

*Saturday,
21st March, 1914*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. LII

April 1913 - March 1914

ABSTRACT OF PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS,

From April 1913 to March 1914.

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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS
UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 to 1909
(24 & 25 Vict., c. 67, 55 & 56 Vict., c. 14, AND 9 Edw. VII, c. 4).

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on
Saturday, the 21st March, 1914.

PRESENT :

The Hon'ble SIR HARCOURT BUTLER, K.C.S.I., C.I.E., Vice-President, *presiding*,
and 47 Members, of whom 41 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Rai Sri Ram Bahadur asked :—

1. " Will the Government be pleased to supply the following information :—
- (a) The total approximate quantity of country made paper (in reams or pounds) bought annually by the Government of India and the Local Governments and Administrations, together with its approximate annual cost to each Government or Administration.
- (b) The total approximate quantity of foreign made paper (in reams or pounds) bought annually by the Government of India and the Local Governments and Administrations, together with its approximate annual cost to each Government or Administration.
- (c) The names of individuals or firms in India and England who have contracts for the supply of paper to the Government of India and the Local Governments and Administrations.
- (d) The total approximate quantity of paper manufactured annually by the Indian Paper Mills."

Quantity
and cost of
country and
foreign
made paper
bought by
Government
of India and
Local Gov-
ernments.

[*Mr. Enthoven; Rai Sri Ram Bahadur; Sir Robert Carlyle; Sir Gangadhar Chitnavis.*] [21st MARCH, 1914.]

The Hon'ble Mr. Enthoven replied :—

"(a) and (b) A statement* is laid on the table showing approximately the total quantity of country and foreign made paper purchased during the years 1910-11, 1911-12 and 1912-13 under the heads 'Imperial,' 'Provincial' (except Bombay and Madras), 'Miscellaneous' including Railways, Bombay and Madras, together with its approximate cost. Separate figures for each Local Government and Administration are not available.

"(c) Paper supplied from England is obtained by indent on the Director General of Stores at the India Office. It is not known from what individuals or firms the Director General procures the necessary supplies. In India, the following firms have contracts for the supply of paper to Government :—

"The Titaghur Paper Mills, Bengal; the Bengal Paper Mills, Bengal; and the Deccan Paper Mills, Poona. Purchases are also made from Messrs. Parthasarathy Nayudo and Perumall Chetty and Sons, Madras.

"(d) About sixty million pounds of paper have been manufactured annually by the Indian Paper Mills during the three years ending 1912."

The Hon'ble Rai Sri Ram Bahadur asked :—

Appointment
of Additional
Sanitary
Engineers
in United
Provinces.

2. "(1) Is the Government aware whether there are urgently required measures for the improvement of sanitation in the United Provinces, which cannot be taken in hand for want of a sufficient number of Sanitary Engineers?

"(2) (a) Has any requisition for the appointment of Additional Sanitary Engineers been received from the Government of the United Provinces?

"(b) If so, have any arrangements been made for the appointment of such officers and if so, when are they likely to take up their appointments?"

The Hon'ble Sir Robert Carlyle replied :—

"(1) The Government of India are aware that there is in the United Provinces a large number of schemes for the improvement of sanitation to be carried out, and the Government of the United Provinces has represented to them that the existing establishment of Sanitary Engineers is inadequate to deal with these schemes as expeditiously as they desire.

"2 (a) The answer to the first part of the second question is in the affirmative.

"(b) On the recommendations of the Government of India the Secretary of State was asked to sanction the appointment of two additional assistants to the Sanitary Engineer. These appointments he has sanctioned and he is now taking steps to secure the services of engineers possessing the requisite qualifications. The Government of India are not at present in a position to say when the engineers who may be selected are likely to take up their appointments."

The Hon'ble Sir Gangadhar Chitnavis asked :—

Amendment
of Order VI,
Rule 14, of
First Sched-
ule, Civil
Procedure
Code.

3. "(a) With reference to the Government reply to my question of 29th March, 1910, suggesting an amendment of Order VI, Rule 14, of the First Schedule to the Code of Civil Procedure of 1908, have Government made the promised inquiry, and if so, with what result?

"(b) Have Government received lately a number of memorials on the subject?

"(c) If so, does Government propose to take any steps with a view to the amendment of the rule in question so as to authorise agents to sign plaints?"

[21ST MARCH, 1914.] [Sir Reginald Craddock; Mr. Barua; Sardar Daljit Singh; Mr. Wood.]

The Hon'ble Sir Reginald Craddock replied :—

"(a) The Hon'ble Member appears to have overlooked the receipt by him of the Home Department letter No. 1695 of the 2nd December, 1910, to his address, in which the results of the inquiry suggested were considered, and reasons given for not proceeding with the amendment of the rule referred to.

"(b) The answer is in the negative.

"(c) The Government of India do not propose to take any further steps in the matter."

The Hon'ble Mr. Barua asked :—

4. "(a) Will the Government be pleased to state if it is a fact that there is no provision in any hospital in Delhi for the accommodation of Indians of position for treatment ? Provision for accommodation of Indians of position for medical treatment in Delhi.

"(b) Is it a fact that Mr. B. Borooah, Proprietor of the firm of Messrs. B. Borooah & Co., lately met with a serious motor accident, and was admitted into the Hindu Rao's House Hospital ?

"(c) Is it a fact that he was asked to quit it before he was fit to be discharged, and if so, on what grounds ?

"(d) Is it a fact that the said hospital is maintained out of public funds ?

"(e) If the answer to part (a) is in the affirmative, do the Government propose to consider the desirability of making suitable provision for Indians of social position either by making the existing hospitals or some wards in them open for such accommodation or by making separate arrangements ?

The Hon'ble Sir Reginald Craddock replied :—

"The only public hospital in Delhi is that maintained by the Municipal Committee. The accommodation therein is doubtless susceptible of improvement, and in fact an application has been made for a grant-in-aid towards that purpose, but pending the construction of the new city, in which a hospital will necessarily find a place, there are obvious reasons for proceeding with deliberation. When the establishments of the Government of India were removed to Delhi, hospital accommodation was arranged for their use in two houses, but these were not intended for the general public, except in emergency cases, if accommodation was available.

"Mr. Borooah was thus admitted to the Hindu Rao's House Hospital, but when it was ascertained that the injuries were not dangerous and that he could be moved, he was taken to an hotel.

"It may be mentioned that the medical treatment afforded at all three hospitals is the same. The Civil Surgeon is in charge, while the House Surgeon is an Assistant Surgeon."

The Hon'ble Sardar Daljit Singh asked :—

5. "(1) Has there been any increase in the number of raids by trans-frontier tribesmen in the North-West Frontier Province in the last six months ? Raids in North-West Frontier Province.

"(2) What steps (if any) are being taken to protect the subjects of His Majesty in the aforesaid province from such acts of aggression ?

The Hon'ble Mr. Wood replied :—

"(1) There has been no marked increase in the number of raids by trans-frontier tribesmen in the North-West Frontier Province during the last six months. The impression that such has been the case is probably due to the publicity given in the Press to the audacious outrages recently committed at Khairabad and Jehangira Railway Stations, coupled with two raids by

[Mr. Wood; Sir William Meyer.] [21st MARCH, 1914.]

Bunerwals in the Mardan Sub-division and a raid at Takht-i-Bahi by the Utmankhel tribe.

"(2) Steps have been and will continue to be taken to protect the subjects of His Majesty from such acts of aggression. The Khairabad and Jehangira cases are being dealt with through His Majesty the Amir of Afghanistan, in whose territory the perpetrators reside; and local measures have been taken to secure the safety of passenger trains travelling at night and to protect railway stations. On the 23rd February, the Malakand movable column proceeded into Buner territory and destroyed the villages of those tribesmen chiefly concerned in the Mardan case and a general blockade is now in progress against the Utmankhel tribe as a punishment for the raid committed at Mardan. A letter has also been addressed to His Majesty the Amir of Afghanistan on the subject of the Khost outlaws who are responsible for a number of outrages on the border."

BUDGET FOR 1914-15.

The Hon'ble Sir William Meyer:—"I rise to present to the Council the Budget of the Government of India for 1914-15. The preliminary estimates which I laid before the Council on the 2nd March have been revised in the light of our latest information. The Financial Secretary's explanatory memorandum has also been checked and brought up to date.

"The final figures of the Revised estimate for 1913-14 and of the Budget estimate for 1914-15 are given in the statements* which I have to-day laid before the Council. The broad results of the revenue account are brought out in the table below, which Honourable Members will be able to compare with the corresponding tables given in paragraphs 7 and 20 of my speech introducing the Financial Statement:—

[In millions of £]

	Budget, 1913-14.			Revised, 1913-14.			Budget, 1914-15.		
	Imperial.	Provincial.	Total.	Imperial.	Provincial.	Total.	Imperial.	Provincial.	Total.
Revenue . . .	53-044	29-280	82-324	53-777	30-707	84-484	54-237	30-842	85-079
Expenditure . . .	51-718	32-193	83-911	52-200	31-309	83-509	52-061	34-048	87-029
Surplus (+) or Deficit (-).	+1-326	-2-913	-1-587	+1-487	-602	+885	+1-256	-3-206	-1-950

"The alterations which have been made in the figures of the Financial Statement are few and of no great importance. They involve no modifications of the financial proposals which I placed before the Council on the 2nd March; and all that I need do is to refer to the changes in the briefest possible manner.

"In our Revised estimate for the current year, we have made a few corrections, the net result of which is to raise the Imperial surplus by £150,000 and to reduce the Provincial deficit by £139,000. The Land Revenue is coming in better than we expected in Burma and the Punjab, and also, so far as the current year is concerned, in the United Provinces. Under this head a total improvement of £154,000 over our previous Revised estimate is now anticipated, of which Imperial will get £96,000 and Provincial £58,000. The March sale of uncertified opium in Calcutta has resulted in an increase of £33,000 in our Opium revenue. There is also a rise of £27,000 in the Miscellaneous receipts in England. In view of our latest revenue returns we have made some reduction in the Revised estimate of Excise revenue, but it is more than counterbalanced by improvements under Customs and Forests. The total Imperial expenditure in the current year will not materially differ from our

* Not published with these Proceedings.

[21st MARCH, 1914.] [*Sir William Meyer; Sir Reginald Craddock.*]

previous Revised estimate; but in the Provincial Section a further lapse of £75,000 is now anticipated mainly under Education, Medical and Civil Works.

"As regards the Budget of next year, the Imperial surplus is now expected to be about £24,000 less than the preliminary estimate, and there is a small reduction in the Provincial deficit. The Budget estimate under Land Revenue has been reduced by £188,000 in the United Provinces, where the deficiency in the winter rainfall will necessitate higher remissions than had previously been allowed for. The whole of this loss will fall on Imperial, for reasons which I have already explained in introducing the Financial Statement—in brief, the operation of the guarantee system. On the other hand, some improvement is expected in the Land Revenue collections in the Punjab and Burma, and of this increase Imperial will get \$45,000 and Provincial £54,000. Thus on the whole the Imperial share of Land Revenue has come down by £88,000, while the Provincial share has gone up by £54,000. In view of the rise in the average price which took place at the March sale of uncertified opium, we have decided to raise the estimate of average sale price for the ensuing year from R1,600 to R1,700 a chest; and we have accordingly increased the Budget estimate of Opium revenue by £88,000. An expected decrease of £20,000 in Army receipts is counterbalanced by an equivalent reduction in the total grant for Military services, the net provision for Military services as a whole being thus kept unchanged. Provision has been made for an increase of £20,000 in the Miscellaneous charges in England which has recently been advised by the Secretary of State. In the Provincial section the increase under Land Revenue already mentioned, and a smaller improvement in the Excise revenue, are almost wholly counterbalanced by somewhat increased provision for expenditure made by some of the Provincial Governments:

"Turning now to Ways and Means, I have no changes to record in capital expenditure and none of any importance in receipts on capital account. In consequence of the net improvement of about £800,000 in the revenue account in the current and ensuing years, and of an increase in the net receipts from certain miscellaneous remittance transactions, the total cash balance in our treasuries in England and India at the end of 1914-15 will be about £500,000 more than our previous estimate. The remittances to the Home Treasury by means of Council Bills have been increased by £500,000 in the current year; and the cash balance in our treasuries in India is now estimated at about \$12½ millions on the 31st March 1915, the cash balance in the Home Treasury on that date standing at about \$5 millions."

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Hon'ble Sir Reginald Craddock:—"Sir, I move for leave to introduce a Bill to amend the Code of Criminal Procedure, Act V of 1898, and the Court Fees Act of 1870. In the 16 years that have passed since the present Code was made law, various defects in it have been brought to light. It is inevitable that in a Code of such magnitude and importance imperfections should from time to time be revealed. The legal profession has grown in numbers and the number of cases in which accused persons are defended by counsel is annually increasing, and, as is only natural, the correct interpretation of the various provisions of the Code becomes a matter of greater argument and discussion. Nothing is more surprising sometimes than the manner in which a new interpretation of some section finds expression in the judgment of a Court. I have the greatest respect for the acumen of the legal profession, and in spite of the fondness of lawyers for precedents, they somehow manage to find exceptions to the rule that there is nothing new under the sun. In the course of years these points of doubt and

difficulty accumulate until it becomes essential to undertake various amendments of the Code. And a periodical amendment of the Code has thus been a feature of its working ever since its first enactment.

"In the present instance the Police Commission made certain suggestions in connection with some of the sections of the Code which are concerned with police work. These suggestions were referred to Local Governments and their replies, together with other accumulated suggestions that have been made from time to time by one or other authority were collected, and a collection of these was sent out again to Local Governments in 1910. In sending their replies advantage was taken by High Courts and Local Governments to put forward various other proposals, suggested by difficulties either in the practical working or in the interpretation of particular provisions of the Code, which have been brought to light from time to time by various authorities, judicial and executive, who had experience of these difficulties. The whole of this large mass of suggestions and opinions has been examined most carefully by the Government of India. The present Bill is the outcome of that examination and of the sifting of the very numerous suggestions that have been received. Although the Bill contains 143 clauses, yet it makes no alterations in the main principles and structure of the Code and the modifications are largely matters of detail and not susceptible of presentation in a condensed form. The Statement of Objects and Reasons which accompanies the Bill is, however, particularly full and detailed and will enable the various amendments to be studied at leisure by the large class of people who take a real interest in the working of our criminal law, and it would be merely to take up the time of the Council unnecessarily were I at this stage to attempt any detailed analysis or explanation of these clauses individually. To do so I should indeed have to read out the whole of the Statement of Objects and Reasons. There will be ample opportunity for their careful study before the next stage is reached, and in addition to the material now available there will be the further opinions and criticisms on the Bill from Local Governments, from the High Courts and the public generally. These will in due course be collected and laid before a strong Select Committee of this Council. In these circumstances I will not take up the time of the Council further. I am merely asking for leave to introduce the Bill; it is not, as I have said, in any sense a revision of the Code; it merely singles out all those sections regarding which diversities of interpretation have come to light or in which practical working has shown practical defects. With these few preliminary remarks I move for leave."

The Hon'ble Mr. Vijiuraghavachariar :—"Sir, I venture to congratulate the Hon'ble the Home Member on the shortness of the statement accompanying the Bill. In my humble opinion it is as it ought to be formal and non-controversial. So the Bill will go before the country without any instructions from Government or this Council; but I desire, for a second, to point out that the time has come for throwing open the whole Code of Criminal Procedure for revision by this Council. We have now three Bills to amend the Code, one as to which leave is asked for just now, the other one introduced a few days ago in relation to enlarging the law as to contempt of Courts, and thirdly, the Bill, embodying the much vexed rescue provisions on which we had a full dress debate the other day on the motion that it be republished. Thus we have three different Bills all modifying one Code, and we shall be bound to have three different Select Committees and three sets of discussions thereon in Council. I believe it will save a considerable amount of the time of Council if all these Bills are consolidated into one Bill, and if that Bill is circulated after being introduced at the next Simla session. As has been pointed out by the Hon'ble the Home Member, the Code is substantially in the form in which it was enacted some 50 years ago; there have been amendments, from time to time; and I think it is time to revise the whole Code, principles and provisions. The more important reason, I think, is that Hon'ble non-official members who might like to introduce amendments to

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[Mr. Vijayaraghavachariar; Malik Umar Hyat Khan.]

general parts of the Code will be at a considerable disadvantage. Although our rules are meagre on the subject, I believe the practice in Parliament and elsewhere is that amendments must be relevant to the other amendments introduced by the Bill or consequential or somehow related to them. I must grant that this principle has been liberally construed and applied; still, if any amendments which Hon'ble Members might propose to move are far too remote or not at all connected in some way or another with any of the amendments introduced by Government in any of the three Bills, they will have to introduce new Bills for embodying their amendments. Although, as I have said, our rules are not quite comprehensive on this point, they are likely to work hard in application in the light of the practice obtaining in Parliament, and Hon'ble Members will be hampered in the introduction of what they believe to be very desirable amendments to the existing law. I therefore pray that Government will be pleased, while these three Bills are being examined by the public, to consider the desirability of introducing a consolidating and amending Bill, so that the whole Code might be placed before the Council for revision. I have not yet had an opportunity to read the present Bill, but we are told that this Bill will consist of 143 clauses; and as the Code contains some 565 sections, this comes to less than $\frac{1}{4}$ rd and more than $\frac{1}{2}$ th of the Code; and if to this we add the provisions of the other two Bills, it becomes sufficiently bulky. Assuming that we are in a position to introduce amendments relating to the Bill or consequential upon it, I believe the number will be multiplied by two or three. So the work in three sections will be enormous in all. I have been for some time endeavouring to move a resolution to recommend the appointment of a small commission of experts, as in the matter of the Code of Civil Procedure, to examine the subject and to prepare a draft Code. I now beg leave to place before the Council and before the Hon'ble the Home Member, without throwing any obstruction in the way of sending out these three Bills for public opinion and for the opinions of the Local Governments, the desirability of introducing one Bill, consolidating these three Bills, on the ground of economy of time, and in view of giving greater facilities to Members to discuss the whole of the Code of Criminal Procedure."

The Hon'ble Malik Umar Hyat Khan:—"Sir, I rise to second the proposal of my Hon'ble friend, Mr. Vijayaraghavachariar. I have been for a long time advocating particularly the re-consideration of the whole law, and I think it requires seeing into. If that is done, I think that in future there will be less difficulty whenever there is a Bill forthcoming. If whole Bills are put before a Committee, as I asked one or two years ago and since have been asking more or less regularly, and if the whole thing, i.e., the criminal law, was seen through, there will be no difficulty in future, and people both outside the Council and in it will be able to put before the Government their views about certain sections. Many difficulties have been experienced in regard to the procedure of several cases carried on in keeping with the provisions of the Criminal Procedure Code, and I do not know whether I am in order in referring to them.

"Sir, I think one of the causes why the administration of justice has not lately been carried out properly is the way in which the law is administered. Every one knows, I think, that there are certain defects in administration. For instance, supposing a man saw a man being murdered, he would be the last person to go to the Government officials and say that he had seen it, because if he did, the first thing would be that his *zamanat* would be taken; all that time the work at his home would suffer; then he would be cross-examined and after being examined by the police he would have to go to the Court, to the Magistrate, then to the Sessions Court and then to the Chief Court. There are the expenses for one thing; and another matter is the way in which these people [pointing to the Hon'ble Mr. Achariar, a lawyer] are allowed to cross-examine; they put all sorts of questions, showing that the man is a blackguard and that he is telling lies. These are the reasons why people

[*Malik Umar Hyat Khan; Pandit Madan Mohan Malaviya; Rai Sri Ram Bahadur.*] [21ST MARCH, 1914.]

do not come up; they say 'what is the use of appearing before the Court.' If the accused gets off the Government does not take care for the life and property of the witness and it is said that something is wrong in his evidence. Then again the same accused may murder or do something wrong or burn the house of the witness; he can do anything he likes if there are no witnesses forthcoming. There is another difficulty; if there is one witness and he is a true witness, it may be said that he is mistaken. It is not possible that there should be two or three men present when the crime is being committed. Sir, I think if a man in Council desires to put forward his amendment or anything like it on the criminal law he should be allowed; and if anything is to be done at the time in the way of amendments of certain portions of the law, why not have it done thoroughly and revise the whole law?

"In urging these views I know I have taken up the time of the Council. But when amendments are prepared, I think everybody should be allowed to put forward his views."

The Hon'ble Pandit Madan Mohan Malaviya:—"Sir the difficulty which is created by the present practice of asking for leave to introduce a Bill which is not before the Council has been well illustrated by the speeches delivered. None of us except the Hon'ble the Home Member and the Home Department know what the particular provisions of the Bill are to introduce which leave is asked for. The two Hon'ble Members who have spoken have made many suggestions for amending the Code, but for aught we know, if the Bill were before them, they might have been satisfied that the amendments which they wished to introduce were covered by the provisions of the Bill. We are also placed in this difficulty that we are asked to vote either for or against the motion for leave to introduce a Bill without knowing anything of it. This is the second time when I have drawn attention to the disadvantage arising from the present practice, and I hope the Hon'ble the Law Member will take the matter into his consideration with a view to amend the rules so as to provide that before a motion is submitted to the Council asking for an expression of opinion for or against it, there should be material enough before the Council to enable it to judge whether it should vote for or against the motion."

The Hon'ble Rai Sri Ram Bahadur:—"Sir, my friend the Hon'ble Pandit Madan Mohan Malaviya has placed before the Council the disadvantages under which we work in not having the Bill before us. In the short speech which the Hon'ble the Home Member has delivered just now there are some hints, but they are not sufficient to place us in possession of sufficient facts on which we could give an intelligent vote. The Bill, Sir, which has now been introduced is the third Bill relating to the amendment of the Criminal Procedure Code. We had first the Bill which was introduced at Simla in September last regarding the law affecting minor girls, then we had another Bill introduced two days ago the object of which is to amend the law relating to contempt of Courts. Now we have a third Bill to-day. We do not know, Sir, what are the special provisions of this Bill, but I must represent to the Council that such a procedure is not satisfactory. If there be one consolidated Criminal Procedure Code, it would be advantageous to the Bench, the Bar and also to the general public. Then there is another disadvantage under which the public will labour; they will not be in a position to make any suggestions for new provisions to be incorporated in the Bill, nor to suggest any improvements of some of the existing sections. I may suggest that the security provisions in the Code have not been found to be up to the mark, nor the provisions with regard to temporary orders under section 144. The subject of recording confessions is also one that requires reconsideration. There has been a great deal of correspondence on the subject; but I need not refer to its tenor at present. Then, Sir, there is the question of appeals against the orders of acquittal on behalf of the Government. There is another important provision

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[*Rai Sri Ram Bahadur; Mr. Surendra Nath Banerjee; Sir William Vincent; The Vice-President; Mr. Madhu Sudan Das; Sir Reginald Craddock.*]

of the Act, and that is the revision of the orders of lower Courts by the High Courts, on which there have been so many divergent rulings. I would mention another and the last instance, and that is the maintenance clauses of the present Criminal Procedure Code. If a Bill revising the whole Code be introduced, all these questions may be taken up by the Select Committee and the matter may be set at rest. With these remarks, Sir, I support the motion."

The Hon'ble Mr. Surendra Nath Banerjee:—"Sir, I understand that in the House of Commons, when leave is asked to introduce a Bill, it is more or less a matter of form which has to be complied with. Are we going through a mere matter of form, or is this House called upon to record an intelligent vote upon the motion which is made by the Hon'ble the Home Member? If it is merely a matter of form, such as apparently is the practice in the House of Commons, I have nothing to say, but if this House—"

The Hon'ble Sir William Vincent:—"May I rise to a point of order, Sir? This is not a House of Parliament: this is the Council of the Governor General for the purpose of making Laws and Regulations."

The Hon'ble Mr. Surendra Nath Banerjee:—"I just want to point out that I am discussing the question that if this is a matter of form, we have nothing further to say, but if we are to record an intelligent vote upon the motion made, then I agree with my Hon'ble friends who say that ampler materials ought to be placed before us in order that we may be able to do so. I think that is a simple issue, and I don't think that the Hon'ble Member is justified in interrupting me in this matter—"

The Hon'ble the Vice-President:—"I think that I may rule that, as a matter of practice of this Council, a motion for leave to introduce a Bill is frequently treated as a matter of form."

The Hon'ble Mr. Surendra Nath Banerjee:—"Then I have nothing further to say."

The Hon'ble Mr. Madhu Sudan Das:—"Sir, as the proposal is a matter of form, the only course left to us would be to propose, when the other two Bills come up, that their further progress be stayed, and if, on examining the amendments which are proposed to be made in the Criminal Procedure Code, Hon'ble Members find it desirable, the three Bills may be allowed to be considered together. I think the Hon'ble Home Member ought to be prepared to receive suggestions of that nature, should the amendments proposed in the Bill now introduced show that it would be better to consider all the three Bills together."

The Hon'ble Sir Reginald Craddock:—"Sir, with reference to the various remarks that have been made by Hon'ble Members upon this motion, I should like to say that there are two methods by which Bills are brought before the Council. In one set of circumstances, with the special sanction of the Viceroy, previous publication of the Bill is made before the subject is brought before the Council at all. When that is done, it is unnecessary to make any formal motion for leave to introduce the Bill. On the other hand, if it has not been previously published, the procedure is to move for leave to introduce it. Now, it is perfectly clear, and no one would wish to deny that Hon'ble Members who have not had a Bill before them are naturally not able to commit themselves to any definite expression of opinion on the details of that measure, and consequently, what generally happens is that the general principles of the measure are explained by the Member who is moving

[Sir Reginald Craddock.] [21st MARCH, 1914.]

or leave to introduce it, and with regard to those general principles so far as they appear from the speech the Council are at liberty to express their *primd facie* opinion as to whether, on hearing his explanation, they are desirous of the Bill being introduced and of the subsequent steps being taken, *i.e.*, publication and so forth. That has been the case with the various Bills that I have had the honour to introduce in this Council. I have explained the general principles and Hon'ble Members have generally either given their adherence to those principles or expressed dissent, as the case may be, in both cases reserving their opinion on matters of detail.

"In the present Bill, as I have explained, the variety of clauses is such, and the details involved are such, that there can be no general principle for me to expound. I have stated that the amendments are designed either to meet the cases of different interpretations or of practical difficulties in work, and if the Council accepts this motion it merely means that they agree that, when in the course of working the law, differences of interpretation arise and practical difficulties are felt in practical working, it is desirable to have a measure to set at rest doubts regarding their interpretation and to remove those difficulties which have been experienced in the practical working: that is all that the Council is asked to assent to to-day.

"Suggestions have been made by the Hon'ble Mr. Achariar, the Hon'ble Mr. Sri Ram and the Hon'ble Mr. Das, that as we have other Bills before us for amending certain parts of the Criminal Procedure Code, all three Bills might be taken together. Now, Sir, as I have explained, the present Bill deals with those amendments of detail which experience has shown to be necessary; the two other Bills to which reference has been made represent something much more than this. Although the Bill in connection with minors was, for convenience, included partly in the Code of Criminal Procedure, it was partly concerned with amendments to the Indian Penal Code. Furthermore, it was introducing new principles as well as new procedure into our law, and it would complicate matters enormously if a Bill of this kind, the objects of which I have explained, were to be joined up with matter of the kind contained in the Bill for the better protection of minors. Similarly, as regards the Bill dealing with contempts of Court, that Bill is essentially an amendment of the Indian Penal Code and the amendments which it proposes in the Criminal Procedure Code are purely consequential amendments following on that Bill.

"Then again it has been suggested that the proper way of dealing with this matter would be to have a complete revision of the whole Code of Criminal Procedure, so that every portion of it might come under the scrutiny of the Council and it might be amended from beginning to end. Well, Sir, that is not at all the object which we have in view. In putting forward this Bill our object is, as I have stated more than once, to remove difficulties which have been felt and not to re-open and rip up the whole of our criminal procedure from beginning to end. Although these clauses may be numerous, many of them represent extremely small changes. The Criminal Procedure Code has, I think it may be said, stood the test of time very satisfactorily, and if we were to dream of undertaking the task of ripping open the whole of our Criminal Procedure Code and starting again from first principles, I do not know how many years would be occupied by so colossal a task, and meantime these necessary amendments, the necessity of which has been demonstrated by the practical working of fifteen years, would have to remain entirely in abeyance.

"For these reasons, Sir, I will ask that the motion for leave to introduce the Bill be now put."

The motion was put and agreed to.

The Hon'ble Sir Reginald Craddock :—"Sir, I now beg to introduce the Bill and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in

English, and in the local official Gazettes in English, and in such other languages as the Local Governments think fit."

The motion was put and agreed to.

The Hon'ble the Vice-President :—"The Council is adjourned to Tuesday, the 24th instant, at 11 o'clock. I may remind Hon'ble Members that the practice of this Council is that speeches on the budget debate are limited to 20 minutes."

The Council adjourned to Tuesday, the 24th March, 1914.

W. H. VINOENT,
*Secretary to the Government of India,
Legislative Department.*

DELHI :

The 31st March, 1914.