavengers to each hundred prisoners, the employment of hired scavengers may be sanctioned.

Drainage

That deep, open drains be absolutely prohibited: that where they exist, their abolition should be carried and as speedily as possible. The shallow dancer drains should be everywhere introduced. Sub-soil drains, as contra-distinguished from deep, open drains, are highly desirable, and should be constructed wherever the physical nature of the soil will pursuit.

Clothing

That in all cases requiring it, suitable clothing should be provided for prisoners, whether untried or convicted, and extra clothing, on an order from the Medical Officer, should be supplied to the sick, the aged and the infirm.

Sleeping

That it is of great importance that prisoners should not sleep on the ground itself, but be raised above it, provided same method could be adopted for securing this object, without providing facilities of offence and escape.

Personal Cleanliness

That the personal cleanliness of prisoners should be rigorously insisted upon. That ample provision should be made to enable each prisoner to bathe once daily during the hot weather and rains, and after suitable intervals and at proper hours in the cold season: two in a week being considered the minimum number of complete bodily ablutions.

Water

The greater attention should be paid to secure purity in the water used by prisoners for cooling and drinking. Always in the Jail-Hospital, and whenever necessary in the Jail itself, the water should be filtered through charcoal and sand.

In marshy districts, or wherever much organic matter in obscured in the water, it should be a rule to first boil the water and then pass it through charcoal and sand.

When wells or tanks are low, the water should be examined and if impure, rejected for water from other sources.

Labour

That new convicts should not be set to hard labour, till pronounced by the Medical Officer capable of undergoing it. That the different kinds of labour being properly classified under the heads of hard, medium, and light. The Medical Officer should be empowered to indicate in the case of a prisoner, physically weak or diseased, what class of labour might, with safety, be exacted from him. Great care, however should be taken that these precautions are not improperly wrested to the undue mitigation of the sentence.

Medical Inspection

That frequent, and in case of epidemics, or a sickly season, daily inspections of prisoners by the Medical Officer and the Officer in charge should be considered obligatory. And that the treatment of the sick in Jail Hospitals should be distinctly understood to be the personal duty of a Medical Officer, not to be delegated by him, under any circumstances, to a native subordinate.

Juvenile Delinquents

That in every Jail means should be provided for separating juvenile offenders from adults and that it is, moreover highly desirable, wherever such an arrangement is practicable, that separate sleeping accommodations should be provided for each juvenile prison inmate.

Female Prisoners

1. That the present accommodation for female prisoners in District Jails should be increased and improved. There should be separate accommodation for tried, untried, and civil female prisoners. Although the female wards should be within the walls of the District Jail, they should be removed as far as possible from the male wards. The women should have a separate hospital in their own part of the Jail.
2. There should be separate accommodation for female convicts, sentenced to more than one year imprisonment, within the walls of every Central Jail, and this separated portion should be placed, when circumstances will admit of it, under an English or Eurasian Matren, with female turnkeys and attendants.

Jail Dietary

1. That animal food should form a portion of the dietary of all labouring prisoners and of those under trial.

This is deemed necessary in the first case, to repair the waste caused by hard labour, and in the second one, to meet the requirements of that depressed health which an experience shows, accompanies the condition of an untried prisoner. Convicted prisoners without labour, appear to thrive without the support of animal food.

2. Animal food to be understood to include fish, flesh and milk with its various products, such as ghee, curds, etc.

3. That there should be always two meals daily, and the evening meal should be the principal one.

4. That the diminution of food should be under, no circumstances whatever, permitted as a punitive measure.

5. That no difference be made in diet on account of Sunday.

6. That it is of the highest importance that the food supplied to the prisoners should be completely and properly cooked, and that occasional inspections of the food when dressed for use, should, to secure this end, be compulsory upon both the Officer in charge and the Medical Officer.

7. That it is also of the highest importance that there should be no tampering with the quantity of food, either by means of false scales or through the deduction of portions as perquisites for the distributing subordinates. The dietaries being drawn up with the view of allowing each prisoner only what is necessary and requisite, it falsifies the whole plan, if care is not taken to prevent embezzlement of the stores or pilfering from the prepared food. As this matter must rest with the Superintending Officers, the urgency of examining scales and testing the distributed portions, after short intervals, cannot be too strongly insisted upon.

8. The extension of Jail gardens where they exist, and their establishment where they do not, is a matter of great importance. When properly managed, they should supply all the fresh vegetables and most of the condiments required. To them, too must the Medical Officer look for a sufficient supply of antiscorbutic vegetables, such as potatoes, belt-root, etc., and ultimately, (allowing time for the growth of trees); of antiscorbutic fruits, such as limes, citrons, tamarinds and the like. But these gardens should be invariably outside the Jail walls.

Jail Discipline

I. Superintendence

The first point here seems to be, to look out for a body of men who may be relied upon to keep up a supply of qualified Superintendents. We have no hesitation in pointing to the Medical Service as most likely to meet this demand. The simple fact that almost all the zealous Jail reformers this commonly has produced, have been medical men, encourages us to hope that a special qualification will often be found among the members of that branch of the public service.

We recommend them :

1. That as a general rule, Medical Officers should be Superintendents of Jails and that the management of Jails should be so far constituted a regular service, that special aptitude might be held to possess a claim to promotion in the same line. (Perhaps it might be possible to combine a Jail

service with the department of Public Health, which we learn is about to be organised under each local Government.)

2. That a specially-qualified Medical Officer be always selected as the Superintendent of a Central Jail.

3. The Civil Surgeon, if a European, and possessing suitable qualifications, should invariably have charge of the District Jail.

At large Civil Stations, where under our recommendations there would probably be a Central Jail and a District Jail, it might so happen that the ordinary duties of the Station might be so heavy as to prevent the Civil Surgeon undulating are of the Jail; in that case the local Government might, on the recommendations of the Inspector-General, place the District Jail under charge of the Superintendent of the Central Jail.

4. We think it highly desirable that suitable emoluments should be attached to the post of Superintendent in the Jail Department, and we venture to recommend the following scale as what appears to us, after such deliberation, suitable and not excessive:

Superintendents of 2nd class District Jails : 80 Rupees per mensem, in addition to all their pay and allowances.

Superintendents of 1st class District Jails : 150 Rupees per mensem.

Superintendents of Central Jails: 800 rupees per mensem, consolidated allowance, with free quarters, and if they have charge of the District Jail also, to receive 150 Rupees per mensem extra.

II. Labour

Proper superintendence having been secured the next point is to introduce a well organized system of labour. For labour is the principal means of enforcing discipline in Jails. From it alone is derived the possibility of insisting upon order, punctuality, and that clock-work distribution of time which is so burdensome to the lawless and irregular.

We think the following recommendations calculated to ensure that the system of labour shall be a stringent and sustained one.

1. That every prisoner sentenced to rigorous imprisonment and labour should undergo a certain portion of his sentence before any indulgences can be allowed him.

2. There should be there descriptions of labour—Hard, Medium and Light.

As far as possible, the hard labour should be imposed during the earliest period of imprisonment, the medium labour next, and the light labour should come towards the end of the turn.

The transfer of convict sentenced to hard labour, from that to work of a medium and afterwards of a light order, must, however, be looked on as an indulgence not as a right, and should depend on the conduct of the prisoner. The duration of a sentence should always remand inviolate, except in the case of epidemic visitations.

In the emergency of a rapidly spreading mortality, such as is not unknown in this country, where timely removal of the prisoners to camp or their transfer elsewhere was impossible or deemed inadmissible, the Superintendent of a Jail might be empowered, with the consent of the Chief Civil Authority on the spot, and subject to the confirmation of the Local Government, to direct the release of:

1. Short-term prisoners where sentences do not exceed six months.
2. Long-term prisoners who have not more than six months to serve.

III. Rewards

We consider it to be an allowable means of encouraging strict obedience to Jail discipline to reward marked tractability and good conduct in convicts. And a suitable method of so rewarding them, we think to be, admitting them to subordinate offices on the Jail establishment.

Recommendations

1. In addition to the gradual mitigation of labour from hard to medium, from medium to light, which is always to be looked upon as an indulgence, further favour may be shown to the best

behaved convicts, in their administration of subordinate offices, without gratitudes of any kind.

2. There might be three parts accessible, representing three grades—

- (i) That of Work Overseer
- (ii) That of Ward Master
- (iii) That of Guard, to be employed only inside the Jail.

3. Their duties should rank as medium labour and therefore should not be entrusted to any convicts, till after the expiry of the prescribed term of hard labour.

4. Convict Officials should never exceed 10 per cent of the number of convicts in any one Jail.

5. Those prisoners are disqualified for ever holding office who have been convicted of the following crimes: murder, dacoity, highway robbery, rape and unnatural crime.

IV. Punishments

For the maintenance of discipline and the coercion of the obstinate and the violent, it is quite necessary the Superintendent should be armed with powers of direct punishment.

Recommendations

- 1. Aimless labour, such as the crank.
- 2. Solitary confinement for a period not exceeding 72 hours.
- 3. Flogging, according to the provisions of the law on the subject.

A register should be kept of all punishments inflicted, and should be forwarded from each Jail monthly to the Inspector-General.

V. Education

Education may be a reward or a punishment, according to the character of the prisoner to whom it is accorded. To the sullen, the stupid, and the idle, it must be a real infliction, whilst to the

quick and intelligent, it might be a mitigation of the tedium of confinement. It has been found, we understand, an important aid to discipline by employing the time after the conclusion of labour, which is otherwise occupied in idle conversation. And it is a means of completing the plan of never leaving the convict to himself, which is to the unreclaimed class one of the rest punitive elements in a strict system. So we recommend that :

1. That education may be used as a means of prison discipline, but should on no account lead to any relaxation of the sentence. It will be found a useful employment of that portion of the prisoners time which is not occupied in labour. Nothing further should be aimed at than elementary instruction in reading, writing, arithmetic, and the keeping of village accounts.
2. That well-behaved convicts who are sufficient by educated might be employed as class instructors but such instruction must never be allowed to count as, or exempt from labour.

Habitual Offenders

Notwithstanding the most stringent laws and the existence of the best regulated Jails, it is to be reasonably expected that there will still be found a certain class, when no experience will teach, no punishment amend, no encouragement induce to abandon evil habits, but who follow crime with all the eagerness of a pursuit, till it has landed them on the penal settlement or brought them to the foot of the gallows.

The habitual and the hereditary offender, whenever the distinction between crimes committed through determinate predilection for crime, as those committed through family influence and habitude, can be clearly traced, seem to call for different treatment.

For the persistent and irreclaimable pursuer of a chosen censure of crime, the convict prison in banishment, from which nothing but sustained good conduct can give even the partial release of freedom in banishment in a ticket of leave, seems the appropriate destination.

But with the members of predatory tribes e.g. Gypsies who lead homeless life alone thing is not possible. The object to

ought rather to be give to these offenders the means of gaining an honest livelihood. We require for them penal colonies rather than prisons.

In such colonies existed, it may be anticipated that Judicial offenders would act far more frequently upon the provisions of the law. These colonies should be situated in places far removed from those in which the offenders have been in the habit of practising their crimes.

Further that no prisoner sentenced to more than seven years' imprisonment should be detained for the whole period of his sentence in any Jail on the continent of India. But till such time as prison buildings have been built and prison discipline has been introduced into the places of banishment, every prisoner so sentenced should be subjected to three years' imprisonment in a Central Jail in India.

Tickets of Leave

Classification of Convicts

Division of criminals, according to the nature of the offences they have committed and their own circumstances, is urgently called for.

The first great divisions which we recommend, are founded on the assumption that offences against the person and offences against property be dictated by a different class of motives and impulses.

The four divisions so formed will stand as;

- I. Offences against the person —
 - (a) With premeditated malice
 - (b) Without premeditation.
- II. Offences against property —
 - (a) Robbery or Theft with aggravating circumstances
 - (b) Simple theft.

When we have then founded our four principal classes on their simple principles, other considerations step in, such as propriety, decency, the maintenance of discipline, and suggest them further sub-divisions:

- I. Sex – Male to be separated from females.
- II. Age – Juvenile offenders to be separated from adults.
- III. Religion – Christians to be separated from Non-Christians.
- IV. Nature of punishment.

(a) Condemned prisoners. To be separated from

(b) Life prisoners. all other prisoners.

To aid in preventing neglect of classification, it seems a good plan to have the prison dresses distinctively coloured, according to the crimes of the prisoners. Under this arrangement, a man out of his class immediately catches the eye of the Superintendent.

Salaries of Jailors

To aid in carrying out a stricter system of discipline we trust will soon be introduced, it is of importance to secure a good class of man for Jailors.

To the smaller Jails natives will probably always be appointed suitable Europeans may sometimes be found for the Central Jails, the salaries should be sufficient to attract respectable candidates.

Minimum scales of pay should be fixed :

- (i) Jailors of 2nd class District Jails to receive not less than 50 Rupees per mensem.
- (ii) Jailors of 1st Class District Jails to receive not less than 100 rupees per mensem.
- (iii) Jailors of Central Jails to receive not less than 150 Rupees per mensem.

Fines Imposed on Prison Officers

We only think it necessary on this point to recommend that the principle should be recognised, that such, fines ought never to exceed in amount half a month's salary.

European Prisoners

We consider it a matter of great importance that suitable accommodation should be provided in every District and Central Jail for the reception of a limited number of European prisoners.

The amount of accommodation required would of course depend upon the situation of the place, and could not be laid down in any general way. We think, in the construction of such buildings as may be necessary the principles which have been lately laid down with reference to the accommodation of British Soldiers in India should be strictly adhered to.

Statistics

1. That Jail statistics should be kept on a uniform plan, and that they should include all the Returns pronounced essential by a Resolution of the International Statistical Congress held in London in 1860.

2. That to effect this object a sufficient establishment should be allowed in every District. The Committee makes this last suggestion in the belief that the expense incurred will be very small when weighted against the advantages gained.



COMMISSION TO ENQUIRE INTO THE OPERATION OF ACT XIX OF 1861 BEING AN ACT TO PROVIDE FOR A GOVERNMENT PAPER CURRENCY, 1866 — REPORT¹

FEBRUARY 3, 1866

President	Sir W.R. Mansfield
Members	Hon'ble H.S. Maine; Hon'ble W. Grey; Hon'ble J.N. Bullen; Hon'ble D. Cowie; Mr. E.H. Lushington; Mr. G. Dickson; Mr. W. Anderson; Mr. H.G. Dunlop.
Secretary	Mr. Denzil R. Onslow

Appointment

The Governor-General in Council in the Financial Department appointed the Commission to Enquire into the Operation of Act XIX of 1861, being an act to provide a Government Paper Currency Vide Resolution dated 3rd February, 1866.

Terms of Reference

To enquire into, take evidence, and report upon the operation of the Paper Currency Act, upon any improved arrangements, including the introduction of notes of the denomination of 5 rupees, by which it could be rendered more effective, and upon any extension of the monetary system which the increasing Commerce and prosperity of the country may seem to require".

Contents

Vol I : Resolution by the Governor-General in Council; Memorandum by the Financial Member of Council; Report of

1. Office of Superintendent Government Printing, Calcutta, 1867, 2 Vols., February 3, 1866.

the Commission; Abstract of Answers from : 1. Officers in charge of Treasuries, 2. Commissioners, 3. Managers of Banks, 4. Political Agents. **Vol II** : Appendices : I to XLIII.

Recommendations

The Commission have understood that the principal object set before them, under the orders of the Government of India, was to obtain information from all available sources regarding the operation of the existing currency arrangements which were established under Act XIX of 1861.

2. A second matter was incidentally submitted to their consideration, *viz.*, what may be the advantage, as based on expediency, of the introduction of the legal tender of gold into India in addition to that of silver.

3. Accordingly, with respect to these two points, an examination of such witnesses as were available at Calcutta in the spring of 1866 took place during that season. Series of question were subsequently addressed to the several Governments, Administrations, Commissions and Collectorates throughout India, as also to the several Banking Corporations.

4. The result has been the collection of a very large mass of evidence.

5. The chief duty of the Commission may, perhaps, therefore, be held to have been performed in submitting to the Government of India the evidence thus collected.

The Commission feel justified in the inference that, in some instances, facts have been solidly established, and that in others of important character the unanimity of opinion, as based on personal observation, is a matter of extraordinary significance with respect to the wants of the Country and the manner in which those wants may be met.

8. It thus appears —

- (i) That a Government Paper Currency, established under Act XIX of 1861, has been in actual existence since 1st of March 1862;
- (ii) That some of the circles have been but very recently established; and

- (iii) That out of the presidency towns the people have not as yet been educated to the point of using a Paper Currency;
- (iv) And, therefore, that its apparent failure, as generally deposed to, is not a sufficient reason for despairing of its gradual extension.

9. The Commission have not succeeded in obtaining accurate reports regarding the amount of capital, whether in shares or deposits, now held by the several British Banking Companies which are doing business in the presidencies and many mofussil cities in India. The amount of such capital, however, is now very considerable, and notwithstanding the misfortunes of this year, it has a steady tendency to increase.

10. It is clear that in the great centres of commerce, whether on the sea-board or in the interior, the introduction of a sound and well-regulated system of banking not only familiarises the people with the use of a Paper Currency, but largely promotes the distribution and utilisation of capital.

11. As the community learn to appreciate the facilities afforded for conducting business by means of banking accounts, instead of locking up or secreting the money which comes into their possession, the economy, both in coin and notes, becomes apparent. It is believed that usage based on acquaintance with the European system of banking have taken a considerable hold of the inhabitants of the presidency towns, and that these usages are gradually, but slowly, spreading throughout the country.

12. The extensive use of cheques which are adjusted in the accounts of the banks with one another in a great city, such as Calcutta or Bombay, affords a sufficient illustration of what has been adverted to.

13. The foregoing consideration may perhaps further explain how it comes that, with the vast increase of trade and available capital during the last few years, the demand for currency notes in the presidencies has remained in a quasi-stationary condition.

14. It may certainly be said —

- I. That a Government Paper Currency, established under Act XIX of 1861, has been in actual existence since 1st of March 1862;

- II. That this want is a great bar to the utility of the currency notes;
- III. That the want causes the notes to be depreciated at varying rates of discount;
- IV. That this causes the notes to be practically viewed as commercial paper;
- V. That this inevitable result in the native mind is not merely a sense of inconvenience, but a mistrust of the notes based on an idea of substantial loss flowing from the use of them.

15. With such facts before them, the Commission feel considerable hesitation in expressing any further opinion, the matter concerned being one to be practically dealt with by the Financial Department, whose proper function it is to judge of the feasibility of many of the proposals laid before the Commission. This remark more especially applies to dealing with the cash balances, the feeding of treasuries, and the precautionary measures to be taken before any of the sweeping changes which seem to commend themselves to the great majority of the authorities consulted can with safety be adopted.

16. It may, however, perhaps be said that irrespectively of such sweeping changes, certain administrative improvements might take place which would have a beneficial effect. The aim of the Financial Department in the administration of the Act might be directed less to obtain profit from the Paper Currency than to devise practical measures for making it, as far as possible, subservient to the requirements and convenience of the public with a view to the introduction of a larger reform.

17. Thus it might be expedient —

- 1. To separate the Office of Currency Commissioner of a Presidency from the Mastership of the Mint, — *vide* evidence of Major Hyde, Currency Commissioner and Master of the Mint at Calcutta;
- 2. To enjoin the extension of facilities for the encashment of all notes at all treasuries up to a given small amount, say Rs. 200;
- 3. To permit treasuries a larger discretion where this may be done without much chance of loss;

4. To establish offices of sub-issue at such places as may be approved of by local Government and Administrations for the purpose;
5. To advise Accountant-General not to exhibit too great a jealousy of remittances in notes,—*vide* the Memorandum of the Lieutenant Governor of Bengal on this subject.

18. It is observed that there is a preponderance of opinion in favour of what is called the “Universal Note” if readily convertible.

19. The condition, however, of ready convertibility is the very difficulty with which the Government would have to cope,

- I. In meeting excessive demands on local treasuries;
- II. In arranging for the supply of tehseels with coin;
- III. In warding off a damaging run for coin on a great centre of issue, of which we have already had experience in Bombay; and
- IV. In submitting to loss in consequence of the notes being largely used for remittance; or, in other words, being made a medium of exchange when a local market might be unfavorable for the purchase of ordinary bills or *hoondees*.

20. It is obvious that before such a change could be recommended, *viz.*, the introduction of the “Universal Note,” a more detailed study of the subject is required than can be given it by the Commission. They would, therefore, content themselves with the remark that the project, though undoubtedly most difficult to execution, should by no means be dismissed summarily, but should receive the attention due to a very widely-spread opinion which rests besides on good authority, that in it alone can be found the means of giving reality to a Government Paper Currency in India.

21. The discussion which might be thus originated in the Financial Department would naturally comprehend the best available means of agency for *circulation* as distinguished from *the right of issue*, including the employment of the banks which

has been discarded in accordance with the orders of the Secretary of State — *Vide* Secretary of State's Financial Despatches, 26th March 1860, No. 47, and 16th September 1862, No. 158.

22. With respect to the issue of a 5-rupee note, the number of opinions is slightly in favour of it.

23. The preponderance of argument would, however, seem to be against such an issue, in which view the majority of the Commission concurs. Attention is particularly invited to the arguments and opinions of Baboo Ramgopal Ghose on this point.

24. With respect to the introduction of gold, the following points seem to be generally and firmly established :—

1. That gold coins of various descriptions of mohurs and sovereigns — English and Australian — although not used as money by the State, are generally at par or above par in price whether in the presidency towns or in the cities of the mofussil;
2. That they are sought for in the provinces for trading purposes by merchants and bankers, and as a medium of a reserve of wealth by the people at large;
3. That where gold is below par in price, it happens either because gold is almost practically unknown in the districts concerned, or because the people are too poor to create a demand for it;
4. That the demand for Gold Currency is unanimous throughout the country;
5. That gold coins of 15, 10, and 5 rupees respectively would find more favor in the eyes of the people than notes of like value;
6. That the introduction of gold would facilitate the establishment of the currency notes, outlying treasuries being assisted by such a measure towards the convertibility of the notes; and
7. That the opinion is general, almost unanimous, that the currency should consist of gold, silver, and paper.

25. With such evidence of the general wish of the country before them; the Commission cannot hesitate to express a hope that the Government of India will preserve in the policy which

was recommended for the approval of the Secretary of State two years ago, *viz.*, to cause a legal tender of gold to be a part of the currency arrangements of India, that which is believed to have been erroneous in the original proposal being modified, however, as hereinafter recommended.

26. The Commission would draw attention to the fact that the price of the gold mohur or Government piece of rupees 15, as fixed by Act XVII of 1835, is as nearly as possible the average market rate of the price of coined gold of the present day.

27. That price, as sanctioned by law in 1835, seems to be the legitimate basis on which to found a gold legal tender coinage for India, consisting of pieces of 10 and 5 rupees respectively – the 10-rupee pieces having the weight of 120 grains, and the 5-rupee piece 60 grains troy. — *Vide* Section 7, Act XVII of 1835*.

28. The Commission are aware that it is a favourite notion in some quarters to cause the English sovereign to be issued as the representative of 10 rupees in a large tender, and this view received the sanction of the Government of India in 1864 at the instance of Sir C. Trevelyan.

29. But according to the evidence submitted generally to the Commission, the conclusion can hardly now be resisted that the tendency in India is rather to raise a gold coin above par.

30. If the Tables of Prices be consulted for past years, the fact is clearly shown that the real part of the sovereign is somewhat above Rs. 10.

31. If this be admitted, and the evidence is such that no doubt can be entertained with regard to the fact, the Commission may perhaps be excused for believing that the Government of India had not the advantage of exact information when it adopted the views imparted to the Secretary of State in 1864.

* Section 7, Act XVII of 1835 — And be it enacted that the under-mentioned gold coins only shall henceforth be coined at the Mints within the territories of the East India Company:—

First — A Gold Mohur or 15-Rupee piece of the weight of 180 grains troy, and of the following standards, *viz.*:—

$\frac{11}{12}$ or 165 grains of pure Gold.

$\frac{1}{12}$ or 15 grains of allow.

Second — A 5-Rupee piece equal to a third of a Gold Mohur.

Third — A 10-Rupee piece equal to two-thirds of Gold Mohur.

Fourth — A 30-Rupee piece or double Gold Mohur, and the three last-mentioned coins shall be of the same standard with the Gold Mohur, and of proportionate weight.

32. The Commission would, therefore, venture to suggest that, assuming what is stated with regard to the average value of the sovereign to be correct, that it is apparent that if such a tender, *viz.*, of an English sovereign at Rs. 10 were affirmed by law, it would be to offer the sovereign for sale at a price of from 2 to 3 annas less than it can be in general bought for at the ports of importation, or at the average rates in the country at large; that is to say, that with respect to the commodity of gold, with a view to a Gold Currency, a departure is proposed from the principles on which the supply of a commodity to a country is invariably found to rest.

33. It is then clear to all men of business who look to the principles on which alone trade can be carried on that a trade in gold, with an effectual Gold Currency, could not exist on such terms.

34. Thus it would be impossible for any Mint to buy gold at a less rate than importers can afford to take. And in like manner, having bought gold at given rates, the Mint, in other words the Government, could not afford to issue the new coins at a rate less than their intrinsic value, in which must be included a moderate seignorage.

35. As a matter of course, the same argument applies to the purchase of sovereigns coined in the British or Australian Mints, the intrinsic value of which is more than Rs. 10, or so nearly equal to that sum as to leave no margin for fluctuation, or to pay the expense of mintage.

36. The force of this argument is the more apparent when attention is given to the point, that the public debt and all other obligations in India have been contracted in rupees.

37. The practical inferences to be drawn from this statement of facts and reasoning become infinitely stronger when it is recollected that the legal tender of gold will create a new large demand for the commodity; that is to say, by restoring to gold a very considerable part of the functions of money of the State, of which gold is now deprived.

38. It is indeed possible that, under such circumstances, *viz.*, of the restoration to gold of the legal function of money of the realm, the price of it may eventually rise as compared with that of the present day, which received the sanction of the Act of 1835.

39. But it is obvious that the increase of demand cannot occasion a fall in the price of gold, until the country shall have been absolutely flooded with it, the same being accompanied by the partial exclusion of silver from the currency.

40. But when that shall have taken place, it will be for the legislature of the day to step in and fix the gold coinage on a single standard, by reducing silver to tokens for the payment of small sums, according to the example set by the United States in 1853.

41. We have, therefore, in the new demand for gold, another powerful reason as above displayed for shunning the attempt to give an artificial depreciation to the metal, by foreign the sovereign to run for less than it is actually worth.

42. The attempt is simply to ensure the defeat of a Gold Currency.

43. The Commission would again once more glance at the practical impossibility of increasing the public debt, and the obligations of all debtors which have been contracted in the rupee.

44. To raise the value of the rupee, however little, by artificially depreciating its gold representative is simply an act of injustice to all debtors and a bonus to all creditors, whether of the State or of private parties.

45. As the two tenders, silver and gold, must run *pari passu* for some time to come, such an injustice would rectify itself by the defeat of the gold and its ejection from the currency — the same resting on the clearest application of commercial principals as above indicated.

46. The Commission would close their report with the remark that as the original institution of the Paper Currency in 1861 was eminently of a tentative character, extreme caution was observed with respect to the limitation of issues, the organisation of circles, and the guardianship of the convertibility of the note.

47. It is therefore, unseasonable in the extreme to expect large and perfect results from what has hitherto been put an extreme. Nevertheless, it is impossible not to observe that the universally unfavourable testimony is in truth founded on the expectation of a perfect and absolute success, which with regard

to the original arrangements and the nature of things and of native society in general, could not in fairness be looked for.

48. On the other hand, as shown in the body of this Report and the mass of evidence given in the Addenda, the time had fully arrived for the review of the results of the experiments and the application of such improvements or reforms as may be deemed expedient for the development of the Paper Currency, which amidst the demands of advancing commerce has come to be a necessity for the people of the country.



GANGES CANAL COMMITTEE, 1866

— REPORT¹

FEBRUARY 24, 1866

President	Colonel Commandant Edward Lawford, R.E.
Member	Lt. Col. J.C. Anderson, R.E.; Lt. Col. J.G. Fife, R.E.; George Sibley, C.E.; Hugh Lenoard, M.I.C.E., F.G.S.

Appointment

The Ganges Canal Committee convened by order of His Excellency the Governor-General of India in Council (No. 20, 410C; of Government of India, Public Works Department, dated 24th, February, 1866.

Terms of Reference

To decide upon the propriety of proceeding, as previously determined, with Major Crofton's Project for remodelling the Ganges Canal, or of stopping its progress, pending the preparation of a detailed project according to the views of Major-General Sir Arthur Cotton, R.E., with a comparison of the cost and advantages of the two plans.

Contents

Proposed heads for the Ganges Canal; Preliminary Observations; Head works near Sookertal; Head works on the Ganges below Sookertal: Gurmuktesur; Rajghat; Head works on the Jumuna near Agra and Delhi; Remarks on the present condition of the Ganges Canal; Remarks on Major Crofton's Project; Proposed Weir across the Ganges at Hurdwar; Stone from the Sewalik Hills and Himalayas for the Canal works, Extension of the

1. Mussoorie, Public Works Department, 1867, 51; xxx p.

Canal from Cawnpore to Allahabad; Financial State of Canal, Comparison of the Financial Results of Madras Irrigation works with those of the Ganges Canal; Acknowledgments; Dissent; and Appendices A to F.

Recommendations

After much discussion and careful consideration of every point bearing on the subject, the Committee have arrived at the following conclusions, on grounds explained in the subsequent detailed reports.

Weir across the Ganges near the Solani £ 1,128, 631

I. That the construction of a weir across the Ganges below the confluence of the Solani with other necessary works for supplying water to the canal, at an estimated cost of Rs. 1,12,86,314 cannot be recommended.

Weir and canal at Rajghat £ 1,130,417

II. That the project for opening an additional canal head, including the construction of a weir on the Ganges at Rajghat, or other point in that part of the river, at a cost of Rs. 1,13,04,170 for bringing under irrigation lands not now watered by the canal is feasible, but should be held in abeyance until the probable returns appear more proportionate to the outlay than at present.

Weir across the Jumuna, and canal for irrigation £ 354,570

III. That the construction of a weir across the Jumuna at Toghluhabad with a canal for the irrigation of that part of the Doab below Allighur, not under the influence of the Ganges canal, at a probable cost of Rs. 35,45,701 inclusive of branch channels, is practicable, and that the project should be further investigated; but they are of opinion that it cannot be substituted for any portion of Major Crofton's project.

Major Crofton's Project

IV. That Major Crofton's project for remodelling the Ganges

canal should be proceeded with, subject to the modifications suggested in this Report.

Weir at Hurdwar

V. That the construction of a permanent weir across the Ganges at Hurdwar, though not indispensable while the present reduced quantity of water is passed down the canal, will become a matter of absolute necessity in order to maintain without risk of interruption the full supply of 7,000 cubic feet per second.

Proposed Heads for the Ganges Canal

Preliminary Observations

Peculiarities of Ganges somewhat Remarkable.

1. As the Committee think that the peculiarities of the Ganges are somewhat remarkable, and that a comprehension of them is indispensable before an opinion of any value can be formed as to the relative advantages of different sites for the opening out of new canals, they will endeavour to describe them.

Character of the Plans in the N.W. Provinces, in relation to the river flowing through them.

2. The Plains in the N.W. Provinces, unlike the Deltas on the East Coast, are far above the limit of the inundation of the rivers. In the course of ages the Ganges and the Jumuna have scooped out their beds to a far lower level than they must have had at some former period, and this operation has completely changed the relation of the land with the rivers. The N.W. Provinces for a distance of several hundred miles from the base of the hills are thus formed of a vast plateau, which rises many feet above the highest flood level of the Ganges and Jumuna. This elevated tract is termed the *Bangur*, in contradiction to the *Khadar*, or the strip of low land in the actual valleys of the rivers, and which is more or less inundated by them during high floods. The fall of the *Bangur* is not exactly the same as that of the rivers; or, in other words, the plane of the surface is not

parallel to the surface of the rivers. That of the Ganges is more elevated near the hills than it is at any point lower down. For instance at Sookertal, at the distance of 34 miles from the hills, it is 80 feet above the flood level of the Ganges opposite; and at Cawnpore, 350 miles below Hurdwar, the elevation is only 38 feet. But the difference is in a nearly regular graduation, so that knowing the height of the *Bangur* above the river at any two points, say 40 miles apart, it may be assumed with confidence that the height at the point midway between them would be almost exactly the mean of the other two.

Conclusion

The Committee therefore conclude that the project cannot be considered a reasonably profitable one to undertake at present; but it is not at all improbable that the value of water will rise, and that the quantity distributed per acre will be greatly reduced without any injury to the consumer, and if so, the project may be worthy of more careful examination at some future period.

Head Works on the Jumuna Near Agra

The Committee considered that on account of this great length of channel, and depth of cutting, and proximity to the termination of the present canal — beyond which are heavy drainages: further examination of that scheme was unnecessary.

Several measurements of the low water discharge of both the Jumuna and the Hindun have been made. The register of the height of the former river kept by the Executive Engineer of Canals residing at Delhi shows, that as a general rule the water is lowest in January: hence it is in that month that discharges are generally taken. Information on this subject has been kindly furnished by the Resident Engineer of the railway, which is to the effect that the water was as low in April last as it was in December; but as his own register shows that the river was higher in April, and as he accounts for the rise shown by his gauge by assuming merely, that the damming up of the river by the bridge works at Delhi, caused a rise of the water level equal to that shown by his gauge, the Committee think that his

information cannot well be relied upon; they prefer trusting to the readings of a gauge near Delhi, regularly kept by canal officers, and removed from the influence of any changes of level caused by the bridge works.

The design of weir which is considered best adapted for the site is one in which the least quantity of brick-work and the greatest quantity of rough stone can be used, an abundance of the latter material being available at a very low rate. It is not considered sufficient to build the foundation of dry rough stone alone, the leakage through such a base, unless it were of very great width, would be considerable, if not even large, and the sand forming the bed of the river being very fine, would pass through with even a small leakage, the rough stone base would then sink, and the masonry floor, and probably the weir would be in great danger of breaking down. The form of section designed for Sookertal, has therefore been adopted, that is wells of moderate depth, protected by a large quantity of rough stone. The part of this report relating to Sookertal weir explains why such a section has been proposed there. It is proposed to raise the low water level 8 feet, 6 feet by a solid weir, and 2 by a moveable board. The length of the weir has been fixed at 2,500 feet, that being in about the same proportion to the length of the Rajghat weir, as the floods of the Jumuna at Delhi bear to those of the Ganges at Rajghat. Such a weir would pass the calculated floods, with an afflux of about one and a half feet, and with a velocity over the crest of about 11 feet per second, and without causing much injury to the low land above it.

If the work be adopted as a means of irrigating additional land, of which there is plenty available to the south-west, the cost of making distributing channels and Rajbhas must be added to the estimate given above; but on the other hand, the water would be brought to the surface of the land to be irrigated by channels at least 10 miles shorter than those required to bring it to the canal. Considering it first as a project for taking 3,300 feet per second when so much can be had, the shortening of the channels would lessen the expense of the main line by about Rs. 4,00,000. Then in order to make it complete as a navigation channel, the main line should be connected with the Ganges canal, this would require 10 miles of still water navigation

at, say 15,000 a mile = 1,50,000. Making the total cost for weir and main channels 48,50,000.

The cost of distribution channels and Rajbuhās for the Cawnpore and Etawah branches of the Ganges canal, which are to carry 3,250 feet per second, is —

Channels	29,00,000
Rajbuhās	9,50,000
Total	<u>38,50,000</u>

This estimate would give a fair idea of the cost of distributing the 3,300 feet from the Jumuna, if the whole were to be used for a Rubbee supply: but as about half of it is for a Kharif supply, and as one foot per second used for Kharif, waters less than half the area which it would do if applied to Rabi crops, it is evident that the distribution channels for a certain quantity of water used for Kharif watering, would be only about half the length of those required for the same quantity if used for Rabi crops, and they would be only about two-thirds of the capacity. Now, as more than half the supply of the project under consideration is for Kharif watering, a deduction of about one-sixth may be made from the cost of the Cawnpore and Etawah branches, making the amount $38,50,000 - 4,83,000 = 33,67,000$; which added to the cost of main channels, give a total of 82,17,000.

If the project be confined to the use of the dry weather supply of 1,500 cubic feet per second only, the result would be — cost of bringing the water from the Jumuna to the Ganges canal, as estimated above, 35,50,000; from which is to be deducted — cost of 10 miles of channel, by which the line would be shortened by delivering the water on the surface of the ground to be irrigated, 3,00,000 less the cost of 10 miles of navigation channel required to connect the irrigation channel with the Ganges canal, $1,50,000 = 35,50,000 - (3,00,000 - 1,50,000) = 34,00,000$. The cost of distributing 1,610 cubic feet per second on the Cawnpore branch of the Ganges canal is 16,00,000, and the cost of Rajbuhās for the same 5,50,000, making a total of 21,50,000. Taking the expenditure for distributing 1,500 to be in the same proportion, the cost would be 20,00,000 nearly, making the total cost $34,00,000 - 20,000 = 54,00,000$. Using the calculation

given above as to the value of the water, that is 1,500 cubic feet per second \times 200 acres per cubic foot \times 1½ Rs. per acre profit = 4,50,000 on an expenditure of 54,00,000; giving a return of about 8½ per cent, exclusive of returns from navigation, and, etc. From this it appears, that the project for taking in the dry weather supply only would be the more profitable. But further, the quantity of silt, which would be taken in by the Kharif supply when the river would be disturbed, and consequently muddy, would be very large, and without doubt must involve heavy additional expenditure for cleaning.

On the above grounds, the Committee are of opinion that the project for taking, either 1,500 cubic feet per second, or 3,300 cubic feet per second from the Jumuna, is well worthy of a detailed examination, as an independent scheme for the irrigation of land in the lower part of the Doab.

The Present Condition of the Ganges Canal with Remarks on its Faults and upon the Remodelling Project

So much has been said of the serious faults and inefficiency of this great work, that it has been a matter of some surprise to the Committee to find that it has been carrying nearly two-thirds of its full supply during the past twenty months; and that the navigation, though imperfect, has been going on without interruption during the same period, during which the canal has not been closed for even a single day.

Since these expedients were adopted there has been no further serious damage, and the deep holes which had been formed near the masonry works have to some extent silted up; but that retrogression is still going on, was evidenced by the state of the water at different points along the canal at the time of the Committee examined it. This view is concurred in by Colonel Dyas, who in reply to a question from the Committee, writes as follows :

“As to the bed (of the canal) erosion is no doubt going on in many places, inasmuch as during the cold weather, when the water coming in from the Ganges river through the Myapore regulator (the head of the canal) is almost quite clear, the water in the canal gradually becomes very muddy.

But a comparison of cross sections of the canal bed, which I have lately had taken at every mile along the canal, with similar sections taken by Major Crofton in 1864, shows that no dangerous action is going on at present."

The Committee were anxious to have had the canal laid dry to enable them to closely examine the masonry works, but such strong objections were urged against it by the canal officers, on account of the time it would occupy and the injury to crops which required constant watering, but more especially on account of the injury which might be caused to the floorings of the falls when the depth was reduced both when shutting off the water and re-admitting it again, that the point was not pressed. With respect to the condition of these works, Colonel Dyas replied to the Committee as follows :—

"As to the falls in the Northern division (from Myapore to Jaoli) the extent of damage done (during the past twenty months), as far as can be ascertained by careful sounding and probing, consists of a slight displacement of crib work battens. In the Meerut division two falls have been slightly injured, but not sufficiently so to warrant a closure of the canal for the purpose of repairing them. The Chitoura fall (55 miles 4,976 feet) has had part of the Ogee in No. 3 bay ripped out, and that bay is kept closed in consequence, to prevent further damage; and the Sulawur fall (67 miles 2,350 feet), has had two of the hammer-dressed Delhi stones in flooring of No. 3 bay lifted out and turned over. This occurred in September 1864, and the stones have not moved since. The bridges are all secure."

Colonel Dyas' report is on the whole a favourable one; but it is evident to the Committee, as it is to all the canal officers, that the falls are still in danger, and that no time should be lost in taking steps to render them secure.

The navigation on the Ganges canal has always been necessarily imperfect from the great velocity of current which in the main canal was intended to be from $2\frac{1}{2}$ to $2\frac{3}{4}$ miles per hour; and in addition to this obstacle the retrogression of levels, and the consequent necessity for limiting the depth of water

admitted into the canal has acted most injuriously. The lock channels, instead of having a depth of 9 or 10 feet of water in them, and a width at water line of 43 to 46 feet, have had barely enough water below the locks to float boats of flight drought, and a width at water line of only about 28 feet, the width at bottom being 16 feet. This very limited capacity of channel has of course delayed the introduction of large boats, and has led to frequent interruption when silt accumulated. The shortness of water supply in the canal moreover necessitated the alternate closing of the Cawnpore and Etawah branches to distribute the water for irrigation, and thus the navigation on the former which connects the main canal with the river Ganges has occasionally been completely closed. Under all these circumstances it is not surprising that the navigation has not increased satisfactorily.

The Committee may remark here that the present lock channels would probably work efficiently if the eroding action of the stream in the main canal were less, and if the valves at the locks were larger to admit of more effectual scouring. But where new locks have to be constructed, they think that attaching them to the falls, as in Major Crofton's project, is a great improvement.

Remarks on the Remodelling Project

The Excavation — It appears that the effect of the retrogression of levels has been to deepen the canal in the reaches between each set of falls, and in the remodelling it is proposed to alter the shape of the section by widening it and filling in the bed where material is furnished from the widening, and trusting to the deep spots silting up where material for filling is not available. Now, however desirable it would be in designing a new work to adopt a shallower section, it can hardly be necessary to alter an existing work to give it that precise form. The cost of the excavation from the head of the canal to Jaoli falls is estimated at upwards of four lakhs of rupees, and it is apparent to the Committee that by slightly raising each set of falls, so as to reduce the surface slope by about one inch per mile, the present excavation will generally answer, and a considerable outlay will be saved.

Grating and lock at Kunkul bridge — these are estimated over Rs. 30,000 and may well be omitted. The sunken grating in almost a perpendicular position seems to be actually objectionable, and the lock with its attendant working expenses, can hardly be required to meet the contingency of a boat passing up the stream at a time when there might be only a small supply of water in the canal. It will always be necessary to maintain a large volume in the canal, and supposing a boat to arrive at Kunkul, when there might accidentally happen to be a small supply, the acceleration of the current at the bridge could be checked by partially closing the compartments of the falls three miles below, especially if instead of giving the bed of the canal a sudden drop below the bridge, the change from the small to the large section be made gradual.

New fall and lock at Roorkee — It appears to the Committee that by pitching the bed of the Solani aqueduct (earthen portion) and securing the floorings of the bridges at Rutmoo, Peeran Kullier and Mahewur, the new fall and lock may be dispensed with, and some reduction in the expense effected. But they also object to the proposed falls on other grounds. The Solani aqueduct was designed to carry a stream 10 feet in depth and if the falls are constructed this will be increased to nearly 13 feet. The Committee do not doubt that the aqueduct can be made to carry the increased depth, but sufficient provision is not made in the estimate for this, and as the expense will be heavy to render the work perfectly secure from accident, and there is already percolation through the brickwork of the masonry aqueduct which must in time do harm, they would prefer retaining the designed depth of water in place of increasing it to nearly 13 feet.

With respect to the reduction of the velocity of current from the aqueduct down to the Asuffnugger falls, it will be necessary to rise those falls slightly; but this will not be attended with any difficulty, and it will have the effect of saving a large quantity of excavation in the manner indicated in a previous paragraph.

Additional arch to increase the waterway under bridges — This does not appear to be absolutely necessary. All the bridges have already been subjected to a very severe test from the retrogression of levels, and the boulder protection to the floorings has been increased. When the floorings are lowered to suit the

altered and level of the canal, the waterway will be increased, and the velocity of current will not, the Committee consider, be too great. If the wide section proposed in the remodelling be adopted, the omission of the additional arch will only increase the velocity from $1\frac{4}{5}$ to $2\frac{3}{4}$ miles per hour, and this only for a few yards. If the deeper section recommended in para 107 of this Report, be adopted, the increase of velocity will be even less.

Before leaving the subject of the works provided in the remodelling estimate, the Committee would make some observations on the question of closing the canal for a long period to admit of the works being executed. In Major Crofton's report the estimate of loss from closure amounts to Rs. 13,48,213; but owing to the extension of the irrigation since that estimate was made, and to the increase in the water-rate levied, it appears that the loss from a long closure now would probably amount to upwards of twenty lakhs of rupees.

The Committee are sanguine, however, that the works can be executed without a long closure, especially if the details of the floorings of the new falls are modified. With the view of obtaining a deeper cushion of water over the floorings, Major Crofton has placed them at about 4 feet below the bed of the canal, and at this depth a covering of brick-on-edge is considered by him sufficient to resist the action of the water. The advantage of the deep cushion is probably not over-rated, but placing the flooring at so low a level will cause great delay for unwanting or forming coffer-dams, and as the loss from long closure will be very heavy, the Committee would recommend that the deep cistern be omitted, and that the flooring be placed at the level of the canal bed, and covered with Bhurtpoor dressed stone, 15 inches in thickness; and they would remark that, though the stone is very expensive, there is this great advantage in the arrangement that, whenever repairs may be required to a flooring placed at the level of the bed of the canal, they can be readily executed, because directly the canal's supply is shut off, the floorings would be exposed to view. With the aid of the gratings which the Committee understand Colonel Dyas has contrived with complete success on the Baree Doab canal, for breaking the water as it begins to fall, the Committee consider that the modification they recommend will be found to answer well.

Supposing that the works can be executed during two short closures of about $3\frac{1}{2}$ months each, the loss of revenue would be comparatively trifling. From information furnished by Colonel Dyas, the Committee have approximately estimated it at Rs. 350,000 for each closure, on the supposition that the crops which must be stopped are not replaced by others which can be watered at some other period of the year when there is an abundant supply in the canal. If other crops be substituted, the loss during each closure would only amount to about Rs. 15,000.

The Committee believe that two such closures will be found sufficient to complete all the work up to water line, and they would point to the cases of the upper and lower Coleroon anicuts, and the Gunnarum aqueduct in Southern India, each of which was commenced and completed in one dry season, as instances of what may be done in speedily executing hydraulic works.

The Committee would now draw attention to some points affecting both the navigation and irrigation which seem to call for consideration as measures of future improvement.

The large proportion of "artificial" to "natural flow" irrigation on the Cawnpore and Etawah branches — There is a considerable loss of revenue on this account on the two branches, but whether this is caused by the smallness of the supply of water which keeps the surface at too low a level; by the levels of the country being unfavourable for the cross distributing channels; by a faulty alignment of those channels; or from the excavation of the canals themselves being unnecessarily deep; the Committee have not ascertained. A great part of the Cawnpore branch appears to be in light excavation. The Etawah branch is generally deeper. The cross channels or Rajbuhars are said to be badly laid out, and to work very imperfectly. However, this may be the subject demands careful attention, and if it should be found necessary to introduce weirs at intervals to bring the water up to a higher level at certain spots, it would be desirable to make allowance for such alterations in level where the headway under the bridges is increased for navigation, otherwise it may be necessary to alter the bridges a second time. The introduction of weirs would be advantageous as affording the means of more efficiently controlling and distributing the water on these long branch lines, and would also benefit the navigation

by reducing the velocity of current. These are additional reasons for an investigation of the question by the canal officers. It may be found possible to improve the irrigation by extending the distributing channels till they command more low land.

Want of sufficient waterway at terminus of Cawnpore branch — This branch is too narrow near its terminus to allow of the largest class of boats passing each other, but this may easily be corrected by enlarging the canal from 20 to 27 feet bottom width from the 159th mile, and making it still water navigation from the 164th mile to Cawnpore a distance of $5\frac{1}{2}$ miles; arrangements will of course be necessary at the commencement of the still water canal to lead off for irrigation the volume of water which is brought down to that spot by the flowing canal. The silting and growth of weeds which are likely to occur in the still water must be accepted as unavoidable, but as the length is short there will be no serious difficulty in maintaining the canal in good order.

The Etawah branch — The headway under bridges on this branch is insufficient and should be increased, the tail should be locked down to the Jumuna with still water navigation, arranged as recommended for the Cawnpore branch.

Cross canals for navigation — At present boats have to make a long circuit to get across from one canal to another, this should be provided for by constructing short cross lines; similar lines should also be formed to connect important places like Meerut, Bulundshuhr, Coel, and etc., with the main lines, as the requirements of trade may indicate.

The width of locks — This question seems to demand some remark from the Committee, as it has been proposed to go to some expense to obtain 20 feet in width. The existing locks are 16 feet wide, and after careful discussion the conclusion arrived at is, that this dimension is sufficient. The depth of water generally in the canal is so great that there could be no objection to the use of screw propellers if steam navigation should appear profitable: the stern wheel also could be used. Moreover, locks of 20 feet width would still be too small for side paddle steamers except of a very small class.

New Branch canal from Roorkee to Deobund — The construction of this work has been under consideration for some years, but the shortness of supply in the main canal has

of course hitherto kept it in abeyance. In Colonel Turnbull's Canal Revenue Report of 1861-62, Mr. Longin's opinion on the result of the survey is mentioned as most favourable. The Committee have also received the opinion of Mr. Williams, the Commissioner of Meerut, who strongly advocates the carrying out of the project for protecting the district through which it will pass against famine, and for more equally distributing the benefit of canal irrigation throughout the country, the Deobund district being most unfortunately circumstanced as regards water, which is only obtainable at present from very deep wells. The line which this branch will follow corresponds with that recommended by Sir Proby Cautley as the alternative line, and the Committee think that the time has arrived for turning attention to it.

Periodical closure of canal — In so large a work dependent on many masonry structures of a difficult nature, a short annual closure would be desirable to admit of everything being closely examined, and repaired if necessary. The canal officers will of course be able to decide upon the best period for such closures, as they know during which portion of the season the demand for water is least. If the plan of making a periodical closure is carried out, the cultivators will probably soon learn to store a small quantity of water near their fields to continue the irrigation till the canal is re-opened.

Proposed Weir Across the Ganges at Hurdwar

The Committee consider that with the good management which may be expected, there ought to be no difficulty in feeding the canal during the monsoon. They believe that the failure during the famine year has been exaggerated. For a great part of that year, the whole supply of the river was turned into the canal, and the revenue returns were more than double those of the previous year; but the fact of 73 acres only having been irrigated per cubic foot of water admitted into the canal, while at present upwards of 140 are irrigated by the same quantity, indicates that the great want of the famine year, so far as the canal was concerned, was the means of distributing the water. The Rajbhuas were then in their infancy, and without a proper proportion of

them, it would have been useless to increase the supply from the river.

The Committee look upon this as the most important argument in favour of a masonry weir, but they may add that it is very desirable that both Europeans and Natives should be saved from the exposure and sickness which they have to undergo in the construction of the temporary bunds during the most unhealthy time of the year.

Several projects for a weir have already been before Government, but none of them have met with acceptance. Colonel Dyas was about to enter upon the subject, and was having detailed surveys prepared, when the Committee was ordered to assemble; but not knowing that the question of a weir at Hurdwar would occupy their attention, he removed the officer who was surveying there to employ him on a survey of the Khadir land between Sookertal and Gurmuktesur; some further measurements are therefore required before Colonel Dyas can submit a plan and estimate for a weir to Government. The Committee are not prepared to furnish a detailed plan, which would require a more comprehensive knowledge of the locality than they have had the means of acquiring.

Having in the foregoing Reports stated their views and opinions on the principal points connected with the subject referred to them, the Committee proceed to offer some observations on matters, which, though of secondary importance, will not, they trust, be considered irrelevant to the complete elucidation of the state and prospects of the Ganges canal.

Stone from the Sewalik Hills and Himalayas for the Canal Works

With respect to the use of stone from the Sewalik hills at Hurdwar, and elsewhere on the canal, the Committee having made the most careful enquiries, and to some extent, inspection of the localities, are satisfied that although stone of good quality may be obtained in small quantities scattered over the hills, yet there is apparently no single spot where quarries can be opened with the prospect of an abundant supply being met with, and that as regards the main Himalayas, they find that the search for stone has hitherto proved equally unsatisfactory in its result.

The Committee are however, convinced that the canal officers have used their best endeavours to obtain stone of suitable quality for the works, and beg to refer to the following replies from the Chief Engineer of Irrigation to queries put by them on the subject. They however, think that the search on the main Himalayas should be extended when the weather will admit of its being done more carefully than it could be at this season; and also that a quarry on a more extended scale than any which the Committee have seen should be opened at Hurdwar.

Extension of the Canal from Cawnpore to Allahabad

In the concluding paragraph of his first letter to the Government of India, Sir Arthur Cotton has strongly urged the necessity of carrying the canal as a line of navigation to Allahabad, as the point "which is essential to its effective operation;" and the Committee have accordingly given the subject their best consideration, especially as it appears to have been Sir Proby Cautley's original intention to adopt the same terminal point.

With regard to the irrigation of this extremity of the Doab, the Committee have been informed that the failure of rain is less frequent there, than further northward, but without accepting this as an ascertained fact, they may remark that it will be equally advantageous and more economical, to extend irrigation in the upper districts, as the great length of the canal has unquestionably been one material cause of its heavy cost, and disproportionate financial returns.

While, therefore, there are other objects of so much more urgent importance in connection with the canal, demanding attention, the Committee cannot do otherwise than advise that the Allahabad extension should for the present remain in abeyance.

Financial State of Canal

The Committee do not however consider that the annual statements of remunerative works, from which the forgoing particulars are taken, are at all a fair criterion of the merits of the canal.

The Committee believe that until very recently the Home Government continued to hold the same views, and it is to this policy the extraordinarily low water-rate which has been charged on the Ganges canal up to the end of 1864-65 is to be attributed.

The Committee are not aware to what extent per acre the land revenue of the country watered by the Ganges canal has been enhanced by irrigation; but they are of opinion that whatever it may be, it should appear as an item of canal revenue, and if it cannot be separated from the ordinary land revenue, and incorporated with the proceeds from water-rates, it should at least be exhibited in the annual returns to the credit of the canal. On this point the Committee entirely agree with Colonel Dyas, who has expressed his views in the following terms in his report for 1863-64:

“Nothing appears clearer to me than that all proceeds resulting from the construction of a work of irrigation should be clearly shown, whether they happen to be on the debtor or on the creditor side, whether profit or loss, for if they are not shown, how is it possible for Government to know whether it is advisable to construct any new work. It matters little under what names or heads the proceeds are shown, whether as land revenue, enhancement of land revenue, diminution of land revenue (a negative proceed) or water-rate; the one thing needful is to show them all clearly and not to allow any of them to be muddled up with the land revenue proper, that is, with the land revenue assessable, had the canal no existence.”

As an example of the effect of a canal in the N.W. Provinces in improving the land revenue, we quote as follows from a report also by Colonel Dyas, with reference to the Meerut district, watered by the Eastern Jumuna canal.

“Of that district at the time of the settlement, 71,920 acres were irrigated, and the land revenue from that land in 1848 was Rs. 1,35,195; hence the rate of land revenue for land irrigated at the time of the settlement is Rs. 188 per 100 acres.

Of the same district, 4,58,896 were (in 1848) unirrigated, and the land revenue secured amounted to Rs. 6,35,893, hence the rate of land revenue for unirrigated land is Rs. 138 per 100 acres.

The increase therefore due to the Eastern Jumuna canal is Rs. 50 per 100 acres, or eight annas per acre."

As regards the Ganges canal, it would appear that it has not heretofore received credit for any increase of land revenue, and it was impossible that the low water-rate that the charged up to the beginning of 1865-66, should alone suffice to return a profit on the capital expended.

Should however an increase of land revenue equal to that which as above has accrued to the irrigated land under the Eastern Jumuna canal, be credited to the Ganges canal when the new settlement comes into operation, the annual receipts will be increased by 8 annas per acre, on about 583,000 acres, on nearly 3 lakhs of rupees. From the returns obtained by Colonel Dyas from the Collectors, it would appear that in two districts alone, the enhancement due to irrigation amounts to Rs. 97,863 and the above estimate is more likely to be below than above the mark.

Fortunately for the future prospects of the canal, the Government have lately sanctioned the introduction of increased water-rates. From 1st May, 1865, they will be equal to about double what they were before. The average yield for last year will be about Rs. 2-4 per acre. Should the area of land irrigated by flow of water or gravitation, as compared with that irrigated by machinery, be raised, as is certain to be the case when the full supply is admitted into the canal, the profit per acre will be considerably increased, and for future calculations Rs. 2-8 is more likely than Rs. 2-4 to be the average rate.

The irrigation returns for 1865-66, have been received by the Committee. The receipts will be as follows :—

Water-rents — <i>Khureef</i>	Rs. 4,88,353
Water-rents — <i>Rubbee</i>	7,43,8-06
Miscellaneous receipts from sale of produce	66,226
Receipts from navigation	43,662
Total, Rs.	<u>13,39,047</u>

The charges for the year for repairs and establishment which the Committee have obtained from the Controllor, P.W. Accounts, N.W. Provinces, amount to Rs. 5,98,531, the nett receipts will therefore be Rs. 7,40,516.

The total expenditure on new works on the canal, including Rajbhuas, upto the end of 1864-65, was Rs. 2,08,14,654 the interest at 5 per cent, 10,40,732; the nett receipts only yield a return of fully $3\frac{1}{2}$ per cent; but if the enhancement of land revenue due to the canal, which is estimated approximately at upwards of Rs. 2,90,000 be credited in the receipts, the return for the year would be 5 per cent on the outlay.

However, if only the canal revenue proper is taken into account, the above figures show that the financial failure of the canal, even in its present half developed state, is of a very modified kind.

An increase of irrigation may be confidently anticipated, and as the charges for establishment and maintenance do not increase in the same proportion, the nett receipts will go on steadily increasing year by year. While for the five years, from 1860-61 to 1864-65, the quantity of water discharged by the canal remained nearly uniform, the irrigated area increased during that period from 3,42,909 acres to 5,66,514 acres, the revenue (at the old water-rates) from Rs. 6,45,111 to Rs. 9,90,866 and the area irrigated by each foot of discharge from 73 to 141 acres.

It is found on the old established canals from the Jumuna, that each cubic foot of discharge irrigates from 190 to 290 acres; the average may be taken at about 220; and if the Ganges canal attains to this standard, its fully supply of 6,750 cubid feet per second will irrigate 14,85,000 acres. But allowing only 200 acres per cubic foot, the area would be 13,50,000 acres, which at Rs. 2-8 per acre, will yield 33,75,000 rupees; to which may be added, at the lowest computation, 2,25,000 for miscellaneous revenue receipts and for navigation tolls or in all 36,00,000 exclusive of enhancement of land revenue.

Major Crofton estimates the total cost of the project, including all works in the original design, except the extension to Allahabad, at Rs. 3,10,00,000. If the additional works the Committee have recommended, raise the cost to Rs. 3,25,000 the annual charge at 5 per cent, will be 16¼ lakhs of rupees.

The maintenance eventually will, it is confidently expected, be on a far lower scale than it has been of late years, seeing that there have been unusually heavy repairs to masonry works, and extensive clearances due, not to the silt admitted from the river, but to the erosion of the bed and sides of the channel. Probably 7 lakhs per annum will suffice to cover all expenses. The net returns would then be 29 lakhs, which would not only suffice to cover the charge of 5 per cent, but to pay off the accumulated interest of former years, and that once effected, to yield a clear profit of 8 per cent per annum, exclusive of the enhancement of land revenue.

Considering therefore all the circumstances noticed above, which have hitherto tended so materially to frustrate the success of the Ganges canal in a financial point of view, the Committee are of opinion that its comparative failure up to the present time affords not ground for doubt of a fair and reasonable return from other irrigation projects, constructed with the express object of yielding a direct profit.

In concluding their enquiry into the financial prospects of the canal, the Committee would observe that complete economy in the use of water for irrigation cannot be looked for until the charge is made on the cubic quantity taken and not on the area of land irrigated, as is the present practice.

Under the present system no inducement is afforded to the cultivator to make the most economical use of the water; on the contrary, every inducement is towards wasteful profusion.

He pays the same tax per acre, for a particular crop, whatever may be the amount of water thrown upon it; and thus, if by throwing double the quantity upon the land he could increase the yield by only 2 per cent, it would be to his pecuniary interest so wastefully to apply it.

The number of acres irrigated on the Ganges canal by each one foot per second of discharge has been increased during the last five years from 73 to 141 in 1864-65.

The quantity irrigated by each foot per second of discharge on the Eastern Jumuna in 1864-65 was 220 acres.

But this is far below the theoretical maximum; and, as in the latter canal the Rajbuhars are now doubtless fully developed, indicates some defect in the system of disposal.

Mr. T. Login, an officer of great experience in these subjects, reports that from careful experiment he found that four time waterings of $2\frac{1}{2}$ inches, or a total of 10 inches in depth of water, was amply sufficient for a wheat crop in these soils.

A common concord of opinion amongst cultivators is that one foot of water suffices for a wheat crop.

Allowing 20 per cent of the whole discharge for absorption and evaporation, this would make the total required 15 inches in depth; or one foot per second of discharge should theoretically irrigate 580 acres of crops, consuming equal amounts to wheat crops, assuming that the water were fully utilised throughout the year.

The quantity of land actually irrigated by the Ganges canal in 1864-65 was 141 acres per 1 foot of discharge per second, and the depth of water consumed was 5.17 feet, or deducting 20 per cent = 4.65, or nearly four times the quantity actually said to be required for wheat crops.

But of the whole area irrigated, 30 per cent consists of Kharif crops; which, on the average, as at present composed, consumes nearly the same total quantity of water as the Rabi crops. Assuming the present proportion of *Rabi* and *Kharif*, and the present composition of *Kharif* crops to remain the same, and assuming that the water on the *Kharif* is equally utilised, then the area irrigated of average crops, both *Rabi* and *Kharif*, should be 414 acres per cubic foot of discharge.

The Committee are aware that the subject of the disposal of water by cubic measurement has from time to time engaged the attention of the canal officers, but as owing to the imperfect development of the Rajbhas and to the demand for water for extension of irrigation being of gradual and slow growth, the necessity for economy of water has not been so urgent as it will be when the canal shall have been completed.

The Committee would therefore recommend that the experiments now being made at Roorkee should include a comprehensive enquiry into the feasibility of bringing into use a cheap and effective water-meter, and they are of opinion that the great importance of the subject would warrant a liberal outlay.

Comparison of Financial Results of Madras Irrigation Works with those of the Ganges Canal

The financial results of the Great Irrigation Works in Southern India have been so prominently adduced as examples of what the Ganges canal, if constructed on sound principles, ought to have yielded, that the Committee think it necessary to remark briefly on the very different circumstances under which the works in the Northern and Southern Provinces appear to have been carried out, which are explained more fully in separate papers, recorded by two of their number.

It appears that in Madras nearly all the large works undertaken by the British Government have been to an important extent for the purpose of restoring and developing irrigation systems which, in a more or less imperfect state, had existed for ages. In Tanjore especially extensive channels from the Cauvery covered the Delta, and needed only proper regulation to render them thoroughly effective. In the Godavery and Kistna Deltas also, it is stated, that numerous old channels, some of which were of considerable size, had served to distribute, though imperfectly, a supply of water from those rivers. They were incorporated with the Delta systems dependent on the anicuts, and formed serviceable feeders of the new canals, thus saving a considerable cost in excavation, and expediting the distribution of the improved supply of water.

In other districts, extensive reservoirs of ancient construction, required only the powerful and of weirs across the feeding rivers, and in some cases connecting lines of channel, to restore and develop their storage capacity to its fullest extent.

Further, the rapid extension of irrigation in the South has been materially promoted by the fact of the people being accustomed to that mode of cultivation, and by their readiness to avail themselves of the large tracts of waste land fit for the cultivation of their great staple, rice, which can be raised only by artificial flooding in all the irrigated districts.

The Ganges canal on the other hand is an entirely new project from which no return could be derived, till the main works had been completed, and the results of which must necessarily depend on the gradual development of an entirely

new system of branches. Wheat, the great staple produce, can be raised in favourable seasons at moderate expense by well irrigation, and the proportion of available waste-land is but small, added to which, although the water-rate has been fixed very low, the sale of water depends wholly on the demand on the part of the landholders, which it is understood is not the case in Madras, while canal irrigation in these provinces is of but recent introduction; and not, as in the South, a system practised for centuries.

The Committee consider the foregoing causes sufficient to account for a great and apparently disadvantageous contrast between the North and South; but when it is also borne in mind that owing to the essential difference between the relative levels of the Delta rivers to their field of irrigation, and those of the Northern Doab to the adjacent land, a vast additional expense must be incurred in the latter case, in bringing the water to the surface, whether by taking off a canal from above or below the rapid slope of the bed following the debouchment of the river from the hills; they cannot but feel that no just comparison can be made between the results of works so very different in character as those referred to.



INDIA, MILITARY DEPARTMENT, SPECIAL ORDNANCE COMMISSION, 1874 — REPORT¹

DECEMBER 17, 1874

President	Major General F. Turner
Members	Col. W. Hatch; Col. Alexander Stewart; Mr. A.L. Haliburton
Addl. Member	Lt. Col. C.M. MacGregor
Secretary	Lt. E.H.H. Collen.

Appointment

The Special Ordnance Commission was constituted under the Military Department vide their Resolution No. 874, dated 17th December, 1874.

Terms of Reference

The first step to be taken towards a revision of the Ordnance Departments in India was:

- (i) to make a comprehensive enquiry into the work devolving on each of the manufacturing establishments, arsenals, magazines and ordnance depots in the three presidencies;
- (ii) in view to ascertain what reductions could be properly effected, under a system by which the various requirements of the public service should be met in the most efficient and economical manner, without reference to the limits of the different presidencies.

Contents

Introduction; Outline History of Present Ordnance Establishment

1. Military Department, Calcutta, 1875. Various pages.

and Principles which should guide their Redistribution; Number, Nature and Distribution of Arsenals, Magazines and Depots at present maintained in India; Number, Nature, and Distribution of Arsenals and Depots Proposed to be Maintained in India; Factories; Circles of Supply; Allotment of Stores to Arsenals and Depots; Executive Work in Arsenals; Establishments; Supply of Ammunition to the Army; Camp Equipage; Financial Review; Conclusion; Summary of General Principles and Recommendations; Addenda; Index.

Recommendations

Recapitulation of General Principles

That all troops should be so equipped as to be ready to take the field on the shortest notice and maintain themselves there for a reasonable period without extraneous aid, and that each corps, in addition to its equipment should have in possession a proper supply (say six months) of materials for repair of equipment.

That, as a rule, materials should be replaced periodically, emergent demands being the exception.

That Ordnance establishments should not be called upon to perform other than Ordnance work.

That arsenals and depots should not be multiplied beyond the number absolutely necessary for the efficient supply of troops in the field.

That arsenals and depots should, as far as practicable, be on the main lines of military communication.

That factories, when climatic conditions permit, should be as near the sea-board as is compatible with safety.

Number, Nature and Distribution of Arsenals and Depots Proposed to be Maintained in India

Ordnance supply establishments should be designated Arsenals and Depots, and the use of the term "Magazine" in that sense be discontinued.

"Arsenal" should signify an establishment for receipt, storage, issue construction, and repair of all munitions of war, and should comprise two classes:

- First class arsenals should be those placed at important strategical points to provide supplies for general operations, and to feed 2nd class arsenals, depots, and troops.
- Second class arsenals should be those located at points of secondary strategical importance for the supply of depots and troops.

“Depot” should signify a depository for ammunition and stores, and comprise two classes.

- First class depots should, in addition to reserves of ammunition, entrenching tools &c., for the troops dependent, maintain a small siege-train, and be capable, if necessary, of expansion into 2nd class arsenals.
- Second class depots should contain only ammunition and entrenching tools.

Number, Nature and Distribution of Arsenals and Depots Proposed to be Maintained in India

I. Arsenals necessary as primary bases of supply

1. Maintenance of Fort William Arsenal.
2. Maintenance of Bombay Arsenal:
 - (a) Increase of storage accommodation.
 - (b) Dockyard to accommodate stores, guns, carriages, &c., belonging to naval reserves and harbour defence.
3. Removal of Arsenal from Fort St. George to St. Thomas' Mount:
 - (a) Utilisation of Ordnance Depot and adjacent ground at St. Thomas' Mount for that purpose.
 - (b) Removal of adjacent buildings.
 - (c) Construction of an inexpensive defensive work round the arsenal at St. Thomas' Mount.

II. Arsenals necessary as secondary bases of supply

1. Early completion of Rawal Pindi Arsenal.

2. Abolition of Hyderabad Arsenal.
 3. Transference of Ferozepore to some position on the line, Ludhiana, Saharunpore.
Umballa to be defended by moderate fortification armed with efficient artillery, but capable of applying a system of detached forts.
 4. Maintenance of Allahabad Arsenal, repair and armament of fort.
 5. Thorough examination of sites at Khundwa, with a view to removal of Mhow Arsenal to that place.
 6. Restriction of expenditure on Mhow Arsenal.
 7. Bellary Depot to be raised to rank of second class. Arsenal and provision of a small armament for the fort.
 8. The Royal Artillery to have charge of ordnance mounted on the works at Aden.
 9. Rangoon Magazine to become a second class arsenal, capable of expansion.
- (a) Defences of Rangoon and harbour to be completed.
(b) Defences of arsenal to be completed.

III. Depot required as links in the chain of supply-communication

1. Second class depot to be established in the fortified post at Peshawar; withdrawal of arsenal to Rawal Pindi.
 2. Abolition of Dera Ishmael Khan Depot.
 3. Maintenance of a first class depot at Mooltan.
 4. Maintenance of a first class depot at Kurrachee.
- (a) Powder magazine to be surrounded by a thick earthen traverse.
(b) A wall to include it and the depot in one enclosure.
(c) Protection of this enclosure by a simple defensive work.
(d) Effectual measures to be taken to prevent any further encroachment by buildings.
5. Abolition of Bareilly Depot.
 6. Maintenance of first class depot at Agra, retaining its capability of conversion into an arsenal.
 7. Abolition of Neemuch Magazine.
 8. Abolition of Saugor Depot.

9. Abolition of Mhou Arsenal, and the establishment of one at Khundwa.
10. Maintenance of a first class depot at Ahmedabad, and its location in proposed fortified post within the cantonment.
11. Abolition of magazine at Nagpore, and maintenance of a first-class depot in its stead.
 - (a) Repair and armament of Sitabuldi Hill Fort.
 - (b) Removal of powder magazine in the fort from its present unsafe position.
 - (c) Withdrawal of establishment of camp equipage depot at Kamptee.
 - (d) Utilisation of his camp equipage depot building as depository for regimental camp equipage.
12. Reduction of Poona Arsenal, and a first class depot instead to be placed within proposed fort at Kirkee.
13. Abolition of Ahmednuggur Depot.
14. Abolition of Sholapure Depot.
15. Abolition of Secunderabad Arsenal, and a second class depot to be established in the Ordnance buildings in the Trimulgherry entrenchment.
16. Abolition of Hyderabad Contingent ordnance Depots of Aurangabad, Ellichpore, and Hingolee.
17. Abolition of the Belgaum Arsenal.
18. Reduction of Bangalore Magazine, and establishment of a first class depot within the proposed fortified post.
19. Abolition of Cannanore Depot.
20. Abolition of Trichinopoly Depot.
21. Abolition of Thyetmyoo Depot.
22. Maintenance of a second class depot at Tonghoo.
23. In removing or disposing of stores in reduced arsenals and depots, reference to be made to the course followed in Bengal in 1861 and 1870.
24. Maintenance of military roads.

Factories

I. Gun-carriage Factories

That two gun-carriage factories be maintained in India, – one at Allahabad and the other at Madras.

That the gun-carriage factories divided between Bombay and Poona be closed.

That the Madras factory be extended, if necessary.

That it be placed in a state of efficient defence.

That gun-carriages manufactured at Madras be tested with those made at Futtehgarrh.

II. Gunpowder Factories

Retention of the three gunpowder factories on their present sites.

Their extension, by the addition of another group of incorporating mills to each factory.

Where not already existing, provision of duplicate buildings and plant, complete with their own steam-power, for the more dangerous processes.

Provision of complete apparatus and proof guns for testing power in each factory.

Reserves to be manufactured locally.

Revision of the number of holidays allowed in Government manufacturing establishments.

Efficient defences for Madras factory.

III. Small Arm Ammunition Factories

For completion of reserves, to obtain from England, if necessary, a portion of the latest mark of Snider ammunition.

Extension of the factory at Kirkee, as detailed.

Gradual substitutions of extra workmen for permanent lascars and artificers.

IV. Foundry and Shell Factory

Maintenance of the foundry and shell factory at Cossipore.

Personnel of the supervising establishment to remain unaltered.

Increase to the plant of the shell factory.

Continuance, as long as found necessary, of the present system of supplying Madras and Bombay with projectiles from England.

V. Harness and Saddlery Factory

Cownpore factory to supply harness, Saddlery, and accoutrements to all India, when practicable.

Increased establishment and plant for above purpose.

Immediate stoppage of Bombay arsenal manufacture, and transfer of men.

Revision of periods of duration of harness and saddlery.

Circles of Supply

See Appendix F and Map No. 2.

Areas of supply to be reconsidered from time to time.

Allotments of Stores to Arsenals and Depots

That the proportions of principal stores authorised for Bengal be made generally applicable to the whole of India.

Second class depots to contain 300 rounds of small arm ammunition per man for troops, and 500 rounds per gun for horse and field batteries dependent; also entrenching tools for one-third of the troops dependent, and an adequate supply of sand bags and blasting power.

First class depots as above, and in addition, a siege-train, equivalent to the ordnance of a heavy field battery, complete in wagons, &c., and with full complement of ammunition.

Arsenals, whether 1st or 2nd class, to have full proportion on the scale laid down, of reserves of arms, ammunition, accoutrements, harness and saddlery, field and siege-trains, camp equipage, and, in addition, to maintain the balance of reserve ammunition for those troops which draw supplier from subsidiary depots.

Executive Work in Arsenals

Indents or Requisitions

Publication of equipment tables.

That demands for stores be put forward by corps twice a year; in the spring for service ammunition, and in the spring and autumn for stores to complete or repair equipment.

That indents for authorised stores be sent direct by corps to Commissaries of Ordnance for check and issue of stores.

That other than emergent demands for unauthorised stores be submitted to the Inspector General of Ordnance, and that emergent indents be dealt with as heretofore.

Contracts

That local purchases of stores be regulated as to quantities by estimates based on averages of the previous five years' consumption; that contracts be made for definite quantities, provision being made for the supply of any excess quantity required, and be paid for by the Ordnance Department.

Condemnation and disposal of unserviceable Stores

Regimental condemnation of stores to be abolished, and garrison boards be substituted.

Period of service to be the minimum time, and stores to be condemned only when unfit.

Stores not to be rejected on account of obsolete pattern or inferior quality.

Transfer of arsenal stock from serviceable to repairable or unserviceable column of ledger only under authority of Inspector General of Ordnance.

Condemned and unserviceable stores to be disposed of according to Bengal system.

No officer or subordinate to have any interest in disposal, sale, or purchase of unserviceable stores; sale to be effected by a public auctioneer.

Transport

Commissariat Department to undertake landing, shipment, and transport of stores.

Repairs for Regiments and Batteries

Commanding Officers to be held responsible that their establishments and allotments of stores are complete.

Barrack Furniture and Supplies to Other Departments

Bengal system to be introduced in Madras and Bombay Presidencies, and G.G.O. No. 303 of 1872 to be made applicable to all India.

Interior Economy

Bengal system of having each receipt and issue departments of 1st class arsenals, each in charge of a 1st class permanent conductor, to be adopted.

That 1st class permanent conductors of receipts be responsible to Commissaries of Ordnance for all stores tendered to and received in arsenals for distribution and receipt.

That 1st class permanent conductors of issues be responsible for compliance with indents and efficiency and despatch of stores.

That at 2nd class arsenals, with the exception of Rawal Pindi, a 2nd class permanent conductor be in charge of both receipts and issues.

That a warrant or non-commissioned officer be placed by roster on gate duty.

That according to the class of arsenal, workshops be a distinct charge under a 1st or 2nd class permanent conductor.

That every arsenal workshop be furnished with a ten or twelve H.P. engine, and a few simple labour saving machines.

Laboratory and powder magazines to be a distinct charge under a Warrant Officer; detached powder magazines to be in charge of Warrant Officers, the Warrant Officer being relieved every three or six months.

Arsenals at a port, to have an import and export branch under a Warrant Officer.

That in 1st class arsenals at ports the stores to be divided into nine sections or branches, and in other 1st class arsenals, into eight sections, each under charge of a Warrant Officer, with an assistant (store sergeant).

That in 2nd class arsenals the stores be divided into the number of sections suitable to their extent and variety. As a rule, each section of stores to have a Warrant Officer incharge, with an assistant (store sergeant).

Accounts

A uniform system to be established throughout India—first for arsenals; second for factories.

The Bengal system of account to be adopted for arsenals and depots throughout India.

Accounts rendered by factories to be based on the Woolwich system, modified as necessary.

A sub-committee, consisting of auditors and representatives of the factories and arsenals, be appointed to draw up a complete detail for universal adoption in India.

Establishments

European Commissioned and Warrant Officers

One first and one-third class Commissary, and one superior Warrant Officer, to each first class arsenal.

One second class Commissary and one superior Warrant Officer to each second class arsenal.

Ordinarily one superior Warrant Officer to each depot.

But for Agra, Kurrachee, Poona, one third class Commissary.

When the new system has been fully inaugurated, any excess of Warrant Officers to be withdrawn to the larger arsenals, to form a reserve.

European establishments of the three presidencies to be thrown into one general list.

Native Establishment Store Lascars

Maintenance of permanent organised body necessary.

Three-fourths of number of lascars employed to be permanent.

Uniform grades and rates of pay:

Supervising classes; three grades -

Sirdars at Rs. 20 per mensem.

Tindals, 1st class, Rs. 12.

Tindals, 2nd class Rs. 9.

Permanent Lascars—

1st class at Rs. 7.

2nd class at Rs. 6.

Strong opinion that rates of pay for lascars should be Rs. 7-8-0 and Rs. 6-8-0.

All permanent lascars to receive cloth jacket once in two years.

Artificers, and etc.

The system of extra hands to supplement permanent establishments to be adopted.

Corps of Carnatic Ordnance Artificers to be specially exempted.

Cornatic artificers, except at Bellary and Rangoon, to be withdrawn to gun-carriage factory, Madras.

At Bellary, Rangoon, and Madras, carnatic artificer foremen to assist permanent conductors in workshops instead of store sergeants.

Assistant overseer, Fort St. George, to be dispensed with.

Master armourer at Rangoon to be replaced by an armourer sergeant; the Chief Civil Master Armonver of Fort William Arsenal inspecting the arms in Burmah.

Remainder of bullet factory establishment and laboratory establishment at Madras to be abolished, and supply made from Dum-Dum and Kirkee for whole of India.

Reduction of one armourer sergeant and two assistant armourers, Bombay Ordnance Department.

Reduction of one armstrong armouver sergeants at Bombay.

Abolition of assistant overseer sergeant and European turners.

Master and assistant artificers in Bombay arsenal to be supplied.

Abolition of harness, saddlery and accoutrement and establishment of Bombay arsenal, and supply from England and eventually from Cawnpore.

"Nowgunnies" of Bombay arsenal to be extra hands.

Thirty-two boys for making up ammunition Bombay Arsenal, to be discharged.

Depot Establishments as detailed (para 528 of the original report).

Office Establishments

Discharge of native accountants in Bengal:

- Addition of 1 clerk at Rs. 40 to Fort William and Peshawar, and 2 clerks at Rs. 40 to Ferozepore.
- Number of clerks at Bombay Arsenal to be the same as at Fort William, viz., 18.
- Reduction of number of clerks of the Madras Arsenal to 18, reduction of 4 clerks at Rs. 20, and 3 at Rs. 25.
- Five clerks for Bellary Arsenal.
- Agra and Poona depots to have 2 clerks each, 1 at Rs. 50, 1 at Rs. 40.
- All other depots 1 clerk at Rs. 40.
- Revised office establishment as in para 537.
- That Government consider the advisability of placing the office establishments on a graded scale of pay, as in office of Inspector General of Ordnance and Magazines, Bengal, and Military Account Department.

Factories

Bengal Timber Agency to be maintained on its present footing, the Agent to be graded carriage Factory, and not classed as a Commissary of Ordnance.

A superior Warrant Officer or Deputy Commissary to be appointed assistant to the Superintendent of each small arm ammunition factory.

Posts of Assistant Overseer and Draftsman in Gun-carriage Factory, Madras, to be held by Foremen of the Carnatic Ordnance Artificers—to receive staff pay of these posts in addition to pay of rank, the number of foremen being reduced; these foremen and those at Futtehghar to be eligible for further promotion.

The permanent native establishment of artificers and labourers in the Madras factories to be gradually reduced and replaced by temporary labour.

Concurrence in recommendation of Inspector General of Ordnance, Bengal, that tindals and labourers employed in gunpowder making shall receive increase of wages for length of service.

Supply of Ammunition to the Army

The service and practice ammunition of all corps, excluding the 20 rounds in men's porches to be collected in a central magazine in a fort, where practicable, and under a European guard; the ammunition of each corps to be in a separate compartment, and the keys with quarter masters of corps.

An officer of the regiment to be present when ammunition is withdrawn, and an entry to be made in a book deposited with the sergeant of the guard. This book to be submitted periodically to officer commanding station.

At single stations ammunition to be in a fort.

Camp Equipage

Supply

Inspector-General of Ordnance to be solely responsible for supply.

Proportion

Introduction of modified Bengal system:

- Full war equipment of 1st class tents, with reserve of one year complete for a portion of the force.
- Reduction of reserves in Bengal.
- Abolition of separate allotments of tents for soldiers' families.

Distribution

Camp equipage to be in regimental charge where practicable:

- Otherwise in station central store.

- Stations throughout India divided into two classes, A and B. At A stations a full was equipment in regimental possession, with a reserve of one year's consumption in regimental change; at B two-thirds was equipment in regimental change, one-third as reserve in ordnance charge.
- Regimental camp equipage to be at disposal of Quarter Master General.

Tent Lascars

- Abolition of separate corps of tent lascars in Madras and Bombay.
- Regimental lascars to be with corps as in Bengal.
- Where camp equipage has to be placed in central store, portion of regimental tent lascars to be temporarily attached to arsenal, depot, organisation store. In latter case camp equipage to be in charge of a regimental non-commissioned officer, who should receive a small extra allowance.
- Separate establishment to be maintained for the Viceroy, the several Governors, Commanders-in-Chief, &c.

Cholera and Standing Camps

- Maintenance of proportion of 3rd class tents, i.e., those unsuited for field service, in arsenals and depots nearest to districts subject to epidemics.

Miscellaneous

- Troops relieving by rail to interchange camp equipage.
- Cost of actual repairs to regimental camp equipage to be paid to regiments on contingent bills presented on estimates approved by Inspector-General of Ordnance. Contingent allowance system to Native Infantry in Bengal to be abolished.
- Abolition of camp equipage depot, Madras.

MADRAS, SALT COMMISSION, 1875

— REPORT¹

JULY 29, 1875

President	Mr. C. Pritchard
Members	Mr. J. Geoghegan; Mr. H.E. Stokes; Mr. R.M. Adam; Mr. Venkaswamy Row
Secretary	W.A. Willock

Appointment

Her Majesty's Secretary of State for India, No. 8 (Separate Revenue), dated the 29th July, 1875, desiring an enquiry into the merits of the existing system by which the salt revenue is raised in the Madras Presidency under a Government monopoly and the expediency or otherwise of replacing by altered arrangements, together with other correspondence on the subject.

Terms of Reference

1. What is the quality and composition of the salt produced at the various works and sold by Government wholesale and by the dealers retail in different parts of the Presidency?

2. Are there any grounds for supposing that the people would prefer, or appreciate, a better quality of salt than that now supplied to them? Is it anywhere the practice to re-dissolve and evaporate the Government salt in view to obtaining a purer article for consumption? Is it anywhere the practice for the wholesale purchasers of and dealers in Government salt to adulterate it before allowing it to pass into the consumer's hands? Upon the subject it will be interesting to ascertain if any Bombay salt has been introduced into the Presidency of Madras by land since the opening of the railway.

1. Lawrence Aylum Press, Madras, 1876. viii, 248, I to xxvi & i to viii p.

3. What is the actual cost of Government to monopoly salt, including under cost all expenditure or loss, actual or constructive, on account of or connected with the salt, that would be avoidable were the entire salt supply furnished under a self-supporting system of excise, or imported by sea, made to pay duty before leaving bond and left thereafter free from interference? i.e., a system under which the licensed manufacturer defrays all expenditure which Government incurs to secure itself against any violation or evasion by the manufacturer of his servants of the excise law and rules.

4. What is the actual retail selling price of monopoly salt, (adulterated or not, as the case may be), in town and village *bazaars* in different portions of the presidency; and if in any locality this very materially exceeds the Government monopoly price, what are the items that compose the excess? The Commission should collect information regarding the distribution of the salt, the cost of carriage to different parts of the Presidency, and the amount of such salt which is exported to other parts of British India and to Native States; and give their opinion as to the average annual consumption of salt per head in the Madras Presidency.

5. Is the system under which Government now obtains its salt in any respect needlessly costly? What is the average percentage of wastage—first, between the time of manufacture and the taking over the salt by Government, and second, between this latter and the final sale by Government?

6. What is the extent and value for purposes other than salt manufacture of the whole of the land in the Presidency now occupied by open salt works?

7. Are there any, and if so what, practical difficulties attendant on substituting a system of excise for the present monopoly?

8. What would be the probable result — first, as regards the cost to the consumer, second, as regards the net revenue to Government — of substituting an excise for the present monopoly?

9. The Commission will also examine and report on the cost of manufacturing of salt in Pooree and other salt works in Orissa which border upon the Madras Presidency.

Contents

Introductory; Historical Background; Present System; Quality and Composition; Cost; Consumption; Retail Prices of Salt; Distribution; Monopoly and Excise; Pooree Salt; Recapitulation and Conclusion. Appendices A to E.

Recommendations

It may be well here very briefly to recapitulate in a general way the results we have arrived at on the various points which we have had under consideration, and the recommendations which we have made.

We recommend a revision of the existing law, as wanting in clearness and precision on the most vital points and as omitting to vest the necessary powers of investigation in the police.

We conclude that the number of registered holders of pans was somewhat diminished since the time of Mr. Plowden's report, while the average out turn of salt per registered holder has considerably increased; but we would not be supposed to believe that the registered holdings represent all interests in salt-pans.

We recommend that the possibility of still further reducing the number of works should be considered, and we name certain works which, in our judgment, are *prima facie* superfluous.

We think that on the whole the brine-supply is sufficient in quantity and strength and satisfactory in respect to purity. There are, however, exceptions under each head.

The mechanism of supply is primitive, and in some cases probably wasteful.

No very certain conclusions can be come to as to whether the size of a set of pans has been diminishing within the last 20 years. The case may be said as to the proportion of surface allotted to concentration previous to final precipitation. Such figures as are forthcoming tend to show that no material change has occurred in either respect.

Three radical errors appear to us to run through all types of manufacture in Madras: (1) the brine is admitted to the crystallising beds at too low a density; (2) the irrigations are too

shallow; and (3) there is no arrangement for the elimination of the fluid left after precipitation of sodium chloride. There is some evidence to show that the second defect has become aggravated in the course of the last twenty years.

The season of manufacture varies in different districts according to the distribution of the rain-fall. Agricultural exigencies have also some influence, and in individual years the dittam system, under which the Collector fixes the amount of salt to be made at each station, affects the period of manufacture at some works. This effect is most apparent in retarding the commencement of the work. In respect to the cessation of manufacture when the quantum is made up, we think that the system is not strictly worked.

There are other disadvantages in the dittam system, as for instance the power of limiting the production of an individual set of pans entrusted practically to the Superintendent of a division.

The present practice as to rejection of salt vests subordinate officers with dangerous powers. An improvement in cleanliness of salt has been attained by the rejection of late years of considerable quantities of salt.

We consider that the delay in storing salt under present arrangements is greater than it ought to be, and recommend that orders should be issued for its abridgement. A few days' dryage on the ridges would, in our opinion, suffice. Allowing for the admitted delay in beginning storage, the storage when once begun does not seem to lag behind production.

The loss which by wastage falls upon the ryot we believe to be considerable, especially at the Ennore pans and at Vedaranyam, where the salt is carried by canal to the Government storing-grounds. The estimates of the amount vary immensely, but shew in the aggregate 8.6 per cent. They can hardly be relied on, but we believe that they are within the truth.

We consider the weighing machines in use, especially the platform machines, not as accurate as is desirable, and recommend that they should be superseded by beam-scales with moveable tripods. The arrangements for testing scales and weights are not satisfactory. We think standard weights should be everywhere supplied and rules laid down for systematic testing of scales and weights.

We suggest that rules should be laid down regulating the order in which the salt of different owners shall be received into store.

With some exceptions, Kudivaram appears to be punctually paid, but the statements obtained are not quite conclusive. There is no rule making it the duty of superior officers to ascertain that the payments actually reach the manufacturers.

The proportion of heaps re-weighed by Deputy Collectors and Collectors has been quite insufficient to secure any real test of the quantities weighed in, instead of 1.55 per cent. Which the statistics of the past show, we think that no less proportion than 15 or 20 per cent should be tested.

We have analysed the statements of wastage and separated that due to ordinary causes from special wastage arising from cyclones, fire, or other extraordinary causes. The results are, however, vitiated by over-storage, which we believe to exist, though to what extent it is impossible to say. Still we think that an improvement in the way of more accurate storage has taken place of late years.

We recommend that except in small deliveries, say, not exceeding 2 maunds, all persons buying salt should be obliged to bag it before weighment.

We strongly recommend that all discounts, ordinary or special, should be done away with, and all salt weighted before sale. When the special discount is so large that salt is sold for less than the net duty, the arrangement obviously involves a sacrifice of revenue. It would pay better to destroy the salt.

We see no special objection to the continuance of the system of purchase on credit, except that the length of credit may cause some inconvenience and derange the finance accounts.

We consider the present arrangements for the export of salt extremely lax. An examination of shipments from Tuticorin to Travancore especially shews this. We suggest that prepayment of duty, or deposit of substantial security, should be compulsory on all salt shipped for British Indian ports, or for any Travancore or Cochin port. Prepayment would be the only effectual means of securing the revenue in case of salt shipped to other ports. But if a strict check on quantities landed could be enforced, arrangements for deposit and refund might be made. We recommend that no wastage allowance should, in any case, be given.

We consider the accounts or records of the salt department, though drawn up on right principles, to stand in need of simplification and revision with reference to the existing state of things. They should be kept in bound books, with paging properly attested. The returns submitted to the Board are purely fiscal and give no means of judging of the executive working of the system.

We strongly urge the abandonment of the Fasli year and the adoption of the official year in all salt transactions.

We are decidedly of opinion that to secure an effective control and a proper uniformity of system, Collectors should be relieved of the charge of the salt revenue, and a separate head of department appointed; the officers under him being made to constitute a separate branch of the public service, and being selected with a view to ensure a class of men thoroughly trustworthy, of sound physique, and of a character fitted to command respect and enforce discipline.

The existing establishments are, in our opinion, too weak and underpaid. Some of the measures we have recommended will, if adopted, of themselves necessitate a strengthening of establishments.

We believe that the scale of police guards over the salt-pans stands in need of thorough revision, and on the whole, considerable strengthening. On the drying-grounds also salt is exposed to danger of theft; and in the case of salt carried from the Chingleput and Vedaranyam pans to the places where it is respectively stored, we think that the risk to the revenue is very great, and that present arrangements call for serious consideration. We recommend that Vedaranyam salt should be stored and sold at Vedaranyam, and that in Chingleput, unless arrangements can be made for the trustworthy weighing of salt at the pans and its protection on route to the depots, it should also be stored locally. Even the platform guards are in places too weak.

The arrangements for the prevention of illicit manufacture and collection are reviewed by us. We doubt the sufficiency of the force at present maintained. In the Pudukottai State, in Trichinopoly and in parts of South Arcot and Madura the danger to the revenue from earth-salt appears considerable, and we suggest some arrangement with the Raja for suppression

of the manufacture in Pudukottai, and special preventive measures with the same object in British territory. The force kept up at Vedaranyam for guarding the salt swamp there we consider quite inadequate. In our report on the West Coast we have already recommended decided measures for the prevention of illicit manufacture in Malabar and South Canara.

The danger from saltpetre manufacture does not appear to be very great, but we think the Act of 1861 might with advantage be extended to Madras, and that in the Ceded Districts the working of that act might be entrusted to the special establishment which we recommend for the suppression of earth-salt manufacture there.

We are of opinion that all police employed in salt duties, protective or preventive, should not form a part of the district police, but should be a separate branch of the salt revenue service, under the control of the head of the department.

On the subject of the earth-salt manufacture of the Ceded Districts, we conclude that the measures ordered in 1873 have not, as carried out, had the effect of diminishing the out-turn, and that it is impossible to work the licensing system, which has in fact, in Kurnool at any rate, become an excise. We are decidedly of opinion that even now suppression is the wisest course, and that the money expended in organising a special preventive service on the model of the internal branch of the Inland Customs Department in northern India and in paying the compensation to which it may be held that Government is committed, would be well laid out. If the suppression in British territory be carried out, we suggest that negotiations should be entered into for simultaneous suppression in the Nizam's territory, the Jaghire of Banganapalli and Mysore.

With respect to the arrangements for the supply of salt to the French settlements in India, we conclude that at Mahe and Pondicherry there is reason to suspect that a portion of the salt sold to the French is consumed by British subjects. At Pondicherry the two territories are so intermixed that we doubt if any arrangement short of an interchange of territory will meet the difficulty as regards villages within the outer cordon, though we think the fact that the quantity supplied far exceeds any probable consumption by French subjects might properly, if opportunity offered, be brought to the notice of the French

authorities. The prevention of salt smuggling beyond the outer cordon should be considered as part of the land customs preventive scheme generally. At Karikal and Yanam there is no reason to suspect smuggling and at Mahe the possible loss to the revenue is trivial.

The rate of consumption of salt in Travancore leads us to suggest a more thorough enquiry than has yet been made, as to whether the salt sold in that state is all consumed there, and if not, where the balance goes to. Should it be found that any passes into British territory, we think that both the terms of the convention and the sacrifice made by the British Government under it would warrant the urging of a claim that the Travancore Government should take steps to prevent the exportation of its salt, to the damage of British Indian revenue.

In regard to the composition and quality of the salt as sold from the Government stores, we find that the specimens analysed vary much; some salts may be called fair, others are bad. But, taking the East Coast salt on the average, we find that it contains very nearly 85 per cent of chloride of sodium and is inferior in that respect to the specimen of Bombay salt obtained from Ghorebundur, and very markedly to Liverpool or Punjab salt. The average of moisture is 9.281 per cent., an excessive proportion, detracting much from the commercial value of the salt. The defect is connected with the excess of chloride of magnesium (2.233 per cent) which is also, by reason of the deliquescence of that substance, a marked drawback from the commercial value of Madras East Coast salt. The other chemical impurities amount to less than 2 per cent, and are objectionable as displacing chloride of sodium, but we believe are not noxious in the quantities in which they occur. The same may be said of the insoluble inorganic matter and probably of the matter present, but as to the last we have no certain evidence. The small size and want of cohesion of the crystals are grave drawbacks from the commercial value of the salt. In composition the average Madras salt does not differ much from the average of the 3 specimens analysed of Bombay salt imported for the West Coast monopoly, but in point of hardness the former is manifestly inferior.

We think that, though Madras salt is open to the objections specified, the picture of its defects drawn by Mr. Falk is much

overcharged. The percentage of total impurity is in no single specimen analysed so great as stated by him, while the average Ennore salt, to which his strictures seem mainly to relate, contains less than half the amount of impurities alleged. We do not consider it in any way proved that salt contains organic matter of a kind or in a quantity or condition likely to make it a means of propagating disease.

We have instituted a comparison of the specimens according to the source of brine supply, which tends to show that salt made from pit brine or partly from sea-water and partly from pit brine contains most chloride of magnesium. But we do not wish to lay stress on this or any other results deduced from the comparison in this particular respect.

The analyses of samples of Madras-made sea-salt as sold retail in district markets shew on an average a little over 84 per cent of chloride of sodium, a proportion not far below that yielded by the average of the complete analyses of platform salt. No very definite conclusions can be drawn as to dryage between the platform and the *bazaar*. Insoluble impurities, both organic and inorganic, show a slight increase in *bazaar* specimens.

The analyses do not, in our opinion, evidence international adulteration of salt by traders. Nor do the reports of Collectors contradict this view. On the whole, we think that, except perhaps in the Ceded Districts where mixture with earth-salt is more common, wilful adulteration of monopoly salt does not prevail to any great extent.

The practice of dissolution and re-evaporation does not prevail to a degree which indicates any general discontent with the quality of the salt now supplied, nor can we say that there are any general complaints on the subject, though particular salts are locally objected to. But we think that facts which have come to our knowledge shew that consumers discriminate between different kinds of salt and that the better kinds fetch higher prices and are preferred. In some cases, however, unfounded prejudices make themselves felt, as in that of the excellent spontaneous salt of Vedaranyam.

We have submitted detailed statements showing the cost of salt during the 10 years ending 1874-75. The detailed results need not to recapitulated here. The total cost on the 10 years' average is set down by us at 3 annas 5.6 pies on the East Coast,

8 annas 9.7 pies on the West Coast, and 4 annas 1.7 pies for the whole Presidency. A correction may possibly be needed for pensionary charges of establishments. This would raise the cost of East Coast salt to 3 annas 6.1 pies. The cost varies much from district to district, and we have briefly pointed out the causes of the variation.

We have endeavoured to separate the items of cost as calculated which correspond to what would be charges falling direct on manufacturers under a system of excise, and find them to amount on the average of the East Coast to 1 annas 10.9 pies. The remainder of the cost consists of the revenue charges.

Besides the items making up the cost of salt there are certain losses or disbursements properly chargeable against the salt revenue in any general review of the net fiscal results of the tax. These are, loss by export arrangements, loss by the discount system, certain compensation and allowances, payments to the French Government and payments connected with salt made to the Governments of Travancore and Cochin under the convention of 1865. The summary of all items shews for the East Coast the following charges per maund of salt :

	A. P.	
Cost of salt including establishment		
pensionary liability	3	6.1
Loss on export system	0	1.3
Loss on discount system	0	2.4
Compensation, and etc.	0	0.5
French subventions	1	0.8
Chargeable under convention with		
Travancore and Cochin	0	1.5
	<hr/>	
Total	5	0.6
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Under the head of land assessment we have only entered what would be assessable on the cultivable portion of the area occupied by salt-works, if the land were cultivated. In this connection we have endeavoured to answer the 6th question of the Government Resolution, viz., the value for other purposes than salt manufacture of the land now occupied by salt works.

We are of opinion that, though it would be going too far to say that all lands so occupied are uncultivable, and though the returns may shew a less area to be cultivable than is really the case, yet in the present relation of demand and supply of land for purposes of agriculture and in the existing condition as regards pressure of population on the soil, the lands used in the production of salt are not such as to command any value and that the statements of Mr. Falk on the subject are much exaggerated.

As to whether the present cost of producing salt is excessive, we think that, so far as administrative management is concerned, this is certainly not the case. In fact both establishments and guards are too weak. Some economy would, however, result from closing the smaller works. In respect of the payment to manufacturer and, at some places, the outlay on works, we think there is some extravagance.

We have shewn not only the average cost of East Coast salt for 10 years, but that for 5 years and approximately for the single year 1874-75. The increase is mainly due to short manufacture.

Our conclusion on the subject of consumption is that, taking the population as given by last census and estimating the amount consumed on the average of 5 years' sales, the quantity of licit sea-salt used yearly within the limits of the Madras Presidency, Mysore and Coorg may be put down at 11.38 lbs. per head. We think that there are no sufficiently trustworthy data to enable us to calculate and exclude the separate consumption of Mysore and Coorg. The use of earth-salt in the Ceded Districts and Mysore and of the questionable salt of the West Coast in Malabar and South Canara (and probably in other districts too) considerably raises the rate of consumption elsewhere. If we exclude the 3 millions believed to eat nothing but earth-salt in the Ceded Districts, the rate rises to 12.38 lbs. per head of the remainder of the population.

There are no thoroughly accurate data for estimating the consumption in particular tracts; but we think there is reason to believe that the consumption of an area made up of the Tinnevely and Madura districts and certain portions of Coimbatore, Pudukottai and Trichinopoly reaches the rate of 14 lbs. per head.

We have worked out the retail prices at a number of stations and given an abstract of them by districts. We have then endeavoured to calculate the actual cost of carriage and thus to estimate the traders' profit. The latter item comes out remarkably low, on an average 3 annas 10 pies per maund.

We have discussed these results and are of opinion that, while it is probable that the retail prices on which the calculation is based are somewhat less than those actually prevailing, there are many circumstances which would make it reasonable to except a low selling price, and that the results are not very wide of the truth.

We have analysed at some length the railway traffic in salt. Data of the quantitative distribution of salt by other means of carriage are wanting, but we have attempted a general sketch of the directions of salt trade. Our conclusion is that the general direction of traffic is determined by the cheapness of the salt, and that the trade is very sensitive to change affecting cost whether in respect of carriage of first price.

We are of opinion that if the substitution of an excise for the present monopoly be determined upon, the change must be gradual. Competition among the manufacturers is essential to the success of an excise. We do not anticipate that the poverty of manufacturers will prove a formidable obstacle. The disposal of existing salt works is a practical difficulty. Works for storage and revenue purposes should, we think, be kept under Government control, while works of manufacture might be made over to the manufacturers, the interest on the cost of existing works being recovered. The charges on those accounts, as well as those for the cost of supervision and prevention can, in our opinion, only be recovered by a cess in some form, not by the levy from manufacturers of the actual amounts expended, according as they are spent. We do not think an acreage charge on salt-works a desirable way of recovering these amounts. The cess must, we think, as a rule, be calculated on the average of a district. As long as monopoly works continue to exist side by side with works under excise an adjustment of the monopoly price according to the cess levied at excise works would be necessary. We think that the cess had better not be incorporated with the excise duty. We are of opinion that no charge should be made in the way of land revenue for lands now occupied by salt

works. Compensation in some special cases may be necessary. If excise be introduced, Government stocks should, when the new system has established itself, be sold in small quantities at a time, for such price as they will fetch in excess of the duty. The stocks should be made as large as possible before the change is begun.

As to the probable effects of the change on the cost of salt to the consumer, we think that there are grounds for expecting a decrease of 6 pies per maund in first-hand selling price, that there is some danger of a part of this reduction being intercepted by new intermediaries, and that the average cost of carriage will form a slightly larger item as the average distance the salt has to be carried will, if the works are reduced in number, tend pro-tanto to increase, but that any disadvantages under these heads are likely at least to be compensated by the improvement in quality, which, we think, will be marked under excise. We do not believe that there is any danger of a permanent shortness of supply.

We are of opinion that the change is not likely to affect the revenue injuriously. We are not unanimous as to the places where excise should first be introduced; indeed one member, Mr. Venkaswamy Rao, dissents altogether on the question of excise. The majority who recommend excise are agreed that the change can only safely be made if its introduction is entrusted to a special officer who shall devote his whole time and energies to the work.

The excise law will probably, we think, require some amendment.

In regard to Pooree sun-evaporated salt, our conclusion is that at present rates of duty it cannot to compete with Ganjam salt in any market.

COMMITTEE APPOINTED TO EXAMINE THE TEXT-BOOK IN USE IN INDIAN SCHOOLS, 1877 — REPORT¹

APRIL 23, 1877

President	Mr. E.C. Bayley
Members	Mr. Narayan B. Dandekar; Mr. R. Griffith; Mr. R.G. Oxenham; Dr. G.W. Leitner; Mr. Kristodas Pal.
Secretaries	Mr. C.H. Tawney and Mr. E. Lethbridge.

Appointment

The Committee was constituted under the Home Department vide their Order dated 23rd April, 1877.

Terms of Reference

To consider the text-books used and the methods of instruction followed in Indian schools, carefully avoiding any encroachment upon the province of the Universities.

Contents

Letter from E. Lethbridge, Esq., M.A., to Home Department; Report of the Committee Appointed to Examine the Text-Books in Use in Indian Schools; Memorandum on the Committee's Report by Colonel R.M. Macdonald; Memorandum on the Committee's Report by R.G. Oxenham, Esq.; Memorandum on the Committee's Report by the Hon'ble Rai Kristodas Pal, Bahadoor; Appendices I to XIII.

Recommendations

We are convinced that it is essential to the proper preparation of school-books that their should be based upon some uniform

1. Home Secretariate Press, Calcutta, 1878, 342 p.

classification of studies throughout India. We have been led to the consideration of this question by a memorandum submitted to us by Major Holroyd, President of the Committee for the revision of the statistical returns of the Educational Department. We by no means wish to insist on any uniform classification of schools, because in certain Provinces one or more departments are contained under the same roof. But we cannot see why instruction should not be classified. We beg accordingly to recommend that education throughout India should be divided into primary, secondary and college instruction.

Primary instruction should in our opinion always be given in the mother tongue. It ought in fact to include that amount of instruction which no individual in the community should be without, that is to say, readings and writing the mother tongue grammatically, simple arithmetic (not excluding local and professional modes of calculation), the elements of geography (with special reference to the pupil's own district), and acknowledge of the most ordinary natural phenomena.

The next stage of instruction we would term secondary: it should include all instruction, from the conclusion of the primary stage up to the matriculation examinations of the various Universities. No pupil should be allowed to enter upon the secondary stage of instruction without passing an examinations in the subjects included in primary instruction. The proficiency of students in the secondary stage will of course be tested by the matriculation (or entrance) examinations of the Indian Universities. All beyond that is college instruction. Secondary instruction will naturally resolve itself into vernacular, Anglo-vernacular and English, accordingly as it is conveyed through the medium of a vernacular language only, or partly in such a language and partly in English, or wholly in English. The division we recommend need not entail violent change in the system pursued in any Province. At the same time it is perfectly definite. No reasonable doubt can possibly exist as to where primary education ends and secondary education begins; and secondary is clearly distinguished from college instruction all over India.

There remains are other point to be considered before we enter upon the question of the best means of securing satisfactory English and Vernacular text-books throughout India. This point

is suggested by our review of the provincial reports : it concerns the proposals that have been made for an imperial series.

It will be seen that some of the Committees suggest one imperial series of English text-books for the whole of India. There are no doubt fair arguments in favour of recommending such a series. The English instruction to be given throughout India is much the same in every Province, and it might fairly be urged that it would be easier to obtain one good imperial than many good local series. But the objections to such a series seem to us to out-weigh the arguments in its favour. To begin with, we are strongly of opinion that the English text-books used in the lower classes of English-teaching schools should be furnished with notes and a glossary in the mother tongue of the pupil. It follows that a part, and perhaps the most important part, of the school-books intended for the lower classes would have to be different in each Province. Moreover, there does not exist, as far as we are aware, any machinery for preparing such a series at the disposal of the Government of India. It cannot be supposed that an imperial series, however excellent, would wholly escape hostile criticism; and it would be doubt need continual revision and corrections. This would require the withdrawal of some of the best educational officers in the country from their duties for long periods of time. With regard to text-books on arithmetic, there is one serious practical objection. It will be very difficult to adapt any one book on arithmetic to all the varying local measures and weights. Another practical objection is that it is impossible to get books equally adapted to all the various kinds of schools. Thus the books which suit a Burmese Monastic school might not be held suitable for a Non-conformist, a Presbyterian or a Roman Catholic Missionary school; and books quite unobjectionable for the latter would certainly be often unsuited for use in Government non-sectarian schools. On the other hand, there is every probability that before long perfectly satisfactory works will be produced by English publishers. Their attention has been drawn to the requirements of India, and we may trust to the stimulus of enlightened self-interest to do the rest. Indeed, a series has already been brought out by Messrs. Macmillan and Company under the editorship of Mr. Lethbridge, which is a great

improvement upon all preceding works of this nature. It will no doubt be subjected to careful revision from time to time, and there is every reason to believe that the enterprising publishers will not relax their efforts until they have provided India with a series that will be as nearly perfect as it is possible for anything of the kind to be. It is difficult to speak too highly of Morris' *Primer of English Grammar*, *qua* *English Grammar*. But the adaptation to the wants of Indian students has been done in a very perfunctory manner, and one or two illustrations are even calculated to lead the pupil astray. But this fault will, we may presume, be corrected in a future edition. There can be no doubt that the two easier of Morris' three *Grammars* will satisfy the requirements of the upper classes in schools. The works of Adam and Bain are also well suited for the upper classes. The new Madras series may be soon expected. There is every reason to believe that it will be satisfactory; and thus with two series to close from, besides the junior readers which are being prepared in the North-Western Provinces, the immediate requirements of Indian students will be sufficiently provided for. It seems very likely that those who object to Mr. Lethbridge's *History of India* will be satisfied with Dr. Hunter's, now under preparation for the Government of Madras; or the two books might possibly be used together with advantage. Mr. Clarke's *Geographical Reader* is on a good principle, and is distinguished by many excellences; when some light inaccuracies are removed, it will no doubt be a remarkably perfect manual. To sum up, it does not seem desirable that the Government of India should take steps to secure results, which will soon be brought about without any exertion on their part.

What has been said against the desirability of an imperial English series will apply with much greater force to the question of vernacular text-books : and as the vernaculars of the various Provinces are, as a general rule, different, it is obvious that the suggestion of an imperial vernacular series is altogether out of place. There is the further objection that such a series would be in most instances a translation or adaptation from works composed in another idiom, and could hardly ever be rendered into all the several vernaculars with the freedom or grace of an original work. We proceed to describe the nature of the machinery which in our opinion is required in every Province to control the

production of Vernacular and English text-books, and which already exists to some extent in Bengal and the Punjab.

We accordingly recommend that a Standing Committee of reference be appointed in each Province to choose or, if necessary, prepare appropriate vernacular text-books. The Committees so constituted should draw up a list of suitable books divided into two classes, – the first class comprising those books that may be used in Government and aided schools, the second comprising those books that may be used in aided schools only. No book not included in one or other of these lists, unless it be a book such as the *Bible* or the *Koran*, used in *purely denominational* schools for purposes of religious instruction, should be read in any school supported or subsidised by Government. The Standing Committee of each Province should present a report at the end of every year, together with a revised list of books to be published in the Government Gazette with the orders of Government thereon. The Directors of Public Instruction should in their annual reports notice how far the orders of Government have been carried out. In case the Standing Committee of any Province should find that no suitable text-book on any specified subject legitimately included in school or college instruction exists, they should take steps to have such a work prepared. The Standing Committee should also make it their business under the direction of their respective Governments to encourage by all means in their power the development of vernacular literature.

An English Text-book Committee should also be established in every Province with similar powers and similar duties. It is extremely probable that in many Provinces it would be found convenient to form only one Committee to examine both English and Vernacular books; but in others the *personnel* of the two Committees would naturally be different. Many gentlemen are admirable judges of English text-books, who are scarcely qualified to pronounce an opinion upon vernacular works. The Constitution of these Committee would be a matter for each Local Government to settle. We think that the Director of Public Instruction should be *ex-officio* a member of both Committees, and Principals and Headmasters should certainly be put upon the English Committee. Inspectors of Schools would probably be useful in both. Steps should be taken to furnish each provincial Committee

with the lists of approved works published by the other. These local Standing Committees would of course avail themselves of the information accumulated by the temporary Committees whose reports we are now considering. Steps should be taken by the Government of India to secure the harmonious co-operation of these provincial Standings Committees, which co-operation would be especially valuable in the case of two Provinces having a vernacular language in common. Each Standing Committee should be ordered to procure copies of all the text-books approved in other Provinces, in order to form the nucleus of a text-book library of reference. It may reasonably be expected that, as soon as the constitution and duties of the Committee become generally known, authors of text-books in English and in the Vernacular languages would gladly forward specimens of their works, with the hope of gettings them put on the list of approved manuals. This would materially diminish the expenditure involved in the scheme.

We now come to the principles which should guide the local Committees in the preparation and selection of text-books: and we trust to be excused if we incidentally make some suggestions for the improvement of school studies generally, though this may not be strictly any part of our duty.

It has been clearly shown by Dr. Leitner, one of our members, that our present school-books in some Provinces are defective in moral teaching. Bearing this in mind, and at the same time observing the great popularity of Mr. Hope's series in Guzerat, which is distinguished by the prominence given to simple moral lessons, we recommend that every series of vernacular readers for primary instruction should contain lessons on the following subjects :

Reverence for God, parents, teachers, rulers, and the aged.
A simple sketch of the duties of a good citizen, and universally admitted principles of morality and prudence.

Cleanliness of habits, politeness of speech, kindness of conduct to other human beings and the brute creation.
The dignity and usefulness of labour, and the importance of agriculture, commerce, the various trades, professions and handicrafts.

The advantages of bodily exercise.

The properties of plants, the uses of minerals and metals. The habits of animals, and the characteristics of different races, and common natural phenomena, fables, and historical and biographical episodes chiefly derived from Oriental sources.

Simple poetical extracts should also be introduced into these readers. The secondary series should in part go over much the same ground, and should also include lessons on money matters, on manufactures and the mechanical arts or science and the laws of health.

Readers intended for secondary instruction would of course treat much the subjects with which they deal at greater length and more thoroughly. We do not pretend to give an exhaustive list of the subjects which should be introduced into readers. It is rather our object to mention certain topics which should by no means be omitted.

The following principles should be kept in view in the selection of text-books for instruction in English :

(1) Readers should be graduated according to increasing difficulty of idiom, not, as is too often done, according to increasing length of words. Readers generally commence with letters and words of one syllable, doubtless owing to the fact that formerly most of the readers used in Indian schools were originally prepared in England and to teach English boys the first use and combinations of letters. In the opinion of the Committee, as far as these steps of reading are concerned, the students of English-teaching schools in this country ought to have already acquired them in the vernacular.

(2) Readers intended for the lower classes should be provided with notes and a glossary in the vernacular.

(3) Works intended to teach the English language should be entertaining rather than instructive. The subjects of the earlier lessons should be such as are familiar to Indian boys, in order that time which ought to be spent in teaching the language should not be wasted in explaining ideas. We here take the opportunity of remarking that in the lower classes of secondary schools substantive knowledge had better be imputed in the vernacular.

(4) One great desideratum is a properly graduated series of English *Exercises*, so arranged as to practise the student in translating from his own vernacular into English and from English into the vernacular.

(5) An easy English Grammar for the lower classes of school should be prepared in the vernacular of each Province.

(6) Great care should be taken to graduate the series correctly. No series ought to have the same extract in two or more successive numbers.

(7) In all readers, particularly in those intended for the lower classes, the prose extracts should be more numerous than the poetical. The poetical pieces introduced should be of a simple character, and should be committed to memory by the pupil.

We have already stated our opinion that there will soon be no dearth of suitable text-books in history; and it does not seem desirable that the Government of India should enter into competition with Macmillan or the Clarendon or Pitt Presses. As there seems however to be some doubt as to the order in which history should be taught, we wish to record the view which, after discussion, approved itself to the majority of the Committee. It is briefly this. The study of history should begin with the pupil's own Province, then should follow the history of India, afterwards that of England, and so much of general history as is necessary to illustrate it: the history of the student's own Province might probably be studied in the vernacular. A minority of the Committee is in favour of teaching the History of England as an episode in the history of the world. But England and India are so intimately connected, that next to the history of his own country the History of England must always be of paramount importance to a native of India.

The same principle should be followed with regard to geography. Geography should always be studied with an atlas, and of possible with a globe. We consider that Mr. Clarke, in making his treatise on geography a companion to the atlas, has followed the right method.

We here take the opportunity of remarking that in our opinion it is very desirable that schools throughout India should not only be supplied with wall-maps, but, wherever possible, also with large coloured engravings of the varieties of the

human race, the costumes of the principal nations, remarkable beasts, birds, and etc., such natural phenomena as the Aurora Borealis, the mirage, volcanoes, geysers and waterspouts, sketches of scenery, and celebrated towns and buildings, &c. were such engravings hung upon the walls of the school, the mere view of them would tend to enlarge the mind of the scholar, and they would give point to many a descriptions which would otherwise fall flat upon the class.

In considering the duty imposed upon us by para No. 3 of the Resolution of the Government of India, we have been materially aided by the light which Dr. Leitner has been able to throw upon the subject. We have come to the conclusion that the paragraph has a two-fold bearing. In the first place it means that all educational series, even those intended for the lower classes in schools should be imbued with those moral, religious and political principles which tend to make men orderly and useful members of the community to which they belong. This bearing of the paragraph in question we have endeavoured to keep in view in framing a list of those subjects which should be included in primary and secondary vernacular readers.

But we believe that it has a wider bearing also, and imposes on us the duty of suggesting means for preparing in the vernacular languages of India, wherever required, popular summaries of the best thought on such subjects as jurisprudence, the laws of health, the principles of evidence, and etc.

Attempts of this kind have already been made in this country.

Lord Hardinge as Governor General and Governor of Bengal caused arrangements to be made with one of the best authors in Bengali for bringing out a series of books in Bengali. Twelve volumes of the *Encyclopaedia Bengalensis* were published, but did not obtain a sale at all commensurate with their merits.

In the North-West Provinces also Mr. Boutros, the Principal of the Delhi College, brought out translations of a large number of good English authors. Government patronised the undertaking, and several copies were in consequence sold, but it cannot be said that the effort was successful.

Different reasons are assigned for the failure. It is ascribed by some people to the fact that the books on science were not required; by others, to the fact that, although such books were

required by a few students, they were translations, and translations were not liked; and by others, to the fact that the translations were badly done, and were repulsive to ordinary readers.

It is therefore, clear that in the preparation of these treatises the greatest care should be used to select the ablest writers, and to begin with those subjects which are likely to be popular with the less cultivated of our Native fellow subjects. English has already become the language of the higher culture in many Provinces of India, and it may be safely asserted that most scientific students in Bengal, Bombay and Madras will prefer to learn their science in English. But there is doubtless in certain Provinces of India a class to whom such treatises would be useful.

We are of opinion that the subjects on which treatises might now be advantageously prepared in the principal vernacular languages of India are as follows :

- (1) The laws of health or hygiene
- (2) Political economy
- (3) The principles of jurisprudence.
- (4) The theory and practice of land revenue systems.
- (6) Arts and manufactures.

It may be safely left to the Standing Vernacular Committees which we wish to see established in the various Provinces, under the direction of their respective Governments, to encourage by such means as they may think fit the production of treatises on these subjects wherever they may seem to be required.

Should such treatises become generally popular, the various local Committees might subsequently take steps to have short and simple abridgments of them prepared for introduction into secondary schools when deemed desirable.

We now come to the *vexata quaestio* of terminology. We would gladly avoid it if we could; but it is evident that if these treatises are to be prepared, European scientific terms must either be translated or transliterated, or the two methods must be combined, and we feel ourselves bound to be prepared with same suggestion on the point. The question has been very

completely debated in Bengal, and opinions have been obtained by the Bengal Educational Department, from Bombay, Madras, Oudh, the North-Western Provinces and the Punjab. The European member of the Bengal Vernacular Committee were in favour of transliteration, but their President, the late Mr. Woodrow, declared himself to opinion that it was useless to hope to see it introduced for the next 20 years, – at the same time expressing his firm conviction that “after the present Sanskrit rage has had its day, the terms common to science over the whole world will be welcomed even in Bengal, and the lexicon of newly coined terms in Sanskrit will be consigned to oblivion.”

The three principal views on the subject have been thus summarised by Mr. Sutcliffe.

First View

If a system of medical terminology was to be laid down, it should be uniform, and applicable to every part of the country. The revival of old medical terms was not practicable, because Tamil-speaking Provinces would have recourse to medical works written in Tamil and Sanskrit vernaculars would take terms from the Sanskrit, whilst Muhammadan doctors would naturally be inclined to draw on the rich stores of Arabic medicine. In like manner, if words were coined to express modern scientific terms, the same differences of languages and race would arise. The only plan left therefore, to ensure uniformity was to employ English terms, as in fact several authors of vernacular books on medicine had done. But many terms belonged both to science and to the common language; for example, words like skeleton, vein, absorption, etc., and because for such terms equivalents existed in all vernaculars, it was useless to substitute for them English terms. Again, as medical students receive no philological training, newly coined words and rare terms revived, whether Tamil, Sanskrit or Arabic, would tax their memory as much as if not more, than English terms, especially because the spread of English education rendered it probable that in future vernacular students of medicine would on joining bring some knowledge of English with them.

The adoption of a large number of English scientific terms, on the other hand, was perfectly feasible, and this was proved

by the fact that hundreds of English words used in the courts, in cookery, navigation, engineering, gardening, painting — in fact in every trade and profession — were daily employed by natives unacquainted with English, and were also generally used by the vernacular press in all parts of India.

This view, therefore, advocates a maximum, of transliteration.

Dr. Strachan and Dr. King in Madras agreed with this view. So did Messrs. Alexander and Pearson in the Punjab.

Second View

The second view is held by Babu Rajendralala Mitra, who is of opinion that owing to the peculiarities of the different vernaculars current in India, it is impossible to pressure uniformity by transliteration; that the English term already introduced, whether in the ordinary affairs of life or as in scientific books, have assumed very different appearances in the different vernaculars; that the Native Doctors in the armies of the several Presidencies used different terms, or English terms so transmogrified as to amount practically to different terms, and that such terms are quite unintelligible to the mass of the people; that owing to the defects of the Urdu alphabet they cannot be transliterated with any approach to accuracy; that as long as the languages differed there was no prospect whatever of a universal scientific terminology getting into currency, and that the proposed medical works being compiled according to fixed rules, and under the superintendence of especially appointed Committees, there could be no apprehension of want of uniformity by Sanskrit scholars drawing large by from the Sanskrit and Arabic doctors resorting to the Arabic language.

Babu Rajendralala Mitra divides scientific terms into six classes, for four of which he advocates "translation". For the remaining two he recommends "transliteration." His six classes are —

A. Terms to be "Translated"

Class I — Terms that belong both to science and to the common language, as blood, saliva, sulphur, leaf, headache, fever.

Class II — Terms that are used by traders and professional men, as yeast, angle, crystal, petal, tenesmus, strata, depression. Cases may arise in which such terms will have to be transliterated.

Class V — Functions and abstract ideas, as secretion, absorption, germination, tonic, affinity.

Class VI — Chemical and anatomical compounds.

B. Terms to be taken from the English and to be "Transliterated"

Class III — Names of things used in modern science, as ipecacuanha, jalap, the element of chemistry, the names of rocks, and the names of surgical instruments.

Class IV — The scientific names of plants and animals.

The Principal of the Medical College, Madras, agrees on the whole with Dr. Rajendralala Mitra, though he would extend transliteration to some of the classes for which Babu Rajendralala Mitra proposes translation. The same view is held by the Bombay Committee consisting of four Hindu gentlemen employed teachers in the Grant Medical College.

The Director of Public Instruction in the Punjab agrees on the whole with Babu Rajendralala Mitra, but prefers transliteration to far-fetched terms taken from the Sanskrit or Arabic.

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Third View

The third view is that of Dr. Tamiz Khan. He differs from Babu Rajendralala Mitra in two points : (1) he recommends that old Sanskrit and Arabic works on medicine should be examined for the purpose of reviving medical terms new forgotten but once in use among ancient doctors; (2) he prefers, on the whole Arabic to Sanskrit derivations. In other points he agrees with the former's views. He does not divide scientific terms from a logical point of view, but he applies the following two criteria: (1) If a term is common and belongs both to science and the daily language, translate it. (2) If a term is rarer and does not belong to the common language, review, if possible, an Arabic and Sanskrit equivalent; but if none can be found, adopt the English term and transliterate it.

This view is approved by Dr. Scudder in Madras and Mr. Sime and Dr. Leitner in the Punjab. Dr. Leitner specially recommends a study of Sanskrit and Arabic medical works.

The Director of Public Instruction in Oudh agrees in a general way with Dr. Tamiz Khan.

The arguments in favour of transliteration have never been more clearly stated than by the two Native members of this Committee, Rao Saheb Dandekar and the Honourable Kristodas Pal, in their notes appended to this report. The former is strongly in favour of transliteration. The latter appears to agree with Dr. Rajendralala Mitra, but he represents the arguments for the opposite view with admirable fairness and impartiality. They are briefly —

- (1) The only chance of uniformity is to employ English terms transliterated.
- (2) The people already employ English terms.
- (3) English terms will carry no wrong notions with them, and will, in fact, be perfect symbols, the meaning of which will be governed by their definition only.

We have given a lengthy summary of the controversy as the matter is one of vast importance, and has an obvious bearing not only upon the preparation of the vernacular treatises which we have recommended above, but also upon the translation of the Science Primers which is now being commenced in the North-Western Provinces. The opinion at which the majority of us have now arrived is "that transliterations of European scientific terms should be employed in all cases where precise vernacular equivalents are not already in current use."

We wish the arrangement we have now suggested to be only regarded as provisional. Indeed we believe with the late Mr. Woodrow that the question will ultimately settle itself. As India advances in cultures those terms which are found practically most convenient will be victorious in the struggle for existence.

It is probable that the treatises on hygiene, political economy, and etc., which we have contemplated, will have at first to be translated or adapted from European works. Still there are admittedly in certain Provinces Native gentlemen quite qualified to write good vernacular treatises of the kind contemplated.

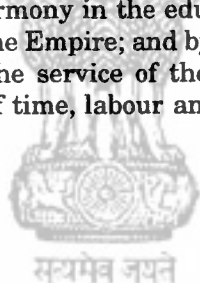
Should such men not be found, it is quite possible that several provincial Standing Committees might agree to ask some distinguished European author to compile a treatise on his *specialite* adapted to the Indian mind. It would afterwards be their business to see it correctly reproduced in the vernaculars of their respective Provinces. We are inclined to think that perhaps the best way of encouraging the production of good vernacular treatises is that suggested by Mr. Lethbridge: "A notification should be put forth that such and such a book or translation is wanted, inviting applications from qualified authors; and stating that from among the applicants the local Committee would choose a small number, say two or three of the authors of highest repute, and that the Government would pay the cost of printing and publishing a small first edition (of say 500 copies) of each of the productions of these selected authors, and that all the books so produced that might satisfy the Committee would be put upon the Government authorised list." This should be done of a simple call for treatises on any subject met with no satisfactory response. But this is a question which each Vernacular Committee should settle, and it might be desirable that it should be settled differently in different Provinces.

There remains one other subject which has been brought before the notice of the Committee. Mr. Porter, of Madras, thinks it desirable should be substituted for the works of Euclid now read in Indian schools. We believe such short methods have found favour in some English schools, and Mr. Porter's high authority is of itself a great argument in their favour. But we are convinced that as long as the Universities prescribe the works of Euclid, no other geometrical manuals can profitably be read in schools. As soon as a boy begins to prepare for his matriculation examination, he will have to take up Euclid, and it would only confuse his mind to compel him to use a shorter geometrical manual, however eligible in itself, at his first entrance upon the subject, to be replaced by the orthodox treatise at a more advanced stage of his studies.

Conclusion

It will be observed that the opinion of the Committee points towards independent provincial effort in the preparation and selection of text-books rather than centralised imperial control.

At the same time we have recommended that each of the local Committees should prepare a report at the close of each year, which report should be published in the local Gazette with the order of published in the Local Gazette with the order of Government upon it; and we have also recommended that the annual reports of the Directors of Public Instruction in each Province should contain one section specially noticing the progress that has been made in carrying cut these orders. A review, on true part of the Government of India, of the various provincial reports as they are received, will enable that Government from time to time to issue such directions as may ensure progressive improvement in manuals and methods of instruction. It appears to us that it would be advantageous if the various Governments were directed to communicate to each other the reports of the local Committees and the action taken by them thereon. We believe that these measures would tend to produce greater harmony in the educational systems of the various Provinces of the Empire; and by placing the experience of each Province at the service of the others, prevent much useless expenditure of time, labour and money.



INDIAN FAMINE COMMISSION, 1878

— REPORT¹

1878

President	Gen. R. Strachey
Members	Mr. James Caird; Hon. H.S. Cunningham; Mr. G.A. Ballard (replaced by Mr. H.E. Sullivan); Mr. G.H.M. Batten (terminated his connection with Commission in April 1879); Mr. C. Rangacharlu (ceased to be the member); Mr. Mahadeo Wasadeo Barve (ceased to be the member); Mr. J.B. Peile.
Secretary	Mr. C.A. Elliott

Appointment

Indian Famine Commission was appointed under the direction of the Secretary of state for India.

Terms of Reference

The Government of India, when appointing the Commission, somewhat amplified the instructions conveyed in the despatch of the Secretary of State, and indicated with more distinctness — several topics which it was especially desirable that the Commission should investigate.

First, attention was drawn to the possible existence of peculiarities in the administrative-system of particular Provinces, which might tend to assist or retard the action of Government in its struggle with famine. With regards to the results of famine, it was pointed out that, though it might be impossible

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1. London, Her Majesty's Stationery Office, 1880
Part I : Famine Report, 69p.; C-2591
Part II : Measures of Protection, 185p., C-2735
Part III : Famine Histories, 1885, 264p; C-3086 and Two Separate Appendices.

to ascertain exactly the extent of mortality directly attributable to famine, the Commission might obtain fairly trustworthy information as to the classes and sexes which especially suffered, the effect of famine on the birth-rate of the country, and generally "how far local influences, peculiarities of administration or tenure, climate, "soil, water, density of population, systems of cultivation, and etc.", have tended to "mitigate or intensify the inevitable effects of famine." It was also remarked that the inquiry into the alleged unwillingness of the Madras ryot to expend money on means of irrigation, by reason of the ryotwari tensure, might be extended so as to embrace other analogous questions, and that the task of the Commissioners would not be completely discharged unless they considered such matters as the comparative power of the agricultural population in different Provinces to resist the effects of drought their comparative wealth, and the relation, in each case, of their well-being of the varying forms of land-tenure.

As regards the system of relief, after observations as to the commonly accepted necessity for applying tests of some kind before giving relief, and reference to the importance of determining what those tests should be and how they should be applied, the attention of the Commission was specially directed to the opinion at which the Government arrived after the famine of 1874," that large works were suitable at "an early stage of distress, and smaller works subsequently, as the necessity for them arises" and to the policy, laid down in the Viceroy's Minute of 12th August 1877, that "at the beginning of a famine, relief employment, at a subsistence-rate" of wage, should be provided on large fully supervised works which will be of permanent use to the country; "and the Commission was desired to report whether the experience of recent famines had tended to confirm or modify the policy thus defined and especially whether small works near the people's homes may, under any and what circumstances, be accepted as a part of the relief system. Further, in connection with this branch of the subject, many points were noticed relating to the system of relief to be followed in the future, and particularly that the proper extent and limitation of the duty of the Government in respect to the supply, importation, and distribution of food required for districts suffering from famine.

Contents

Part I : Preliminary, Rainfall; History of Past Famines; The Characteristics and Consequences of Famines; General Considerations affecting the Administration; Practical Recommendations; Improved Administration and Statistics; Provisions of Relief for the Able-bodied; Gratuitous Relief; Village Inspection; Food Supply; Suspension of Revenue and Loans to the Landed Classes; Loan Financial Responsibility; Miscellaneous. **Part II : Measures of Protection and Prevention:** Introduction; Statistical Review; Proposals for Administrative Changes; Relations of the Government to the Landholders, and of Landlord and Tenant; Agricultural Improvements and Organisation of an Agricultural Department; Public Works to Secure Increased Production and Protection Against Famine; Miscellaneous Subjects — Conclusion; Note of Dissent by Mr. Sullivan. **Part III : Famine Histories :** The Bengal Famine of 1769-70; Early Famines in the Madras Presidency; Early Famines in the Bombay Presidency; Early Famines in Upper India; The Famine of 1837-38 in Upper India; The Famine of 1854 in Madras; the Famine of 1860-61 in Upper India; The Famine of 1865-66 Orissa, Behar, Madras; The Famine of 1868-69 Rajputana, North-Western Province, Punjab, Central Provinces, Bombay; The Famine of 1873-74 Bengal, North-Western Provinces Oudh; The Scarcity of 1875-76 Bengal; Famine of 1876-78 Bombay, Hyderabad; Scarcity in North-Western Provinces and Oudh, Madras; Note on Practical effect of Temple or Reduced Wage : Madras, Bombay; Note on the results of the inquiries made into the Mortality in the North-Western Provinces and Oudh; Note by the Hon. Syed Ahmed Khan Bahadur, C.S.I., on the Causes of the Unpopularity of the Poor-Houses in the North-Western Provinces and Oudh; Mysore.

Recommendation

Before proceeding further in the discussion of the questions referred to us, it will be convenient to state the order and general manner in which we propose to deal with them. We shall first give a concise sketch of the geography, population, and climate of British India, indicating generally the degree in

which each part of the country is exposed to famine. Next we shall treat of the measures to be adopted for famine relief, prefacing – our conclusions and recommendations by a concise historical review of past famines and the measures adopted to meet them. We shall then deal with the inquiry (to use the words of Lord Salisbury's despatch) how far it is possible for Government by its action to diminish the severity of famines, or to place the "people in a better condition to endure them." This part of our Report will be prefaced by a general account of the country in relation to the social and economical condition of the people, the form of administration, the progress of material improvements, and other kindred subjects, on the consideration of which our reply to this part of the inquiry must be based. The Report will be accompanied by a detailed history of all the past famines regarding which sufficient records exist, a model famine code, and appendices containing a collection of discussions on certain topics which call for fuller consideration than would have been convenient in the Report, and selections from the evidence and documents of which we have made use.



SPECIAL COMMISSION TO ENQUIRE INTO THE ORGANIZATION AND EXPENDITURE OF THE ARMY IN INDIA, 1879 — REPORT¹

JULY 7, 1879

Chairman	The Hon'ble Sir Ashley Eden.
Members	Mr. C.E. Bernard; Major-General Sir P.S. Lumsden; Major-General Sir F.S. Roberts; Brigadier-General R. Phayre; Brigadier-General H.H. O'Connell; Brigadier-General H.T. Macpherson; Colonel T.D. Baker; Colonel C.M. MacGregor; Major O.R. Newmarch; Major-General Napier Campbell.
Secretary	Captain E.H.H. Collen

Appointment

The Commission was appointed in accordance with the instructions conveyed in the Letter No. 2025, dated 7th July 1879 of Col. H.K. Burne, Secretary to the Government of India, Military Department.

Terms of Reference

To report—

1. What number of troops, British and Native, must necessarily be maintained in India in peace time, for the maintenance of the internal peace of the country, and performance of the necessary garrison duties only?

2. What should be the distribution of that force, and its proportionate allotment to the several provinces?

3. What should be the full war establishments of the Indian army calculated under the two heads of :-

1. Government Central Branch Press, Simla, 180p., iii., + xlviii., xviii p. London, Henry Hansard & Son, 1884, Printed by the Order of House of Commons on November 11, 1884.

- (a) The number of troops that India ought to be able to place and maintain in the field for service wherever required.
- (b) The garrisons and reserves to be maintained in India?

4. By what means, short of permanently maintaining the army on a war footing, can the difference between 1 and 3 be most efficiently provided for?

5. Having record to 1, 3 and 4, what number of troops must be kept permanently under arms to garrison the country in peace time and furnish the required cadres for war; and what organization will best combine the necessary elasticity with efficiency in peace and war?

6. Assuming that the British force now in the country is not to be reduced, can the cost of its maintenance be diminished by alterations in its organization, or in the system under which it is recruited and relieved?

7. What should be the territorial organization and division of commands, and proportion of superior officers and staff?

8. What units of organization for field service seem best suited to the usual conditions of Indian warfare; and can these be adapted to, or connected with, the territorial organization, as in Europe?

9. Is it desirable to maintain the Presidential armies district as at present; and are the large staffs and separate departments now maintained essential to the efficiency of the army administration under the present Presidential system?

10. Should the troops of the several Presidential armies, as a rule, serve in their own Presidencies only, except when called out for war; or should they take a recognized share of frontier and other general duty?

11. Having regard to the alterations made in our frontier, and redistribution of our frontier garrisons, is it desirable to retain the Punjab Frontier Force on its present footing, or to place it, impart or altogether, under the orders of the Commander-in-Chief?

12. Assuming that Sind is to be annexed to the Punjab, should the Sind regiments remain localized as at present, and under whose command should they be placed?

13. Is the present organization of the Supply and Transport Departments of the army that best adapted to its requirements

in place and war, or are any changes desirable; and, if so, of what nature?

14. Are the war-like stores now procured and maintained in the manner most economical consistent with efficiency?

15. What lines should be considered, and maintained, as our main military lines of communication; and what new lines of road and railway are of most urgent importance?

The Commission will also make any other recommendations that suggest themselves, as the result of their enquiries, for improving the administration and reducing the cost of the army; bearing in mind that as the object of the assembling the Commission is to ascertain what reduction of expenditure can be effected, any recommendation involving outlay should, as far as possible, be accompanied by proposals for saving in other directions.

Contents

The Appointment and Work of the Commission; The Rise, Development, and Present State of the Indian Army; The Maintenance of Internal Order; The Strength, Distribution, and General Organization of the Army for Peace and War; The Military Administration of India; The Organization of the British Army in India; The Organization of the Native Army; Officering of the Native Army and Army Departments; The Organization of the Medical Service in India; The Departments of the Army; The Lines of Communication in India; The Mobilization of the Army for War; General Military and Financial Results of the Proposals; Index.

Recommendations

The Maintenance of Internal Order

Volunteers

The compulsory enlistment of European and Eurasian clerks in volunteer corps not recommended.

The capitation grant to volunteer corps not to be increased.

But extra grants to efficient volunteer corps to be made by Government, if necessary.

The uniform for volunteer corps to be simple and cheap.

The proposals before Government for making the appointments of Drill Sergeants to volunteer corps more attractive, to be favourably considered.

Drill Sergeants to visit annually squads of volunteers, to be organized at small stations.

The usual head-money to be allowed to such squads, which should be affiliated to the nearest volunteer corps.

Defensible Posts

Plans of places of refuge at outstations to be drawn up and approved by the Defence Committee.

Drawings of such works, with directions for their construction to be lodged in a headquarters office and in the chief civil office of station.

Armies of Native States

Interference with the Maharaja Scindia's Army considered unnecessary.

But the Nizam of Hyderabad should be induced to curtail, gradually, the military forces maintained in his country.

Arms of precision not to be allowed to the troops of Native States; their field artillery to be kept within the smallest limits, and the contingents of different States not to be employed or exercised together.

The Strength, Distribution, and General Organization of the Army for Peace and War

The Peace Formation of the Army of India

The armies of India to be divided into four distinct bodies, to be called army-corps.

The Punjab Frontier Force to form part of the regular army, and be under the orders of the Commander-in-Chief of the army.

The Constitution of the Punjab Frontier Force not to be altered.

Military and political requirements can only be met by the division of the Indian army into four distinct territorial army-

corps, but under one supreme authority.

These are army-corps of Garrison —

- (1) Bengal, Assam, and the North-Western Provinces and Oudh.
- (2) The Punjab and frontier.
- (3) Bombay, the Central Provinces, Central India, Rajputana, and Sind.
- (4) Madras, Hyderabad, Burma, and the Belgaum district.

The Bengal Army-Corps to comprise Assam, Bengal Proper, Oudh, and the North-Western Provinces.

The Punjab Army-Corps to include the Punjab Proper, the trans-Indus frontier, and advanced posts.

The Bombay Army-Corps to include the Central Provinces, Sind, and our advanced position beyond the Bolan, Rajputana, and a portion of Central India.

The Madras Army-Corps to have allotted to it Burma, Secunderabad and Belgaum.

Each Army-Corps to be organized as a complete command.

The lieutenant-generals commanding army-corps to be assisted by a well-organized staff, which should include officers representing every branch of the staff, army and departmental.

The lieutenant-generals commanding to be invested with the fullest control.

The administration of military affairs to be decentralized.

Distribution and Allotment of Garrisons

Essential to preserve the great lines of communication to be kept intact; and concentration of troops on the main trunk lines of communication to be effected.

For strategical and political reasons, the following considered the main obligatory points to be held :

Calcutta	Delhi	Nusseerabad	Bombay
Dinapore	Meerut	Ahmedabad	Secundarabad
Allahabad	Lahore	Mhaw	Bellary
Cawnpore	Rawalpindi	Jubbulpure	Bangalore
Lucknow	Mooltan	Nagpore	Madras
Agra	Kurrachee	Poona	Shillong
		Rangoon.	

The secondary strategical stations divided into two classes; those on the frontier, and those intermediate to the above centres.

The remaining military stations, those convenient for the location of troops.

The distribution and allotment of troops to be based on the principle of abolishing single-battalion stations, and the maintenance of compact bodies of troops at strategical centres.

The total forces of the several army-corps to be as follows distributed in Garrisons.

Bengal Army-Corps

	Normal	Obligatory	Available for filed service
H. Artillery	3	—	3
F. Artillery	12	$6\frac{1}{3}$	$5\frac{2}{3}$
Heavy Artillery	1	—	1
Mountain Battery	$1\frac{1}{3}$	$\frac{1}{3}$	1
Garrison Artillery	5	4	1
B. Cavalry	2	—	2
N. Cavalry	6	$1\frac{1}{8}$	$4\frac{7}{8}$
B. Infantry	13	7	6
N. Infantry	24	11	13
Sappers	7	1	6

Punjab Army-Corps

	Normal	Obligatory	Available for filed service
H. Artillery	3	—	3
F. Artillery	9	3	6
Heavy Artillery	1	—	1
B. Mountain	5	1	4
N. Mountain	4	2	2
B. Garrison	3	3	—
N. Garrison	1	1	—
B. Cavalry	2	—	2
N. Cavalry	13	8	5
B. Infantry	13	$7\frac{1}{2}$	$5\frac{1}{2}$
N. Infantry	27	20	7
Sappers	6	2	4

Bombay Army-Corps

	Normal	Obligatory	Available for filed service
H. Artillery	2	$\frac{1}{3}$	$\frac{12}{3}$
F. Artillery	9	$4\frac{1}{3}$	$4\frac{2}{3}$
Heavy Artillery	1	—	1
N. Mountain	$2\frac{1}{3}$	$2\frac{1}{3}$	—
Garrison	5	4	1
B. Cavalry	1	—	1
N. Cavalry	$6\frac{5}{8}$	$2\frac{7}{8}$	$3\frac{3}{4}$
B. Infantry	9	$5\frac{1}{2}$	$3\frac{1}{2}$
N. Infantry	25	$15\frac{3}{4}$	$9\frac{1}{4}$
Sappers	6	3	3

Local Corps

	Normal	Obligatory	Available for filed service
Native Cavalry	$2\frac{1}{2}$	$2\frac{1}{2}$	—
Native Infantry	6	3	3

Madras Army-Corps

	Normal	Obligatory	Available for filed service
H. Artillery	2	1	1
F. Artillery	8	$3\frac{1}{3}$	$4\frac{2}{3}$
Heavy Artillery	1	1	—
B. Mountain	2	2	—
Garrison	4	3	1
B. Cavalry	1	1	—
N. Cavalry	2	—	2
B. Infantry	8	5	3
N. Infantry	25	$14\frac{1}{2}$	$10\frac{1}{2}$
Sappers	10	2	8

Local Corps

	Normal	Obligatory	Available for filed service
F. Artillery	—	—	4
N. Cavalry	—	—	7
N. Infantry	—	—	11

Stations to be advanced, viz.,—

Bengal Army-Corps

Julpigoree, Berhampore, Dacca, Hazaribagh (for British troops).

Bhaugulpure, Segowolie, Gowhati, Tezpore, Dibrooghur, Jowai, and various detachment posts in Assam, Chunar, Gorukhpore, Sitapore, Moradabad, Shahjehanpore, Muttra, Sipri, Lalitpure, Jhansi, and Banda.

Punjab Army-Corps

Retention of certain stations desirable with reference to military demands out of the Punjab.

Provision for many new frontier stations necessary in this area.

Bombay Army-Corps

Withdrawal of troops recommended from —



Hyderabad (Sind)	Malaegaum
Bhooj	Hoshangabad
Mehidpur	Chanda
Augur	Dharwar
Deesa	Kolhapore

If Pachmarhi eventually proves healthy, the British troops from Kamptee and Jubbulpore to be stationed there.

Madras Army-Corps

Abolition of stations of Mercara, French Rocks, Palamcotta, Quilan, Trichore, Trevandrum, Vellore, Vizianagram.

Withdrawal of British regiment from Cannanore and location at Wellington.

Concentration of a considerable force at Madras.

Convalescent Depots

Retention undesirable.

Men sent up from the plains to be attached to regiments and detachments in the hills.

Commands

Division of the territorial army-corps into convenient districts.

Classification of Commands

1st Class	2nd Class	3rd Class
<i>Bengal Army-Corps</i>		
Lucknow Meerut	Calcutta Gwalior	Eastern Frontier Bareilly Nowgong
<i>Punjab Army-Corps</i>		
Lahore Rawal Pindi	Peshawar Kuram	Umballa Mooltan
<i>Madras Army-Corps</i>		
Hyderabad Bengalore	Madras Burma	Belgaum
<i>Bombay Army-Corps</i>		
Sind and Balluchistan Poona	Bombay Mhow	Nusserabad Nagpore, Aden

Proposed District Commands

	Bengal	Punjab	Madras	Bombay	Total
1st Class	2	2	2	2	8
2nd Class	2	2	2	2	8
3rd Class	3	2	1	3	9
	7	6	5	7	25

Proposed pay of general officers Commanding districts :—

	Rs.	Rs.	Rs.
8 1st Class districts	× 3,500	= 28,000	
8 2nd Class districts	× 2,500	= 20,000	
9 3rd Class districts	× 2,000	= 18,000	
Total			66,000 monthly
	Or Rs. 22,241 less than present cost.		

Important stations to be allotted to Colonels on the staff with pay at Rs. 800 a month, who should hold their appointments

for five years. Minor stations to be divided into two classes, with command pay of Rs. 300 and Rs. 200 respectively.

At other stations senior officer to Command, without additional pay.

Stations at which Colonels on staff should be appointed :—
Allahabad, Agra, Lundi Kotal, Bellary, Pishin, or some other station above Dadur: total 5.

First Class stations proposed :—

Rawalpindi	Kuram	Kurrachee
Nowshera	Thayentmyo	Ahmedabad
Kohat	Tonghoo	Saugor

Second Class Stations proposed :—

Barrackpore	Fyzabad	Edwardesabad
Darjeeling	Delhi	Trichinopoly
Dinapore	Ferozepur	Cannanore
Cawnpore	Abbottabad	Jacobabad
Asseerghur	Jabbalpore	

Command and staff of convalescent depots to remain as at present.

Formation of the Army in time of War

Troops available for field service—

H. and F. Artillery	30	batteries, 180 guns.
Heavy Artillery	3	batteries, 18 guns
Mountain Artillery	7	batteries, 42 guns
Garrison Artillery	3	batteries for siege trains
B. Cavalry	5	regiments, or 2,930 sabres
N. Cavalry	16	regiments, or 9,744 sabres
B. Infantry	18	regiments, or 18,792 bayonets
N. Infantry	40	regiments, or 36,480 bayonets.
Sappers	21	companies

Or

Cavalry	12,674
Infantry	55,272
Guns	240

besides heavy siege artillery and sappers.

Headquarters staff of the army to have clearly defined plans for moving and concentrating forces.

Proposed composition of Indian brigades and divisions :—

Brigade of infantry	1 British infantry battalion 2 Native infantry battalions.
Brigade of Cavalry	1 British Cavalry regiment 2 Native Cavalry regiments 1 Battery horse artillery
Brigade of all arms	1 Brigade infantry 1 Regiment Native cavalry 2 Field batteries 1 Company sappers
A division of all arm, 24 guns	2 Brigades infantry 1 Pioneer regiment 2 Native cavalry regiments 1 Horse artillery battery 3 Field batteries 2 Companies sappers
An army-corps of 2 divisions, 60 guns	2 divisions (as above, but with only 1 Native cavalry regiment and 1 company sappers). 1 Cavalry brigade 3 Batteries artillery 4 Companies sappers
An army-corps of 3 divisions, 90 guns	3 Divisions as above, 1 Cavalry division of 2 Brigades 4 Batteries artillery 5 Companies sappers.

A field army-corps to be commanded by a general officer, aided by four staff officers; a division by a major-general, with two staff officers; a brigade by a major-general or brigadier-general, with one staff officer.

The Military Administration of India

Relative positions of Government of India and Commander-in-chief to be those of the Secretary of State for War and Commander-in-Chief in England.

Commander-in-Chief in India not to be employed on the annual inspection of regiments.

Future Organization of War Department

Government-General in Council the supreme head of the army.

Member of Council in charge, War Department, to be an officer of very great and tried administrative ability and experience.

War Secretariat to have no direct administrative functions.

Tenure of Office of Secretary to be for five years. He must not have been absent from India during his service for more than ten years. He should have local rank of major-general.

Staff of War Secretary to be —

4 Under Secretaries : all must pass tests for the staff, and be appointed for 5 years.

1 Assistant Secretary.

Each army-corps to be represented in Secretarial Staff.

Administrative Officers

Accountant-General

Commanding-General-in-Chief.

Director-General of Ordnance

Surgeon-General

Inspector-General of Fortifications, and Director of Works.

Director of Remount Department.

All officers of War Department to be concentrated in one central building at Simla.

System of minutes instead of official letters, one general registry, and one record-room, to be gradually introduced.

Headquarters of the army administration to be permanently at Simla.

Commander-in-Chief

Every effort to be made to enhance his personal responsibility.
His staff to be —

- 1 Chief of the Staff.
- 4 Officers of the General Staff
- 1 Officer of the General Staff for Musketry Inspection.
- 3 Officers for Intelligence work.
- 1 Inspector-General of Artillery, with 2 staff officers.
- 1 Officer of the General Staff for Royal Engineers.
- 1 Judge Advocate-General, with Assistant.
- 1 Director of Gymnasia in India
- 1 Director of Military Education
- 1 Assistant Director for British Scholars
- 1 Assistant Director for Native Scholars.

Members of Commander-in-Chief's staff to be chosen from all army-corps and equally from all branches of the service.

Permanent adoption of appointment of "Chief of Staff" recommended.

The Staff

Union of departments of Adjutant-General and Quarter-Master-General recommended under title "General Staff."

Proposed division of Staff :—

*General Staff**Staff Pay*

Staff Officers, 1st Class	Rs. 500
Staff Officer, 2nd Class	Rs. 400

Garrison Staff

Staff Officers, 1st Class	Rs. 200
Staff Officers, 2nd Class	Rs. 100

The Staff proposed for India to be as follows :—

War Department

			<i>Per mensem (Rs.)</i>
Secretariat	1 War Secretary	@ 3,500	consolidated
War	1 Under Secretary	@ 1,000	staff pay
Department	1 Under Secretary	@ 800	staff pay
	1 Under Secretary	@ 700	staff pay
	1 Under Secretary	@ 600	staff pay
	1 Assistant Secretary	@ 700	rising to 1,000 consolidated
1 Accountant-General		2,000	rising to 2,500
1 Commissary-General-in-Chief		2,500	consolidated
1 Assistant to ditto		600	staff pay
1 Director-General of Ordnance		2,500	consolidated
1 Deputy to ditto		600	staff pay
1 Assistant to ditto		250	staff pay
1 Surgeon-General		2,700	consolidated
2 Secretaries to ditto		1,400	each consolidated.
1 Inspector-General of Fortifications and Director of Works			
1 Director of Remount Department		1,000 or 500	Staff pay

Headquarters, Army of India

		<i>Staff Pay per Mensem (Rs.)</i>
1 Chief of the Staff	@ 3,000	consolidated
1 Staff Officer	@ 1,000	in addition to staff corps rate of pay
1 Staff Officer	@ 1,000	"
1 Staff Officer	@ 600	"
1 Staff Officer	@ 500	"
1 Staff Officer for Musketry	@ 600	"
1 Staff Officer for Intelligence Branch (I.B.)	@ 800	"
1 Staff Officer for I.B.	@ 500	"
1 Inspector-General of Royal Artillery	@ 2,500	consolidated
1 Royal Artillery Staff Officer with Inspector-General of Royal Artillery	@ 800	in addition to staff corpus rate of pay
1 Royal Artillery Staff Officer with Inspector-General of Royal Artillery	@ 500	in addition to staff
1 Staff Officer for Royal Engineers	@ 600	"
1 Judge Advocate-General	@ 2,500	consolidated

- 1 Assistant Advocate-General @ 500 Staff pay
 1 Director of Military Education in India, with 2 Assistants, each on Rs. 250 Staff @ 500 Staff pay
 1 Director of Gymnasia in India @ 500 Staff pay

Headquarters of Each Army-Corps

- 1 Lieutenant-General @ 4,500 consolidated
 1 Chief of the Staff @ 2,500 consolidated
 1 Staff Officer @ 800 in addition to staff corps rate of pay
 1 Staff Officer @ 600 "
 1 Staff Officer @ 500 "
 1 Staff Officer for Royal Artillery @ 500 "
 1 Staff Officer for Royal Engineers @ 500 "
 1 Deputy Judge Advocate-General @ 500 "
 2 Staff Officers for Musketry Inspection for 6 months in the year @ 300 Staff Pay
 1 Garrison Inspector on Rs. 400 Staff, and 1 Assistant on Rs. 2500 Staff, for the inspection of Native Army Schools, and 2 Sub-Inspectors for British army schools.

Bengal Army-Corps

District	District Staff	General Staff
	1st Class	2nd Class
Eastern Frontier	0	1
Calcutta	1	1
Lucknow	1	1
Bareilly	1	0
Meerut	1	1
Gwalior	1	1
Nawgong	0	1
Total	5	6

Garrison Staff

Officer of the 1st Class at the following Stations:—

Fort William, Dinapore, Allahabad, Cawnpore,
 Lucknow, Bareilly, Meerut, Delhi, Agra,
 Morar

Officers of the 2nd Class at Barrackpore,

Fyzabad, Darjeeling at Barrackpore,	3
Garrison Staff for Bengal Army-Corps	<u>Total</u> 13

Punjab Army-Corps

District	District Staff	General Staff	
		Ist Class	2nd Class
Umballa		1	0
Lahore		1	1
Rawal Pindi		1	1
Kuram		1	1
Mooltan		1	0
<u>Total</u>		6	4

Garrison Staff

Officers of the 1st Class at the following Stations :—

Umballa, Meen Meer, Ferozepore, Rawal Pindi,
Peshawar, Nowshera, Lundi Kotal, Kohat,
Kuram, Mooltan 10

Officers of the 2nd Class at Sialkot,
Edwardesabad, Dera Ismail Khan,
Allahabad . . . 4

Garrison Staff or Punjab Army-Corps Total 14

Bombay Army-Corps

District	District Staff	General Staff	
		Ist Class	2nd Class
Sind and Beluchistan		1	1
Bombay		1	1
Poona		1	1
Mhow		1	1
Nusseerabad		1	0
Nagpore		1	0
Aden		0	1
<u>Total</u>		6	5

Garrison Staff

Officers of the 1st Class at the following Stations :—

Madras, Secunderabad, Bellary, Bangalore, Trichinopoly, Rangoon. . . .	6
Officers of the 2nd Class at Cannanore, Thayetmyo, Tonghoo, Port-Blair	
Garrison Staff for Madras Army-Corps	4

Total	10
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Total for the headquarters of the army of India and the four army-corps :—

	General Staff	Garrison Staff
Headquarters, army of India	15	0
Headquarters, Four army-corps	28	0
Bengal Army-corps	11	13
Punjab	10	14
Bombay	11	14
Madras	10	10
Total	85	51

136 Officers, instead of 209 as at present, proposed.

Intelligence Department

Formation of — recommended. A officer of each army-corps headquarters staff to be in charge of the Intelligence work, under Chief of the Staff.

Personal Staff

Military Secretary necessary for the Commander-in-Chief in India.

Military Secretary to be allowed also to generals commanding army-corps, with staff allowance of Rs. 400.

Persian interpreter to Commander-in-Chief to be a staff officer of 2nd Class.

Aides-de-camp to be allowed as follows :—

Commander-in-Chief	3
Lieutenant-Generals Commanding army-corps	2 each
General Officers Commanding 1st Class districts	1 each

The total personal staff to be —

5 Military Secretaries
1 Persian Interpreter
19 Aides-de-camp
25

Judge Advocate-General's Department

At headquarters one judge advocate-general, with an assistant, and with each army-corps, one deputy.

District staff to perform work now done by deputy judge advocates.

Regimental and staff officers to be deputed to act at courts-martial.

Department to be reduced from 15 officers to 6.

Military Education Department

Appointment of a Director proposed, to supervise Garrison instruction and also British and Native army school, with two assistants, one for each.

To be at army headquarters.

One Garrison instructor recommended at each army-corps headquarters, with an assistant.

Departmental Staff

Officers of — to be subordinate to the general officers in command of army-corps and districts.

To be equally divided between the home and Indian armies and held alternately by officers of each service.

When an army-corps commander belongs to one service, his Chief of the Staff of belong to the other. Nomination for army-corps commands, in the case of officers of the home service, to be made by Field Marshal Commanding-in-Chief; in the case of

Indian officers, by Commander-in-Chief in India, with approval of Government of India; in both cases subject to Secretary of State's approval.

District and Staff Colonel's Commands

Selection for — to be made from the British army at large, subject to terms of Indian service, by Commander-in-Chief in India; and, in the case of Indian officers, by lieutenant-generals commanding army-corps.

Vacation of all commands and staff appointments by officers after 31 years' service and after they have held their appointments for five years.

Lieutenant-general commanding army-corps to make selections for General and Garrison staff; but, in the case of selection for headquarters staff of army-corps, subject to concurrence of Commander-in-Chief in India.

Staff of the army of India at headquarters to be nominated by the Commander-in-Chief, and finally approved by the Governor-General in Council. All confidential reports on staff officers to be laid before Governor-General in Council by Commander-in-Chief.

Indian officers to be encouraged to join the staff collage.

Better classification of army business, office systems, returns, and military clerks, to be considered by a Committee.

The Organization of the British Army in India

Undesirable to maintain a local European army in India.

England and India should, in the matter of army organization, act reciprocally.

British regiments serving in India to be made as cheap as possible, without loss of efficiency.

Cavalry regiments to consist of 4 squadrons and 586 non-commissioned officers and men.

Infantry regiments to consist of 8 companies and of 1,044 non-commissioned officers and men.

European Garrison of India, exclusive of artillery, to consist of 6 cavalry regiments, and 43 infantry battalions.

Horses

British cavalry regiments to have the full number for non-commissioned officers, and for 85 per cent of rank and file.

Establishment of syces for cavalry to be assimilated throughout India to that in the Bombay Presidency, viz., 1 syce to every non-commissioned officer's horse, and 1 to every 3 troop horses.

Artillery

Instead of 15 horse artillery batteries, only 10 to be maintained in India.

The number of British mountain batteries to be raised from two to eight.

The strength of each garrison battery to be raised to 120 of all ranks, and a half-battery stationed where a full one is not required.

This arrangement gives 17 strong batteries instead of 22 week also.

Establishment of artillery for India to be —

British

H. Artillery	10 batteries
F. Artillery	38 batteries
Heavy Artillery	4 batteries
Mountain Artillery	8 batteries
Garrison Artillery	17 batteries

77 or 360 guns

Native

Mountain Artillery	Batteries
	$6\frac{2}{3} = 40$ guns
Hyderabad Contingent	4 = 16 smooth bore guns

56 guns

Two mountain-guns, with mule equipment and an artillery officer, to be attached to the Assam regiment at Shillong.

On a war establishment all the carriages of a battery to be horsed and the establishment of bullock abolished except 6, to be retained for work in the lines.

First reserves of ammunition at 76 rounds per gun, or 456 per battery, to be kept with the batteries at the following stations :—

Bengal Army- Corps	Punjab Army- Corps	Bombay Army- Corps	Madras Army- Corps
Dinaploore	Rawal Pindi	Above Dadur	Secunderabad
Navgang	Mooltan	Kurrachee	
Morar	Sialkot	Nusseerabad	
Bareilly	Peshawar	Kamptee	

Limber wagons to be discontinued for transport of reserve ammunition, and in lieu six strong carts, with 2 horses each, to be given to each battery.

The establishment of horses at above reserve ammunition stations to be —

	Per Battery
<i>Horse Artillery</i>	
Ordinary strength	168
Increased strength	200
<i>Field Artillery</i>	
Ordinary strength	124
Increased strength	144

At other stations, batteries to have the 6 reserve ammunition carts and harnesses, but the 12 horses need not be kept up.

For horse artillery batteries, 10 horses are reduced at stations where reserve ammunition carts are kept horsed, and 22 where they are not kept horsed.

For field artillery batteries, 12 horses are added at stations where reserve ammunition carts are kept horsed, and 2 where they are not kept horsed.

All drivers, except those for the guns and limber ammunition wagons, to be natives. The native establishment to be organised accordingly. The European establishment not to be reduced.

Barrack Accommodation

On hot season scale unnecessary at stations where troops are always reduced in numbers during summer.

Hill Stations

More use to be made of — for European troops, but stations selected should be near main lines of communication.

Recruits

Injury done to the service by the short-service system to be promptly remedied.

Soldiers of less than three years service not to be embarked for India, and none who have not extended their service to a period of nine years.

Men and non-commissioned officers to be allowed to volunteer to remain in India on a bounty.

Reliefs

Troopship system to be revised.

Enquiry to be made as to the rates English steam-ship companies would charge for conveying troops.

Arrangements in Barracks

Commanding Officers to be allowed to arrange for repairs to barrack furniture and fixtures, and the management of barrack lighting, punkah-pulling, and tattie-watering.

Considerable economy in the two latter establishments possible.

A large reward to be offered for *punkah*-pulling machinery.

Soldiers to be encouraged to cook their own rations at hill stations, to build their own huts, and maintain garrison roads.

In the plains regiments and batteries to be marched out during the cold season and made to cook their dinners in the open.

Attention called to the fact that cooking-pots of British regiments are of very inconvenient shape for transport.

Uniform and Equipment

A loose serge Norfolk jacket (with sleeved waistcoat for colder climates) and serge trousers with gaiters, the best dress for foot soldiers in India in the cold weather; and for mounted soldiers a similar jacket, with cord trousers, gaiters, and ankle-boots.

For the hot season *Khaki* uniform best.

Brown leather equipments better suited to India than buff.

Scarlet for infantry and blue for royal artillery to be retained as colours for serge clothing in India, but black unsuited for trousers for infantry in India.

A committee of officers to be appointed to fix a suitable uniform, for parade and service, for each arm of the service, and also the equipment of each.

Pouch and bag unsuited for cartridges.

The valise, the soldier's great coat, and manner of distributing the weight on his back might be improved.

The present glass water-bottle considered unserviceable.

Artillery drivers to be armed with revolvers, and opinion given that lancers are over-armed.

No change proposed in the establishment of officers of regiments serving in India.

Musketry instruction in infantry regiments to be entrusted more fully to company officers.

The Organization of the Native Army

No reduction recommended.

Strength of cavalry regiments to be raised to 4 squadrons with 609 natives of all ranks; and that of infantry regiments to 8 companies, with 912 natives of all ranks.

Native troop and company commanders recommended.

Standard of efficiency and responsibility of Native officers to be raised.

Two extra British officers to be added to each regiment.

The following to be the establishment of officers for Native regiments—

Cavalry	Infantry
1 Commandant	1 Commandant
4 Squadron Commanders	2 Wing Commanders
4 Squadron Officers	4 Wing Officers
1 Quarter-master	1 Adjutant
1 Adjutant	1 Quarter-master
11	9

or two officers in addition to the sanctioned strength of each corps.

One of these two officers to be appointed to the charge of musketry instruction at Rs. 50 a month for six months.

In the Bengal and Punjab armies, a proportion of vacancies in the ranks of Native officers to be filled by direct cadets of good family, who should undergo training in a military school before joining a regiment.

Promotion of very old soldiers to be Jamadars and Subedars to be discouraged.

Non-commissioned officers for a company of Native infantry not to be increased, an account of increase recommended in numerical strength of company: five havaldars and five naiks considered sufficient.

Good Conduct Pay

Duffadars and havaldars to be allowed Re. 1 a month for every two years' good service, upto a maximum of Rs. 4; and naiks Re. 1 a month for every two years' good service, upto a maximum of Rs. 2.

Corps of Guides

Though available for "general service," its Constitution not to be altered.

To be ordinarily at the disposal of Civil Government. To retain its present locality at Murdan; and the frontier line from Michni east to be entrusted to its charge. The corps to be raised

to 800 privates, and 4 squadrons, and to have two mountain-guns.

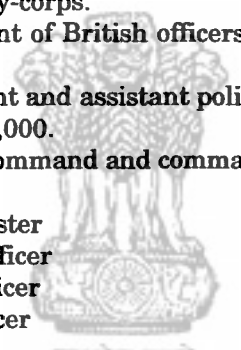
Its command to be entrusted to a specially selected officer, and all its officers to be carefully chosen.

Three similar corps to be formed and posted at Kuram, Tonk, and Pishin. Men of the surrounding tribes to be enlisted in them. All corps of guides to remain on same footing as troops of Punjab Frontier Force.

Returns to be sent into the headquarters of the military command to which the corps are attached, and the inspections, etc., to be conducted by the general officer commanding the district.

These corps to be separate bodies, officered by selection from any of the army-corps.

The establishment of British officers to be :—

- 
- 1 Commandant and assistant political officer, with staff pay of Rs. 1,000.
 - 1 Second-in-command and commandant of cavalry.
 - 1 Adjutant
 - 1 Quarter-master
 - 1 Squadron officer
 - 1 Artillery officer
 - 1 Medical officer

One Native officer to be appointed commandant of the cavalry, and one of the infantry, with Rs. 200 staff allowance, as an incentive to secure superior men.

Requirements of Pishin and Baluchistan

Jacob's Rifles and another regiment of the Bombay army to be assimilated to present two Beluch battalions. The four battalions to be accepted as local battalions for "general service," like the Punjab Frontier Force.

Pioneers

The pioneer regiments to be constituted in each army-corps.

Pioneer soldiers at 2 per troop and company in all corps, and to get Rs. 1½ a month extra pay.

Labour of pioneers and Native soldiers generally to be more utilized in peace time on military works.

Equipment of pioneer soldiers to be settled by a special committee.

Sappers and Miners

Four instead of three corps recommended.

Headquarters to be at Rawal Pindi for Punjab Army-Corps Sappers.

Training and organization of the four corps to be assimilated, and artificers to be enlisted.

Sappers to be employed on military works.

Organization of sapper corps to be reported on by a committee.

This committee also to report on organization of pontoon telegraph and engineer trains, and on the number of officers required per company. Three officers are required on a war footing.

Depots

Native army to consist of single regiments and battalions, each with a fixed depot near its recruiting ground.

Committee of regimental officers to decide on depots to be maintained.

Ordinarily a Native officer or pensioned Native officer to have charge of a depot on a small staff salary.

Total cost of a regimental depot not to exceed Rs. 60 a month.

Recruiting

Army-corps to raise recruits within its own territorial limits.

If four distinct armies be maintained, the regiments of the several army-corps must be kept to separate recruiting grounds.

Hyderabad Contingent to be recruited from the Deccan and adjacent districts.

Class regiments composed of Goorkhas, Muzbis, Sikhs, and Hindustanis to be maintained in Bengal and Punjab Army-Corps.

Native Infantry

Numbers proposed —

Bengal Army-Corps

19 Battalions of the line	each of 912 Native
2 Goorkha battalions	of all ranks
3 Assam battalions	

24 or 6 less than present number

Punjab Army-Corps

27 Battalions of increased strength, or 4 less than present number.

Madras Army-Corps

25 regiments of increased strength, or 15 less than present strength.

Bombay Army-Corps

25 regiments of increased strength, or 5 less than present number.

Native Cavalry

Numbers proposed —

Bengal Army-Corps

6 resiments

Punjab Army-Corps

13 regiments. These to be formed of 4 squadrons each, out of existing 26 regiments.

Madras Army-Corps

2 regiments of increased strength, or 2 less than present number.

Bombay Army-Corps

6 regiments, or 1 less than present number.

Belgaum district to be assigned to the Madras Army-Corps.

Regiments of Hyderabad Contingent to be recruited from the Madras districts and districts round Hyderabad, and to be officered from the Madras Army-Corps.

Madras Army

Proposals for improving efficiency are —

Demand on civil population for recruits to be limited.

The area of duty to be limited.

The men to be better equipped and dressed, and assimilated in these respects to the soldiers of the other Native armies.

The officers to be younger and better regulated as to standing and rank.

The battalions not to be left too long at isolated stations.

Reserves

A limited reserve of 200 men to every infantry regiment to be maintained.

To consist of privates, who, after 12 years' service with the colors, might pass into the reserve, on a reserve pay of Rs. 4 a month.

They would belong to the first reserve till they reached 21 years' service, during which time they would be liable to embodiment for two months in every two years, and to serve with the colors when summoned.

They would then receive, in addition to their reserve pay, the full pay and good conduct pay, they were drawing when they joined the reserve.

At 21 years' service, they would pass to the pension list, or second reserve, continuing to receive Rs. 4 a month and liable to serve on garrison duty only an emergency.

After 32 years' service, to be liable for no more duty and get their pension to the end of their lives.

The second reserve would be rarely exercised.

The first reserve to be embodied at regimental depots.

A British officer, with Native officers and non-commissioned officers and a medical subordinate, to be deputed to the depot once in two years to exercise reserves.

The second reserve who called out to be armed from the nearest depot or arsenal.

Arms, &c., for 200 men to suffice for the reserves of two regiments.

Half of the reserve equipment only, therefore, need be kept at depots, the remainder at nearest arsenal.

Reservists on embodiment to be sheltered in standing camps.

First reserve for cavalry not proposed.

A change in pension rules for cavalry recommended, so that pensioners would be liable for garrison duty in second reserve.

Reserve system to be applied to sappers and miners.

Reserve sappers to be employed in arsenals and railway workshops.

Pensions

Pension rules to remain as they now are for Native officers and soldiers already in the service.

For soldiers or officers enlisted under new system there would be no invalid pension, except for wounds or sickness.

Privates to be entitled to retire, subject to serving in second reserve up to 32 years' service, on a pension of Rs. 5 a month after 21 years' service.

Privates with 32 years' service to get full pension of Rs. 7 a month.

Men who retire without earning pensions or joining reserve to get gratuities.

Abolition of present invalid pension after 15 years' service recommended.

Reserves and Pensions

Officers and non-commissioned officers not to be passed into the first reserve.

Reserve system to be made applicable to all infantry regiments.

Abolition of invalid pension after 15 years' service for future recruits, and obligation of pensioners for duty in second reserve to be carried out at once.

Men now with colors to be permitted to elect for the new pension rules.

Establishment of reserve strength as soon as possible recommended.

Under the proposed system there would be —

200 men in infantry regiments in 1st reserve.

300 men in infantry regiments in 2nd

or a total of —

1st reserve 19,200 infantry.

2nd reserve 33,000 infantry and 6,000 cavalry.

Half reserve pay, and full pension (when earned), in addition to full pay during embodiment, to be granted to reservists employed in civil department.

Reserve men to revert to full reserve pay on losing employment in civil department.

Local civil and police officers to be informed of numbers of reservists available for employment.

Local Governments to be urged to employ reservists as much as possible.

Armies of Native States

Native contingents to be kept as distinct local forces.

Native states to be induced to reduce their armies.

Powers of Commanding Officers

Majority of Commission do not think that Commanding Officers should have the power of discharging unfit sepoys, &c.

Regimental Followers

Number of lascars to be reduced from 8 to 4 per regiment.

No reduction proposed among other regimental followers.

Regimental bazaar establishment not to be always maintained.

Commanding Officers to be allowed to draw the sum sanctioned for bazaar establishment, and to spend it in improving the supply of grain to the regiment.

Compensation-money to Madras Sepoys

Scale of compensation-money to Madras sepoy serving with other army-corps to be revised.

Madras corps ordered on foreign service to be allowed new scale of compensation or rations from Government.

Defects in Clothing

Cloth clothing for Native soldiers a mistake; coats and trousers too tight.

Helmets, shakos, and scotch caps, do not suit Native soldiers.

White uniforms too expensive for them; *Khaki* drill best for working uniform.

White and yellow facings down the front of the jacket make the soldier an easier mark for the enemy.

Uniform of each army-corps to be revised by a Committee of regimental officers.

Materials to be serge, or other woollen stuff as *putto*, and *khaki* drill, the colour being red for one coat only, the rest being *khaki*, save for Goorkha and Assam corps, which should have dark-green.

Any change to be introduced gradually, so as to cause little expense to the men.

Government not to undertake provision of boots and shoes for Native soldiers.

Grass-preserves to be maintained near every artillery and cavalry station.

Guard and escort duties to be reduced.

Locks and fastenings to be substituted for sentries where possible.

All institutions that must be guarded to be brought together.

No guards to be given to civil officers below the rank of Chief Commissioner.

Officering of the Native Army and Army Departments

Civil and Political Appointments

Employment of military officers in civil services to cease.

Officers choosing a civil career to leave the army.

For political appointments, officers to be seceded for two years and then borne on the general list of the army for promotion.

Staff Crops System

Present defects may be overcome in two ways —

First, by uniting three or four battalions of Native infantry into a regiment and promoting officers by seniority in the regiment.

No difficulty anticipated in Madras and Bombay armies in doing this, nor in Bengal or the Punjab, if care and tact in classifying regiments be observed.

Second, by forming a general list of officers of each army-corps, to limit the number of each rank, and only make promotions as vacancies occur.

This plan recommended.

Army ranks for officers of infantry to be — 1 lieutenant-colonel, 1 major, 4 captains, 5 lieutenants.

The following approximately the strength of officers required for each army-corps, and the relative proportion for each rank:—

Rank	For Regimental Duty				For Army Staff				For Army Department			
	Bengal	Punjab	Bombay	Madras	Bengal	Punjab	Bombay	Madras	Bengal	Punjab	Bombay	Madras
Lieutenant-Colonels	31	38	38	40	5	5	5	5	8	6	6	6
Majors	32	43	43	37	6	6	5	6	8	7	7	7
Captains	102	128	101	91	5	6	5	5	15	13	13	13
Lieutenants	127	158	143	128	5	2	4	3	15	13	13	13

The general lists of each army-corps would stand as follows:

	Bengal	Punjab	Bombay	Madras	Total
General	—	—	—	—	—
Colonels with allowances	—	—	—	—	—
Lieutenant-Colonels	44	49	49	50	193
Majors	46	56	55	50	207
Captains	122	147	118	109	496
Lieutenants	147	173	160	144	624
Total	359	425	382	354	1520

All officers joining the army in future, to be promoted in army rank on the list of the army-corps to which they belong.

Regimental promotion to be made according to regimental list.

Unnecessary to promote lieutenants at once to make up complement of captains.

Lieutenants now in staff corps not to be promoted till after 12 years' service.

Officers of commissariat and pay departments to be borne on strength of regiments for two years, and after that on the general lists.

Officers who joined staff corps before 1866 to be dealt with exceptionally.

All in civil employ to be placed on a separate non-effective list, distinct from army list. They must continue to receive promotion till they disappear by lapse of time.

Political appointments not classed under purely civil employ.

Officers now detailed for army departments to be placed on general list, those already in staff corps obtaining promotion as now.

Officers joining hereafter to take their army rank by promotion on general list and their departmental rank by the departmental list.

Officers of the general staff and all regimental officers to be placed on the cadre of regiments to which they should henceforth belong.

Officers now in staff corps must be promoted by length of service.

All excess officers to be entered in the general list in italics as super-numeraries.

No more than two officers to be withdrawn for the staff any one regiment.

Question of regulating promotion in the staff corps to be submitted for opinion of actuaries, but no system should be maintained which gives an excess of officers of higher rank and a deficiency in lower ranks.

Experiment of staff corps to be tried no longer, unless actuarial investigation proves that rules of staff corps will in time regulate promotion.

Officers unfit for military duty to be retired.

Officers unfit for departmental duty to be retired.

When officers, regimental or departmental, are in excess of requirements, they should be placed on half pay till absorbed.

Young officers of British regiments not to be debarred from joining Indian service.

But better plan of recruiting officers for Indian army would be to get them by direct commission from Sandhurst, supplemented by a larger number of Queen's and Indian cadets.

Young officers to be trained first at military camps in the United Kingdom.

On arriving in India to be attached to a Native regiment.

Officers who have not served with cavalry at home should, on arrival in India, join a British cavalry regiment for a time.

Pensions and Retirements

To all who may be deprived of their appointments by reason of Commission's proposals, and for whom there may be no prospect of early and suitable employment, the following conditions to be offered:—

- I. To officers of 28 years' service and upwards, the pension rate next above that to which they may be entitled by length of service, including service at Addiscombe, no deduction being made for furlough taken in excess of the periods counting for pension, with the additional annuity or bonus allowed under G.G.O. No. 1 of 1879.

- II. To officers of between, 20 and 28 years' service, pensions as above, with the additional annuity or bonus under the above order, calculated for their age and service, such as was recently sanctioned for officers of the Public Works Department.

Both classes to receive in addition a bonus of six months' staff pay of their appointment, and also be allowed to capitalize, if they wish it, a portion only of the extra annuity. Those who are unwilling to retire on these conditions must necessarily be permitted to continue in the service, and should be provided with such suitable employment as can be found for them according to their rank and capacity.

For the future, revised scale of pensions proposed by Government concurred in.

Object of scales of pension to be to secure services of officers during prime of life.

Rates should not be fixed so as to induce officers to retire before the state has had the full benefit of their services.

System of Colonel's allowances to be entirely recast.

Reduction prospectively of the Colonel's pay and allowances to £1,000 consolidated.

For the future, Colonel's allowance to be considered as a pension.

Establishment of Colonel's wholly a non-effective list.

Fixed number of Colonel's allowances for officers to succeed to on retirement.

This extra or distinguished service pension to be open to officers above rank of major.

Rate to be £ 300 a year, in addition to any pension.

In all the other proposals of Government, the Commission concur.

For future entrants, officers retiring before 32 years' service liable to be recalled on serious emergency.

The Orgnization of the Medical Service in India

Military Medical Administration

Three Deputy Surgeons-General for each army-corps sufficient.

The senior to be chief adviser to general commanding; he should remain at headquarters.

He would communicate with the Surgeon-General of the Medical Department of India.

The other two to be under his orders.

There should be one Military Surgeon-General who would ordinarily belong to the British medical service.

He should be attached to the War Department and have two Secretaries, one of the British and the other of the Indian service.

Appointment of 24 brigade-surgeons —

12 of 1st class on Rs. 240 staff salary.

12 of 2nd class on Rs. 250 staff salary.

Brigade-surgeons of the Indian service after five years' service to be allowed an extra pension of £ 150 if in 1st class and £ 100 if in 2nd.

Instead of the 24 administrative appointments recommended to Secretary of State by Government of India, Commission only propose 13.

The appointment of Brigade-Surgeons will make good to be service the loss of prizes by this reduction.

Officers entitled to furlough to count such furlough as part of their five years' tenure of office.

Military Medical Staff

1 Surgeon-General with War Department, with

2 Secretaries, one British and the other Indian.

12 Deputy Surgeons-General, 4 on higher pay than the others.

14 Brigade-Surgeons.

The military administrative medical staff to be distributed as follows :

1 Surgeon-General in the War Department, assisted by two secretaries — one of the British, and the other of the Indian, medical service.

I. Bengal Army-Corps

- 1 Deputy Surgeon-General on Rs. 2,250, adviser to the General commanding the Bengal army-corps, issuing orders to, and receiving reports, &c., from the two other Deputy Surgeons-General of this corps, and himself of directly Superintending the medical arrangements in the Lucknow and Bareilly districts.
- 1 Deputy Surgeon-General on Rs. 1,800, Superintending the medical arrangements of the Calcutta and Eastern Frontier districts, and under the orders of the Deputy Surgeon-General with the General commanding the Bengal army-corps.
- 1 Deputy Surgeon-General, second class, superintending the Meerut, Gwalior, and Nowgong districts, and under the orders of the Deputy Surgeon-General with the General commanding the Bengal army-corps.
- 6 Brigade-Surgeons, one in each military district (except the Eastern Frontier), each of whom, in addition to ordinary work as an executive medical officer, would also assist in the work of administration in any manner in which his Deputy Surgeon-General might direct, either by remaining incharge of his office while the Deputy Surgeon-General was on tour, or by carrying out inspections at remote stations which it may not be convenient for the Deputy Surgeon-General himself to visit at the time. In the cold season, when the work of executive medical officers is at a minimum, there would generally be no difficulty in detaching a brigade-Surgeon temporarily for this duty.

II. Punjab Army-Corps

- 1 Deputy Surgeon-General, first class, with the General commanding at Rawal Pindi, directly superintending the Rawal Pindi and Peshawar districts.
- 1 Deputy Surgeon-General, second class, for the Umballa and Lahore districts.
- 1 Deputy Surgeon-General, second class, for the Kuram and Mooltan districts.
- 6 Brigade-Surgeons, one to each district.

III. Madras Army-Corps

- 1 Deputy Surgeon-General; first class, with General commanding at Bangalore, and directly superintending Bangalore and Madras districts.
- 1 Deputy Surgeon-General, second class, for Hyderabad and Belgaum districts.
- 1 Deputy Surgeon-General, second class, for British Burma and Port Blair.
- 5 Brigade-Surgeons, are to each districts.

IV. Bombay Army-Corps

- 1 Deputy Surgeon-General, first class, with General commanding at Poona, and directly superintending the Poona and Bombay districts.
- 1 Deputy Surgeon-General, second class, for the Mhow, Nagpore, and Nusseerabad districts.
- 1 Deputy Surgeon-General, second class, for the Sind and Aden districts.
- 7 Brigade-Surgeons, one to each district.

As a rule, no Deputy Surgeon-General would have more than eight or nine stations under his charge.

Civil medical administration to be distinct from military.

Civil administrative medical officers to be appointed to Burma.

Sanitary Commissioner and Inspector-General of Jails to undertake their duties in addition to other work.

Civil and military medical administration to be combined in Sind District.

Civil Deputy Surgeon-General, Punjab, to have local rank of Surgeon-General as in Bengal and the North-Western Provinces.

Sanitary Commissioner required for Assam, who might also do civil duties.

Offices of Civil Surgeon-General and Sanitary Commissioner with the Government of India to be united.

Sanitary Commissioners to be much younger men, but any who prove efficient to be induced to remain.

Pay to be graded, Rs. 1,000 to Rs. 1,400, and Rs. 1,200 to Rs. 1,750.

The administrative medical staff, for both military and civil work, to be as follows :—

<i>Military</i>	Rs.	Rs.	Rs.
1 Surgeon-General (S.G.) with Army Headquarters, at Rs. 2,700	32,400		
1 Secretary to S.G. with British service, at Rs. 1,400	16,800		
1 Secretary to S.G. with Indian service, at Rs. 1,400	16,800		
4 Deputy Surgeons-General with Army-Corps, at Rs. 2,250	1,08,000		
8 Deputy Surgeons-General with Army-Corps, at Rs. 1,800	1,72,800		
12 Brigade-Surgeons' staff pay at Rs. 450	64,800		
12 Brigade-Surgeons' staff pay at Rs. 250	36,000		
Total	4,47,600		
Deduct half-pay of one Deputy Surgeon-General, who is to do civil as well as military work in Sind.	10,800		
Total		4,36,800	

Civil -

(i) With Govt. of India

	Rs.
1 Surgeon-General and Sanitary Commissioner, at Rs. 2,700	32,400
1 Secretary to Surgeon-General and Sanitary Commissioner, at Rs. 1,400	16,800
1 Statistical officer to Surgeon-General and Sanitary Commissioner, at 1,500	18,000

(ii) Bengal Presidency

1 Deputy Surgeon-General, Bengal at Rs. 2,250	27,000
1 Deputy Surgeon-General, N.W.P., at Rs. 2,250	27,000
1 Deputy Surgeon-General, Punjab, at Rs. 800	21,600
1 Deputy Surgeon-General, Central Provinces, at Rs. 1,800	21,600
1 Sanitary Commissioner, Bengal, at Rs. 1,500 (Rs. 1,200 rising to Rs. 1,750)	18,000
1 Sanitary Commissioner, Assam, at Rs. 1,200 (Rs. 1,000 rising at Rs. 1,400)	14,400
1 Sanitary Commissioner, N.W.P. at Rs. 1,500	18,000
1 Sanitary Commissioner, Punjab at Rs. 1,500	18,000
1 Supdt. Vaccination, N.W.P., at Rs. 950	11,400
1 Supdt. Vaccination, Punjab, at Rs. 950	11,400
1 Deputy Native Assistant Surgeon, Oudh, at Rs. 300	3,600

(iii) Madras

1 Surgeon-General, Madras at Rs. 2,500	30,000	
1 Secretary to Surgeon-General, Madras at Rs. 800	9,600	
1 Sanitary Commissioner, at Rs. 2,000	24,000	
1 Superintendent, Vaccination, at Rs. 950	11,400	
1 Sanitary Commissioner, British Burma, at Rs. 1,200 (Rs. 1,000 rising to Rs. 1,400)	14,400	
1 Surgeon-General, Bombay, at Rs. 2,500	30,000	
1 Secretary to Surgeon-General, Bombay, at Rs. 800	9,600	
1 Sanitary Commissioner, at Rs. 2,000	24,000	
	<hr/>	4,12,200
Add half-pay of 1 Deputy Surgeon-General deducted from Military above	10,800	
	<hr/>	4,23,000
Grand Total		<hr/> <hr/> 8,59,800

According to this statement the cost of military medical supervision will be Rs. 4,36,800 for all India: the present military charges on this account are Rs. 10,49,400. The saving, therefore, is Rs. 6,12,600. The cost of civil medical supervision will be Rs. 4,23,000: the present cost is Rs. 2,40,600, so that on this item there will be an increase of Rs. 1,82,400; but the nominal supervision of civil hospitals has hitherto been a charge on the military accounts. It will be fair, therefore, to compare the total present cost under both heads with that proposed :—

	Rs.
Present military charges	10,49,400
Present civil charges	2,40,600
	<hr/>
Present Total	12,90,000
Proposed Total	8,59,800
	<hr/>
Saving	4,30,200

Diminution and simplification of returns to be effected.

Special medical supervision for irregular regiments unnecessary.

The Hyderabad contingent to be administered by Deputy Surgeon-General at Secunderabad.

Regiments in Rajputana to be administered by the Inspector-General of Dispensaries.

Regiments of Central India to be arranged for as found convenient.

Executive Officers

Medical officers to serve at least two years with the army, half the time with British troops before appointment to civil work.

Hospital System

Both station and regimental hospital systems objectionable, a modified system, embracing advantages of both, to be adopted.

Regimental system to be taken as basis of scheme.

Regimental medical officers to be provided, but numbers properly regulated.

Regimental duties to be primary charge.

Numbers of medical officers proposed —

2 to each British cavalry and infantry regiment.

1 to each battery of royal artillery.

1 to each Native regiment.

Scheme of Distribution of Executive Medical Officers

British Service Indian Service

I. Bengal Army-Corps

22 Batteries R.A., at 1	= 22	6 Regiments cavalry, at 1	= 6
2 Regiments cavalry, at 2	= 4	27 Regiments N.I., at 1	= 24
13 Regiments infantry, at 2	= 26	Sappers and Miners	= 1

II. Punjab Army-Corps

21 Batteries R.A., at 1	= 21	12 Regiments cavalry, at 1	= 12
2 Regiments cavalry, at 2	= 4	27 Regiments N.I., at 1	= 27
13 Regiments infantry, at 2	= 26		
	103		70

Miscellaneous appointments
Depots

3
7

Miscellaneous appointment,
including 7 irregular civil
regiments

10

113

80

Add 20 per cent for reserve, &c.	23	Add 25 per cent for Reserve etc.	20
	<hr/>		<hr/>
Total Bengal and Punjab Army-Corps	136		100
Present Establishment	230	Present establishment	123
Now proposed	136	Now proposed	100
	<hr/>		<hr/>
Reduction	94	Reduction	23

III. Madras Army-Corps

17 Batteries R.A., at 1	= 17	22 Regiments cavalry, at 1	= 2
1 Regiments cavalry, at 2	= 2	25 Regiments N.I., at 1	= 25
8 Regiments infantry, at 2	= 16		<hr/>
	<hr/>		27
	35	Miscellaneous appointments	3
2 Depots	2	Hyderabad Contingent	10
	<hr/>		<hr/>
	37		40
Add 20 per cent for reserve, &c.	8	Add 25 per cent for Reserve &c.	10
	<hr/>		<hr/>
Total Madras Army-Corps	45		50
Present Establishment	74	Present establishment	76
Now proposed	45	New proposed	50
	<hr/>		<hr/>
Reduction	29	Reduction	26

IV. Bombay Army-Corps

17 Batteries R.A., at 1	= 17	6 Regiments cavalry, at 1	= 6
1 Regiments cavalry, at 2	= 2	27 Regiments N.I., at 1	= 25
9 Regiments infantry, at 2	= 18		<hr/>
	<hr/>		31
	37		
Miscellaneous appointments		Miscellaneous appointments	2
5 depots	5		<hr/>
	<hr/>		33
	42		
Add 20 per cent for reserve,	9	Add 25 per cent for Reserve	8
	<hr/>		<hr/>
	51		41
Total Bombay Army Corps			
Present Establishment	69	Present establishment	56
Now proposed	51	New proposed	41
	<hr/>		<hr/>
Reduction	18	Reduction	15

SUMMARY

	<i>Present Establishment</i>	<i>Now Proposed</i>	<i>Reduction</i>
<i>British Medical Service</i>			
Bengal and Punjab	230	136	94
Madras	74	45	29
Bombay	69	51	18
Total	373	232	141

Indian Medical Service

Bengal and Punjab	123	100	23
Madras	76	50	26
Bombay	56	41	15
Total	255	191	64

Executive Medical Service

Of the British service	141	may be reduced
Of the Indian service	64	may be reduced

Total 205

Saving per annum Rs. 17,22,000

Medical officers of Indian experience to be attached to regiments and batteries on arrival in India.

Hospital Buildings

In new cantonments, or where required to be constructed, to be provided on the general principle of one hospital for all Europeans and are for all Natives.

Separate wards to be given to each corps.

In the meantime, various existing hospitals to be looked on as separate wards of a garrison hospital.

Military medical officers not required under proposed scheme, to be given civil appointments now held by incovenanted men.

In Madras, 160 officers to be reduced.

In Bombay, 135 officers required, not 143 as at present, but exact strength cannot be fixed precisely.

Number of medical officers, British and Indian, to be —

	Bengal	Madras	Bombay	Total
British Medical Department	—	—	—	239
Indian Medical Department	353	160	135	648
			Total	887

Administrative appointments to be assigned in the proportion of a little more than one fourth to the British and a little under three-fourths to the Indian service.

There would be in all 20 administrative appointments, as follows:

		Military	Civil	Total	Remarks
Surgeons-General	1st Class	1(a)	1(b)	2	(a) with the War Department.
	2nd Class	—	2(c)		(b) with Government of India
					(c) Madras and Bombay
Deputy Surgeon-General	1st Class	4(d)	2(e)	6	(d) One with each Army-Corps.
	2nd Class	8	2(f)	10	(e) Bengal Proper and NW Provinces.
					(f) Punjab and Central Provinces.
	Total	13	7	20	
Brigade-Surgeons	1st Class	12	—	12	
	2nd Class	12	—	12	

Distribution to be as follows :

	Indian Service	British Service	Total
Military administrative appointments	6	7	13
Civil administrative appointments	7	0	7
	13	7	20

Of the 24 Brigade-Surgeonships 8 may be assigned to the British and 16 to the Indian service according to the following distribution :

	British	India	Total
Bengal Army-Corps	2	4	6
Punjab Army-Corps	2	4	6
Madras Army-Corps	1	4	5
Bombay Army-Corps	3	4	7
	8	16	24

The seven military administrative appointments for the British Service would be one Surgeon-General, one Deputy Surgeon-General of the first class, and five Deputy Surgeon-General of the second class. The appointments for the Indian service would fall thus :

		Bengal	Madras	Bombay
Deputy Surgeons-General	Ist Class	1	1	1
	2nd Class	1	1	1
Brigade-Surgeons	Ist Class	4	2	2
	2nd Class	4	2	2
Add civil administrative appointments		5	1	1
		15	7	7

If the Brigade-Surgeonships be included, the percentage of administrative appointments, both military and civil, to the strength of each service stands thus :

British Medical service in India	6.4
Bengal Medical Service	4.2
Madras Medical Service	4.3
Bombay Medical Service	5.1

If the Brigade-Surgeons be excluded, the ratios are — for British 3, Bengal 1.9, Madras 1.87, Bombay 2.2.

Interchange between medical officers in civil and military employ to be encouraged.

Under new scheme British service would have :

1	Surgeon-General	
6	Deputy Surgeons-General	1 of 1st Class
		5 of 2nd Class
8	Brigade-Surgeons	4 of 1st class
		4 of 2nd class
15		

Pay

Change necessary in pay of medical officers.

Pay of both services to be the same.

Netley to be abolished as a place for instruction of Indian medical officers. Saving thereby effected Rs. 70,000 per annum.

Young medical officers on arrival in India to be sent to large hospitals at presidency towns.

Eurasians and natives of India not to be admitted as candidates for Indian medical service, who have not passed in England full-time for medical education.

Hospital Establishments

Economy to be effected under modified station hospital system. Two-thirds of hospital establishments for royal artillery to be abolished and sick treated in British cavalry or infantry hospitals.

Abolition of staff hospitals in Bengal will effect a saving of Rs. 4,836 per annum.

Savings also to be effected in the convalescent depots.

Hospital Equipment

To be stationary.

Hospital Establishments

Recommendations of Simla Committee, 1876, approved by Secretary of State, concurred in, except that the hospital corps should be more local.

Establishments to be fixed according to general character of stations for healthiness.

Establishments of Native regimental hospitals to remain as they now are.

Subordinate Medical Department

Reductions in Subordinate Medical Department is possible.

Those not required for military duty to be lent to civil Government.

Cost of training and pensions of subordinates in civil employ not to be a military charge, but to be apportioned between civil and military estimates, according to time spent in civil and military employ.

Similar arrangement to be made in respect to pensions of surgeons and surgeons-major, who have been in civil employ.

Proper amount to be debited against civil Government to be calculated an average of past years.

Hospital Assistants

314, with a reserve of 25 per cent, or 392 in all, considered sufficient.

Greater responsibility to be placed on administrative medical officers.

More decentralization than there is at present, required.

Deputy Surgeons-General not to make references to headquarters on small matters.

Medical Stores

Economy to be effected in medicines and hospital equipment.

Radical changes required in management of medical depots.

Head of medical store department to be a thoroughly trained druggist.

Calcutta medical store depot might be removed to Chinsurah.

Government should secure the services of a good chemist to perform work of both quinologist and head of medical store department, and superintend, in addition to his own stores and factory, the minor depots.

One medical depot enough for each army-corps.

Rangoon medical depot to be dispensed with.

Work of depots to be reduced, if present list of medicines is curtailed.

Medical officers to restrict indents to a certain number of drugs.

Indents complied with to be accompanied by a list of cost.

Only one set of expensive instruments to be provided for each station.

Senior medical officers to be responsible for all medicines and instruments and their stations.

Inspecting officers to enquire more thoroughly into hospital management.

Medical Corps for India

Recommendations of Commission made on supposition that the British and Indian medical services continue to exist, but they consider medical administration in India should be amalgamated into one medical corps.

At present three public services are competing against each other.

An Indian medical corps would secure for British troops men of Indian experience.

Indian experience of greatest value in treatment of sick.

If one service could provide for all wants, it would probably attract good men.

A medical establishment under Government of India alone more easily managed.

Jealousies existing between the two services would disappear.

One medical corps for all India proposed.

Direct admission into the Indian medical service to cease.

All army medical officers to first enter British service and serve in it two years.

50 years British medical officers to be kept in the country, to see how the climate and work suit them.

Recruitment to be made from these.

Exchanges to be allowed between the British medical department and the Indian medical corps.

Change to be carried out at once by calling for volunteers from army medical department to fill administrative appointments and the 232 executive appointments.

Volunteers of all periods of service would then be necessary.

Summary of Reductions

The proposed reduction will stand thus :

I. Administration	Rs. 4,30,200
II. Executive Medical Officers	Rs. 17,22,000
III. Hospital Establishments	Rs. 1,43,000
IV. Abolition of Netley	Rs. 70,000
Grand Total	Rs. 23,65,200

These would be besides savings in pensions of men employed by Civil Government savings in passages out and home of present large number of British medical officers, savings in carriage of hospital stores from station to station, &c. But if the military estimates alone be considered, the saving in Section I, instead of Rs. 4,30,200, will be Rs. 6,12,600, as the cost of the proposed military medical administration would be Rs. 4,36,800 instead of Rs. 10,49,400 which it costs now.

The total would then stand thus :

I. Administration	Rs. 6,12,600
II. Executive Medical Officers	Rs. 17,22,000
III. Hospital Establishments	Rs. 1,43,000
IV. Abolition of Netley	Rs. 70,000
Grand Total	Rs. 25,47,600

The extra pensions to Brigade-Surgeons are compensated by reduction of pensions of Deputy Surgeons-General.

The savings of pensions of the 205 officers to be reduced would also be a large item.

The grand total of reductions would not fall short of thirty-one lakhs of rupees.

The Departments of the Army

Section I—Commissariat and Clothing

Amalgamation of existing three commissariat departments under one head, the Commissary-General-in-Chief of the army in India, to be attached to the War Department.

Unification of the whole Commissariat system necessary.

One Commissary-General for each army-corps to deal with all accounts of commissariat expenditure within a certain circle.

Under proposed system, instead of 49 account offices as at present, there would only be 12 such offices, effecting saving in office-rent, establishments, and contingencies.

The following table (Table 1) gives the establishment considered sufficient, divided into ranks and rates of pay.

Though departmentally commissariat officers are under Government of India, they are in all respects staff officers of the General to whose command they are attached.

Position of Commissary-General in relation to War Department and General Commanding to be the same as that of executive officer to Commissary-General and officer commanding station or district.

Commissary-General to be at army-corps headquarters.

Orders from Lieutenant-General commanding to be conveyed to heads of departments by Chief of the staff.

Commissariat roster for each army-corps to be distinct.

Officers to serve with their own army-corps as a rule, so as to acquire knowledge of local resources.

But the whole to be viewed as one department for all India.

The department to be administered directly by the War Department of the Government of India, through Commissary-General-in-Chief.

Duties of Commissary-General-in-Chief to be —

- to enforce economy in all branches;
- to introduce uniformity of systems of supply and procedure;
- to re-organize establishments to a common scale, with rates of pay only varying according to local circumstances;
- to direct and sanction all important contracts;
- to check demands on England for stores; and
- to regulate the reserves.

Personal Assistant to be allowed to Commissary-General-in-Chief on Rs. 600 a month staff salary.

Pay of Commissary-General-in-Chief to be Rs. 2,500 a month.

The total annual cost would be :

One Commissary-General-in-Chief	Rs. 30,000
One Assistant to General-in-Chief Staff	Rs. 7,200
Establishment for four army-corps	<u>Rs.5,19,600</u>
	<u>Rs.5,56,800</u>

The department to be relieved of petty supplies to barrack department, of supplies to civil department, of supply of hospital clothing, and of cavalry and artillery line gear.

The establishment detailed above to be distributed as follows :

Bengal Army-Corps		Punjab Army-Corps		Madras Army-Corps		Bombay Army-Corps	
Commissary-General	1	Commissary-General	1	Commissary-General	1	Commissary-General	1
Calcutta	2	Umballa	1	Secunderabad	2	Abore Dadur	2
Darjeeling	1	Kussowli	2	Bellary	1	Kurrachee	2
Denapore	1	Lahore	2	Bangalore	2	Baroda	1
Allahabad	1	Ferozepure	1	Wellington	1	Bombay	3
Cawnpore	1	Sialkot	1	Belgaun	1	Poona	2
Lucknow	2	Rawal Pindi	2	Madras	3	Mhow	1
Fyzabad	1	Nowshera	1	Rangoon	2	Nusserabad	1
Bareilly	1	Peshawar	2	Thayetmyo	1	Saugor	1
Ranikhet	1	Kuram	2	Tonghoo	1	Kamptee	1
Meerut	2	Mooltan	1	Port Blair	1	Aden	1
Chakrata	1						
Delhi	1						
Agra	1						
Gwalior	1						
Nowgong	1						
Assistant to							
Commissary-General	1		1		1		1
Account officers	3		3		3		3
	23		20		20		20
Percentage for							
furlough	4		4		4		4
	27		24		24		24

Line gear to be supplied by commanding officers, except the article furnished by ordnance department.

Barrack supplies to be undertaken by barrack masters.

Hospital clothing by the Superintendent and Agent, Army clothing.

Advantageous to have as few disbursing and accounting departments as possible.

Clothing

No radical changes in department proposed.

No change in present arrangement needed.

But staff salaries of Superintendents should be Rs. 800 for Bengal and Rs. 600 for other depots, instead of Rs. 1,000 and Rs. 700 respectively as at present.

All hospital clothing to be made up by the clothing department.

Supply of material in bulk to the army, when desired, to be continued.

Unnecessary to extend any further the practice of making up clothing regimentally.

Savings from reduction of staff salaries would be Rs. 44,800 per annum.

Section 2—Transport

New transport service to maintain carriage enough for placing a few moveable columns in the field at short notice. European officers and Native subordinates to be constantly trained in transport duties.

Maintenance of large number of elephants unnecessary.

Government elephants to be reduced from 1,307 to 400.

Committee to test and construct various descriptions of carts. Carts to be strong and light, and parts of carts of one pattern, interchangeable.

Change necessary in arrangements for carrying the sick and wounded. The scale to be —

For British Troops

Doolies or *dandies* for three per cent of troops in the field. Spring ambulances drawn by mules three per cent of troops in the field. Camel-panniers (*Kazawars*) for one per cent of troops in the field.

For Native Troops

Doolies or *dandies* for $1\frac{1}{2}$ per cent of the troops in the field. Ambulances, camel-panniers (*Kazawars*), and mule-panniers (*cacolets*) for $3\frac{1}{2}$ per cent of troops in the field.

Dooley-bearers to be kept up as an ambulance corps in time of peace.

The men to be regularly enlisted, disciplined, and clothed.

But patterns of mule ambulance, camel-pannier, and mule-pannier, to be settled by a committee of officers who have seen recent service.

Transport maintained in peace to be regimental charge, as far as possible.

Elephants and camels at large stations to be in departmental charge.

Transport for Native regiments, and mule and pony carriage for mounted European troops, to be ordinarily in regimental charge.

These cattle to be used in bringing in forage.

Transport service to be a branch of the commissariat department.

Chief Transport Officer to be attached to the Commissary-General of each army-corps.

Commissariat officers of stations to be in-charge of Government departmental transport.

Where there are moveable columns, a young officer from one of the British regiments to be appointed assistant transport officer.

If an officer from a British regiment cannot be spared, a Native officer to be appointed.

The transport officer's duty to be to assist the commissariat officer in the management of the Government carriage.

At stations where reserve carriage is placed, the transport officer to be a staff officer seconded from his regiment, with a salary of Rs. 200.

Reserve transport officers to work under the commissariat officer.

Regimental transport to be, in the case of British troops, under an European officer assisted by a non-commissioned officer, and in the case of Native troops, under a Native officer.

Transport officers of British regiments to receive Rs. 30 a month as horse allowance, and Native officers and British and Native non-commissioned officers, Rs. 15 a month.

All followers to be enlisted.

Petty officers of camelmén, muleteers, and cart-drivers to be pensioned soldiers or reservists.

They would receive the pay of their appointment in addition to their pension or reserve pay.

Extra hands to be taken from the ranks of Native regiments.

When Government carriage is hired out in large numbers, a Native officer, non-commissioned officer, or soldier should be sent in charge.

Regiments to be exercised in loading and unloading tents and baggage.

Theory of transport work to be taught, and a handbook to be prepared.

Transport course to be established.

Government transport during peace to consist of —

(a) Moveable Column transport.

(b) Regimental transport.

(c) Reserve transport at depots.

Smaller number of moveable columns now required than in 1861, when they were first organized.

Moveable columns to be maintained only at —

Bengal Army-Corps

Barrackpore

Dorunda

Nowgong

Gwalior

Lucknow

Allahabad

Bareilly

Punjab Army-Corps

Umballa

Rawal Pindi

Meean Meer

Madras Army-Corps

Madras

Secunderabad

Bangalore

Waltair

Berhampore

Cuttack

Rangoon

Bombay Army-Corps

Poona

Nusseerabad

Mhow

Saugor

Ahmedabad

Kamptee

Moveable column carriage allotted to mounted branches to be in regimental or battery charge.

The transport allotted to infantry to be in commissariat charge.

Each moveable column to have ambulances, and carriage for light tents, hospitals, etc.

Moveable column carriage to consist of mules, ponies, and light carts.

Committee to settle the kind of carriage to be maintained at each station.

Mules, ambulances, carts, harness, and pack-saddles to be Government property.

Regimental transport to be maintained by all corps serving on frontiers.

Under this arrangement, half carriage would have to be constantly maintained for :

Addition of 35 Government mules or ponies to the establishment of Native cavalry regiments on the further recommended.

Standing carriage to be provided for —

6 Batteries horse and
field artillery

20 Regiments Native infantry

8 Regiments British
infantry

6 sappers companies

	Artillery Batteries		Cavalry Regiments		Infantry Regiments		Sapper Companies
	Horse & field	Mountain	British	Native	British	Native	
Beluchistan							
Frontier	1	2 $\frac{1}{3}$	—	2 $\frac{1}{2}$	1	4	2
Punjab							
Frontier	5	5	—	9 $\frac{1}{2}$	5	21	3
Assam							
Frontier	—	—	—	—	—	3	—
Burma							
Frontier	—	2	—	—	2	4	1
Total	6	9 $\frac{1}{3}$	—	12	8	32	6

Particular type of carriage for each station, to be decided by special committees.

This carriage to be in regimental charge.

All mounted corps and Native troops could keep their carriage under regimental officers.

But carriage of British infantry to be in commissariat charge, subject to the orders of the regimental commander.

Officers of the commissariat and transport department to inspect and pay the Government carriage with regiments, to supply casualties, and report shortcomings.

Frontier corps transport to be employed on Government or regimental purposes in or near the station.

All Government carriage in regimental charge available for Government purposes.

All followers belonging to Government carriage to be enlisted and clothed.

Non-commissioned officers or soldiers sent with regimental carriage on other than regimental duty to receive working pay.

Reserve transport centres to be on main railway lines.

Eleven such centres proposed.

Allotment to these centres of a large proportion of dooly-bearers, ambulances, and other sick carriage.

Description of carriage to be maintained at each reserve centre to be settled by committees.

Light mule or pony carts the best form of reserve transport.
Not more than 80 elephants to be maintained at reserve centres.

A part of reserve carriage at centres to be available for moveable columns, and to be as far as possible in regimental charge.

The rest to be used :

on Government work at neighbouring stations,
for plying on hill or other roads,
in the postal or other departments on hire,
at hill stations in carrying water to barracks.

Mule-carts to undertake the postal parcel service on all hill roads, and to be let out to municipalities and the public works department.

All Government stores to be carried by reserve transport.

Ambulances to be detached to stations where invalid carts are required.

Ambulance mules to work in cart trains, the ambulances being kept in store.

Reserve camels to be let out on hire.

Dooly-bearers to be employed in punkah-pulling or other station work.

Transport officers, commissioned and non-commissioned, with moveable columns and regimental transport, to remain on the combatant list and not be seconded.

The only officers to be seconded to be those at transport centres and the chief transport officers at army-corps headquarters.

The estimated cost of staff pay to transport officers would be about Rs. 86,400 a year in peace time, thus :

	Rs.
10 Transport officers at reserve centres at an average of Rs. 6,000 pay plans staff pay of Rs. 2,400 a year.	84,000
10 Transport officers at larger moveable column station at Rs. 1,200 a year	12,000
Horse allowance at Rs. 360 a year to 40 battery and regimental British officers	14,400

Horse allowance at Rs. 180 a year to 200
Native Officers and to British and Native
non-Commissioned officers

36,000

 1,46,400

Native veterinary practitioners to be attached to the transport service and ambulance corps.

That total cost of the transport service and ambulance in time of peace would be :

	Rs.
Moveable columns, as per Appendix XLVII	6,63,720
Frontier corps transport and ambulance, as per Appendix XLIX	11,88,260
Reserve transport centres, as per appendix L	13,57,400
Four chief transport officers with four army-corps, Rs. 600 staff, in addition to staff corps pay of about Rs. 800	67,200
Transport Staff	1,53,900
	<hr/> 34,30,480

From this may be deducted the estimated saving caused by employing the Assam Coolie corps on public works, dooly-bearers in *punkah*-pulling and other station work, and by the hire of reserve transport let out to private persons, or to Government departments

5,00,000

Net cost 29,30,480
Which shows a saving of 8,33,451

On the total present expenditure of 37,63,931

Smiths, carpenters, and *mochis*, to be attached to the several moveable columns, frontier carriage establishment, and reserve centres.

A part only of these artisans to be kept on duty during peace, the rest on reserve pay.

They are to be entitled to, and provided with, uniform.

Allotment of transport to be considered by a competent

committee and the material and personnel for each station arranged for.

Transport provision made for 49,030 maunds of baggage, etc., and ambulance arrangements for 2,866 sick and wounded, or for the latter:

1,054 doolies, 273 ambulances, and 360 camel and mule panniers.

Two-thirds of moveable column carriage, one-third frontier force carriage, three-fourths reserve centre carriage, and four-fifths ambulances to be ready for despatch to any point.

Detailed scheme for putting the transferable portion of transport on war footing and despatching it by rail to be kept ready.

The steps necessary for this would be :

- to raise number of attendants by 50 per cent;
- to allot ten per cent of spare animals and drivers;
- to place selected Native non-commissioned officers and soldiers in charge of sections of carriage;
- to provide artisans, spare wheels and other pieces.

Transport contingents to leave stations fully equipped.

The carriage available on full concentration would be for 29,566 mounds and ambulances for 2,293 men, or for a force of 19,000 men, leaving transport available for 6,566 mounds for departmental requirements.

In time of war, Government transport to be supplemented by hiring carriage. Retaining fees for carriage not recommended in time of peace.

Registry of carriage available in districts to be kept

This to be done in concert with civil officers.

Time for collection to be ascertained.

The proportion of carriage to be furnished by each district to be settled before hand.

Schemes for raising transport trains from local carriage to be kept ready for all probable theatres of war.

In time of war, all transport from districts to base of operations to be organized and maintained by commissariat department on the system of stages.

Regimental and departmental carriage beyond the base, to

be on military organization under director of field transport, who would have, for departmental carriage, one transport officer for every 1,000 animals, a staff of Native officers and soldiers, of gangmen and drivers for every 100 animals, salutris and artisans.

Regimental and battery carriage to be in regimental charge, but under control of director.

Native officers and sepoy detailed for transport work to be drawn from regiments left in garrisons, men who have graduated as transport inspectors in times of peace; they should get pony allowance, staff pay, and rations.

A sufficient staff of Native non-commissioned officers and soldiers to be told off for regimental and departmental transport in the field.

Native transport inspectors to be armed with breech-loading pistols, and swords.

All attendants on hired carriage to be enlisted and clothed.

A percentage of all transport followers in the field to be armed with spears and short swords.

Spear-heads to be kept in store.

Useless to arm all followers.

Transport system in the field organization to be military. For a command of 1,000 transport animals in the field, the proportion of European superintendence and of Native Soldiers to the trained and untrained followers for the pack transport of advanced columns would be as follows :

1	European officer	25	Privates
1	Sergeant (1st Class inspector)	4	<i>Muccadums</i>
1	Writer	100	Trained and enlisted followers of peace estab- lishment
1	Native officer	400	Untrained followers
2	Havildars	1,000	Mules or camels
2	Naiks		

Artificers according to regulation.

Duty of transport officers of each army-corps to work up details of transport organization and material :

- (a) artillery ammunition to be packed so that it could be transferred to pack animals;
- (b) an improved, and more durable, pattern of bag be devised for carrying gram, other supplies, and small

- articles, on camels and mules; so that four of such bags would, when filled, form a load for a camel, and two would form a load for a mule;
- (c) bags with compartments be used for carrying entrenching tools, instead of the small wrought-iron panniers recently introduced;
 - (d) a lighter class of tents be devised, which, when complete, would suffice for hot weather in the plains of India, and which, by rejection of the double-roof and accessories, could be made available for service in Cabul, or other cold-weather campaigns;
 - (e) definite authority be given to certain officers of the transport service to weigh loads, reject excess, and report the person responsible for such excess to his immediate superior; and
 - (f) experiments be made with compressed provisions for man and beast, with a view to determining, beforehand and in peace time, how far, and for what campaigns, such provisions could be economically used, and by what procedure supplies could be promptly obtained when need arose.

Section 3 : Ordnance Department

Amalgamation of the three Presidential departments under one head; to be divided into two branches-administrative and executive.

Head to be an officer of high rank and departmental experience.

To have local rank of major-general if he has not this substantive rank.

Personnel to be under his direct control.

He should dispose of all questions regarding promotion, transfer, exchange, and leave.

All appointments of warrant and non-commissioned officers, and their promotion, to be regulated by him.

Manufacturing establishments to be under his exclusive control.

The preparation and submission of annual estimates and indents to devolve on him.

He should have a deputy and assistant.

Pay to be—

	Ra.	
Director-General of Ordnance	2,500	Consolidated with regimental pay and allowances
Deputy-General of Ordnance	600	
Assistant-General of Ordnance	250	

Inspectors-General of Ordnance required.

They should supervise circles of supply, be responsible that arsenals and depots are in an efficient state, and see that officers under them performed their work correctly.

They should arrange for transfers of stores from one arsenal or depot to another, and for the disposal of unserviceable stores.

They would deal with all committee reports on regimental equipment and indents.

They would be responsible for economical disbursements.

Existing arsenals and depots from which the troops forming the several army-corps would draw their supplies of ordnance stores. These are as follows:

Bengal Army-Corps

Ist Class arsenal, Fort William Shillong, Sadya, Cachar, Baxa, Calcutta, and subsidiary stations, Darjeeling, Dinapore, Dorunda, and detachment, Benares.

Ist Class arsenal, Allahabad Allahabad, Cawnpore, Futteghur,
Ammunition depot, Agra Lucknow, Fyzabad, Bareilly, Ranikhet, Nynsee Tal, Almorah, Meerut, Roorkee, Dehra, Chakrata, Delhi, Agra, Morar, Gwalior, Nawgong.

Punjab Army-Corps

Ist Class arsenal, Ferozepore Umballa and Subsidiary stations,
Ammunition Mooltan Dugshai, Subathu, Jutogh, Lahore,
Depots Dera Ismail Khan Amritsar, Ferozepore, Dharamsala, Bakhoh, Dalhousie, Sialkot, Mooltan, Dera Ismail Khan, Dera Ghazi Khan, Rajanpore.

2nd Class arsenal, Rawal Pindi	Rawal Pindi and Hills, Abbottabad, Attack, Nowshera, Hoti Murdan, Peshawar, Cherat, Ali Musjid, Kohat, Lundi Kotal, Thull, Kuram, Edwardesabad, Kuran Valley, Tonk.
Ammunition Depot	Peshawar Dera Ismail Khan

Madras Army-Corps

2nd Class arsenal, Secunderabad Secunderabad and the stations occupied by the Hyderabad Contingent.

1st Class arsenal, Madras	Bangalore, French Rocks, Bellary,
Ammunition Depot	Bellary, Belgaum Bangalore
	Belgaum, Wellington, Trichinopoly, Quilon, Cannanore, Madras, Vellore, Poonamallee, Waltair, Berhampore, Cuttack.

2nd Class arsenal, Rangoon	Rangoon, Thayetmyo, Tonghoo,
Ammunition depot, Tonghoo	Moulmein, Showaygheen, Port Blair.

Bombay Army-Corps

2nd class arsenal, Quetta	Dadur and stations above
2nd class arsenal, Kurrachee	Jacobabad, Kurrachee.

1st Class arsenal, Bombay	Rajkot, Dwarka, Deesa,
Ammunition Depot	Ahmedabad, Baroda, Surat, Bombay, Poona, Kirkee, Satara, Seroor, Asseerghur, Kamptee, Nagpore, Seroncha, Raipore, Sumbulpore.
	Poona, Nagpore

2nd class arsenal, Aden	Aden.
2nd class arsenal, Mhow	Mhow, Mehidpore, Augur, Neemuch, Nusseerabad, Saugor, Jubbulpore.

In the place of those mentioned above, the following arsenals and depots should in future be maintained in India for the supply of ordnance stores :

1st class arsenal,	5	Fort William, Allahabad, Ferozepure, Madras, Bombay;
2nd class arsenal	6	Mhow, Rawal Pindi, Kurrachee, Rangoon, Aden, Bellary;
Ammunition depots	10	Peshawar, Agra, Mooltan, Dera Ismail Khan, Secunderabad, Tonghoo, Poona, Ahmedabad, Quetta, Belgaum;

The depots at Nagpore, Bangalore, and St. Thomas' Mount being abolished.

The circles of supply to be as follows :

Bengal Army-Corps

As at present

Punjab Army-Corps

As at present

Madras Army-Corps

2nd class arsenal, Bellary
Ammunition depots,
Secunderabad Belgaum

Secunderabad, stations occupied by
the Hyderabad Contingent,
Bellary, Belgaum.

Ist class arsenal, Madras

Bangalore, French Rocks,
Wellington, Trichinopoly,
Cannapore, Madras, Vallore,
Poonamallee, Waltair,
Berhampore, Cuttack.

2nd class arsenal, Rangoon
Ammunition depot, Toughoo

As at present

Bombay Army-Corps

2nd class arsenal, Kurrachee
2nd class arsenal, Quetta

Dadur and stations above,
Jacobabad, Kurrachee.

Ist class arsenal, Bombay
Ammunition depots Ahmedabad,
Poona

Rajkot, Dwarka, Deesa,
Ahmedabad, Baroda, Surat,
Bombay, Poona, Kirkee, Satara,
Seroor, Asseerghur, Kamptee,
Nagpore, Seroncha, Ranpore,
Sumbulpore

2nd class arsenal, Aden	Aden
2nd class arsenal, Mhow	As at present

Bengal Army-Corps to draw its ordnance supply from two arsenals (1st class) and one ammunition depot.

The Punjab Army-Corps from two arsenals (1st and 2nd class) and three ammunition depots.

The Madras Army-Corps from the arsenals (one 1st class and two 2nd) and three ammunition depots.

The Bombay Army-Corps from our arsenals (one 1st and three 2nd) and three ammunition depots.

Present establishments in several ordnance departments—

	Factories	Arsenals	Depot
Bengal	5	4	4
Madras	2	3	5
Bombay	3	4	4

Bengal and Punjab army-corps to be in one circle of supply. Madras and Bombay in another.

The former to be called the northern, and the latter the southern circle of supply.

Salaries to be —

	Rs.
Inspector-General of Ordnance	2,000 consolidated.
Assistant Inspector-General of Ordnance	400 regimental pay and allowances

Total cost of officers of the administrative staff—

	Rs.
1 Director-General of Ordnance	2,5000
2 Inspectors-General of Ordnance at Rs. 2,000	4,000
1 Deputy Director-General of Ordnance	600
2 Assistant Inspectors-General of Ordnance at Rs. 400	800
1 Assistants to Director-General of Ordnance	250
Total	<u>8,150</u>

All manufacturing establishments to be under Director-General.

All estimates and returns, etc., to be sent to him.

One uniform rate of staff pay for Superintendents, viz., Rs. 600 per mensem.

The formation of four grades of Commissaries of Ordnance on the following monthly salaries suggested:

	Rs.	A.	P.
1st Class	500	0	0
2nd Class	400	0	0
3rd Class	300	0	0
4th Class	200	0	0

For a first class arsenal to be allowed the commissioned officers:

One 1st Class Commissary of Ordnance.

One 3rd Class Commissary of Ordnance

One 4th Class Commissary of Ordnance.

For a second class arsenal two officers :—

One 2nd Class Commissary of Ordnance

One 4th Class Commissary of Ordnance

Ammunition depots might, as at present, be left in charge of senior warrant officers, so long as the circle of supply is limited to one or two stations. But when an ammunition depot has to provide ammunition for three or more stations it should be under the charge of a third class commissary of ordnance.

Ordnance stores to be supplied from the following arsenals:—

1st class arsenals, 5 — Fort William, Allahabad, Ferozepore, Madras, Bombay.

2nd Class arsenals, 6 — Rawal Pindi, Bellary, Rangoon, Kurrachee, Aden, Mhow.

Ammunition depots providing for three or more stations,
6 — Agra, Peshawar, Secunderabad, Quetta, Ahmedabad, Poona.

Ammunition depots supplying two or fewer stations, 4 —
Mooltan, Dera Ismail Khan, Belgaum, Tonghoo.

The following commissioned officers would be required for employment in the several arsenal and depots :

Commissaries of Ordnance				
	1st Class	2nd Class	3rd Class	4th Class
1st Class arsenals	5	—	5	5
2nd Class arsenals	—	6	—	6
1st Class depots	—	—	6	—
Total	5	6	11	11

The name of all these officers to be borne on one list, and their promotion regulated by the Director-General. They should be available for duty in any parts of India.

The total monthly cost of regimental pay of ordnance officers under the existing organization is:

	Rate of Pay			Total		
	Rs.	A.	P.	Rs.	A.	P.
3 Deputy Inspectors-General of Ordnance	1,012	13	0	3,038	7	0
1 Assistant Inspector-General of Ordnance	609	2	10	609	2	10
7 Commissaries of Ordnance, 1st Class	686	13	11	4,808	1	5
6 Commissaries of Ordnance, 2nd Class	529	2	10	3,175	1	0
6 Commissaries of Ordnance, 3rd Class	341	9	10	2,049	11	0
Total				13,680	7	3

The total monthly cost of regimental pay for the officers of the ordnance department would be —

	Rate of Pay			Total		
	Rs.	A.	P.	Rs.	A.	P.
3 Deputy Director-General	880	11	6	880	11	6
1 Assistant	265	12	0	265	12	0
2 Assistant Inspector-General of Ordnance	524	2	3	1,048	4	6
Commissaries of Ordnance—						
5 1st Class	558	5	4	6,471	10	8
6 2nd Class						
11 3rd Class	341	9	10	3,757	12	2
11 4th Class	265	12	0	2,923	4	0
Total				15,347	6	10

The total additional monthly cost of the pay of officers of the amalgamated ordnance department would be —

	Rs.	A.	P.
For regimental pay	1,666	15	7
For staff pay	1,300	0	0
Total	2,966	15	7
Or annually	35,600	11	0

Against the above expense, there will be the saving resulting from the recommendation of the special Committee on Ordnance, to reduce the reserve ordnance, ordnance carriages and ammunition.

Abolition of depots at Bangalore, Nagpore, and St. Thomas' Mount will also effect a large saving.

Ammunition depot provided for Quetta, which was not previously sanctioned.

Actual cost of amalgamated ordnance department will be less than that of the present department.

Executive branch to be strengthened by the addition of 14 commissioned officers.

Secretary of State to be assisted by an artillery officer of first-rate ability.

All requisitions from India to go to him for check.

This officer to be indirect communication with the Director of Artillery at the War Office, and with the Director-General of Ordnance in India whom he should keep supplied with latest information on ordnance and artillery matters.

Attention to be paid to development of local supply, and to reduce and utilize absolute stores.

Hasty condemnation of stores to be prevented.

Modification necessary in the arrangement for the survey of stores when regiments arrive in England from Indian, or *vice versa*.

Committee to be appointed to consider these questions.

Section 4 — Military Works and Barrack Departments

Design, construction, and maintenance of all military works to be entrusted to a separate department of military works.

Statement of proposed establishment for Department of Military Works at Headquarters of the Army of India, and for the Bengal and Punjab Army-Corps

Inspector-General's Establishment

- 1 Inspector-General of Fortifications and Director of Works.
- 1 Deputy Director of Works for Fortification.
- 1 Assistant Director of Works for Fortifications.
- 1 Deputy Director of Works for Barracks.
- 1 Assistant Director of Works for Barracks.
- 1 Aide-de-Camp to Inspector-General.

Commanding Royal Engineers

- 4 Commanding Royal Engineers (1—1st grade, 2—2nd grade, 1—3rd grade).

Engineer Establishment

- | | |
|---------------------------------|---|
| 21 Garrison Engineers | Distributed in grades |
| 40 Assistant Garrison Engineers | according to Public Works Department rules. |

Upper Subordinate Establishment

Upper Subordinates (distributed in grades according to Public Works Department rules).

Lower-Subordinate Establishment

Sub-overseers (distributed in grades according to Public Works Department rules).

Inspector-General of fortifications and Director of Works to be an administrative officer of the War Department.

All large questions to be treated as parts of complete schemes.

All defence questions, plans of barracks and fortifications to be prepared under the direction of the Inspector-General in concert with the Defence Committee.

This Committee to be composed as follows :—

President

Commander-in Chief in India.

Members

Chief of the Staff

Inspector-General of Artillery

Director-General of Ordnance

Inspector-General of Fortifications

Deputy Director of Works for Fortifications

Officer of Royal Engineers in charge of Torpedo Defences.

Secretary

Deputy Director of Works for Fortifications.

Overgrowth of establishment to be restricted, and the employment of royal engineer officers on petty works not to be allowed. Greatest portion of accounts to be done at headquarters.

Contracts for building to be employment as much as possible.

Instruction of the army in field engineering to be undertaken by the garrison and assistant garrison engineers. System to be uniform and simple.

Five battalions of royal engineer officers sufficient for the sappers and miners, and military works department. For civil work, survey department, etc., two battalions enough, — or seven in all, instead of nine, the present number.

Economy to be effects by rigid supervision on the part of military and engineer authorities, and by the diminution in the number of stations where buildings have to be maintained. Also by the employment of contractors and military labour.

Annual allotment of funds to be as uniform as possible.

Barrack Department

Constitution of a barrack sub-department of the Department of Military Works.

Control to be in the hands of the Military Works Department.

Section 5 — Remount and Veterinary Departments

One Director of the Remount Department for all India.

Available for consultation by His Excellency the Commander-in-Chief.

If of the army veterinary department, his staff salary to be Rs. 500 a month + pay and allowances.

If a regimental or staff corps officer, his staff salary to be Rs. 1,000 + staff corps pay.

One reserve depot to be at Saharunpur, with a Superintendent on Rs. 600, with a Veterinary Surgeon on Rs. 250.

Another at Oosoor with same staff.

Director to determine remounts annually required to classify the different kinds of horses required, and direct the purchases.

Australians to be bought at Calcutta and Madras, and other classes of horses at Bombay, at fairs and up-country stations, and by commanding officers, when suitable remounts were presented.

A reserve of 400 to 500 Australians to be kept at Saharunpur, and 250 to 300 at Oosoor.

Total reduction would amount to Rs. 2,68,500, exclusive of pensions.

Veterinary Department

Veterinary requirements to be considered by stations instead of by corps and batteries.

One inspecting veterinary surgeon proposed for each army-corps on staff of Rs. 400.

Executive

Military requirements (by stations)	32
Two depots	2
Horse-breeding operations	3
Percentage for leave, etc.	9
	46

Two or three veterinary colleges for training Native farriers to be established.

Savings —

23 Veterinary surgeons reduced — Rs. 1,15,000 a year exclusive of pensioners.

Eventual saving in remount and veterinary departments —
Rs. 3,83,500 per annum.

Section 6 — Military Account Department

Establishment proposed as follows:—

	<i>Rate of Pay</i>	<i>Total</i>
	Rs.	Rs.
4 Controllers (consolidated)	2,000	8,000
5 Military Accountants, 1st Class, staff	800	4,000
5 Military Accountants, 2nd Class, staff	600	3,000
5 Military Accountants, 3rd Class, staff	500	2,500
5 Military Accountants, 4th Class, staff	400	2,000
7 Assistant Military Accountants on Rs. 150 during the year of probation, and Rs. 200 subsequently, average	175	1,225
<hr/>		
31 Officers		
<hr/>		
4 Medical Examiners	400	1,600
		<hr/>
	Present cost	22,325
	Monthly saving	22,850
		<hr/>
		525

These officers to be emerged in the following duties :—

- 4 Controllers, one for each army corps.
- 4 Examiners of Commissariat Accounts.
- 4 Pay Examiners.
- 4 Examiners of Ordnance and Clothing Accounts.
- 4 Paymasters at Calcutta or Allahabad, Rawal Pindi, Madras and Bombay.
- 4 Pension Paymasters, Bengal and Punjab Army-Corps.
- 7 Assistant Military Accountants employed as already explained.
- 4 Medical Examiners.

Accounts branch of Controller's office to be supervised by uncovenanted officers on higher salaries than at present allowed.

Systems of paying pensioners in the three presidencies to be assimilated.

No officer of less than five years' service to be allowed to enter the department.

On being permanently posted to the department, they should be borne on a general list for promotion.

Controllers to be financial advisers to Generals commanding army-corps.

All controllers to hold the same position relatively to the Government of India, that the Controller of Military Accounts, Bengal, now holds.

References to Governments on unimportant points to be diminished, and controllers allowed to dispose of cases in which the sum involved does not exceed Rs. 1,000.

Controllers to afford Generals Commanding army-corps advice on questions of military finance, and meaning of regulations.

Cases in which Controllers and Generals commanding do not agree to be reported to Government of India and Accountant-General, War Department.

All orders of General officers commanding districts to come under the cognizance of the controller.

Controllers not to have authority to disallow finally, charges incurred on the authority of orders by General Commanding, without previous reference to the Generals Commanding or Government.

The financial powers of Generals Commanding army-corps to be limited in times of peace to sums not exceeding Rs. 1,000.

Controller's advice to be taken by him on all financial references.

A schedule of all cases thus disposed of exceeding Rs. 500 to be submitted monthly to Government.

Separate estimates, statements of receipts and charges, and London accounts current, to be submitted separately by each army-corps and consolidated by the Accountant-General, War Department.

Accounts of military, medical and orphan funds in Bengal to remain under Medical Examiner, Bengal Army-Corps.

Offices of the controllers and examiners might be at headquarters of each corps.

In the Punjab Army-Corps, the controller and his staff can be located at Rawal Pindi.

The Lines of Communication in India

Need for military railways through the Bolan Pass to Quetta on the Kandhar route, also to Lundi Kotal and Kohat on the Khyber and Kuram routes.

These lines necessary for the safe and economical retention of our present or army advanced frontier.

Large savings of expenditure will be caused thereby.

For narrow passes and steep ascents, narrow lines to be laid with rolling stock capable of passing sharp curves.

Khyber route more important than the Kuram.

Railway from Rawal Pindi to the Indus to be laid to suit branch railways or roads to Peshawar and Kohat, i.e., to both the Khyber and Kuram routes.

Railway not needed along the Indus Valley from Peshawar through Kohat and the Derajat.

A good road from Julpigoree to Baxa necessary.

Brahmaputra steamer service to be improved, and Northern Bengal Railway to be extended towards Assam valley.

Patrol roads or paths from post to post required along the Assam frontier.

Patrol roads from post to post and to the base at Silchar and Rangamutty needed.

Railway extension to Tougloo necessary.

Improved military road from Prome or Allanmyo to Tonghoo would improve communications from the sea to the Burma frontier.

Railway lines from Umballa to Kalka, and from Ramnuggur to Moradabad, important.

Continuing of regiments near together in the Himalayas economical and convenient, so that they may be served by the same railway.

Hill cantonment near railways cheaper and convenient in time of war, for camps of exercise, reliefs and supply purposed.

On this side of our bases at Rawal Pindi and the line of the Indus, the most important lines of military communication to be maintained are —

The East Indian Railway, and Sind Punjab and Delhi Railway up to Lahore.

The Punjab Northern State Railway.
The Indus Valley Railway.
The Oudh and Rohincund Railway.
The Irrawaddy Valley Railway.
The Great Indian Peninsula Railway.
The Tirhoot Railway.

The lines of railway and roads which ought to be made to complete our lines of communication are —

The lines now under construction towards the Bolam and Khyber passes.
The Moradabad and Saharunpur link with the Benaras bridge.
The Sukkur bridge on the Indus Valley Railway.
The Umballa and Kalka line.
The Rangoon and Toughoo line.
The Ramnuggur and Moradabad line.
The Tirhoot Northern and Eastern Extention.

The arrangements required to turn railway lines to the best advantage are —

- (1) employing the railway lines to the highest military advantage with as little inconvenience as possible to ordinary traffic;
- (2) Maintaining and adapting rolling-stock and appliances, with due reference to military requirements;
- (3) arranging for the protection of lines in time of disturbance or danger; and
- (4) providing for the rapid re-construction of broken lines.

Tables and schemes for working military trains in time of war, to be kept ready in times of peace.

When large movements of troops take place, the officers at headquarters charged with transport affairs should regulate the working of troops and supply trains. They would be responsible for troop train movements.

In time of war, officers of the headquarters or army-corps staff should be deputed to each line.

Large junctions to be guarded in times of disturbance.

Designs for defence always to be kept ready on the spot and at headquarters.

Designs should be kept ready for guard-houses on the big bridges.

In order to maintain military lines of railway in time of disturbance, designs for bridges over large and small opening should be kept ready.

Creation of a separate railway service corps not recommended.

A committee to consider the question of working the railway system of India for large movement of troops, and the defence of railways.

The Mobilization of the Army for War

Steps necessary, on entering on a campaign, for providing officers, would be —

- to recall from leave all officers fit for duty;
- to request Horse Guards to fill up vacancies in British regiments and batteries; and
- to draw on the proposed reserve of young officers in England.

The steps to be taken in the mobilization of a field division from the Bengal Army-Corps would be —

- (a) To issue the detail of the generals, staff, and the stations from which the troops are to be drawn;
- (b) To call up the reserves;
- (c) To arrange for the railway transport through the staff at army-corps headquarters, Allahabad;
- (d) To expand the transport sections at Lucknow, Allahabad, and Bareilly to the required strength;
- (e) To draw extra horses from the batteries remaining in garrison from Saharunpur, or to purchase them in the Calcutta and other markets; and
- (f) To despatch extra equipments, clothing, and other supplies from Allahabad arsenal, Fort William arsenal, the Calcutta clothing depot, or other centres where they have to be purchase in the open market

Camps of exercise to be frequently formed for manoeuvres of the troops and practice of mobilization.

General Military and Financial Results of the Proposals

Total savings by proposals of Commission Rs. 1,25,00,000 per annum approximately.



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