

A STUDY ON THE PUBLICATIONS OF THE GOVERNMENT OF INDIA,
WITH SPECIAL REFERENCE TO SERIAL PUBLICATIONS

By

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It is the purpose of this investigation to select the important publications of a few branches of the Government of India(Central Government) and describe them against the background of the department which issued them; a brief history of the department concerned is traced and its administrative relations and functions are described.

The dissertation begins with a chapter outlining the present Government of India, describing its main divisions and their functions.

This is followed by a chapter on the publications dealing with the administration in general. It deals with four groups: (a) those official works which give an introduction to the country and its people such as the Gazetteers; (b) administration reports; (c) the Gazette of India; (d) publications giving information on administrative personnel.

The next chapter deals with parliamentary publications; a brief history indicating the various stages of evolution of the legislature, from the Legislative Council in 1833 to the Parliament in 1950, is narrated and the chief parliamentary publications issued during this time are described.

The fourth chapter is concerned with the laws and acts of the Indian Republic. In addition to giving a brief history of codification in India, the chapter deals with the law publications which form the following four groups: (a) the Constitution; (b) the statutes of the British Parliament; (c) unrepealed central acts; (d) statutory rules and orders.

The fifth chapter deals with the judicial publications. It discusses the constitution of the present judicial system and describes the serial publications dealing with the decisions of the Privy Council, the Federal Court, the Supreme Court, and the High Courts.

The next chapter is on the publications relating to the census and finance of the Government. A history of census activities including the procedure for the census enumerations are followed by the details of the statistics available in census publications; the financial publications

are treated in three groups: those dealing with (1) finances (2) budget and (3) accounts and audit.

Chapter seven is devoted to the statistical publications. It traces the history of various efforts by the Government to create a central statistical organisation and describes the publications of the two main agencies in the field, the Economic Adviser to the Government of India and the Director General of Commercial Intelligence and Statistics.

The following chapter deals with the catalogues of publications and the map publication work of the Government. It gives the main catalogues dealing with the Indian official publications and the activity of the Survey of India and the Geological Survey of India. The various series of maps issued by these departments are described with the necessary details.

The last chapter is concerned with the Publication Branch of the Government of India. It traces the history of the Publication Branch and its present activity. A note on the problems of acquisition and organisation of Indian official publications concludes the work.

PREFACE

The idea of working in the field of the publications of the Government of India first occurred to me while I was pursuing a course of study in Bibliography and Methods of Research in Political Science at the University of Michigan. The subject--Indian publications--is conspicuous by its absence from books and periodicals issued by Indian librarians; nor does it seem to have attracted the attention of the schools of Library Science in India. It is interesting to note that the only efforts to encompass the publications have been British and American--the one resulted in the Index Catalogue . . . by F. B. F. Campbell of the British Museum, and the other is the well known List of the Serial Publications of the Foreign Governments . . . by Winifred Gregory. A pioneer effort in this field, by the Imperial Library of Calcutta, received a setback from which it never recovered. The Imperial Library issued a first volume of the Catalogue of Indian Official Publications in 1909 but due to the inclusion of confidential publications, the whole scheme was rejected by the Government and never revived.

I am very grateful to Prof. R. H. Gjelsness and Prof. E. S. Brown for the encouragement and guidance they have given me from time to time in the preparation of this dissertation, and to the other members of the Doctoral Committee for reading the manuscript and making suggestions for

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INTRODUCTION

The importance of government publications as source material for study and information about a country and its people has long been recognised. This type of publication usually covers the entire field of knowledge; it provides authoritative information not only on political and administrative matters but also on those with social, historical, economical, industrial and scientific aspects.

These sources are however considered to be somewhat inaccessible. They are considered "the terror of librarians and the despair of almost everyone who has attempted to make use of them." This is especially true in the case of publications of the Government of India; several of them, covering a period of nearly a century, provide invaluable source material for study on many aspects of India, and a wealth of information lies buried in them. For example: the publications relating to the scientific surveys such as the Trigonometrical Survey, the Geological Survey, the Botanical Survey, the Zoological Survey and the Survey of India; the economical and statistical publications of the Department of Commercial Intelligence and Statistics; the publications of the Indian Council of Agricultural Research, of the

Bureau of Education, of the Department of Archaeology; the Census Reports, the Debates of the Legislature and administration reports. All these materials are available in the English language.

These publications have not been known and used to the extent they should be. Professor Kingsley Davis has remarked in connection with the Census Reports:

Compared with the world as a whole Indian past population statistics are above the average. . . . The startling fact is not that the Indian Censuses have been used in so many different fields but that so few people with an interest in India are acquainted with them.¹

It is the purpose of this investigation to select the important publications of a few branches of the Government of India (Central Government) and describe them against the background of the department which issued them. I have thus traced briefly the history of the department concerned and its administrative relations and functions. So far as I know, there is no work of this nature available. Whatever material is available is in the form of catalogues and lists only.

Since the publications cover a period of over a hundred years and are varied in nature, I have to limit myself by selecting some for further investigation. The serial publications being important and useful, I have paid special attention to them, and at the same time I

¹Kingsley Davis, The Population of India and Pakistan (Princeton: Princeton University Press, 1951) pp. 4-5.

have taken notice of nonserial works which I thought were of sufficient interest to students and scholars. I have to leave out the publications of routine or administrative character and of less importance from the point of view of information.

The reasons for limiting the scope of the work as mentioned above are three: (1) There is no general work available dealing with the publications of the Government of India. (2) In the case of serial publications they need to be investigated from their inception and most of them were begun in the period of British occupation. (3) It is not convenient to select the publications of a department or a group of departments for exhaustive study, since much of the information for such a purpose would be available only at the libraries of the British Museum and the India Office or at the various departmental and other libraries of the Government of India. Again, a preliminary investigation of this nature paves the way for further study.

In the case of serial publications I have tried to give the date of the first issue as far as I have been able to ascertain it. In the case of nonserial publications I have made a point to mention the latest edition.

I have considered it advisable to begin with a general description of the government of the country as

it is today, and then devote a chapter to the publications connected with general administration. Then I have taken up the legislative branch of the Government and discussed the Parliamentary publications. This is followed by a chapter dealing with publications on the Laws of the Land. This in turn is followed by the interpretation of laws, namely the judicial decisions.

As regards the publications of the executive branch, I have selected three important groups, namely those dealing with census, finance and statistics, and these have been condensed into two chapters. The catalogues, maps, etc., in this field need special mention and hence I have discussed them in a chapter. Finally, a chapter is added on the Publication Branch of the Government of India.

CHAPTER I

THE GOVERNMENT OF INDIA

British rule in India ended on August 14, 1947. The Indian Independence Act of 1947 (10 and 11 Geo. 6, c. 30) created two dominions in India - India and Pakistan. The history of the constitutional development and the struggle which culminated in independence in 1947 is interesting; the material on this subject in the form of documents is voluminous and is scattered in many forms - acts, statutes, declarations, dispatches, speeches, reports, selections from records, etc. Since it is the purpose of this chapter to portray the governmental machinery in India, as it is today, I shall confine myself to it.¹

¹The following works mention many of the important documentary sources of the constitutional history of India:-

A. B. Keith, Speeches and Documents on Indian Policy (1750-1921) (2 vols.; London: Oxford University Press, 1922).

A. B. Keith, A Constitutional History of India, 1600-1935 (2nd ed.; London: Methuen & Co., 1937).

Anil C. Banerjee, Indian Constitutional Documents (2 vols.; Calcutta: A. Mukherjee & Co., 1945-46).

Alan Gledhill, The Republic of India; the Development of Its Laws and Constitution (London: Stevens, 1951).

The Constitution of 1949.--Under the Cabinet Mission Plan, a Constituent Assembly was convened on December 6, 1946.¹ It adopted the final draft of the Constitution on November 26, 1949. The new Constitution came into force on January 26, 1950.²

A Republic and a Federation.--The Constitution proclaims India to be a Sovereign Democratic Republic. The Preamble to the Constitution makes it clear that the sovereign authority emanates from the people of India. The Constitution is essentially federal in structure. It describes India as a Union of States; but it is a Union with a strong Centre. This is secured in several ways: by devising a long list of federal and concurrent subjects over which the Central Government has jurisdiction; by vesting residuary powers in the Union; by creating a single citizenship for the whole country; by an integrated and unified judiciary; by common civil and criminal laws; by an All-India Administrative Service for high executive officers at the Centre as well as in the States; and finally by making Central Laws prevail, in case of conflict between Central and State Laws. In an emergency, the President is empowered to

¹India, Papers Relating to the Cabinet Mission to India (Delhi: Manager of Publications, 1946).

²India, The Constitution of India (Delhi: Manager of Publications, 1949).

assume the administration of the States, thus temporarily making the whole country into a single State.

A Parliamentary Democracy.--Although the head of the State is styled the "President," he is more in the nature of a constitutional head such as the King of Great Britain. The form of government is modeled, not on the presidential democracy as it exists in the U. S. A., but on the parliamentary democracy of Great Britain. There is no rigid separation of powers between the executive and legislative organs. Although executive action is taken in the name of the President, the President acts on the advice of his Council of Ministers, which, in fact, is a committee of the Legislature. His orders are countersigned and authenticated by the respective Ministries. The Ministers are not responsible to the President but to the House of the People, and they remain in power only so long as they hold the confidence of the majority in the House. The Council of Ministers is an executive body, as it is in charge of day to day administration; it also takes the lead in legislation since the Ministers are members of the Legislature and they themselves initiate all important legislation.

The Fundamental Rights.--Like many of the written constitutions, the Indian Constitution grants certain Fundamental Rights to its citizens. These Rights fall into seven categories, namely, right to equality, right

to freedom, right against exploitation, right to freedom of religion, cultural and educational rights, right to property, and right to constitutional remedies. Any laws in force which are not consistent with the fundamental rights are void to the extent of the inconsistency. A citizen can move the Supreme Court or any other competent Court for their enforcement. The Courts have the power to issue writs for their enforcement, including the writs of habeas corpus, mandamus, prohibition, quo warranto and certiorari.

The States of the Union.--The Union is comprised of twenty-eight States. They have been classified into four categories, as mentioned in Parts A, B, C and D of the First schedule of the Constitution. The first two groups of States were known, before January 26, 1950, as Governors' Provinces and Indian States; A part of the third category was known as Chief Commissioners' Provinces. When the Indian Independence Act of 1947 came into force on August 15, 1947, there were in India nine Governors' Provinces, five Chief Commissioners' Provinces and some five hundred odd Indian States. These States were scattered over the whole of India; some of them were as large as the United Kingdom; some were only a few acres in size. The total area of these States was roughly half of the whole of India. Before independence, these States were directly under the suzerainty of the King of Great Britain and his represen-

tative in India, the Viceroy. On the eve of independence, these States were freed from the suzerainty, but their relationship with the new Government of India was left undefined. The problem before the new Government, therefore, was how these States could be brought into the framework of a united India, politically and administratively, with as little conflict as possible. Due to a wise diplomacy on the part of the Government of India and due to a sense of patriotism and the ability of the princes to see the tide of the times, these states one by one acceded to the Union. By a process of integration and grouping, the smaller States were abolished and the number of these five hundred odd States was reduced to fifteen. Eight of these are included in Part B and the remaining seven in Part C of the First Schedule of the Constitution. The States as they are grouped now, are as follows:

Name of the State	Headquarters
Part A	
1. Assam	Shillong
2. Bihar	Patna
3. Bombay	Bombay and Poona
4. Madhya Pradesh	Nagpur
5. Madras	Madras and Ootakamand
6. Orissa	Cuttack
7. Punjab	Simla
8. Uttar Pradesh	Lucknow
9. West Bengal	Calcutta and Darjeeling

Part B

1. Hyderabad Hyderabad, Deccan
2. Jammu and Kashmir . . . Jammu and Srinagar
3. Madhya Bharat Gwalior and Indore
4. Mysore Mysore
5. Patiala and East
Punjab States Union . . Patiala
6. Rajasthan Jaipur
7. Saurashtra Rajkot
8. Travancore-Cochin . . . Trivendrum

Part C

1. Ajmer Ajmer
2. Bhopal Bhopal
3. Bilaspur Bilaspur
4. Coorg Mercara
5. Delhi Delhi
6. Himachal Pradesh . . . Simla
7. Kutch Bhuj
8. Manipur Imphal
9. Tripura Agartala
10. Vindhya Pradesh Rewa

Part D

1. The Andaman and
Nicobar Islands . . . Port Blair

The distribution of powers between the Union and the States.--The Indian Constitution has adopted what is known as the three list system of division of powers. These lists are given in the Seventh Schedule of the Constitution. In the first place there is a Union List of ninety-seven items of exclusively federal jurisdiction. These items include the usual federal subjects such as defence, foreign relations, currency, citizenship, etc. Then there is a State List which enumerates subjects that fall exclusively under the jurisdiction of the States.

This has sixty-six items in it, including public order, police, public health, education, land tenure, land revenue, etc. There is a third List which is the Concurrent List, consisting of forty-seven items over which both the States and the Central Government have jurisdiction. This list contains such items as criminal law, economic and social planning, trade unions, labour disputes, price-control, etc. As noted before, in case of conflict it is the Union legislation which prevails over the State legislation.

The Union Legislature.--There is a Parliament for the Union, consisting of the President and two Houses, known respectively as the House of the People and the Council of States. The House of the People consists of members directly elected by universal adult franchise, one member for each constituency of five hundred thousand to seven hundred and fifty thousand population. By the Representation of the People Act of 1950, the Parliament has decided that the House of the People shall consist of four hundred and ninety-six members on the above basis. The normal term of the House is five years.

The Council of States consists of a membership not exceeding 250, of whom 12 members who have special knowledge or practical experience in literature, science, art, social service or other such matters, are to be nominated by the President. The allocation of the rest of the seats among the States has been specified in the Fourth Schedule of the Constitution and has been cal-

culated on the population basis. The representatives of the States having Legislative Assemblies are to be elected by the elected members of the Assemblies. When a state has no such Assembly, its representatives are chosen in a manner prescribed by the Parliament. The Council is a permanent body in that it is not subject to dissolution. The term of each member is limited to six years, one third of its members retiring every two years.

The presiding officer of the House of the People is called the Speaker. He is elected by the House from among its members. The Vice President of India is the presiding officer of the Council of States.

The Executive.--The executive power of the Union is vested in the President of India and all executive action is expressed as being taken in his name. He is elected by an electoral college consisting of the elected members of the Union Legislature and of the Legislative Assemblies of the various States in accordance with the system of proportional representation by means of the single transferable vote. The term of office of the President is five years and he is eligible for re-election. The Vice-President is elected by the two Houses of Parliament at a joint sitting.

The Council of Ministers or the Cabinet.--The Union Cabinet has a Prime Minister at its head, who is appointed by the President. Other Ministers of the Cabinet are appointed by the President on the advice of the Prime Minister. The Cabinet is collectively responsible

to the House of the People and holds office during the pleasure of the President. It can however hold office only as long as it commands the confidence of the majority of the House of the People.

The Constitution fixes no limit to the number of Ministers in the Cabinet. This number has varied from time to time. During the first year of the Republic, there were thirteen Ministers, five Ministers of State and two Deputy Ministers.¹ The new Cabinet, after the first general elections, which came into office in May 1952, consisted of fifteen Ministers, four Ministers of State and two Deputy Ministers.² The practice adopted up to this time indicates that there are four categories among the Ministers: (1) The Cabinet Ministers, who take part in all collective deliberations of the Cabinet. (2) The Ministers of State, who are independently or jointly, in charge of the Ministries, but are not Members of the Cabinet and do not take part in collective deliberations, except those directly concerned with their individual Ministry. The Ministries of Information and Broadcasting, of Rehabilitation, and of Parliamentary Affairs are usually in charge of Ministers of State. (3) The Deputy Ministers, who assist the Cabinet Ministers, but are not given the rank of Cabinet Ministers. (4) At times

¹India, Parliament, Who's Who, 1950 (Delhi: Manager of Publications, 1950) pp. xii, xiii.

²Keesing's Contemporary Archives, May 17-24, 1952, p. 1220⁹ A.

The Government of India

The Constitution

Legislative

Parliament
The House of
the People
The Council of
States

Finance
Commission
Election
Commission
Comptroller
and
Auditor Gen-
eral.

Executive

President

Judicial

The
Supreme
Court
of
India

Union
Public
Service
Commission

The Council
of Ministers
Cabinet Secretariat
Ministries
Central Secretariat
Central Departments and Services.

there have been Ministers without special portfolio. . These Ministers may or may not have Cabinet rank, depending on the reason for their appointment.

The Cabinet has a Secretariat of its own at the Government House, New Delhi. This is apart from the Central Secretariat, which is the headquarters of all the Ministries and many of the Departments. The function of the Cabinet Secretariat is to prepare agenda for the Cabinet under the direction of the Prime Minister, to keep a record of its decisions and to collect such information and statistics for the Cabinet as may be needed.

The Ministries in the Government of India.--- The chart on the opposite page shows in outline the various organs of the Government of India and their relationship. Prior to independence (i.e. August 15, 1947), there were no Ministries but there were several Departments which were in charge of Members of the Council of the Governor-General of India. Between August 15, 1947 and January 26, 1950, India was governed as a Dominion in the British Empire. On January 26, 1950, the Dominion of India became the Republic of India.

Various Departments which were in existence on August 15, 1947 were converted into Ministries. For example the Legislative Department became the Ministry of Law. But some Departments were split up into several Ministries. e.g. the Department of Education, Health and Lands was divided into the Ministry of Education,

the Ministry of Health, and the Ministry of Food and Agriculture. As seen above, the number of Ministries in the Cabinet varies from time to time, thus it may become necessary for two or more Ministries to be combined under one Minister at one time, while again there may be a change and a Ministry may be divided while still other Ministries are combined. This has happened in the case of the Ministry of Natural Resources and Scientific Research, the Ministry of States, of Law, of Minority Affairs and of Transport.

For administrative and practical purposes, it is possible to enumerate the following as separate Ministries:

1. Commerce and Industries
2. Communications
3. Defence
4. Education
5. External Affairs and Commonwealth Relations
6. Finance
7. Food and Agriculture
8. Health
9. Home Affairs
10. Information and Broadcasting
11. Labour
12. Law
13. Natural Resources and Scientific Research
14. Parliamentary Affairs
15. Rehabilitation
16. States
17. Transport and Railways
18. Work, Production and Supply
19. Minorities

Each of these Ministries has one or more Departments under its jurisdiction.

The Union Judiciary.--Although India is a federation, there is a single hierarchy in the Judiciary, with the Supreme Court of India at the head. The Supreme Court

is the only Court maintained by the Union. It consists of a Chief Justice of India and not more than seven judges. The Judges are appointed by the President but they can not be removed from office except by an order of the President, passed after an address by each house of the Parliament, supported by a majority of not less than two-thirds of the members of that House present and voting.

The other Courts, including the High Courts, belong to the states. The Constitution and organisation of the Courts is a Union subject. The appointments and transfers of Judges of the High Courts of various States are made by the President.

The Official Language of the Union.--Hindi in Devanagari script has been declared to be the official language of the Union. Hindi, however does not replace English immediately. For a period of fifteen years from the inauguration of the Constitution, the English language will continue to be used for all the official purposes of the Union for which it was being used before independence. The President may authorise the use of Hindi in addition to English for any official purposes of the Union. The Legislature of a state may by law, adopt any one or more of the languages in use in that State, or Hindi, as its official language. Further the official language of the Union is the official language of communication between one State and another and between a State and the Union. Two or more States, however, if

they agree, may use Hindi as the official language of communication between them.

These provisions have not so far been much utilised by the States. The State of Uttar Pradesh alone has made Hindi written in Devanagari script the official language of the State. The State of Saurashtra has adopted Gujarati as its official language.

The change in policy of Union Government is also very slow. Most of the publications of the Government of India are in the English Language with the exception of some Acts, ordinances and notifications; the Government however has begun publishing the Parliamentary Debates in both Hindi, and English.

Other Central Bodies and Officers.--In addition a brief mention must be made of the following:

(1) The Election Commission: With a view to securing fairness and impartiality in the matter of elections, it is provided that the superintendence, direction and control of all elections to Parliament, to the Legislatures of the States and to the election of the President and Vice President of the Union shall be vested in an Election Commission. The Election Commission consists of a Chief Election Commissioner and such number of other Election Commissioners as are necessary, appointed by the President. The Commission is an independent body and the appointment of

Election Tribunals for decisions in cases of doubt and dispute rests with it. The Chief Election Commissioner is not removable from his office except in like manner and on like grounds as is a Judge of the Supreme Court.

(2) Union Public Service Commission: The Commission is appointed by the President and the members hold office for six years. One half of the members of the Commission must have held office for at least ten years under the Central or the State governments. The Commission decides on methods and principles of selection. It does the selecting for Central Services and decides the claims to pensions and other matters of discipline.

(3) The Finance Commission: This Commission is appointed by the Parliament and it recommends the distribution of net proceeds of taxes between the Union and the States, decides the principles of grants-in-aid to the States and recommends the changes in terms of agreement between the Union Government and States mentioned in Part B of the First Schedule of the Constitution.

(4) The Comptroller and Auditor-General: This officer is appointed by the President but he also holds a tenure similar to that of a Judge of the Supreme Court. He audits the accounts of the Union and State Governments and submits reports which are laid before the Legislatures concerned. He also prescribes the methods

and forms of keeping the accounts.

The State Governments.-- Each of the States in Part A has a Governor as its head. He is appointed by the President for a term of five years. He acts on the advice of the Council of Ministers of his State. As in the case of the Union Council, the Council of Ministers in the State also holds its office only as long as it retains the confidence of the majority in the Legislative Assembly of the State. Each of the States in Part B has a Rajpramukh as its head, recognised as such by the President.

The State Legislature consists of the Governor or Rajpramukh and one or two houses. The States of Bihar, Bombay, Madras, Punjab, Uttar Pradesh, West Bengal and Mysore have a bicameral Legislature. Other States have unicameral Legislatures. The lower House is called the Legislative Assembly and the upper House, the Legislative Council. The term of office of the Assembly is five years, but the Council, in like manner as the Council of States, is not subject to dissolution.

With this general outline of the Government of India, it would be convenient to proceed further to examine in more detail the various departments and their publication activities.

CHAPTER II

PUBLICATIONS RELATED TO ADMINISTRATION IN GENERAL

The extent of material available in this field is wide and varied. All the published material (i.e., acts, charters, resolutions, minutes, reports, correspondence, etc.) has definite bearing on general administration; I shall designate certain types of publications as specially designed and published to give a general picture of the country and its administration.

For the present study I will divide this material into four groups: (1) This group consists of those official works on India which give an introduction to the country and its people, such as the Gazetteers. One of the raisons d'etre was that the Ruling Government being a foreign government, thousands of miles away from the country ruled, needed information. (2) This group consists of administration reports, giving periodical information. (3) This group includes publications such as the Government Gazette, which is the best contemporary official source on various details of administration. (4) This last group includes publications relating to administrative personnel.

1. The Gazetteers.

The East India Company had to get its charter (for trade and later on for governing the country) renewed every twenty years, from the British Parliament. Every time the bill was before the Parliament, the Company was asked many questions and had to justify its continuance. There arose the need for more and more information about India and its affairs but nothing significant was done to supply this information during the rule of the Company.

In July 1869, W. W. Hunter, who was then in charge of the preparation of Bengal Gazetteer, was entrusted with preparing a work of similar nature for British India.

Hunter submitted a plan for the Imperial Gazetteer of India. He planned an inquiry into the 140 districts of British India, the inquiry to be conducted by local officers under the guidance and supervision of provincial officers.

The Provincial compilers ultimately consolidated the reports into a statistical account for the provinces. It was in this way that one hundred volumes, with a total of thirty-six thousand pages, were compiled. These volumes were for private use of the administrators and for the controlling body in England. They were beyond the reach of the public.¹

¹India, Report of the Interdepartmental Statistical Committee (Delhi: Manager of Publications, 1946), p. 76.

Later on, it was decided to issue a public edition of the Gazetteer. The first public edition was edited by W. W. Hunter as the Imperial Gazetteer of India . . . Published Under the Authority of His Majesty's Secretary of State for India in Council . . . (9 vols. London: Trubner & Co., 1881). In the second edition (1885-87) the work was expanded into fourteen volumes and, in the third edition (1901), it was further enlarged into twenty-six volumes. A new edition was published in 1909 (Oxford, Clarendon Press).

The Gazetteer is the first official effort to bring together general information about India. The information is mainly given in the form of topics arranged alphabetically. The volumes are divided as follows:

- Vol. I. The Indian Empire. Descriptive.
- Vol. II. The Indian Empire. Historical.
- Vol. III. The Indian Empire. Economic.
- Vol. IV. The Indian Empire. Administrative.
- Vol. V-XXIV. A - Z (by place names)
- Vol. XXV. Index.
- Vol. XXVI. Atlas.

The scope of the above work can be judged from the description given below.

Volume I of The Indian Empire gives a description of India from various aspects - physical features, geology, meteorology, botany, zoology, ethnology, caste, languages, religions, population, public health and vital statistics. Comparative statistics are usually given for the three census years 1881, 1891, and 1901.

An introductory note supplies a brief explanation of the monetary system, weights and measures. The chapters are written by experienced officers, and the work is covered by a fairly comprehensive index of about thirty pages.

The same plan is followed in Volume II. Chapter I, 'Epigraphy', is written by Dr. J. E. Fleet, Epigraphist to the Government of India; Chapters II, III, IV and VII, 'Prehistoric Antiquities', 'Archaeology of the Historical Period', 'Numismatics', and 'Early History of Northern India' are by Vincent A. Smith, of the Indian Civil Service and later well known British historian of India. Chapter V, 'Architecture' by Dr. James Burgess, the Director General of Archaeological Survey of India; Chapter VI 'Sanskrit Literature' by Dr. A. A. Macdonell, at one time professor of Sanskrit at Oxford; Chapter XI 'Vernacular Literature' by Dr. G. A. Grierson, the superintendent of the Linguistic Survey of India, etc. These contributions by experts enhance the value of the work.

Volume III deals with the economic aspects of the Indian Empire (i.e. with agriculture, forests, mines and minerals, arts and crafts, commerce and trade, irrigation and navigation, roads and railways, posts and telegraphs, prices and wages, etc.) The chapters are written by veteran officers in the various central services of the Government of India.

Volume IV deals with the historical and departmental aspects of Indian administration. The opening

chapter deals briefly with the administrative system described in older Hindu works, with the Mughal administration and finally with the development of the British administrative system. Further chapters deal with native states, foreign relations, legislation, justice, finance, land revenue, local government, army, police, education, public works, etc. Each of the four volumes has a comprehensive index which adds to its reference value.

The next twenty volumes (Vols. V-XXIV) comprise the main part of the Gazetteer, arranged alphabetically by place names. Volume XXV is a general index to the whole Gazetteer and it also includes a glossary of native terms. The Atlas volume (Vol. XXVI) was revised and reissued in 1931 (Oxford: Clarendon Press). It contains sixty-six maps, which deal with various aspects: geology, vegetation, rainfall, temperature, agricultural products, density of population, religion, railways, etc. It also includes several historical maps such as India in 1765, in 1805, in 1837, and in 1857.

It is to be deplored that after 1908 (excepting the Atlas volume of 1931), no effort has been made to keep the work up to date. It especially needs to be revised in view of the inauguration of independent India. In addition to the Gazetteer dealing with the whole of India, Provincial and District Gazetteers have also been issued.

2. The Administrative Reports:

The East India Company did not publish any regular

serial reports relating to the administration of the country, although the information is available, in the form of scattered accounts, for the administration of the governor-generals, such as The Administration of Warren Hastings, 1772-1785 Reviewed and Illustrated from Original Documents by G. W. Forrest (Calcutta: Superintendent of Government Printing, India, 1892). The 'Selections' from the records of various departments of the Government of India supply much information.¹ A wealth of information is also buried in parliamentary papers and various committee and commissions reports.

There is no serial publication of the Government of India which gives a connected account of the administration from the beginning of British rule to the present day.

I shall divide the administrative publications into two divisions: (a) those published before 1858 (i.e. during the period of the East India Company), (b) those published after 1858 (i.e. when India was ruled by the British Crown).

(a) Publications before 1858.--An interesting official work for the first hundred years is the Annals of the Hon. East India Company, from Their Establishment by the Charter of Queen Elizabeth, 1600 to the Union of the London and English East India Companies, 1707-8 by

¹F. B. F. Campbell, Index Catalogue of Indian Publications in the Library, British Museum (London: The Library Supply Co., 1900). Appendix IV.

John Bruce . . . Keeper of His Majesty's State Papers and Historiographer to the . . . E. I. Co. Printed by the authority of the Court of Directors. (3 vols. London, 1810).

To this we may add the following which bring the account to the year 1858:

Summary of the Administration of the Indian Government from October 1813 to January 1823, by the Marquess of Hastings (London: 1824).

An Analysis of the Constitution of the East India Co. and of the Laws Passed by the Parliament for the Government of Their Affairs . . . to Which is Prefixed a Brief History of the Company and the Rise and Progress of British Power in India . . . by P. Auber, Ass't Secretary to the . . . Court of Directors (London: 1826).

Supplement to An Analysis of the Constitution of the East India Co., . . . by P. Auber (London: 1828).

The Government of India by Major General Sir J. Malcolm (London: 1833).

Modern India; a Sketch of the System of Civil Government, to Which is Prefixed Some Account of Natives and Native Institutions by G. Campbell (London: 1852).

India in 1858; a Summary of the Existing Administration, Political, Fiscal, and Judicial, of British India; together with the Laws and Public Documents Relating there to, from the Earliest to the Present Time by A. Mills . . . with a revenue map . . . (London: 1858).

The Indian Official Thesaurus; Being Introductory to . . . Annals of Indian Administration, compiled by

M. Townsend (Serampore Press, 1858). This is an index to some twenty-six thousand pages of the 'Selections from the Records' of the several 'Governments of India'.

The Annals of Indian Administration, 1855-1874. 19 vols. edited by M. Townsend (Serampore Press, 1856-1875).

(b) Publications after 1858.--From 1858, when the government was taken over by the British Crown, the Secretary of State for India was required to submit annual statements to Parliament on the Administration of India. Hence from 1859 on we get a serial record of administration reports, which are issued in three series, as follows:

Great Britain. India Office. Statement Exhibiting the Moral and Material Progress and Condition of India, 1859/60 to 1861/62 (London: 1861-63).

_____. _____. Statement (Second Series) of the Moral and Material Progress and Condition of India 1864/65 to 1870/71 (London: 1866-72).

_____. _____. Statement (Third Series) of the Moral and Material Progress and Condition of India 1871/72-1935/36 (London 1873-37).

Beginning with the year 1917-18, a new edition of the above work with a title page "India in the Years 1917-18, a Report Prepared for Presentation to the Parliament in Accordance with the Requirements of the 26th Section of the Government of India Act (Calcutta: Superintendent, Government Printing, India, 1919-1937) was begun. Their report was prepared in the Home Department of the Government of India.

These India Office Reports were compiled at times by eminent men whose services were secured for the purpose (e.g. Mr. Rushbrook Williams, Professor at the University of Oxford, who was appointed as a special officer for several years on this work).

The arrangement of sections in this serial publication has differed from time to time; but it usually included chapters on politics and administration, geography, climate, population, agriculture, industry, commerce, communication, finance, health, education, and external affairs. The discussion in these reports gave statistics when making comparison with previous years and in the later years gave graphs, charts and photographs. The appendices usually gave excerpts from important speeches, orders, declarations or acts. A selective list of government publications during the year was also appended.

This publication ceased after the 1935-36 issue. There was no provision in the Government of India Act 1935 for such a report; so, after the Act came in force (1937) the report was discontinued.

The Government of the Republic of India has not as yet started to publish any yearly administration report (comparable to the above publication) which would continue the narrative with sufficient detail dealing with all aspects of administration. The Ministry of Information has been publishing yearly reviews which are more in the nature of pamphlets, as follows:

India. Ministry of Information and Broadcasting.
The First Year, August 15, 1947 to August 15, 1948. In-
dependence Day Souvenir (Delhi: Publication Division, Min-
 istry of Information and Broadcasting, 1948).

_____. _____. The Second Year (Delhi: Publi-
 cation Division. Ministry of Information and Broadcasting,
 1949).

_____. _____. The Third Year (Delhi: Publication
 Division, Ministry of Information and Broadcasting, 1950).

_____. _____. Since Independence; August 15,
1947 to August 15, 1951. (Delhi: Publication Division,
 Ministry of Information and Broadcasting, 1951).

3. The Gazette of India.

The present Gazette of India had its origin in the
 year 1784, about 175 years ago. This first Gazette was not
 entirely an official publication. It was rather a private
 publication authorised as the vehicle of official news and
 notifications; it was styled: The Calcutta Gazette; or,
Oriental Advertiser, 1784-1864. This weekly, started in the
 last year of the administration of Warren Hastings, is the
 oldest serial publication of this nature. As regards its
 publication, Mr. W. S. Seton-Karr, the then President of the
 Record Commission says:

The first number of Calcutta Gazette and Oriental
Advertiser appears to have been published on the 4th
 of March 1784 and on the 11th ditto, or in the next

issue of the paper, it is stated that the Governor-General and Council has permitted Mr. F. Gladwin to publish a Gazette under their sanction and authority. Heads of the offices were therefore required to issue all such advertisements or publications as might be ordered on the part of the Hon'ble Company, through the channel of this paper.¹

The Calcutta Gazette continued to be a private publication, although it bore the seal of the East India Company and mentioned the words 'published by authority.' It contained poems, social notices, letters to the editor, and general criticism, which is interesting from the point of view of the contemporary attitude of the Anglo-Indians and their social condition. It gave extracts from foreign Gazettes, news and comments on contemporary foreign affairs. It is interesting to note the repercussions of such events as the Irish Boycott, or the French Revolution, in that distant part of the globe. The three volumes of the 'Selections' mainly give extracts of social and political interest.

The publication of the Gazette was taken over by the Government of India in 1864 and the new publication was styled: The Gazette of India January 6, 1864- (Calcutta and Simla: Superintendent of Government Printing, India, 1864-).

The Gazette is published weekly in several parts and the arrangement of the parts has varied from time

¹W. S. Seton-Karr, Selections from the Calcutta Gazettes . . . Published Under the Sanction of the Government of India (Calcutta: Printed at the Military Orphan Press, 1864). I, p.1.

to time. During the twentieth century it consisted of five parts. From April 1, 1951, however, it is being published in four parts as follows:

Part I.

The whole of Part I is devoted to all the non-statutory notifications issued by various Ministries and other Central bodies. These are divided in the following sections.

Section 1. Notifications relating to nonstatutory Rules, Regulations, Orders, Resolutions, etc., issued by the Ministries of the Government of India (other than Defence) and by the Supreme Court of India, the Election Commission and other such Central bodies.

Section 2. Notifications relating to appointments, promotions, leave, etc., of the government officers issued by the Ministries (other than Ministry of Defence) and by the Supreme Court of India and other such Central bodies.

Section 3. Notifications relating to nonstatutory Rules, Regulations, Orders, Resolutions, etc., issued by the Ministry of Defence.

Section 4. Notifications relating to appointments, promotions, leave, etc., of the officers, issued by the Ministry of Defence.

The whole of Part II deals with statutory legislation of all kinds and in all stages - Bills, Ordinances, statutory Rules and Orders, and Acts.

This part is published in octavo size and is also divided into four sections as follows:

Section 1. Acts, Ordinances and Regulations. The Acts are numbered consecutively in one official year (April to March) as "The Punjab Tenants (Security of Tenure) Amendment Act, 1951. No. V of 1951."

Section 2. Bills introduced in the Central Legislature. The Bills are also numbered consecutively in each year, e.g., "Bill No. 77 of 1952. A Bill to further amend the Indian Penal Code, 1860."

Section 3. Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and other Central Bodies. The statutory Rules and Orders are numbered consecutively as 'S. R. O. 1,' etc.

Section 4. Statutory Rules and Orders issued by the Ministry of Defence. The numbers are given as noted in section 3.

Part III of the Gazette is analogous to Part I. It deals with notifications issued by various Central authorities which are not included in Part I and other minor administrations. The sections are as follows:

Section 1. Notifications issued by High Courts of the States, the Comptroller and Auditor General of India, Union Public Service Commission, Indian Government Railways and by subordinate offices such as All India Radio, etc.

Section 2. Notifications and notices issued by the Patent Office, relating to Patents and Designs.

Section 3. Notifications relating to minor administrations such as the Chief Commissioner's provinces and centrally administered areas.

Section 4. Miscellaneous Notifications including notifications by semi-government bodies and corporations such as the Reserve Bank of India, etc.

Part IV of the Gazette includes advertisements and notices by private individuals and corporations.

In addition to these regular parts, there are two irregular addenda published occasionally, namely (1) The Supplement, and (2) The Gazette of India Extraordinary. The Supplement contains such official papers and information as is deemed to be of public interest such as vital statistics, climate and weather data, etc. The Gazette of India Extraordinary contains urgent notifications which cannot wait until the regular weekly edition. The regular edition following the Extraordinary issues lists such issues and their contents.

All the sections of the Gazette have separate pagination, which is confusing at first. It is logical and convenient though, since sections are to be filed separately, all the Acts will file together in chronological order; the same thing occurs in the Statutory Rules and Orders, Bills, Notifications, etc.

One anomaly in the new arrangement stands out.

Some of the Central organs have been included in Part I, such as the Supreme Court, Election Commission, etc.; while others such as Union Public Service Commission, Comptroller and Auditor General, etc., are included in Part III. It would have been more logical to include all Central bodies created under the authority of the Constitution in one group.

A semi-annual index to the Gazette is published from its beginning, from January to July and the other from July to December. Each section has, naturally, a separate index.

Until 1921 the Gazette also included debates of the Legislative councils.

The Gazette can be subscribed for either by the whole issue or for any section. The current rate of subscriptions are inclusive of postage and can be ascertained from the Manager of Publications, Civil Lines, Delhi, or the High Commissioner for India, Aldwych, London.

4. Publications relating to Administrative Personnel.

There are several publications dealing with the personnel of the Government of India which give a connected historical account of important administrative personnel, beginning with the early years of the nineteenth century. The foremost works in this connection are as follows:

J. Mathison and others. The East India Register and Directory . . . 1803-44 (London: 1803-1844). Published semi-annually. The printer varies. This work was continued as The East India Register and Army List . . . 1845-60 by F. Clark (London: 1845-1860).

The Directories were not mere lists but were more in the nature of information manuals. They gave complete lists of the East India Company's servants, with their stations and appointment; lists of other Europeans, with their profession and address; complete lists of British military officers with their units; regulations and instructions relating to the appointments of writers and cadets in the service of the Company; lists of the proprietors of the Company's stock, who are qualified to vote; births, marriages and deaths among the personnel; etc. They were published annually.

The East India Register was published twice a year, somewhat irregularly.

India Office Lists.--From the year 1861, there is a publication of the India Office, The Indian Army and Civil Service List . . . 1861-76 (London: 1861-76); this was continued with changes in name as, The India List, Civil and Military . . . 1877-95 and The India List and India Office List . . . 1896-1947.¹

After the separation of Burma from India and due to the

¹ India List ceased as a separate publication from 1896; the information which it contained with regard to the Military Service was incorporated in the Indian Army List. From 1896 on this one work contained all information relating to Civil personnel.

creation of the Burma Office, the title was changed to The India Office and Burma Office List . . . 1938-47. After the year 1940 only two volumes were published, one in 1945 and the other in 1947.

These lists are comprehensive and give a complete directory of the higher officers of the Government of India. In regard to the contents, it was decided in 1855:¹

The proposed publication will include a record of the services of all Covenanted Civil Servants in India; of all uncovenanted and military officers in civil employ in India drawing not less than Rs. 1000 a month civil pay, exclusive of all allowances; of officers of the superior grades on the Home establishment of the Secretary of State for India and of certain retired officers, civil and military.

In addition to being a directory of the Central Government, the List gave a shorter directory for all provincial governments, information about Indian States, alphabetical honours list, warrant of precedence, record of services of the officers with full names and at times birth dates, lists of more important British publications and those of the Government of India for the year. Similar information relating to Burma is given in a separate section after 1938.

Directory, Lists, and History of Services.-- The Government of India began to issue its own directory from the year 1917. The Government of India Directory (Calcutta:

¹ Letter No.82 (Public Records) dated London the 12th Nov. 1855, from the Secretary of State for India in Bengal, History and Services of Gazetted and Other Officers, Part I, 1927 (Calcutta: Bengal Secretariat Book Depot, 1927) p.1.

Superintendent, Government Printing, India, 1917 --) was apparently meant to be published annually but it is issued irregularly. The latest issue we have is that of the year 1948.¹

The Directory furnishes the names and addresses of all the important officers of the Central Government, and members of the Legislature, with a name index at the end.

The Imperial Record Department of the Government of India (since converted into the National Archives) publishes quinquennially a List of Heads of Administrations in India and of the India Office in England (Calcutta: 1923 --). The latest issue I have been able to trace was one published in 1939. This publication is important because of the historical information which is brought together in one place. It gives the names of all important officers, the dates on which they assumed office and made over the charge, e.g., in the case of the East India Company, it gives information on all Chairmen and Deputy Chairmen, from 1773-1858; of all Presidents of the Board of Control during the period 1784-1858; of all the Secretaries of State for India beginning with 1858. In the same way, under the Government of India, one finds information on all Governors General, Members of the Supreme Council of the Governors General, Commanders-in-Chief, Provincial Governors, Lieutenant Governors, Chief

¹ India, Publications Branch, Catalogue of Civil Publications . . . 1948 (Delhi: 1950), Supplement to the Catalogue of Civil Publications . . . June 1950-Dec. 1951. Monthly (Delhi; 1950-52)

Commissioners, and Residents of various native States.

A name index is appended.

Departmental and Provincial Lists.-- Up to the year 1890, the Comptroller and Auditor General of India kept Service Registers in the Account offices. The Service Registers were a record of the history of services of employees. In 1890 it was decided by a Resolution of the Government of India in the Home Department (No. I, Establishment 376-392, of 23rd June 1890), that the Service registers were to be discontinued and thenceforth, History of Services of the Officers Holding Gazetted Appointments were to be prepared for various departments of the Government, by the Comptroller and Auditor General. In accordance with this Resolution, the History of Service for the various departments of the Central Government have been published. These histories were first published for groups of departments but later on, as the work increased, the histories of some of the departments were published separately. All the departments also publish, usually annually, lists of officers working with them.

The Provincial Governments also published History of Gazetted and Other Officers, which also lists the officers of the Central Government working in various provinces.

The Army Lists. -- Probably the oldest among the Army Lists is the Alphabetical List of the Officers of the Indian Army . . . from 1760 to 1834 . . . compiled and edited by

Messrs. E. Dodwell and J. S. Miles (London: 1838). After a gap there appeared the regular publication of the Indian Army and Civil Service List, 1861-76, and the India List Civil and Military, 1877-95. However, a quarterly list known as the Quarterly Indian Army List seems to have been started in 1890; its twenty-second number bears the imprint Calcutta: Superintendent of Government Printing, India, 1895. Thenceforth, except for a few interruptions, the publication of the Indian Army List has been continuous.

CHAPTER III

PARLIAMENTARY PUBLICATIONS

History. -- The present Parliament of India may be said to be in the direct line of descendants of the Legislative Council, which was first established under the Charter Act of 1833 (3 & 4 Will. IV, c.85). By this Act, the legislative powers of Madras and Bombay Presidencies were taken away and the Governor-General-in-Council was made the exclusive legislative authority in India. A special member, called the Law Member was added to his Council, to aid in legislation. This Act envisaged the establishment of a general system of justice and codification of laws common to all people.

From this year on, the whole legislative history of the country is the history of development in the Constitution, and in the enlargement of the powers of the Legislative Council of 1834, until it became a sovereign Parliament in 1950. From 1834, the legislative measures of the Governor-General-in-Council are called 'Acts' in contrast to the 'Regulations' of the previous period.

The Charter Act of 1853 (16 & 17 Vict., c.95) enlarged the Legislative Council which then consisted of twelve members. Lord Dalhousie started the work of the Council with great decorum and with a parliamentary air, forming elaborate rules of procedure and discussion, which was not liked by

the authorities in England.¹

One of the most important landmarks in the evolution of the Legislative Council was in the year 1921, when the Government of India Act of 1919 (9 & 10 Geo.V,c.101) went into effect. The Council, whose scope and size were enlarged by several Acts during this period, was now given the semblance of a representative body for the first time. It was a representation by classes, not by universal adult suffrage. The Legislative Council, instead of being comprised of sixteen members, now had become one of sixty members; the official majority still prevailed in the House.

The Act of 1919 did not introduce the principle of representative government. The Central Legislature, thereafter called 'Indian Legislature', became a bicameral body consisting of the Legislative Assembly (Lower House) and the Council of State (Upper House). Out of 144 members of the Lower House, 104 were elected. The powers of both the Chambers were identical except that the power to vote supplies was given only to the Lower House. The Governor-General had wide powers to override the decisions of the Legislature.

The Government of India Act of 1935 (25 Geo.V,c.2) envisaged a federation and division of powers between the

¹ J. Allen and others. The Cambridge Shorter History of India (Cambridge; University Press, 1935), p.770, says: Sir Charles Wood, who as the President of the Board had formed the Act of 1853, was surprised and shocked to find he had created a body of legislative independence, when he had meant to create merely a legislative adjunct to the executive Government.

centre and the units. The Central Legislative Assembly, now of three hundred and seventy-five members, and the Council of State, now of two hundred and sixty members, were still hampered by the old restrictions. The Governor-General could override them. He had full powers to legislate in respect of reserved subjects or in accordance with his special responsibility, either by a temporary ordinance or by a permanent law.

The concluding Act of this development was the Indian Independence Act of 1947. By this Act the legislatures of each of the new Dominions were to have full legislative powers and no act of the British Parliament passed after August 15, 1947, had any authority in their territories.

After August 15, 1947, the Legislative Assembly and the Council of State ceased to function. A Constituent Assembly was convened under the Cabinet Mission Plan. During the interim period, i.e. from August 15, 1947, to the election of the new Parliament under the Constitution, the Constituent Assembly functioned also as a legislature. The constitutional and legislative sessions are separately recorded. After the inauguration of the Constitution, the Constituent Assembly was styled the 'Parliament'.

There is no published information relating to the legislative debates prior to the year 1855. There is, however, a continuous record from 1855 up to date. This record may be divided as follows:

- A. 1855-1861. Proceedings of the Legislative Council.
- B. 1862-1920. Abstract of the Proceedings of the Council of the Council of the Governor-General of India.
- C. 1921-1947. (1) Debates of the Legislative Assembly.
(2) Debates of the Council of State.
- D. November 1947-December 1949. Debates of the Constituent Assembly (Legislative).
- E. January 1950 - . Parliamentary Debates.

I shall examine each of these in chronological order.

A. Proceedings of the Legislative Council, 1855-1861. --

The first recorded debates are: India, Legislative Council, The Proceedings of the Legislative Council of India (7 vols. Calcutta: Calcutta Printing and Publishing Co., Ltd., 1855-1861). These are published by the authority of the Council. The Proceedings often contain verbatim speeches of members given in quotation marks. The session is continuous for twelve months of the year, beginning with January and the volumes are annual reports of the proceedings, with an index at the end of each volume. The pagination is not continuous from volume to volume as it is in subsequent debates. Each page is divided into two columns which are numbered separately.

The index is fairly exhaustive. It gives page, that is column, references by the names of the bills, by committees, by the names of members and by subjects. Under each bill we get the historical references as to when it was first introduced, when it was read for the second time, when it was referred to a committee, the report of the committee and so on. The index also lists page references to all divisions

taken during the year.

At the top of each page is stated the date and subject of the debate. The debates of the first day of the session usually give the names of all the members as they are sworn in. A list at the beginning gives the names of the principal officers of the Council.

Since there is no consolidated index to this period, and since there are annual indexes at the end of the year, the date of needed reference has to be ascertained first. If, for instance, it is an act that is wanted, it is easy to find it, since the date of the act can be ascertained from indexes to enactments mentioned elsewhere in this work.

B. The Abstracts of Proceedings of the Council, 1862-1920. -- . The Proceedings and the way in which they were compiled does not seem to have been appreciated by the British authorities. From 1862, there is a change both in the name and in the method of compilation. It now becomes Abstract of the Proceedings of the Council of the Governor-General of India, Assembled for the Purpose of Making Laws and Regulations. This series continues from January 1, 1862 to September 1920. There is one volume for each year, except during 1904 and 1905. The volumes are numbered consecutively. As the name indicates, this series consists of abstracts and as a rule we do not find verbatim reports, although we do find some, especially in the later volumes of the series. There are not two columns per page as in the previous series, and in the early years even the date or the subject is not

mentioned at the top of the page. The index is usually given at the end but in some volumes it is found at the beginning of the volume.

The index is considerably shortened. It does not give the list of bills but under each bill indexed it continues to give page references to its history. The subject index is also shortened but references under the names of members and acts are continued.

From the year 1904 (volume 43), there is a change in the period of time covered in the volumes. Up to 1904, each volume contained debates from January to December of that year. Volume 43 contains debates from January 1904 to March 1904, with an index to that portion only. There are no debates recorded for the remainder of that year. The next volume (volume 44) contains debates from January 1905 to March 1906. After that there is regularity. Volume 45 contains debates from April 1906 to March 1907. Volume 46 contains debates from April 1907 to March 1908 and so on until the last volume (Volume 59) which contains debates from April 1920 to September 1920 only. There is no consolidated index to this period.

C. (1) Debates of the Legislative Assembly. 1921-1947.--

The new Legislature constituted under the Act of 1919 beginning with the year 1921, being bicameral, issued two series of debates. For the Lower House, we have Legislative Assembly Debates. Official Report. 1921-1947 (Delhi: Manager of Publications, 1921-1947). The Assembly was elected every three years and there were usually two sessions each year. The spring

session and the autumn session.

The volumes of debates for the first six years were given consecutive numbers, thus the debates of 1921 form volume No.I; those of 1922, volume No.II; of 1923, volume No.III; and so forth. The debates of 1925 are covered in two volumes, volumes V and VI; the debates of 1926 are covered in volumes VII and VIII. Then there is again regularity. A consecutive number beginning with I is given to each volume of debates during the year and the new volume of the next year begins with number I. Thus there are four volumes for the year 1928; five volumes for the year 1929; four volumes for the year 1930, etc. The reference, then, is to be cited, first by year and then by volume number and page.

There is also confusion in the index in the early years. For instance, for the year 1924, the debates are issued in six parts. There is an index at the end of part three covering the first three parts. Then there is an index at the end of part four for that part and an index at the end of part six for parts five and six.

From 1927 on there is distinct order and we get the sessional index of the spring session in the last volume of the spring debates and that of the autumn session in the last volume of autumn debates. For example:

1927 Vol. I	January 19 - February 21.
Vol. II	February 22- March 14.
Vol.III	March 15 - April 1 (plus Index)
Vol. IV	August 18 - September 5
Vol. V	September 6- September 20 (plus Index)

This is the general rule throughout, except for a few discrep-

ancies at intervals.

The same is true of pagination. Up to 1932 all the volumes of one year have continuous pagination. But after 1932 there is separate pagination for each session.

The Debates of the first session of a new assembly give full names and constituencies of the Members, as recorded taking oath.

Again the index is fairly exhaustive. It gives page references by subject, by member, and by bill. Under a bill one finds reference to its whole history. Thus if the year is known, reference may be found by all three approaches; for example, if a reference to the Budget of 1947 is needed, we find a reference under 'Budget' and under its sponsor 'Liaquat Ali Khan' (Finance Member). In the bills under the heading 'Indian Finance Act' we find references to its full history.

C. (2). The Council of State Debates (1921-1947). -- For the same period as the Debates of the Legislative Assembly, there is another series: Council of State Debates. Official Report 1921-1947 (Delhi and Simla: Manager of Publications, 1921-1947). The Council of State Debates are compiled on the same lines as the Assembly Debates but are much less bulky. There are usually two volumes, one for each session, although at times there are more. The index is appended at the end of the last volume of the session, each volume having its own pagination. The references in the index are, as in the

Assembly Debates, according to subject, name of the member, and name of the bill.

Consolidated Index. -- It is only for this period that we have a consolidated index for both Houses. The indexes are in two volumes: Consolidated Index to the Debates of Legislative Assembly, 1921-1945 (New Delhi: Manager of Publications, 1946), and Consolidated Index to the Debates of the Council of State, 1921-1945 (New Delhi: Manager of Publications, 1946). It would have been convenient if the indexes had covered the whole period of the debates, up to 1947.

The consolidated indexes are brief. Although they give references by subject, bill, and members, the information is more brief than in the usual sessional indexes and is sometimes very selective. The references are to the year, volume, and page number of the Debates.

The Rules of Procedure of the Legislative Council were framed soon after its inauguration and reference to Dalhousie's Rules has been made in this chapter. These Rules were amended as necessary from time to time and due to constitutional development in the Legislature. The latest Rules printed for this period (1921-1947) are the following:

India. Legislative Department. Manual of Business and Procedure for Legislative Assembly, (6th ed. (Delhi: Manager of Publications, 1945)).

..... Manual of Business and Procedure for the Council of State, (4th ed. (Delhi: Manager of Publications, 1937))

The Manuals deal with all matters connected with the functioning of the Houses: the duration of the sessions, manner of taking oaths, election of the presidents, questions, motions, general rules of procedure in the Houses, petitions relating to the bills, etc. The three appendices at the end of the Manual for the Legislative Assembly give, (1) Provisions of the Government of India Act, (2) the Indian Legislative Rules as passed in 1920 and subsequently amended and, (3) Standing Orders of the Legislative Assembly.

Yet another work which supplements the above Rules is:

India. Legislative Assembly. A Selection of the Decisions from the Chair Illustrative of the Procedure of the Assembly, 1921 to 1940. (Delhi: Manager of Publications, 1942). The object of this work is to place in the hands of the members past rulings of the Chair on various points such as adjournment, closure, regulation of debates, questions, etc. An exhaustive index of seventy pages makes it convenient to refer to various items.

D. The Constituent Assembly of India (Legislative) Debates, 1947-1949. -- I shall examine here only the deliberations of the Constituent Assembly in its legislative capacity. I shall deal with its constitutional debates when discussing the Constitution.

The record of the activity of the Constituent Assembly is published as Debates; Official Report (Legislative) November, 1947 to January, 1950. (Delhi: Manager of Publications, 1947-50).

The Debates are recorded in the same manner as are the Debates of the Legislative Assembly. A new feature is introduced beginning with August 9, 1948 (volume 6): the proceedings are divided into two parts. Part I deals with 'Questions and Answers' and Part II with 'Proceedings other than Questions and Answers'.

The volumes are numbered consecutively in each year, regardless of the sessions but the indexes are at the end of the last volume of each session. For example: there are two sessions in the year 1949; the debates for the first session are covered in volumes 1-5 and those of the second session are covered in volumes 6 and 7. There are indexes in volumes 5 and 7.

The volume numbering of Part I 'Questions and Answers' does not correspond with the volume numbering of Part II, 'Proceedings other than Questions and Answers'. Both parts, of course, have separate indexes.

E. Parliamentary Debates. 1950 - . -- The headquarters of the Indian Parliament are at the Parliament House, New Delhi; the chambers of both the Houses, the Parliament Secretariat, and offices of the members and other officers are all situated there.

The President of India is not a member of either of the Houses, nevertheless he is an integral part of the Parliament and the legislative process. He discharges certain important functions in relation to Parliament.

The first elections under the Constitution of 1949 were held during February 1952 and the new bicameral Parliament came into being May 13, 1952.

The Parliament meets at least twice a year and the interval between the sessions must be less than six months. The first session usually takes place during the spring, from January or February to April, and the second session in the autumn from August or September to December. According to the usual parliamentary practice, the first hour of each day's sitting is devoted to questions and answers. Questions relating to particular Ministries are answered only on certain days of the week. Every question has to be given in writing by the members and if any member desires an oral answer, he has to mark the question with an asterisk. Such questions are called 'Starred Questions' and any member can ask supplementary oral questions on them, which are often very exacting.

The Rules of Procedure.--The Constitution lays down certain fundamental Rules for Procedure in Articles 99-122. Each House has the power to frame its Rules of Procedure. Until this was done, the procedure was governed by the Rules made by the Constituent Assembly. The House of the People has published these Rules:

India. Parliament. Rules of Procedure and Conduct of Business in the House of the People (Delhi: Manager of Publications, 1952)¹

¹ Latest version published in the Gazette of India Extraordinary, Part I, Section I, of April 17, 1952, pp.834(1)-834(71); first version was published in 1950.

These Rules are mainly based on the previous Rules of the Legislative Assembly, but modified and amplified according to the new needs. The following main changes were indicated by the Speaker, while explaining the new Rules in the Parliament on February 1, 1950: Any member can ask any number of questions but he can star only three questions per day to be answered orally. Part one of the Parliamentary Debates lists these Starred Questions and Answers first. The old Rules regarding the form and contents, as well as the Speaker's powers in regard to questions, have been continued. The Speaker may ask the reason for demanding oral answers. There is a provision for raising discussion on matters of sufficient public importance. Due to the provision that money bills can only be introduced in the Lower House and that the estimate of liability under each bill be made clear, every money bill has to be accompanied by a financial statement showing what amount of recurring and nonrecurring expenditure is involved. Under the new Rules, the Speaker appoints the chairmen of the select committees. There are also modifications in the Rules regarding financial procedure according to the financial provisions of the Constitution.¹

How a bill is passed into law. -- Any member can move a bill for the consideration of the House but under a parliamentary system, the bulk of the time is spent on legislation proposed by the Government. Over 90 per cent of the bills discussed and passed by Parliament are Government sponsored

¹ India (Republic), Parliament, Parliamentary Debates (Delhi: Manager of Publications, 1950) Vol I pp 28-30Y

bills. Only one day or so per week has been allotted to private bills and on these days such business has priority.

A member wishing to introduce a bill has first to seek leave of the House to do so. The leave is usually granted unless the bill is unconstitutional or against the Rules of Procedure. The member introduces the bill by reading its title and if it is an important one, he may make a short speech showing its main provisions.

This is the first reading of the bill. The sponsor moves either to refer it to a select committee, or to circularize it for eliciting public opinion on it; or he may also move for its consideration by the House immediately, which would be rare, unless it is a very urgent matter and Government supported. Then the bill is printed in the Gazette of India, Part II, Section 2. (Before April 1, 1950, in Part V of the Gazette). Each bill, given a consecutive number in the year, would be published in the Gazette thus:

"The following Bill was introduced in Parliament on 9th March 1950.

Bill No. 21 of 1950.

A Bill to provide for the removal from one state to another of persons confined in a prison.

Be it enacted by Parliament as follows:"

Then follows the text of the bill. Usually the bill is referred to a select committee which consists of its sponsor and a few other members. If the Deputy Speaker is one of the members of the select committee, he is appointed as chairman,

otherwise someone else is appointed. One-third of the members form a quorum for the committee. The committee submits its report on the bill with proposed amendments. This time the bill is printed in the Gazette of India, Part II, Section 2, with the report of the select committee. On the appointed day the bill is moved for its second reading and this time it is discussed in detail, clause by clause, and amendments may be moved at this stage. When the whole bill with its preamble has emerged from this procedure, it has passed the second reading.

The bill again appears on the agenda for its third reading, which is a more formal affair. Whatever discussion or amendments would be moved, should be only to remove verbal ambiguity and the like. When it has passed the third reading, it receives a certificate to that effect from the Speaker and goes to the other House. The same procedure is repeated there. If it is passed in the same form it is sent for the assent of the President and after receiving that it becomes a law. It is then published in the Gazette of India, Part II, Section 1 and is available from the Manager of Publications in Slip-Law form.

As regards the legislative powers, any bill except a money bill can be introduced in either of the Houses. No bill can become a law unless agreed to by both the Houses. In case of disagreement between the Houses, the President can call them into a joint sitting and whatever is decided by the majority of the members at the joint sitting is taken to have

been passed by both the Houses.

All money bills passed by the House of the People are transmitted to the Council of States for its recommendation and the Council must return the bill with recommendations within a period of fifteen days. The House of the People, in this case, may or may not accept the recommendations of the Council of States.

All the bills pending before the House of the People lapse with the dissolution of the House. The same is true with the Council of State. All the bills passed by the House but pending before the Council lapse with the dissolution of the House. A bill pending in the Council of State but not passed by the House of the People does not lapse by the dissolution of the House. None of the bills lapse due to prorogation.

There are several standing committees appointed by the House:

1. The Committee on Estimates. This committee scrutinizes the annual expenditure of each Ministry and suggests economies.
2. The Committee on Public Accounts. This committee checks the public accounts and considers the Reports of the Comptroller and Auditor General of India.
3. The Committee on Petitions. This committee scrutinizes public petitions on bills pending before the House and reports on them.

Parliamentary Debates. -- The debates of the Parliament are published as day to day reports. In the case of debates from 1949, they are also published in two parts; Part I, "Questions and Answers", and Part II, "Proceedings other than Questions and Answers". The title of the publication is: Parliamentary Debates, Official Report. January 28, 1950 to date (Delhi: Manager of Publication, 1950 -).

Until the Council of States came into existence, after the first elections under the Constitution, in May 1952, there was only one House of the Parliament functioning, and consequently there was only one series of debates.

The volume numbers of the Parliamentary Debates have been continuous from January 1950. Thus in August 1951, Part I runs into volume IX and Part II into volume XIV. This is unusual since the practice is to begin volume numbers at the beginning of the year. Probably after the interim period of provisional Parliament, the customary practice will again be followed.

The debates are given in two columns per page, with numbers at the top of columns. Date and subject of the debate is given at the top of the page. Indexes are sessional with column references, and are compiled on the same lines as are those of the Legislative Assembly Debates, giving references under members, bills and subjects. The indexes in Part I give references under questions, under members and subject.

An additional feature of Part I of the Debates is the Appendices published from time to time. These appendices

contain statements and other information laid on the table of the House in reply to the questions asked by members. When the reply is lengthy, or contains lengthy tables or statistical information, or is a text of a treaty, order, communiqué or resolution, it is printed in the Appendix.

I had noted that the reports of the select committees are published in Gazette of India, Part II, Section II. In addition to these major reports, many other papers are presented to the Parliament in the form of departmental and other reports, statements, etc. These papers are placed in the Library of the Parliament for the perusal of members but are not printed as a part of Parliamentary Debates. This policy is inconvenient, as this information is not available to the public. At any rate, it does not give all the necessary details on a particular problem in one place, and makes the reference to the problem rather difficult. In this respect, the practice of the British Parliament provides a better model. The British Sessional Papers give a connected account of all Parliamentary Papers in one place. A continuous series of all such papers presented to the Indian Parliament, with consecutive numbering and a good index would be a very welcome addition.

In addition to the Debates the following works relating to the Parliament are noteworthy:

India. Parliament. Election Manual . . . (Delhi: Manager of Publications, 1951). The Manual contains constitutional provisions, rules, regulations, and notes. A bibliography

is appended.

India. Parliament. Who's Who in Parliament of India (Delhi: Manager of Publications, 1951). This work, in addition to the names and constituencies of the members, contains short biographical sketches. A similar work was published in 1950. The Parliament also publishes from time to time Lists of the Members of the Parliament which contain their permanent addresses.

India. Parliament. Abstracting Service (New Delhi: Parliament Secretariat, 1951 -). This weekly mimeographed pamphlet is a brief compendium from selected articles and comments appearing in journals and periodicals, somewhat on the lines of the work of the Public Affairs Abstract Unit of the Legislative Reference Service of the Library of Congress.

CHAPTER IV

LAWS AND ACTS OF THE UNION

Introductory.-- The legal structure in India, as it is today, was almost wholly crystallized under the British Rule. Although the Republic of India has adopted an entirely new Constitution, most of the old legal edifice still remains as it was, except for those parts which are directly affected by the new Constitution. The whole of the substantive and adjective law -- the Indian Penal Code, the various components of the Civil Code such as the Hindu Law, Mohammedan Law, etc., and the procedural codes have been compiled under the British Rule. The greatest change is in the field of constitutional law, and even here 75 per cent of the details of the new Constitution are said to be practically the same as they were under the Government of India Act of 1935. Even today there are, on the Indian Statute Book, regulations passed before the birth of the Legislative Council. Thus, the legal structure is a complex product of about three hundred years.

History. -- The law making under British Rule is aptly described in the words of Professor Cowell as

. . . experiments made by foreign rulers to govern alien races in a strange land, to adapt European institutions to Oriental habits of life and to make laws supreme amongst people, who had always associated government with arbitrary and uncontrolled authority.¹

¹ Herbert Cowell, The History and the Constitution of the Courts and Legislative Authorities in India (Tagore Law Lectures, 1872) (Calcutta: Thacker, Spink & Co., 1872), p.3.

These experiments consisted of, first applying British Law in a restricted area and restricted way; then, trying to adopt Indian laws and usages and modernizing and codifying them.

For an historical review, we may divide the periods as follows:

A. The Period of Regulations: from A.D. 1601 to 1833, i.e., from the date of the Charter granted by Queen Elizabeth to the London East India Co., up to the date of passing the Charter Act of 1833.

B. The Period of the Acts of the Indian Legislature in Subordination to the British Parliament: from A.D. 1834 to 1947. The period of development of the Legislative Councils and provincial autonomy.

C. From A.D. 1947 on: the legislation in India as a Dominion and as a Republic.

A. From 1601 to 1833. -- The Charter of 1601 granted by Queen Elizabeth to the Company, empowered the Governor and the Company:

. . . to make, ordain and constitute such and so many reasonable laws, constitutions, orders, ordinances, as shall seem necessary and convenient for the good government of the said Company and of all factors, masters, mariners and other officers employed or to be employed in any of their voyages and for the better advancement and continuance for their trade and traffic.¹

It was further provided that any rules and laws made

¹ Sir Courtenay Ilbert, The Government of India (Oxford: Clarendon Press, 1898), p. 475.

under this authority should not be contrary to the laws and statutes of England. The Company was authorized to impose fines and penalties to secure their enforcement. Copies of such rules and regulations were to be sent to the Court of Directors in England for their approval and confirmation. The Company was a trading company and these rules and regulations were concerned with the trading activity of the Company and with the behaviour of its servants.

The situation changed after 1765 when the Company received the grant of 'Diwani'¹ over the provinces of Bengal, Bihar and Orissa from the Mogul Emperor. Several years later it also assumed 'Nizamat'.² Thus technically subordinate to the Mogul Emperor and directly subordinate to the British Government, the Company began, in effect, to rule the provinces.

In the year 1772, Governor Warren Hastings and the four members of his council proposed a plan for the administration of justice. Colebrook describes this as General Regulations for the Administration of Justice, Proposed by the Committee of Circuit at Cassimbazar, on the 15th of August, 1772, and made and ordained by the President and Council in Bengal on the 21st August 1772.³ This plan is described by Professor

¹ Authority to collect revenues and administer civil justice.

² Authority to administer criminal jurisdiction and protection of the people including military authority.

³ James Edward Colebrook, Supplement to the Digest of Regulations and Laws. 1807, p.1.

Acharyya as "really the first British Indian Code, defective though it was in many respects." ¹It had no preamble; instead, there are extracts from a letter of the Committee of Circuit explaining the scheme. There are in all thirty-seven sections dealing with Civil and Criminal Law and Procedure. These "General Regulations" emphasized that:

. . . in all suits regarding inheritance, marriage, caste, and other religious usages or institutions, the law of the Koran with respect to Mahomedans, and those of Shaster² with respect to Gentoos³, shall be invariably adhered to.⁴

A clear authority to legislate for people other than servants of the Company and residents of the Presidency towns was granted in 1773 by an Act of Parliament, otherwise known as the Regulating Act (13 Geo. III, c.63). Sections 36 and 37 of the Statute laid down that the Governor-General-in-Council could make and issue such rules and regulations for the good order and civil government of the United Company's settlement at Fort William and all places subordinate thereto as should be deemed just and reasonable and not repugnant to the laws of the nation. He was also empowered to set, impose, inflict and levy reasonable fines and forfeiture for the breach and nonobservance of these rules, ordinances and regulations.

These regulations were not valid until they were duly registered in the Supreme Court at Calcutta which was established

¹Bijay Kisor Acharyya, Codification in British India (Tagore Law Lectures, 1912) (Calcutta: S.K. Banerji & Sons, 1914), p. 53.

²A degenerate form of the word "Shastra" meaning a compendium of rules.

³A word used for Hindus. ⁴Colebrook. Supplement. Op. cit., p.5

under the same Act. An appeal from this court, could lie to the King-in-Council, in England. The Governor-General was bound to forward all these rules and regulations to England, power being reserved to the King to disapprove of them at any time within two years.

Eight years later the Governor-General was empowered to frame regulations for the provincial courts also. The exemption of registration of these regulations in the Supreme Court was rendered unnecessary under the Act of 1833.

The Act of 1781 is an important landmark in the legislative history of the British period. It restricted the authority of the Supreme Court in legislation; it gave more authority to the Governor-General-in-Council; it contained the first declaration by the British Parliament of the right of the natives of India to be governed by their own laws and usages; it also provided that the regulations made from time to time were to be formed into a regular code and printed with translations in the languages of the country, and the grounds on which each regulation was based had to be prefixed to it.

The Governor of Madras was invested with the same legislative power for the provincial courts by the Act of 1800 (39 and 40 Geo.III, c.79). In the year 1807 the Governor of Bombay was empowered in the same way. Thus there came into being Bengal Regulations, Bombay Regulations, Madras Regulations, etc., instead of a single body of laws, applicable to the whole country.

The Act of 1813 (53 Geo.III, c.155) improved the situation only partially. It gave more legislative powers, especially

relating to taxation, to the Governor-General. This authority extended over the whole of British India. The Governor-General was directed to send to England all the copies of regulations, made by all Governments, to be laid annually before the Parliament.

The Act of 1833 (3 and 4 Will.IV, c.85) marks the end of this period -- a period of experimental legislation. It provided one single legislative authority for the whole of British India. The laws and regulations of this authority had the force and effect of an Act of Parliament. The Act repealed the condition for registration of laws with the Supreme Court. It empowered the Governor-General-in-Council to legislate for all persons -- British or native -- in India; lastly, it provided for a special member in the Council to help in legislation and codification.

Some outstanding accomplishments of the period. -- Little legislation was effected under the Regulating Act, however, a considerable body of regulations continued to be enacted under the Acts of 1781 and 1813.

The earliest compilation to give us some idea of the regulations is John Herbert Harington's An Elementary Analysis of the Laws and Regulations Enacted by Governor-General-in-Council, at Fort William in Bengal, for the Civil Government of the British Territories under that Presidency, (3 vols. Calcutta: 1805-17). The work is commonly known as Harington's Analysis. Another important work of the period is Colebrook's A Digest of Regulations

and Laws Enacted by the Governor-General-in-Council for the Civil Government . . . Arranged in Alphabetical Order (Calcutta: 1807).

A Supplement to the Digest of Regulations and Laws was also published (Calcutta: 1807). The Digest contains regulations dealing with civil, criminal and revenue affairs. The Supplement deals with the same, plus coins and mint, salt, opium, customs, commerce, etc.

A third important compilation of the period is that of Mr. Richard Clark, of Madras Civil Service. His work, A Concise Abstract of Bengal Regulations, from 1793 - 1831, also forms the sixth appendix to the Minutes of Evidence taken before the Judicial Sub-committee of the House of Commons in 1832. He published a similar work, prepared under the authority of the East India Company, in 1853 at London.

The Baptist Mission Press of Calcutta published A Synopsis of the Regulations . . . 1793-1828, in eight volumes. It also published in 1830 an Alphabetical Index to the Regulations of Government . . . 1793-1830, an important index to legislation of this period. Most of these regulations are now extinct. Acharyya mentions that out of 675 Bengal Regulations between 1793-1834, only 89 were wholly or in part in force in the Twentieth Century, and those are to be found in the Bengal Code.

Harrison of the Bombay Civil Service published A Code of Bombay Regulations in London, 1849. In 1848, Richard Clark published Regulations of the Government of Fort St. George.

An interesting work of this period is N.B. Halhed, Code of Gentoo Laws or Ordinations of the Pundits, from a Persian

Translation Made from Original Written in the Shanscrit¹
Language (London:MDCCCLXXXI)

This work was compiled "to preclude all such contradictory decrees in future" and "to find out consensus of opinion regarding the decrees of Hindu Law as interpreted by the Pandits". The translator Halked in his preface says:

Wherefore, Brahmins learned in the Shaster (whose names are here subjoined) were invited from all parts of the Kingdom to Fort William, in Calcutta . . . and most authentic books, both ancient and modern, were collected and the original text, delivered in the Hindoo language, was faithfully translated by the interpreters into the Persian idiom, They began their work in May, 1773² . . . and finished it by the end of February, 1775 . . .²

B. From 1834 to 1947. -- The year 1834 marks the beginning of the second era. The multiplicity of authorities for legislation and the absence of clear policy of legislation had created chaos. As Cowell remarks:

In 1833, the attention of Parliament was directed to three leading vices in the frame of the Indian Government. The first was in the nature of laws and regulations; the second was in the ill-defined authority and powers from which these various laws and regulations were enacted; and the third was the anomalous and sometimes conflicting judicatures by which the laws were administered.³

The Judges of the Supreme Court at Calcutta were also perplexed at the situation. They expressed it thus:

In this state of circumstances, no one can pronounce a judgement, however sound, upon any disputed right of persons, respecting which doubt may not be raised by those who may choose to call it in question.⁴

¹ Sanskrit language.

² N.B. Halked, Code of Gentoo Laws . . . (London: 1781) The translator's Preface, pp.ix-x.

³ Cowell, op. cit., p.96.

⁴ Hansard, Parliamentary Debates. Third Series (1833), Vol. XVIII, p.729.

At that time the laws to be interpreted were: the Acts of the British Parliament, some specially provided and some applicable by implication; the English Common Law; Charters, Letters Patent, Regulations of various Provincial Governors; Hindu Law and Mohammedan Law which were in a very imperfect state of codification; etc. Thus we find Macaulay urging the Parliament in 1833:

. . . Whether we assimilate those systems or not, let us ascertain them, let us digest them . . . Our principle is simply this -- uniformity if you can have it -- diversity if you must have it -- but in all cases certainty.¹

The Charter Act of 1833 attempted to remedy these evils. It envisaged the establishment of a general system of justice and codification of laws common to all people. Lord Macaulay, who accelerated codification, was appointed the first Law Member of the Council of the Governor-General.

The first Law Commission was appointed in 1834; the most important work of this Commission was that they prepared a Draft Penal Code in 1837. It also drafted a Code of Civil Procedure.

There was a second Law Commission appointed under the authority of the Charter Act of 1853 (17 and 18 Vict. c.95). The Commissioners presented four reports in which they submitted a revised plan for an uniform Code of Civil Procedure, which was passed in 1859, and the Code of Criminal Procedure which was passed in 1861.

The third Law Commission, appointed in 1861, submitted seven reports, six of which were drafts pertaining to substan-

¹ Hansard, Parliamentary Debates. Third Series (1833), Vol. XIX, p. 533.

tive law.

The tradition of legislation from a single source did not last long. The Indian Council's Act 1861 (24 and 25 Vict., c.67), reestablished Legislative Councils in the provinces and since then we have provincial as well as central acts.

We have noted that from the year 1834 the legislative measures of the Governor-General-in-Council and Provincial Governors are called 'Acts' in contrast to the 'Regulations', as they were previously called.

C. From 1947 on. -- We have noted in the chapter dealing with Parliamentary Publications, the changes relating to the authority of the Legislature during this period. The most important constitutional landmark was the forging of the new Constitution by the Constituent Assembly. The Assembly also acted as a sovereign law-making body.

Since the bulk of the law of the land consists mainly of legislation after 1834 and since these publications are published in uniform serials, I shall take the publications of both the periods (1834-1947 and 1947 to date) together. Before I do that, it is necessary to recapitulate the component parts of the Statute Book of the Country.

The Statute Book of India. -- The Statute Book of India today may be said to consist of the following:

A. Legislation enacted up to 1834.

1. Such Acts of British Parliament as extend to India or any part of India; Orders-in-Council made by the King-in-Council

as applying to India.

2. Bengal Regulations (from 1793 to 1833).
3. Bombay Regulations (from 1799 to 1833).
4. Madras Regulations (from 1802 to 1833).
5. Rules, Ordinances and Regulations relating to the Town and Island of Bombay (from 1812-1833).

B. Legislation enacted during the period 1834 to 1947.

1. Acts of British Parliament, etc., as mentioned above in Section A(1).
2. Acts of Governor-General of India in Council (from 1834 to 1920).
3. Regulations made by Governor-General of India in Council under Section (1) of the Government of India Act, 1870, or under Section (71)¹ of the Government of India Act of 1915, or under Sections (95² and 96³) of the Government of India Act of 1935 (1871-1937).
4. Ordinances made by the Governor-General of India under Section (23) of Indian Councils Act, 1861, or Section (72) of the Government of India Act, 1915⁴ (1861-1935).
5. Acts of Governors-in-Council or Lieutenant Governors-in-Council of various Provinces (all between 1834-1920).

¹Regulations made on request of the Local Government and having local effect only.

²Regulations made by Governor-General in his discretion, for British Baluchistan.

³Regulations made by Governor-General in his discretion, for Andaman and Nicobar Islands.

⁴Ordinances made in 'Emergency and for the peace and tranquility of the country'.

6. Acts made by the Governor-General under Section (67B) of Government of India Act, 1919¹, or under Section (67B) as set out in the Ninth Schedule of the Government of India Act, 1935.²
7. Acts of the Indian Legislature (1921-1947).
8. Acts of the Provincial Legislative Councils (1921-1936).
9. Acts of the Provincial Legislatures (1937-1947).
10. Regulations and Ordinances of the Governors under the Government of India Act, 1935 (1937-1947).

C. 1947 on:

1. The Constitution.
2. Acts of the Constituent Assembly (Legislative) (1947-1950).
3. Acts of the Parliament of India (1950 -).
4. Regulations and Ordinances of the Governor-General and the President of India under the Indian Independence Act, 1947 and under the Constitution respectively (1947 --).
5. Acts of Provincial and State Legislatures and Regulations and Ordinances of Governors (1947 --).

The above appears to be a complicated list. This is due to the continual changes in the constitutional structure and more than one source of legislation. Again it seems paradoxical that the old Acts of the British Parliament are on the Statute Book of Free India. The reason for this, as we have

¹ Acts made by Governor-General when either or both Houses refuse or fail to pass any bill.

² Acts to continue the provisions of the Government of India Act, 1935, until the establishment of the Federation.

noted elsewhere, is that the new Government of India has retained the whole of the old legal structure excepting the part which was inconsistent with the new Constitution. By a special order, called the Adaptation of Laws Order, 1950 (published in the Gazette of India Extraordinary of January 25, 1950), it was provided that all existing laws were to continue to be in force. In the adaptation for the words 'Governor-General' and 'His Majesty' were substituted the words 'President of India'. A series of long schedules are appended to this order which indicates the extent to which the provisos of certain acts and regulations are changed to bring them in line with the new Constitution.

Legal publications after 1933. -- It is proposed to examine here the legal publications only of the Central Government, or publications applicable to the whole of India. All statutory and nonstatutory enactments are published in the Gazette of India as soon as they are promulgated; also there are several serial publications issued from time to time which include all the extant legislation of a particular type. This type of publication, in addition to the Gazette, is most important to afford a collective and up-to-date picture of the legal system.

While examining the situation from this point of view, we can resolve the complicated mass of legal enactments into the four categories mentioned below:

- (A) The Constitution .
- (B) Statutes of the British Parliament.

(C) Central Acts and Ordinances.

(D) Statutory Rules and Orders made under the authority of (A), (B) and (C) mentioned above.

These categories will be taken up one at a time.

(A) The Constitution. -- The first important series of constitutional documents is:

India. Constituent Assembly. Debates. Official Report (12 vols. Delhi: Printed by the Manager, Government of India Press, 1946-1950).

The twelve volumes cover the period mentioned below:

Vol. I	Dec. 9	- Dec. 23, 1946
Vol. II	Jan. 20	- Jan. 25, 1947
Vol. III	April 28	- May 2, 1947
Vol. IV	July 14	- July 31, 1947
Vol. V	Aug. 14	- Aug. 30, 1947
Vol. VI	Jan. 37,	1948
Vol. VII	Nov. 4,	1948 - Jan. 8, 1949
Vol. VIII	May 16	- June 16, 1949
Vol. IX	June 30	- Sept. 15, 1949
Vol. X	Oct. 6	- Oct. 17, 1949
Vol. XI	Nov. 14	- Nov. 26, 1949.
Vol. XII	Jan. 24,	1950.

The reason for giving these dates is because the compilation of these debates is slightly different from the Legislative Assembly Debates. The volumes of the Debates of one year are not given consecutive numbers as in the case of Legislative Assembly Debates, but are marked consecutively throughout the whole period. The pagination is continuous in Volumes I-IV and in Volumes X-XI. Each volume has its own index, much on the same lines as the Legislative Assembly Indexes. The index gives references under catchword subject, under the clause and under the members. On page eight of Volume I are given the

names of the members of the Assembly with the provinces they represent. It is deplorable that there has not yet been published a general index for the whole of the debates and references have to be made to twelve index pamphlets.

A Hindi and an Urdu version of the Debates of the Constituent Assembly have also been published.

Many of the statements and other information laid before the Constituent Assembly are printed either in the text of the debate or appended to it.

After laying down the essential principles, the Constituent Assembly appointed a Drafting Committee consisting of eight members with Dr. B. R. Ambedkar as chairman, to prepare a Draft of Constitution, which would provide a basis for discussion. It had also appointed several ad hoc committees to report on various aspects of the proposed Constitution such as, the Committee on Citizenship Clause, Linguistic Commission, etc. The findings of the ad hoc Committees are embodied in Reports of Committees (3 Vols. Delhi: Printed by the Manager, Government of India Press, 1947-50).

The Draft Constitution of India, prepared by the Drafting Committee (New Delhi: Manager, Government of India Press, 1948) is the Report of the Drafting Committee to the President of the Constituent Assembly. The Committee observed that there were certain points in the draft prepared (in accordance with the principles laid down, or recommended by ad hoc committees) which needed special consideration by the Constituent Assembly and

these items were underlined in the published Draft Constitution.

The Assembly had appointed Mr. B. N. Rau as Constitutional Adviser. He acted to provide such information, reference, and assistance as the Assembly needed from time to time(for example, the Assembly wanted comparative constitutional information for several countries). A part of such information is published as Constitutional Precedents (3 vols. Delhi: Manager, Government of India Press, 1947). The first volume is a series of pamphlets dealing with many aspects of the new Constitution, whether substantive or procedural, citing references from the constitutional conventions of U.S.A., Canada, Australia, etc. The second volume contains copies of Constitutions of various countries with an historical and explanatory introduction. The third volume is a comparative study from various constitutions about such topics as fundamental rights, head of the state, second chambers, safeguards for minorities, system of representation, etc.

The Constitution as finally adopted by the Assembly, is published as: India. The Constitution of India (Delhi: Manager of Publications, 1949). It consists of 325 Articles and 8 Schedules. Another edition, embodying amendments, was published in 1951. Various executive orders and rules made under the authority granted by the Constitution are published as: India. General Rules and Orders under the Constitution (New Delhi: Manager of Publications, 1951).

B. Statutes of the British Parliament. -- The statutes were first published in the Gazette of India and then in periodical

cumulations. The first important collection was edited by Mr. Whitley Stokes in 1881; there were also several irregularly published collections. The Government has published new editions from time to time, since 1881. The latest of the cumulations is:

India. Legislative Department. A Collection of Statutes Relating to India (3rd ed., 4 Vols. Delhi: Manager of Publications, 1935-40).

It was a moot point how many of the British Statutes prior to 1726 were applicable to India. The decisions of the judges were the only indications on this point and they were mostly of the negative character. -- that such and such statute was not applicable to India, or to a certain part of India. After 1726, many of the Statutes have been expressly made for India or there is some clear implication for their extension. The present edition covers them as follows:

Vol. I A.D. 1297 - 1887.
 Vol. II A.D. 1888 - 1912.
 Vol. III A.D. 1913 - 1932.
 Vol. IV A.D. 1934 - 1937.

There seems to be no valid reason for the Statutes of 1933 being left out of the above series. It is found that in the year 1939, the British Nationality & Status of Aliens Act of 1933 (23 and 24 Geo.5, c.49) was applicable to India¹, and yet it was left out of the above-mentioned series.

¹ India, Legislative Department, Chronological Tables and Index of the Indian Statutes (Delhi: Manager of Publications, 1939) V.I, p.43.

The present edition has omitted all those statutes which were repealed or were obsolete. The statutes are given in their amended form, with references in footnotes to the repeals and amendments and the authority for them. There is a chronological table at the beginning which gives year, regnal number and chapter, short title or subject of the statute and page reference. There is a title and a catchword subject index at the end of each volume.

Since the statutes were mostly of a constitutional nature and since after the adoption of the present Constitution many of them are superseded, it is only in certain parts that they are now applicable and that, too, in the form amended by the Adaptation of Laws Order of January 28, 1950.

C. Central Acts and Ordinances. -- This is by far the largest bulk of the legal documents. The expression 'Central Acts' is defined in the General Clauses Act of 1897, Section (3), (8aa) and (8ac). It includes practically all enactments of Governor-General and Central Legislature from its inception.

The Central Acts go through at least three stages of publication: (1) in Slip-Law form, (2) in annual cumulations and (3) in periodical cumulations.

(1) Individual Acts. -- When an act is passed, it is published in the Gazette of India, Part II, Section I. It is also published as a separate pamphlet and is available from the Manager of Publications or his agents. These are similar to the Slip-Laws of the U.S.A. They are listed chronologically in the Monthly Supplement to the Catalogue of Civil Publications of the

Government of India.

(2) Annual Collection of Acts. -- Unlike the Session Laws of the U.S.A., the collection of Indian Acts is published, not at the end of the session of the Parliament, but at the end of the year. The annual collection of Central Acts seems to have been published from 1834, the year when the Legislative Council was established. The usual title before 1950 was, A Collection of the Acts of Indian Legislature and of the Governor-General for the Year . . . but the title has varied slightly from time to time. The latest volume consulted in the series is:

India. Ministry of Law. Acts of the Parliament of India, 1950, with a Table Showing the Effects of Legislation, (Delhi: Manager of Publications, 1952).

In the annual bound volumes, the Acts are arranged chronologically, with a title and subject index at the end. A table appended shows the extent of revision, repeal or amendment affected by the present legislation and this is a valuable reference guide for correction.

These annual bound volumes of Acts can, at the best, be considered as similar to a miniature edition of the Statutes at Large of the U.S.A. The Statutes at Large contain all legislation for a certain period (now usually a session); in addition, they contain resolutions, proclamations, executive agreements, treaties, etc. The annual volumes of Indian Acts contain the Ordinances from 1942 on, but they do not contain all the rest of the items found in the Statutes at Large. In the Indian Acts

there is no distinction between Public Acts and Private Acts and we find them all printed together.

(3) Periodical Collection of Extant Acts. -- The Legislative Department has published the collection of all extant laws of the land, corrected to a certain date. This publication is known as Unrepealed Act Series. The latest edition published in the series is:

India. Ministry of Law. The Unrepealed Central Acts with Chronological Tables and Index, (2nd ed., 10 Vols. Delhi: Manager of Publications, 1950-51).

This is a second edition of the second series. The first edition was published in 1938 to replace the older series. The volumes of the present edition cover the period as follows:

Vol. I.	1834-1871	corrected up to Feb. 1, 1950
Vol. II.	1872-1881	" " " Feb. 1, 1950
Vol. III.	1882-1897	" " " July 1, 1948
Vol. IV.	1898-1907	" " " July 1, 1948
Vol. V.	1908-1910	" " " July 1, 1948
Vol. VI.	1911-1916	" " " July 1, 1948
Vol. VII.	1917-1923	" " " July 1, 1948
Vol. VIII.	1924-1930	" " " July 1, 1948
Vol. IX.	1931-1938	" " " July 1, 1948
Vol. X.	1939-1947	" " " July 1, 1950.

The previous edition contained only those unrepealed central laws which extended to the whole of British India, or which had a provision to extend to the whole or part of British India. It did not contain the Indian Penal Code and the Codes of Civil and Criminal Procedure. The present edition contains all three Codes but does not contain acts which are obsolete or are of strictly local application, such as the laws relating to land revenue, rent, tenancy, etc., which vary from state to state.

A chronological table is given at the beginning of each volume. It gives the number and titles of acts for each year with reference to pages. If the act is not printed in the volume, reference is given to where it can be found. If an act is practically obsolete, it is so indicated.

The footnotes in the text contain references to where may be found the statement of objectives and reasons of the promulgation of the act, or the report of the select committee on the bill. They also give references to the debates or proceedings in the Legislature connected with each act, from 1862 on. The changes or amendments in the original wording of the acts are shown with the authorising acts.

The Unrepealed Central Acts series is a periodical collection of extant laws but it cannot be compared to a code such as the United States Code. The United States Code is compiled under several titles, each with a specific subject such as 'the President', 'the Congress', 'Agriculture', etc. The current provisions for each of the topics are collected together. The Unrepealed Central Acts, on the contrary are simply a chronological collection of current laws.

D. Statutory Rules and Orders. -- All secondary and delegated legislation, after its immediate publication in the Gazette of India, Part II, Sections 3 and 4, is periodically cumulated. This cumulation includes only the extant legislation. There is no recent edition of this cumulation. The latest works I have consulted are:

India. Legislative Department. General Rules and Orders Made under Enactments in Force in British India (3rd ed., 5 vols.

Calcutta: Central Publications Branch, 1932).

_____. _____. Supplement to the General Rules and Orders Made under Enactments in Force in British India (8 Vols. Delhi: Manager of Publications, 1944).

These works contain all the rules, orders, notifications, etc., which are issued under statutes and central acts. They, however, leave out certain categories; for example, they do not contain the rules and orders dealing with Extradition Treaties and Conventions; nor do they contain several rules such as the Standing Orders of the Legislative Assembly, or the Council of States. Again, some rules which are published in 'convenient book form' are not included, nor is there any indication as to when they are published and where they are available. The Gazette is the only reliable guide.

The rules are arranged in chronological order of the original statute or act under which they are issued. There is a chronological table at the beginning and an index at the end. Since the Supplement brings the collection only up to the year 1944, one has to search the Gazette again for recent rules.

There is published from time to time a very useful general index to the legislation. This serves as a key to extant enactments. The latest edition of this work is:

India. Legislative Department. Chronological Tables and Index of the Indian Statutes Compiled under the Orders of the Government of India (4th ed., 2 Vols. Delhi: Manager of Publications, 1939-41).

This edition is corrected up to December 31, 1938, and

this is out of date by some fourteen years. It is a large chronological index to the whole Statute Book of India, including central as well as provincial enactments. It not only lists the statutes and acts but also regulations, ordinances, etc.

It is a triple index: (a) it lists the extant enactments chronologically; (b) it lists extant enactments according to the issuing authority; and (c) it lists by subject and title.

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CHAPTER V

JUDICIAL DECISIONS

1. Introduction.

The modern judicial system is also a legacy of the British regime. It has developed, as in the case of legislation, by trial and error, to the present judicial machinery. The historical development of the system may be examined in the following stages: (a) the period before 1861; (b) the period between 1861 and 1937; (c) the period between 1937 and 1950; and (d) the period after 1950.

2. History.

(a) The period before 1861.--- The early charters of the East India Company conferred a general power to administer justice in the English settlements. The Charter of 1683 empowered the Company to establish courts consisting of a lawyer and two merchants at such places as needed by the Company. In 1726 Mayor's Courts were established at Fort William (Calcutta), Madras, and Bombay, for the trial of Europeans in the towns and other settlements. In 1753, Courts of Requests were established subject to the control of the Court of Directors.

As regards justice in the territories controlled by the East India Company, there was confusion up to the year 1771, and due to the strife between the old regime and the new power and to the absence of defined relations between the Mogul Emperor and the Company, judicial administration

was in chaos.

Warren Hastings assumed the administration of both civil (Diwani) and Criminal (Nizamat) justice. Both the civil and criminal courts of justice were organized in the districts and a Sadr Diwani Adalat or Chief Court of Civil Appeal and a Sadr Nizamat Adalat or Chief Court of Criminal Appeal, composed of the Governor and his Council, assisted by native officers, were established.

As against these Company Courts another system of judiciary arose. Under the Regulating Act of 1773, the King-in-Council established a Supreme Court at Fort William from which the appeals could be made to the Privy Council. Both the Act and the Charters were silent regarding the relation of the Supreme Court and the Executive; both of them ignored the courts introduced by Hastings. The Supreme Court administered English Civil and Criminal Law. The Sadr Adalats and other courts of the Company knew nothing of the English Law and proceeded according to 'equity, justice and good conscience'.

The two antagonistic systems created difficulties and disputes and added to the confusion. The Act of 1781 improved the situation by demarcating the sphere of activity of these courts, but it was left to the Acts of 1861 to reorganize the judicial system.

(b) The Period between 1861 and 1937. -- The Indian High Courts Act of 1861 (24 and 25 Vict., c.104) terminated

the duplication of jurisdiction between the courts of the Company and those of the Crown. It empowered the Crown to establish, by letters patent, the High Courts of Judicature for Bengal, Madras, Bombay and eventually for the province of Agra. On the establishment of these courts, the Supreme Court and the Sadr Adalats were to cease functioning; their power and jurisdiction were conferred on the new High Courts. The judges were to be appointed by the Crown, and to hold office during the pleasure of the Sovereign. One-third of the number of judges were to be barristers, one-third were to be appointed from the judicial branch of the Civil Service and the remaining one-third were to be appointed from native lawyers.

The jurisdiction of these courts was fixed by the letters patent establishing them. They were also charged with the superintendence of all courts subordinate to them, and to frame rules for the conduct of business subject to the approval of the Governor-General-in-Council.

In accordance with this Act, High Courts were established at Calcutta, Madras and Bombay in 1862, and at Allahabad in 1866. Similar courts with a different nomenclature were afterwards established in other provinces. Between the years 1861-1868 Courts of Judicial Commissions were established for Sind, Central Provinces, Oudh, and Coorg. A Chief Court was established at Lahore in 1866. All these courts acted as High Courts and their decisions were subject

to appeal to the Privy Council.

(c) The Period between 1937 and 1950. -- The Government of India Act of 1935 created a new organ in the judiciary. Up to that time the only court which was superior to the High Courts was the Judicial Committee of the Privy Council. Appeals from High Courts could lie there. Under Section 200 of the Act of 1935, it was provided that there should be a Federal Court consisting of a Chief Justice of India and such other judges as His Majesty might deem necessary. These judges were to be appointed by the King under Royal Sign Manual, to hold office for life (until the age of sixty-five years).

The Federal Court was a court of record and sat at Delhi. It had original jurisdiction: (a) in any dispute between the contemplated Federation and the Provinces; (b) in any dispute between a Federated State and the Federation, which involved a question on which the existence of a legal right depended or which concerned the interpretation of the Act.

The Federal Court had appellate jurisdiction on appeals from a High Court in British India, provided that the High Court certified that a substantial question of law was involved. But the Federal Court could not question the refusal to grant such a certificate by any High Court. An appeal could lie from the judgments of the Federal Court to His Majesty in Council.

The Federal Court was not thus a supreme court of the land, since its jurisdiction was restricted and there was a court superior to it. It did, however, pave the way for the future Supreme Court in India.

Section 219 of the Act of 1935 specified which courts were deemed to be High Courts: the High Courts in Calcutta, Madras, Bombay, Allahabad, Lahore and Patna, the Chief Court in Oudh, the Judicial Commissioners Courts in the Central Provinces and Berar, North West Frontier Province and Sind.

By the Government of India (Federal Court) Order, 1936 (S.R. & O., No.1323), the provision of the Government of India Act of 1935, relating to the Federal Court, came into force as of October 1, 1937.

The appeals to the Privy Council were discontinued in 1949 by the Abolition of Privy Council Jurisdiction Act of 1949 of the Indian Parliament.

(d) The Period after 1950. -- The Constitution of 1950 created an independent Union Judiciary consisting of a Supreme Court (Section 124-147 of the Constitution). The Supreme Court is now the ultimate court of appeal in the land.

Under Article 374 of the Constitution, the Judges of the Federal Court holding office immediately before the inauguration of the Constitution, became the Judges of the Supreme Court; all suits, appeals and proceedings pending in the Federal Court were removed to the Supreme Court.

There was little change made in the judicial structure by the Constitution, with the exception of the institution of the Supreme Court as the highest court. The Constitution provided under Section 214 for High Courts for each state, and under Section 375 provided for the continuance of all other courts which were already functioning. In order to bring uniformity in nomenclature, the Judicial Commissioners Courts (Declaration as High Courts) Act of 1950 was passed.

3. Present Judicial Organization.

Although the Central Government maintains only the Supreme Court, there is a single hierarchy in the judicial organization of the country. The judicial organs in their ascending order will be examined as follows: (a) the Subordinate Courts; (b) High Courts; and (c) the Supreme Court.

(a) The Subordinate Courts. -- Each State in the Union consists of a number of districts. A district may be considered a unit for administrative purposes.

On the civil side, the highest court in the district is the Court of the District Judge. The District Judge is assisted by subordinate judges who try civil cases both at the headquarters of the district and in other large towns.

On the criminal side, the highest court in the district is called the Sessions Court. This court is presided over by a sessions judge. The sessions judge is assisted by magistrates, both paid and honorary. Hitherto, the magisterial authority had rested with the chief executive officer

of the district, called the Collector. Under the British regime this combination of judicial and executive functions in one person was bitterly criticized. One of the directives of the State policy in the Constitution enjoins the State to take steps to separate these two functions. Many of the states have acted accordingly but complete separation is not yet effected.

The district judges are appointed by the Governor of the State in consultation with the High Court. The appeals from the district courts lie to the High Court. The High Courts have the power of superintendence and control over the subordinate courts.

(b) The High Courts. -- The Constitution provides that there shall be a High Court in each State, to consist of a Chief Justice and such other judges as the President may determine from time to time. The judges of the High Court are appointed by the President in consultation with the Chief Justice of India and of the High Court concerned. The tenure of office and other conditions of service of the High Court Judge are fixed by the Constitution and he is protected in the same way as is the judge of the Supreme Court.

The High Courts of Bombay, Calcutta and Madras have original as well as appellate jurisdiction in civil, criminal and other matters. The other High Courts have only appellate jurisdiction in these respects. The High Courts are also empowered to issue writs to secure the fundamental rights of

the citizens mentioned in the Constitution. The jurisdiction of a High Court usually extends only to the area of the State.

The High Court has power to call from subordinate courts any case if it thinks a substantial question of constitutional law is involved.

The Chief Justice of a High Court appoints his own administrative staff of officers and with the approval of the Governor, decides their conditions of service.

(c) The Supreme Court. -- The constitution of the Supreme Court has been discussed in brief in the chapter dealing with the Government of India. The Supreme Court is the highest court of law in the land. The law declared by it is binding on all courts and authorities in India. It can order the attendance of any person or the production of any document.

The jurisdiction of the Supreme Court is of three types: original, appellate, and advisory.

On the original side, the Supreme Court has jurisdiction to the exclusion of any other court in any dispute, (a) between the Government of India and one or more States; or (b) between two or more States in so far as the dispute involves any question of law or fact on which the existence of a legal right depends. It has also the power to issue directives, orders, and writs.

As regards the appellate jurisdiction, an appeal can lie to the Supreme Court from any judgment, decree or final order of a High Court in India, whether in a civil, criminal

or other proceeding, if the High Court certifies that the case involves a substantial question of law or the interpretation of the Constitution. If the High Court refuses to give such a certificate, the Supreme Court can grant a special leave to appeal if it thinks fit to do so.

Appeals to the Supreme Court can lie as a matter of right in a civil case if it involves a sum of not less than Rs. 20,000, or, in a criminal case, when the High Court has reversed an acquittal order of the lower court and has sentenced the accused to death.

As regards advisory functions, the President may refer to the Supreme Court any question of law or fact of sufficient public importance for its opinion.

4. The Law Reports.

The publications dealing with judicial decisions are known as Law Reports. Before the year 1875, the reports were published by private persons. In order to improve the quality of the reporting and to put out an authoritative series of law reports, the Government of India enacted the Indian Law Reports Act, 1875. By this Act, it was provided that no court was bound to hear cited or to treat as an authority binding upon it, any but the authorized report of the case cited, after the passing of that Act. In accordance with this Act, there are official reporters for each of the High Courts who, under the supervision of the local councils of law reporting, compile the reports. This series is known as Indian Law Reports and it contains cases selected

from among those decided by the High Courts or the cases decided by the Privy Council on appeal.

This Act is applicable to the High Courts only and the reports of the cases of the courts which were not styled as High Courts have been published privately but more or less under official guidance or recognition.

Of special concern here are the reports of the All India judiciary. This category includes the reports of the Privy Council, of the Federal Court, and of the Supreme Court. The High Court Reports will be briefly examined later.

(a) The Decisions of Privy Council. -- The first appeal made from India to the Privy Council was from Madras in 1731.¹ There are no serial publications incorporating the decisions of the Judicial Committee of His Britannic Majesty's Privy Council, except the general reports such as the Privy Council Register until the year 1836, when the well-known publication 'Moore's Indian Appeals' was started. This first series was composed of privately published reports entitled:

Edmund F. Moore. Report of Cases Heard and Determined by the Judicial Committee and the Lords of His Majesty's Most Honourable Privy Council, on Appeal from Supreme and Sudder Dewanny Courts in the East Indies. . . . 1836-72 (14 vols. London: J. & H. Clark, etc., 1838-73). Publisher varies. Later

¹ Sir Charles Fawcett, The First Century of British Justice in India. . . (Oxford: Clarendon Press, 1934) p.218.

on, when these volumes had become out of print, they were reprinted.¹

After 1872, the Incorporated Council of Law Reporting for England and Wales took up the publication of Indian Appeals in a separate series: The Law Reports: Indian Appeals Being Cases in the Privy Council on Appeal from the East Indies 1873/74 — 1949/50 (77 vols. London: Printed by William Clowes and Sons, 1874-1950). Printer varies.

The decisions of one year constitute one volume, consisting of several parts, with continuous pagination. The volumes in addition to being a chronological record of cases, include a table of cases and chronological list of statutes which are judicially considered with references. There is an annual index to the Reports. The series terminated in July 1950.

(b) Federal Court Decisions. -- The decisions of the Federal Court of India are reported in The Federal Court Reports, Containing Cases Determined by the Judicial Committee of Privy Council on Appeal from That Court . . . Published under the Authority of the Federal Court of India, 1937/39-50 (Delhi: Manager of Publications, 1939-50). The mode of

¹ P. Harirao, Verbatim Reprint of Moore's Indian Appeals (1836-1872) with Complete Digest (Madras: T.A. Venkaswamy . . . 1927)

T.V. Sanjiva Row, etc., The Indian Reports (Madras: The Law Printing House, 1909-11) Vols. I-III is a condensation of Moore's Indian Appeals 1836-72.

citation of the Reports, as mentioned on the first volume is [1939] F.C.R. From Volume VII (1945), printer varies. Instead of being printed at the Government Press, the reports are printed at the Federal Law Journal Office, Madras, and published by the Manager of Publications.

The Federal Court Reports are compiled on the same lines as Privy Council Reports: A table of cases at the beginning, followed by a chronological report of cases. The annual index provides references under subjects and under each act or law judicially considered.

Under Section 214 of the Government of India Act 1935, the Federal Court was empowered to frame its rules of procedure. These rules were published in the Gazette of India, Extraordinary, of December 2, 1937.

An interesting private publication on the Federal Court and constitutional matters needs mention here. It is the Federal Law Journal of India, A Journal of the Law of Indian Constitution with Reports of the Proceedings of the Federal Court of India, edited by A.N. Aiyar, 1937/38-1950 (New Delhi and Madras: Federal Law Journal Office, 1938-1950). Editor and publishing place varies.

This journal publishes valuable information relating to the Constitution and the Court. It reprints all the important acts, statutes, laws, rules and notifications. It gives information relating to the members of the bar, their costumes, bar library, etc. It also publishes articles

and notes of a critical character on the decisions of the Federal Court and Privy Council and the summaries of decisions of the Supreme Courts in other dominions.

(c) Supreme Court Decisions. -- The Supreme Court began to function in January 1950. Like the Federal Court, it also publishes its own reports entitled: The Supreme Court Reports . . . Containing Cases Determined by the Supreme Court of India, v.1 - (Delhi: Manager of Publications, 1950 -).

The first few parts of the Report up to the month of May 1950, are issued irregularly. From then on it is regularly published in monthly parts, with continuous pagination during the year. The mode of citation of these reports is [1950] S.C.R. The Supreme Court Reports are also compiled on the same lines as the Federal Court Reports.

The Supreme Court has framed its rules of procedure, under Article 145 of the Constitution. These rules have been published in the Gazette of India Extraordinary of January 28, 1950.

The private reporting journal The Federal Law Journal was converted by its publishers into The Supreme Court Journal and continues to publish articles, decisions, and other constitutional information.

(d) The Decisions of the High Courts. -- The decisions of the High Courts are recorded in the Indian Law Reports series. Up to the year 1920, the decisions of various High Courts were published in Indian Law Reports under the

authority of the Governor-General of India. After that, they were published under the authority of the Governor of each of the provinces.

The Indian Law Reports are published in the following series:

Madras Series	Vol. I -	1876/78 -
Allahabad Series	Vol. I -	1876/78 -
Bombay Series	Vol. I -	1876/77 -
Calcutta Series	Vol. I -	1878 -
Lahore Series	Vol. I -	1920 -

(After partition the High Court of Punjab sits at Delhi)

Patna Series	Vol. I -	1922 -
Lucknow Series	Vol. I -	1926 -

(Earlier volumes published as Oudh Cases, 1898-1925)

Nagpur Series	Vol. I -	1936 -
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(Earlier volumes published as Nagpur Law Reports, 1905-1935)

This series contains only the reports for those courts which are functioning as High Courts. Under Article 214 of the Constitution, there should be a High Court in each State. The reports mentioned above have been of the former Governor's provinces which are not Part A. States. As regards Part B, various High Courts in the native states such as Hyderabad, Mysore, and Travancore, are now acting as High Courts. In some of the new states either the old Judicial Commissioner's Court is converted into a High Court, or a new High Court is established. The reports of these old courts of the native states were not published in Indian Law Reports series. After

1950, these reports will form a part of the Indian Law Reports.

The Indian Law Reports contain the decisions of the High Court concerned as well as decisions of superior courts on appeal from that Court. There is a directory of the judges of the Court at the beginning of the reports, followed by the text of the reports. The text is divided into three separate categories: (1) the decisions of the superior courts on appeals; (2) decisions relating to the original jurisdiction of the Court (civil, criminal and other), and (3) decisions relating to the appellate jurisdiction of the Court (civil, criminal and other). This is supplemented by a general index providing reference by subjects and by acts judicially considered, with citation of each case and its summary.

There are numerous private law reports and digests which deal with court decisions either in general or in special aspects.

CHAPTER VI

THE PUBLICATIONS RELATING TO THE CENSUS AND FINANCES OF THE GOVERNMENT OF INDIA

As stated in the introductory chapter on the publications of the executive branch, it is proposed to examine only three groups of the publications, namely, those dealing with census, finances and other statistics. This chapter is devoted to the first two of these. The statistical publications will be the subject of the following chapter.

A. The Census of India.

1. Historical introduction. -- The regular endeavors to collect periodic demographic statistics in modern India do not date back further than the eighteen sixties. A plan formulated in 1869 was carried out for a general survey of 240 districts of British India from which, eventually the Gazetteers were compiled. As regards the census:

The first systematic attempt to obtain information regarding the population of the whole of India, based on actual counting of heads, was made between the years 1867 and 1872. But even then, many of the Native States, including Hyderabad, Kashmir, the States of Central India and Rajputana Agencies, and the States attached to the Punjab were left out of the count.¹

The first census was neither systematic nor synchronous; but it paved the way for more regular censuses.

¹ India, Census Commissioner, Census of India, 1901; Vol. I, India. Part I, Report, by H.H. Risley and E.A. Gait (Calcutta: Office of the Superintendent, Government Printing, India, 1903), p.xiii.

The first regular census on modern lines was carried out on February 17, 1881. On this occasion, it was extended to the whole of India except Kashmir and various small, remote tracts. It also did not include the French and Portuguese colonial possessions. On this occasion the operation was synchronous throughout the country and was under one controlling authority. In the British provinces it was effected directly under the control of the Census Commissioner. In the native states, it was undertaken with the supervision of the Census Commissioner and in a manner approved by him.

The second general census was taken on February 26, 1891, and thereafter every ten years; i.e., the third census in 1901, the fourth one in 1911 and so on. Each time more and more elaborate arrangements were made to ensure completeness. In 1901, the Census Commissioner had drawn up a 'Code of Census Procedure' on the basis of which the various Census Superintendents had prepared their local codes.

The latest census was taken in 1951, the ninth one from the beginning of regular census operations and the first one for divided India, or the Indian Republic.

2. Machinery for census taking. -- The census has continued to be a subject under the Home Department. The Census Department is not a permanent department but it is brought into being a year or so before the decennial census

is to be taken. A Census Commissioner is appointed who is in charge of the census operations and he is assisted by a headquarters staff. The actual census work is done by provincial governments under his guidance. The provincial governments appoint Census Superintendents who work under the supervision of the Census Commissioner. The enumeration, by house to house visiting is made in a cooperative manner by the government employees of all departments, plus a few volunteers.

For census purposes, the whole of India is divided into blocks. Each of the blocks would usually contain thirty to forty houses. It is in charge of an Enumerator, who gathers information by visiting each house. Ten to fifteen blocks comprise a circle which is in charge of a Supervisor. Circles are grouped into administrative divisions, which are under Charge Superintendents. In 1901, when this procedure was first adapted, there were ninety-eight thousand Charge Superintendents, one hundred and twenty-two thousand Supervisors and one million, three hundred and twenty-five thousand Enumerators.

The technique of census taking was also standardized in 1901. At previous enumerations, the information was gathered on 'abstraction sheets'. In 1901, this method was abandoned in favor of the slip or card system, first used in the Bavarian census of 1871. A slip, containing all the necessary particulars, is prepared for each person.

The totals are made from these slips for each block, circle, village, district and so forth.

The year 1941, saw one more change in the census administration. In all previous censuses, the preliminary enumerations were finished early and the final check was made on the night of the prescribed date; the results of this check were considered final. **This** 'one night theory' was abandoned in 1941. The Census Commissioner says:

The old one night theory was never more than a theory and like most outworn theories, it had reached the point of being a danger. It involved putting the whole collected record during the preceding weeks, checked and tested, at the mercy of a single night round. . . .¹

3. Census Publications. -- The result of the first regular census of India is published as Report on the Census of British India, Taken on the 17th Februray 1881(3 vols. Calcutta and London: Superintendent, Government Printing, India, 1883). In addition to this general publication there are supplements compiled from the information gathered in the census, which were published in succeeding years: A Compendium of the Castes and Tribes Found in India Compiled from the (1881) Census Reports for the Various Provinces, by E. J. Kitts. (Bombay: 1886). The Distribution of the Population of India (A Statistical Map) in Moral and Material Progress of India, Report, 1882-83 (London: 1885).

¹ India, Census Commissioner, Census of India; Volume I, India. Part I, Tables, by M.W.M. Yeats (Delhi: Manager of Publications, 1943), p. 12.

From then on, the serial census reports are as follows:

Census of India, 1891.	36 vols.	1893
" " " , 1901.	65 vols.	1903
" " " , 1911.	40 vols.	1913
" " " , 1921.	45 vols.	1924
" " " , 1931.	47 vols.	1933
" " " , 1941.	29+(1)us) vols.	1943.

These volumes represent the central as well as provincial statistics. The Census Commissioner prescribed certain information as compulsory for collection and this was included in what were called 'Imperial Tables'. In addition to these, several provinces considered it desirable to collect certain statistics in which they were interested, such as the cottage industries, the cooperative societies, etc. These are printed separately as 'Provincial Tables'.

Although the number of volumes in the census publications of a given year vary (due to change in numbering of parts), a general idea can be had from a specimen given below. I have chosen 1931 as an example since the reports for 1941 were much curtailed in scope due to World War II.

<u>Serial Number of Volume</u>	<u>Parts Contained</u>	<u>Area</u>
I	(i) Report; (ii) Tables (iii) Appendix	India
II	one	Andaman and Nicobar Islands
III	(i) Report; (ii) Tables	Assam
IV	one	Baluchistan.
V	(i) Report; (ii) Tables	Bengal
VI	one	City of Calcutta
VII	(i) Report; (ii) Tables	Bihar and Orissa
VIII	(i) Report; (ii) Tables (iii) Report and Tables	Bombay and Aden*
IX	one	City of Bombay
X	one	Western India States Agency.
XI	(i) Report; (ii) Tables	Burma*

* No longer a part of India

Serial Number of Volume	Parts Contained	Area
XII	(i) Report; (ii) Tables.	Central Provinces and Berar.
XIII	one	Coorg.
XIV	(i) Report; (ii) Tables.	Madras.
XV	one	North West Fron- tier Provinces.
XVI	one	Delhi.
XVII	(i) Report; (ii) Tables.	Punjab.
XVIII	(i) Report; (ii) Tables.	United Provinces of Agra and Oudh.
XIX	(i) Report; (ii) Tables.	Baroda State.
XX	(i) Report; (ii) Tables.	Central India Agency.
XXI	one	Cochin State.
XXII	(i) Report; (ii) Tables.	Gwalior State.
XXIII	(i) Report; (ii) Tables.	Hyderabad State.
XXIV	(i) Report; (ii) Tables.	Jammu and Kashmir State.
XXV	(i) Report; (ii) Tables.	Mysore State.
XXVI	one	Ajmere-Merwara.
XXVII	one	Rajputana Agency.
XXVIII	(i) Report; (ii) Tables.	Travancore State.

Each of the census series begins with a volume, or volumes, dealing with India as a whole. The first volume is usually a general report which has consistently been an outstanding demographic dissertation, discussing the general trends and the sociological picture in distribution and movement of population; age groups and age distribution; vital statistics; sex ratio; fertility; civil condition, including marriage ratio, widows, etc.; infirmities; occupations and their distribution by class and caste; literacy, by sex, by areas, etc.; languages; religion; etc. Discussion is usually illustrated by maps, charts and graphs.

The General Report is supplemented by volumes containing all India statistics.

The provincial reports are compiled on the same lines as the all India reports; the first part contains a general report which is an interpretation and discussion of statistics of the province, state or other area. This is followed by statistical tables. In the case of smaller areas these parts are all included in one volume. The preparation and printing of these reports is usually taken up by the provinces or States.

It will not be out of place here to indicate the scope of statistical information available in the census tables.

The Imperial (Central) Tables: Area of the provinces, states, districts, towns; number of occupied houses in each of them; urban and rural population, by sex; variation in population during last fifty years; villages, towns and cities classified according to population; population by religion in towns; age, sex and civil condition by religion, by provinces and by states; civil condition by age among selected castes; infirmity statistics; occupational statistics; literacy by provinces and states and in each of them by age and religion groups; literacy in English language; population figures for each sex according to their mother tongue; distribution and variation in population by religion, race, caste; summary figures of provinces, states and districts.

The Provincial Tables give percentage variation of population and density per square mile in addition to the

special information collected by the Provinces.

In the year 1941 full Imperial Tables were not prepared but the social statistics were compiled on a random sample basis.

In the past, especially up to 1931, notable scholars have been connected with the censuses and they have left their mark in compilation and interpretation; for example, Sir William Hunter, who directed the great Statistical Survey of India in 1869-81 was connected with the census of 1881. Sir George Grierson, the director of the Linguistic Survey of India, wrote a chapter on Indian languages in Census Report of 1901. Sir Edward Gait, the author of the noted article on 'Caste' in Encyclopaedia of Religion and Ethics was connected with the census of 1911.

4. The Plan of census publications for 1951. -- The census publications for 1951 have not yet all been issued. The publications however, are planned in the following manner:

(a) All India Census Report and brochures. The Report will be a general review explaining the significance of the 1951 census, with all India and state statistics. This time the report is intended to be limited to a review of the growth of population in relation to means of livelihood. In contrast to the past reports, separate brochures dealing with displaced persons, literacy, languages, and religion are to be published.

(b) All India Census Tables. These tables will be analogous to the old Imperial Tables and contain statistics for the whole of India and skeletal information for the states.

(c) State Census Reports. These will comprise the dissertations on State Census Tables; they will be comparative studies, i.e. comparing the 1951 census with previous censuses, and will also include tables of information collected exclusively for states.

(d) State Census Tables. These will consist of all the main statistical tables for states and districts.

(e) District Census Handbooks. These will contain the main statistical information for tracts of land having about one hundred thousand population, urban or rural; they will contain data on sources of livelihood divided in eight classes; they will also contain general sociological information for all villages and wards of cities. There are three hundred and eight districts in the Indian Republic and it is proposed to publish handbooks for each of them.

These publications are expected to be available by the middle of 1953.

B. Financial publications.

1. Historical Introduction. -- There was no separate Finance Department of the Government of India up to the year 1861. There was a Colonial and Finance Department beginning with the year 1820. In 1837 there was a combined Finance

and Home Department. In 1858, there was a separate secretary for Finance (but not a separate department) under a Member of the Council, who could control, check and look after the financial administration. It was in 1861 that the system of having separate portfolios assigned to various Members of the Council was introduced and the office of Finance Member was created. Even after that, the Member was at times given additional departments. Also up to the year 1906, he was in charge of the Commerce Department.

The present system of accounts was introduced under the Finance Department Resolution No.2189, dated April 20, 1865, modelled on the plan adopted in England. Before that, the East India Company kept accounts on the mercantile system. It has been said: "The monthly, quarterly and annual accounts did not agree with each other and for this reason the accounts were never regularly published."¹

After the inauguration of the Montague-Chelmsford reforms, the central and provincial accounts were separated under Resolution 3183 F. Government of India, Finance Department, dated December 16, 1920. The present system is mainly governed by the two orders mentioned above.

2. Present Organization. -- The chief of the financial organization is the Finance Minister. He is responsible for formulating and giving shape to the general policy of the

¹ P.K. Wattel, The System of Financial Administration in British India. (Bombay: The Times of India, 1923), p. 226.

Government; the actual administration is left to the permanent civil service under the direction of the Finance Secretary. He is assisted by several joint, additional, and deputy secretaries. The Ministry is charged with the responsibility of maintaining the stability of finances for the whole government; this function includes explorations and suggestions of ways and means of financing; the preparation of the budget and tax proposals; supervising the collection of revenue, and expenditure; control of public debt. It also keeps close liaison with the Accounts and Audit Department.

The Finance Ministry has a number of sub-departments under it for various functions, the principal among them are as follows:

(1) Department of Revenue and Expenditure. This Department communicates grants to the different Ministries and Departments and allows them to draw upon the public account. It watches the progress of the budget and controls it.

(2) Central Board of Revenue. The function of actual collection of revenues is performed by this Board; through its divisions, it collects customs, income tax, etc. The Board, in addition to being a chief revenue authority, acts as an appellate tribunal in revenue matters.

The Ministry of Finance works in close co-ordination with the Comptroller and Auditor General of India. He may be called the financial watchdog of the Parliament. He sees

that the will of the Parliament, as expressed in Budget and other laws as related to finance, is thoroughly obeyed. No payment is made out of the Consolidated Fund unless the Comptroller and Auditor General checks this against the Parliamentary provisions. He is the head of the Indian Accounts and Audit Department. In India the system of accounts and audit is peculiar; both of these functions, which are usually performed by separate agencies in other countries, are combined in the hands of one agency in India. It is a legacy of the old British administrative system. But so far as the actual work is concerned, the account and audit staff are separate; moreover, in the case of departments such as Railway, Post and Telegraph, Defense, and Public Works, there are entirely separate account divisions.

3. The publications. -- The publications will be examined in the following order: (a) financial; (b) budgetary; (c) relating to accounts and audits.

(a) Financial publications. -- After the administration had passed from under the British Crown, the first reports relating to the financial aspects of the administration were not separately published but were part of the General Administration Report of 1857-58 and 1858-59, as "Report on the transactions of the Government of India in the Financial Department". The annual reports of the years 1859-60 and 1861-62 were incorporated in the corresponding volumes of the Statement Exhibiting the Moral and Material

Progress and Condition of India. The issue of 1861-62 was also separately printed marking the beginning of an independent serial publication relating to financial information. From then on, our source of information was the Finance and Revenue Accounts and Miscellaneous Statistics Relating to the Finances of British India 1861/69-1912/20 (Calcutta: 1870-1921). Imprint varies. From 1900 to 1921, the title of the above publication was Statistics Compiled from the Finance and Revenue Accounts of the Government of India.

This publication gave details relating to the revenue, expenditure and debt of the central as well as provincial governments. At the beginning of each issue were given general abstracts which were followed by revenue and expenditure statistics under all the items of revenue and expenditure (i.e., details of revenue in customs, salt, stamp, excise, etc., together with the departmental charges for making the collection). As an example on the expenditure side, were found education statistics divided under direction, inspection, university, government colleges, government schools, grants-in-aid, scholarships and other charges. As against this expenditure, the receipts of the Department of Education, in the form of fees, contributions, etc., were shown.

All these figures were given for the last eight years in each volume. Thus a volume of 1918-19 would contain statistics from 1911/12 to 1918/19.

At the end of each volume were given supplements containing statistics relating to the loans raised under the

guarantee of the government and local fund accounts.

This important publication ceased with the 1920 issue; but the same information, in detail, may be had from a second useful serial publication, the Finance and Revenue Accounts and Cash Balances of the Government of India for the Year 1864-65 and Estimate of Revenue, and Expenditure and Cash Balances for 1865-66 with a comparison of Two Years (Calcutta: Military Orphan Press, 1866-). Title and imprint varies, the latest title being the Combined Finance and Revenue Accounts of the Central and Provincial Governments in India.

These accounts purport only to be roughly classified cash accounts; they do not show either the net cost of any individual service, still less of any branch of the service; nor do these show the exact net produce of any item of revenue.¹

These details are available in Financial Statements but where the details of cash transactions are concerned, the former publication is more comprehensive.

The accounts are divided into four main divisions: (1) Revenue, (2) Capital, (3) Debt, and (4) Remittances. In each of these sections are given abstracts and detailed statistics. The Head assigned to each of the accounts is given in an alphabetical index and each account is briefly explained

¹ M. Ruthnaswamy, Some Influences That Made the British Administrative System in India (London: Luzac & Co., 1939), p. 530.

by an introductory note.

During the period 1878/79-1912/13 there was one more publication containing the abstracts of the Account books: Journal and Ledger of the Government of India Together with the Technical Report on the Accounts of the Government of India. (34 vols. Calcutta and Delhi: Superintendent Government Printing, India, 1880-1914). The Technical Report mentioned in the above publication was a general balance sheet with notes thereon, prepared by the Comptroller and Auditor General.

(b) Budgetary Publications. -- It would be convenient to give a brief review of the budgetary procedure before examining the publications. This procedure can be analyzed in the following stages: (a) Preparation of estimates, (b) scrutiny by the committee of the legislature, (c) the presentation of the Budget, (d) passing the Budget.

Estimate forms are sent by the Finance Ministry in triplicate, sometime in the first week of August, to the heads of the offices for submitting their estimates. The officers submit their estimates through the Heads of their departments. The Head of each department consolidates these estimates and sends the total estimate for his department to the Ministry of Finance by November 1. These estimates are checked by the Accountant General and final estimates are prepared by the Ministry in cooperation with the Accounts Department.¹

¹ P.J.J. Pinto, System of Financial Administration in India (Bombay: New Book Co., 1943), p. 164.

Before 1947, the estimates of the Central Government comprised (a) Estimates of civil departments (i.e. all the departments except Military, Railway, Posts and Telegraphs) and territories directly administered by the Central Government; (b) Estimates of the non-civil departments; (c) Estimates of the India Office and High Commissioner for India in London (these were called 'Home Charges'). Now there are no 'Home Charges' in the Budget.

The Parliament considers the Budget in two parts (i.e. the Appropriations Bill and the Finance Bill) and passes them as two Acts. After the introduction of the Budget, the House first takes up the expenditure section which is called the Appropriation Bill. When this bill is passed into an act, the House sits to consider the proposals of ways and means to finance the expenses of the Government included in the Finance Bill.

The Parliament has laid down Rules for considering the Budget in Chapter XIV of the Rules of Procedure and Conduct of Business . . . There is a committee called the Committee of Estimates which examines the estimates from time to time and makes recommendations on them. It also decides the form in which the Budget should be presented to the Parliament.

Before the inauguration of the Constitution, there was a Finance Committee of the Legislative Assembly which scrutinized the proposals.

There was an annual serial publication giving the details of the estimates prepared by the Finance Department: Civil Estimates of All the Provinces in India with a Central Budget Estimate . . . 1865/66-1920/21 (Calcutta and Delhi: Superintendent, Government Printing, India, 1866-1921).

The Civil Estimates gave in detail the items of expenditure under each office, as well as a consolidated budget. After 1921, no central civil estimates were published.

The principal budgetary publication was: Financial Statement for the Year 1859/60-1920/21 (Calcutta and Delhi: Superintendent, Government Printing, India, 1860-1921). The title of this publication changed in 1921 to Budget of the Governor-General and Discussion Thereon in the Indian Legislature for the Year, 1921/22-1946/47. This title is also, at times, reduced to 'Budget for the Year After independence, the first budgetary publication of the Finance Ministry was: Budget for 1947-48 (15th August 1947 to 31st March 1948) (Delhi: Manager of Publications, 1948). From 1948 on, there is again a regular annual publication.

The 'Budget' consists of two parts (a) The General Budget; (b) the Railway Budget; and these are presented to the House separately. The publication contains the speeches of the Finance Minister and Minister for Railways sponsoring the Budget. The General Budget contains several general statements relating to revenue and expenditure, capital receipts and disbursements. It contains the Finance Bill

in which are included all the demands for grants, with explanatory memoranda. This is supplemented by two more statements called the Revenue Budget and the Capital Budget.

The Railway Budget is also prepared on the same lines. The Budgets are printed as adopted by the Parliament.

There are serial publications dealing with the activities of the Finance Committees (of the Legislative Assembly and the Parliament). They are titled as follows:

Proceedings of the Meetings of the Standing Finance Committee. v.1 - (Calcutta: Central Publication Branch, 1925 -).

Proceedings of the Meeting of the Standing Finance Committee for Railways, v. 1 - (Calcutta: Central Publication Branch, 1925 -).

(c)

(c.) Publications relating to accounts and audit. --

The most important publication relating to accounts and audit of the Central Government is the Audit and Appropriation Report on the Accounts of the Government of India, 1883/84- (Calcutta: Office of the Superintendent, Government Printing, India, 1885 -). Title and imprint varies. These reports are prepared by the Comptroller and Auditor General for India, on the same lines as the British reports. They deal with appropriation accounts and financial irregularities. Since the purpose of the report is to satisfy the legislature that the expenditure incurred is within the scope of the

grant of the legislature, the tables of grants voted and expenditures incurred are given in such a way as to make the comparison clear. Any excess of expenditure over the grants is explained and irregularities pointed out. Inevitable excess over budget grant ~~must~~ be explained and the reason why it was not foreseen pointed out. The Report ends with a review of the financial position of the Government.

These reports include reviews of all the expenditures of the departments. From 1922-23, however, we have separate appropriation reports for Army, Post and Telegraph, and Railways.

Another interesting serial publication relating to accounts and audit is the Report of the Public Accounts Committee on the Accounts of . . . 1921/22 - 1926/27 (Simla: Manager, Government of India Press, 1924-28).

I have not been able to trace any reports of the Committee further than those mentioned above. The practice of a committee of the legislature, considering the reports of the Comptroller and Auditor General and checking whether or not the money voted by the legislature was expended properly, was started in 1921-22, after the inauguration of the Montague-Chelmsford Reforms. Under Rule 51 of the Indian Legislative Rules, a Committee of Public Accounts was constituted each year. The Finance Member was the ex-officio chairman of the Committee. A similar committee is constituted under Rule 196 of the Rules of Procedure and Conduct of Business.

The Reports of the Committee are in two parts. The first part contains the proceedings and the report, and the second part contains the record of evidence given before the Committee.

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CHAPTER VII

STATISTICAL PUBLICATIONS OF THE GOVERNMENT OF INDIA.

In this chapter I propose to examine the historical evolution of the chief statistical organization of the Government of India and its publications.

A. History

1. Early Period. -- There were several scattered efforts to collect factual data regarding the various aspects of India long before any special organization devoted to this purpose was created. One of the pioneer works, for example, was Mr. Frankland's Statistical Report on the Pergunnahs * Southwards of Calcutta (1758). In the year 1807, the Court of Directors of the East India Co. directed that a statistical survey of Madras be made. They said:

We are of the opinion that a statistical survey of the country . . . would be attended with much utility; we therefore recommend that proper steps be taken for carrying the same into execution.¹

The way in which these directions were carried out is interesting. Dr. Francis Buchanan with a staff of assistants was appointed for this work in 1809. He was at work in India for seven years and a sum of thirty thousand pounds was

* 'Pergunnah' means district.

¹ India, Interdepartmental Committee on Official Statistics, Report. . . (Delhi: Manager of Publications, 1946). p. 68.

spent on this organization, but nothing was published. All that Dr. Buchanan left at the end of seven years was a certain number of trunks of manuscripts which were sent to England in 1816. They remained buried there for twenty-two more years. Then, one Mr. Montgomery Martin was permitted to inspect the manuscripts and as a result of his editing, The History, Antiquities and Statistics of Eastern India, which was only an account of nine districts of Bengal, was published in London.¹

The only sources of statistical data for this period are, the Annual Administration Reports of the Presidencies such as Bengal, Madras and Bombay; the Gazetteers such as those of Thornton and Hamilton; and the Annals of Indian Administration which contain in an abridged form the information from various administrative reports.

In the year 1862, the Governor-General appointed a committee to advise him with a view to the compilation of an uniform series of imperial statistics. The committee submitted its Report in 1863 and suggested methods for making such a compilation. The Governor-General, however, did not take any action as he thought that such an enterprise would need an elaborate machinery. Finally in 1867, the Government submitted a scheme for a statistical Survey with the help of district officers which finally resulted in the

¹ India, Interdepartmental Committee on Official Statistics, op. cit., p. 68 et seq.

Imperial Gazetteer of India.

The India Office at that time prepared the Statistical Abstract Relating to British India (1840-1865) for presentation to the Houses of Parliament. This work, then, became a regular annual feature and was published by the India Office until 1923. The first issue of The Statement of the Moral and Material Progress of India (which, in spite of ~~high~~ sounding name, is but an administration report) was published in 1861. It contained official statistics on aspects presented in the report.

Mr. W. W. Hunter was appointed the first Director General of Statistics in 1871 and he remained in that capacity until 1887, after which the office was kept in abeyance. Hunter worked chiefly on the Gazetteers.

In the meantime several departments of the Government of India had started their own statistical publications. In 1879, the Home Department started the publication of Statistics of British India for the Judicial and Administrative Departments Subordinate to the Home Office. The Finance and Commerce Department began to publish an annual work, Finance and Revenue Accounts from the year 1880. The Department of Revenue, Agriculture and Commerce issued in 1876 the Miscellaneous Statistics Relating to British India. In the year 1886, it published the first issue of the Returns of Agricultural Statistics of British India.

The Government of India considered proposals for

organizing a Central Statistical Bureau for coordinating the statistical work of the departments, several times during 1887-1895, but each time the proposal was dropped on financial or administrative grounds.

2. The establishment of the Statistical Bureau (1895-1905). - - After long hesitation, in 1895, the Government converted the post of Assistant Secretary of the Finance Department into that of the Director General of Statistics. This officer was required to deal with the statistics for each department, and to compile and publish these statistics, under the general direction and control of that department. It was also directed that the following returns were to be sent to him instead of to the Department of Revenue and Agriculture.¹

1. Annual returns of agricultural statistics.
2. Annual returns of inland trade.
3. Quarterly returns of inland trade.
4. Quinquennial returns of crop outturns.
5. Monthly statements of imports of wheat, cotton, linseed and indigo.
6. Forecast of cultivation and crops.
7. Returns showing cultivation of tea, coffee and cinchona.
8. All other miscellaneous statements.

This was the real beginning of a central statistical organization and the predecessor of the present Department of Commercial Intelligence and Statistics. The Government, however, did not pursue a bold policy in continuance of a

¹ Revenue and Agricultural Department Resolution No.1552-6 dated May 23, 1895, quoted in the Interdepartmental Committee on Official Statistics, op.cit., p. 80.

central statistical organization and the organization saw many vicissitudes.

This new organization under the Director General was called Statistical Bureau. It began to publish the annual Financial and Commercial Statistics of British India which replaced the Statistical Tables Relating to British India and Finance and Revenue Accounts, Part III. It also consolidated and published the Monthly Returns of Sea-borne Trade and Shipping and the Annual Reviews based on the Monthly Returns. The Home Department transferred all its publication work to the Bureau with the exception of the Census Reports. This arrangement continued until the year 1905.

3. The appointment of a Director General of Commercial Intelligence and Statistics. (1905-1914). -- In 1905, Lord Curzon established a new department, the Department of Commerce and Industry, and the control of the Statistical Bureau, until then exercised by the Department of Finance and Commerce, was handed over to this new department. The Director General of Statistics was now called The Director General of Commercial Intelligence and Statistics. His work was to consist of two kinds: (1) compiling and editing information useful for trade and commerce; (2) compiling statistics useful for administrative and general purposes.

This new officer made several innovations. He started the publication of the Indian Trade Journal in April 1906; he amalgamated the Financial and Commercial Statistics and

the Judicial and Administrative Statistics; etc.

4. The appointment of a Director of Statistics.

(1914-1922). -- In the year 1912, Delhi was declared to be the capital of India, instead of Calcutta, and the headquarters of the Government of India were moved to Delhi. At that time the problem of separating the two functions of the Director General, namely the collection and publication of statistics and the distribution of commercial intelligence, was considered. From April 1, 1914, a Director of Statistics, with his headquarters at Delhi, was appointed and the work was divided between the two officers. The Director of Statistics was under the administrative control of the Director General of Commercial Intelligence, whose office remained at Calcutta.

As against the establishment of a central statistical organization, the Departments were each insisting on their right to compile and publish the statistics concerned with their departments. Thus in 1905, the Director of Geological Survey had taken over the publication of mineral statistics. The Railway Department was publishing its own statistics. In 1916, the Indian Industrial Commission examined the method of collecting and compiling industrial statistics and opined that where a special department existed for this purpose it should be allowed to prepare and publish the statistics.¹

¹ India, Report of Indian Industrial Commission.
(Calcutta: Superintendent, Government Printing, India. 1918),
pp. 120-5.

By 1922, the financial situation of the Government had so deteriorated that drastic retrenchment had to be made. The Department of Statistics was amalgamated with the Department of Commercial Intelligence. The Director of Statistics, while retaining the title, was placed on the footing of Deputy Director and simplification and curtailment in publications were ordered. As a result, the publications relating to prices and wages, rail and river-borne trade and statistics, were discontinued. The Statistics of British India which was formerly published in five volumes, was now reduced to a single volume, the Statistical Abstract of British India; the corresponding India Office publication was discontinued.

5. The appointment of Economic Adviser to the Government of India. (1938 -).-- The above-mentioned situation continued for some time during which conflicting tendencies were at work regarding the statistical organization. The Economic Enquiry Committee (1925) under the Chairmanship of Sir M. Visveswarayya, suggested a Central Directorate of Statistics, such as existed in the Dominions. The Royal Commission on Agriculture. (1928) on the other hand, disagreed with the Economic Enquiry Committee and in accordance with the Commission's recommendations, a statistical section was established in the Imperial Council of Agricultural Research in 1929, which eventually took up the compilation of agricultural statistics.

In the year 1933, a Statistical Research Branch was created in response to public demand in the legislature for economic statistics. This Branch was at Delhi, but functioned under the control of the Director General of Commercial Intelligence and Statistics. From 1934 the Branch began to publish Monthly Survey of Business Conditions in India. In 1934 Messrs. Boweley and Robertson, who were appointed to inquire into the economic development and statistical organization, made suggestions for compiling the census of production and measurement of national income.¹ They also recommended the appointment of a permanent economic staff for the census of population and the census of production, and to coordinate central and provincial statistics. As a result of these recommendations, the Government of India decided to set up the office of Economic Adviser to the Government of India. The duties of this officer were to collect and study information likely to bear on Indian economic welfare, and to supply information and advice to the Government as a whole, and to various executive departments, as required. Dr. T.E. Gregory of the University of London was appointed the first Economic Adviser and he took office in 1938.

An Interdepartmental Committee on Official Statistics was appointed in 1946. It suggested a unified central statistical organization but nothing came of it as it was not found

¹ P.J. Thomas and N.Sundararama Sastry. Indian Agricultural Statistics (An Introductory Study) (Madras: University of Madras, 1939), pp.8-9.

convenient to move the establishment of the Director General of Commercial Intelligence and Statistics from Calcutta to Delhi.

6. Present organization. -- At present in India there are two central organizations doing statistical work; one is the Department of Commercial Intelligence and Statistics, located in Calcutta; the other is the Statistical Research Branch at Delhi. Both of these organizations are under the control of the Economic Adviser to the Government of India; the Statistical Research Branch functions directly under the Economic Adviser's establishment.

Although there is some overlapping of functions between the Calcutta and the Delhi offices, the work is divided as follows: the Department of Commercial Intelligence and Statistics is responsible for compiling and publishing the continuations of a large number of serial publications, the bulk of these having to do with commercial intelligence. The collection and collation of all departmental statistics is done by the office of the Economic Adviser which also issues several publications of an economic, rather than of a statistical nature.

B. The publications.

1. The publications of the Department of Commercial Intelligence and Statistics. -- Since the number of publications is large, it will be convenient to examine them according to the following categories: (a) weekly; (b) monthly;

(c) quarterly; (d) annual; (e) periodical; and (f) miscellaneous.

(a) Weekly.

(1). Indian Trade Journal (Calcutta: April 5, 1905 -).

The Journal is the official organ of the Department. Besides publishing articles of general interest in trade and commerce, the Journal gives weekly, monthly and periodical cumulative statistics, collected in compliance with various acts of the Government; e.g., statistics relating to crop forecast; area and yield of principal crops; production of tea, coffee and sugar; cotton pressing and ginning; indexes of wholesale prices; export and import of selected articles; approximate earning of state railways; joint stock companies and their capital; statement of affairs of the Reserve Bank of India; the statement of the Reserve Bank on the position of scheduled banks; etc.

There are periodical supplements issued with the Journal which give a cumulative account of some of the items mentioned above. These are very useful. The Journal also publishes all the important notifications and regulations of the Government relating to trade and commerce.

(b) Monthly.

(1). Accounts Relating to the Sea-borne Trade and Navigation of British India*. (Calcutta: 1869-). Imprint and title varies.

* The word 'British India' is now everywhere replaced by 'India'.

This publication contains the following statistics of external trade: quantity and value of imports and exports of each of the important articles, into and from India; declared value for a unit of such articles; gross amount of export and import duty collected; movement of cargo shipping.

(2) Trade Statistics relating to Maritime States in Kathiawar and the State of Travancore. (Calcutta: 1931(?) -).

Since some of the maritime states formerly traded directly with other countries, the statistics of these transactions need to be taken into account, in order to get a full picture of the foreign trade of India. This publication is divided into three parts: Part (a) deals with statistics relating to the trade of the Kathiawar States (now only one state, i.e. Saurashtra). Part (b) deals with statistics of import into the rest of India from Kathiawar. Part (c) deals with the foreign sea-borne trade of Travancore.

(3) Trade at Stations Adjacent to Land Frontier Routes. (Delhi: Manager of Publications, 1931 -). Title varies.

Originally issued as Accounts Relating to the Trade by Land of British India with Foreign Countries. . . . 1878/79-1923/24 (Calcutta: 1878-1924) quarterly, 1878/79-1883; monthly, 1884/5-1923/24.

Earlier issues from 1925/26-1931 published as Supplements to the Indian Trade Journal. The publication deals with the traffic in selected articles, at certain railway

stations, adjacent to the more important trade routes across the frontier. Comparative statistics of the corresponding month of the last two years are given. The cumulative statistics of the current official year are also given.

The statistics in the above-mentioned three publications give a complete monthly picture of the foreign trade of India with the exception of small trade across the frontiers of the French and Portuguese possessions.

(4). Accounts Relating to the Coasting Trade and Navigation of British India. (Calcutta: 1869 -). Title and imprint varies.

This monthly furnishes statistics relating to the inland coastal trade. The statistics include: quantity and value of the principal articles imported during the month with corresponding statistics for the two preceding years; cumulative statistics for the official year; quantity and value of coast-wise exports; it also gives statistics of coast-wise export and import of gold and silver.

(5). Accounts Relating to the Inland (Rail and River-borne) Trade of India. (Calcutta: 1924 -).

Between 1922 and 1923, the statistics of inland trade were not published. Before 1922, they were published in Inland (Rail and River-borne) Trade of India, quarterly.

For these statistics, the country has been divided into twenty blocks and exports and imports from these blocks are registered for selected articles borne by both land and

river routes. The statistics are confined to quantity only; value of the merchandise is not recorded. The quarterly publication also included the statistics of cargo moved by smaller native boats, which the current publication does not include.

The two publications mentioned above, (4) and (5) between them give an account of the internal trade of India. The statistics relating to the internal traffic are less complete since they do not take into account the large volume of road-borne traffic.

(6). Export of Indian Artware and Sports Goods.

(Delhi: Manager of Publications, June 1931 -).

This monthly is divided into two parts: one dealing with artware and the other dealing with sports goods. The goods are divided into several groups and the statistics give the share, and value, of each group of articles exported to various countries. The statistics also indicate the share of each importing country and the share of each exporting state of India.

(7). Raw Cotton Trade Statistics. (Delhi: Manager of Publication, Aug. 1931 -).

The statistics for the export and import of raw cotton are given by 'blocks', and for this purpose, the country is divided into several blocks.

(8). Monthly Statistics of Cotton Spinning and Weaving in Indian Mills. (Delhi: April 1901 -) Imprint varies.

These statistics are compiled from returns submitted by the mills under the Cotton Industry (Statistics) Act of 1926. Separate tables for each province give quantity of yarn spun for each count up to forty, and total yarn spun in counts above forty. They also give the statistics for all woven and knitted goods in weight, and for all coloured and piece-goods in length.

(9). Monthly Statistics of Production of Certain Selected Industries in India. (Delhi: April 1932 -).

These statistics are based on returns from local governments and include the following: jute, paper, iron and steel, petrol, kerosene oil, cement, wheat flour, paints, heavy chemicals, sugar, matches, distilleries and breweries.

(10). Indian Customs and Central Excise Revenue (Calcutta: 1927 -).

This publication gives the amount of Indian Customs and central excise duties collected during the month. Each number gives statistics of budget estimate and actual collection. It also gives comparative statistics for the two preceding years.

(11) Joint Stock Companies in India. (Calcutta: 1907 -)
Title and imprint varies.

The abstract tables of this publication give classified information relating to the joint stock companies. The companies are classified into the following categories: banking, loan, and insurance companies; transit and transport

companies; trading and manufacturing companies; agricultural companies; etc. Under each of these categories, are given statistics regarding the number of companies, authorized, subscribed and paid-up capital, etc.

The detailed tables give information regarding each company in serial order with cross-reference to the classified list. The annual issue in the month of March gives an alphabetical list of companies registered during the year, with the month of registration.

(c) Quarterly.

(1) Wholesale Prices of Certain Staple Articles of Trade at Selected Stations in India (Calcutta: 1926 -)

This quarterly furnishes statistics for wholesale prices of practically all commodities that enter into the trade to any significant extent. The statistics are compiled from the information supplied by commercial organizations. The figures represent the wholesale prices prevailing during the first week of each month.

(d) Annual.

(1) Agricultural Statistics of India 1884/85-
(Calcutta: 1886 -).

In the past, this publication was prepared by several departments, in turn; at first by the Department of Revenue and Agriculture; then by the Department of Statistics; then by the Department of Commercial Intelligence and Statistics.

From the 1896-98 issue, the publication is in two

volumes. The contents of the statistics are as follows: area under cultivation; fallow lands; area under forest; area sown; area under each important crop; agricultural prices and their variation; crop forecast statistics; statistics about land tenure; land revenue, irrigation and live stock. The publication is illustrated with a number of maps, charts and diagrams. A provisional issue giving advance information is also issued.

(2) Estimates of Area and Yield of Principal Crops in India. 1891/92- (Calcutta: 1892 -). Title varies.

These estimates deal with all important agricultural products, including sugarcane, tobacco, indigo, cotton, jute, groundnut, linseed, tea, coffee, rubber, etc. Statistics are given for the preceding ten years. Appendix I and II deal with the methods adopted in preparing the forecasts.

(3) Indian Tea Statistics. 1895/96 - (Calcutta: 1897 -) Title and issuing authority varies.

These statistics are compiled from the returns furnished by planters on a voluntary basis. The publication gives area under tea cultivation; quantity produced; average number of persons employed daily; average monthly wages of labourers; quantity of tea sold at auction in Calcutta; export, import and internal consumption; number of joint stock companies engaged in the tea industry, etc.

(4) Indian Coffee Statistics. 1895/96 - (Calcutta: 1897 -). Title varies. 1920-29 issued as supplement to

the Indian Trade Journal.

Statistics are compiled on the same lines as Indian Tea Statistics.

(5) Indian Rubber Statistics. 1919 - (Calcutta:
1921 -)

Earlier statistical supplements were issued with the Indian Trade Journal. The publication gives statistics of production, employment and export. It also gives statistics of dry rubber stocks held in various states.

(6) Indian Coal Statistics. 1906 - (Calcutta:
1907 -).

These statistics give information relating to the production of each coalfield separately and its percentage of production in the total production of India; it also gives the average number of persons employed daily, average output per head, amount of export and import, consumption in the country, and prices. A long statement shows the amount of coal consumption by major industries in the country.

(7) Annual Statement of the Sea-borne Trade of British India with the British Empire and Foreign Countries . . .
1866/67 - (Calcutta: 1869 -). Title and imprint varies.

This is an annual compilation from the monthly Accounts Relating to the Sea-borne Trade and Navigation of British India. It is published in two volumes. Volume one gives statistics relating to imports, exports and re-exports by

articles; volume two gives those statistics for principal countries trading with India. There are summary tables giving the share of each state in the total trade. The compilation also furnishes statistics relating to amount of customs duties collected on various items.

(8). Joint Stock Companies in India . . . 1914/15 - (Calcutta: 1916-) Title varies.

This is compiled from the monthly publication mentioned in paragraph (b)(11). It contains information on the same lines, the statistics being given for the preceding ten years. A separate table furnishes information relating to the joint stock companies incorporated outside of India.

(e) Periodical.

(1). Livestock Statistics, India . . . (1919/20-1924/25 -) (Calcutta: 1926 -).

This publication gives statistics of livestock census taken every five years since 1920. The statistics relate to all the main domestic animals of the agriculturists.

(2) Crop Forecasts.

The crop forecasts are mainly issued for the following commodities: rice, wheat, cotton, linseed, rape, mustard, sesamum, groundnut, sugarcane, castor seed, indigo, jute, etc. In the case of commodities, except castor seed and jute, more than two forecasts are issued. The first one is intended to give early information about the area sown, and a later one gives forecast for probable yield. The last forecast gives

as far as possible exact statistics for yield.

The forecast series for some of the main staples have been started in the year shown below:

wheat	1887-88
cotton	1890-91
oilseeds	1890-91
indigo	1896-97
groundnut	1904-05
sugarcane	1904-05

(f) Miscellaneous.

In addition to the main serial publications mentioned above, the Director General of Commercial Intelligence and Statistics issues numerous pamphlets and irregular publications as well as monographs. Some interesting items are mentioned below:

Directory of Exporters of Indian Produce and Manufactures . . . (9th ed. (Delhi: Manager of Publications, 1938).

Glossary of Raw Cotton Trade Terms. (Delhi: Manager of Publications, 1938).

Glossary of the Terms Relating to the Jute Trade. (Delhi: Manager of Publications, 1938).

Glossary of Terms Relating to Hides, Skins and Leather. (Delhi: Manager of Publications, 1938).

Glossary of Terms Relating to Cotton Manufacture . . . (Delhi: Manager of Publications, 1938).

Indian Customs Tariff Guide . . . (4th ed. (Delhi: Manager of Publications, 1946). The Guide contains rules and orders of the Government and the Central Board of Revenue for

for assessment.

Indian Customs Tariff. (28th issue. (Delhi: Manager of Publications, 1948). This contains the schedules of duties leviable on various commodities on import into India.

(2). The publications of the Economic Adviser to the Government of India.

These publications can be examined in two sections: (a) serial, and (b) nonserial).

(a) Serial.

(1). Weekly Bulletin of Statistics. (Delhi: Oct. 1948-) The object of this bulletin is to present in a convenient form the weekly statistics bearing on the economic situation in the country. The statistics are given for the following topics: production; prices; trade; currency and banking; finance; transport; stock of commodities; foreign exchange; etc.

(2) Monthly Abstract of Statistics (Delhi: Oct. 1948 -). This publication contains statistics on twenty-eight topics, on a wider range than the weekly publication. It gives comparative annual figures for the last ten years and monthly figures beginning with 1947.

(3) Statistical Abstract, India (New Series) (2 vols. Delhi: Manager of Publications, 1950 -).

This is by far the most important and comprehensive statistical compilation relating to the Government of India. It would be profitable to go a little into the history of

this publication.

The Statistical Branch of the Finance and Commerce Department published Statistical Tables of British India for 1875/76 to 1891/92. The seventeenth and last issue of this series was published in 1893. Another serial, Financial and Revenue Accounts and Miscellaneous Statistics Relating to the Finances of India, was started in 1877 and its fifteenth and last issue appeared in 1893. Both the above-mentioned serials combined constitute the first statistical serial source, and the predecessor of the modern Statistical Abstract.

The next phase also consists of two serials; the first is Financial and Commercial Statistics of British India, 1893-1906, thirteen issues; the second is Judicial and Administrative Statistics of British India, 1895/96-1905/6, eleven issues. These were both compiled by the Director General of Statistics, in the Statistical Bureau. They constitute a second statistical series.

From the year 1906-7, the Department of Commercial Intelligence and Statistics took over the publication and began to issue all the statistics under one title: The Statistics of British India, 1906/7-1919/20. The thirteen issues of this series contained statistics compiled in nine parts as follows: (1) industrial; (2) commercial; (3) public service; (4) finance; (5) public health; (6) judicial; (7) education; (8) local funds; (9) miscellaneous. This consti-

tutes the third series.

After 1920, the policy was again changed. Due to financial stringency it was no longer found advisable to have detailed statistics and an abridged publication was issued by the Department of Commercial Intelligence and Statistics, The Statistical Abstract of British India . . . 1920/21-1946/47.* This may be called the fourth series.

Since the partition of India a new series has been issued by the Office of the Economic Adviser to the Government of India entitled Statistical Abstract, India. The first issue of this series appeared in 1950.

The Statistical Branch of the India Office issued a similar publication, Statistical Abstract Relating to British India, 1940/65-1910/11. (London:H.M.S.O., 1867-1911), fifty-five issues. Beginning with the fifty-sixth issue, a slightly changed new series was started: Statistical Abstract for British India with Statistics Where Available Relating to Certain Indian States, 1911/12-1920/21 (London: H.M.S.O., 1913-24). With this the publication by the India Office was terminated.

With regard to the scope of the new Statistical Abstract, the compiler says:

. . . (It) seeks to present in two volumes a representative selection of important heads of national statistics classified both by region and by categories. It does not claim to cover the entire range of available material in all its details but in many cases, the

* 1946-47 issue was prepared by the Office of the Economic Adviser.

primary source indicated at the foot of each table may be in a position to provide supplementary data . . .¹

The data given in the tables extends up to the last ten years for the whole country and in detail by constituent units for the latest year. An idea of the range covered by the publication can be had from the following list of broad heads covered by it;

Climate; area and population; movement of population; medical and public health; education; printing presses; judiciary and administration; national finance and taxation; local bodies; exchange, coinage and currency; prices; banks; joint stock companies; cooperative societies; insurance; agriculture; irrigation; forests; mineral production; industries; trade unions; patents and designs; transport and communications; foreign trade; Indo-Pakistan trade; coastal trade; inland trade; etc. The Appendices give information relating to rates of excise duties, income tax, etc.

(4) Monthly Survey of Business Conditions in India.

(Delhi: Manager of Publications, 1934 -).

This publication was begun by the Statistical Research Branch at Delhi. After the establishment of the Office of the Economic Adviser, the publication was taken over by the latter office.

The Monthly Survey consists of two parts. Part one

¹ Economic Adviser to the Government of India. The Statistical Abstract, India, 1949. (Delhi: Manager of Publications, 1950), I, preface.

contains statistical data dealing with financial conditions, prices and production; part two consists of notes on economic activities during the month.

(5) Review of Economic Conditions in India with Special Reference to Foreign Trade, . . . 1945/46 and 1946/47 - (Delhi: Manager of Publications, 1947 -). Annual.

Originally issued as Review of Trade in India . . . 1884/85 - 1944/45 (Calcutta, 1886-1946). Imprint varies. Annual.

This is a very useful annual report giving a review of trade and economic conditions. The first part consists of a general report discussing chief trends and influences affecting the trade, followed by detailed analysis of exports and imports. Part two consists of statistical tables illustrating the report.

(b) Nonserial.

Some of the important nonserial publications are enumerated below:

1. Weekly Index Numbers of Wholesale Prices in India. 1939-45. (3 vols. Delhi: Manager of Publications, 1942-46).

2. Guide to Current Official Statistics (3 vols. Delhi: Manager of Publications, 1949).

3. Government Measures Affecting Investment in India -- A Handbook of Information (Delhi: Manager of Publications, 1950).

4. Recent Social and Economic Trends in India

(Delhi: Manager of Publications, 1946).

The Economic Adviser has started a series called "Studies in Indian Economics". The monographs in this series represent the research work carried out under his guidance.

In addition to the two main organs for statistical work there are several others, under various Ministries, supplying the results of their work to the central agencies, for example, the Economic and Statistical Adviser to the Ministry of Food and Agriculture, and the Director of Industrial Statistics.

CHAPTER VIII

CATALOGUES AND MAPS

This chapter is devoted to the remaining two items I propose to examine in this dissertation, namely the catalogues of publications and maps.

Catalogues of publications.

1. Catalogues of the Central Government. -- The Government of India apparently began issuing a catalogue of its publications with the year 1892. This serial work is entitled List of Nonconfidential Publications Exempted from Registration, Which Were Issued by the Departments of the Government of India and by Local Governments and Administrations (Calcutta: 1892-1909). The List was issued quarterly up to March 31, 1900; during 1902-07, it was issued annually.

The List not only contained the publications of the Central Government but also those of the provincial governments.

After 1907, there was a change in the policy of publication. The provincial governments and various departments of the Central Government began to issue the Lists of their own publications. The Government of India then, started an irregularly issued publication, the General Catalogue of All Publications of the Government of India and Local Govern-

ments and Administrations (Calcutta: Superintendent, Government Printing, India, 1908 (?) - 1925). This publication was issued in several parts; some parts were issued semi-annually and others were issued annually. The title of the publication, during 1925-31, was the Catalogue of Publications . . . and was issued by the Central Publications Branch.

Beginning with 1937, the Central Publications Branch issued annually a separate Catalogue of Military Publications. The General Catalogue now became the Catalogue of Civil Publications Relating to Agriculture, Forestry, Civic (sic), Commerce, Finance, Legislature, Industry, Public Health, Railways, Science, Trade, etc. It is issued biennially; in the alternate years a supplement is issued.

All the publications entered in the Catalogue of Civil Publications are grouped under one of the following subjects:

1. Acts and Laws.
2. Agriculture and Forestry.
3. Arts and Sciences.
4. Civics and Administration.
5. Engineering.
6. Finance.
7. Medical and Sanitary.
8. Trade, Commerce and Industries.

A separate catalogue for any of the above-mentioned sections is also available from the Publications Branch.

These catalogues include only those publications which are stocked and sold by the Publications Branch. The information relating to those publications not stocked by the Publications Branch is found in a separate publication. The Publications Branch after receiving the lists of such publications from various departments and ministries, consolidates them and issues a List of Nonconfidential Publications Not Included in the General Catalogue of the Government of India Publications Issued During the Year Ending 31st Dec. . . . (Calcutta: Government of India Press, 1928 -). It is published irregularly.

The Catalogue of Civil Publications is supplemented by monthly lists. A complete list of all Government of India publications, issued during the month, is published in the issue of the first Saturday of the following month in the Gazette of India, Part II, A Monthly Supplement, separately printed, is issued after the publication in the Gazette.

Another publication, though not a catalogue, needs special mention. This is the Guide to Current Official Statistics (3 vols. Delhi: Manager of Publications, 1949). Volume I of the Guide deals with statistics for Production and Prices; Volume II deals with Trade, Transport, Communications, and Finance (excluding Public Finance). Volume III deals with Public Finance, Education, Public Health, Census, Labour, Consumption of Commodities and Miscellaneous.

This work is compiled to indicate where one may find statistical information relating to a particular topic. For example, if one wants to know the statistics relating to employment, this publication is a guide to the various government publications where they may be found.

During the period 1908-1926 various departments of the Government of India issued annual lists of their publications as follows:

Army Department	(1908-26).
Board of Industries and Munitions	(1917-20).
Central Board of Revenue	(1925-26).
Department of Commerce	(1920-26).
Department of Commerce and Industry	(1908-19)
Department of Education, Health and Lands	(1908-26).
Department of Industries and Labour	(1921-26).
Department of Revenue and Agriculture	(1908-22).
Finance Department	(1908-26).
Foreign and Political Department	(1908-26).
Home Department	(1908-26).
Legislative Department	(1908-26)
Public Works Department	(1908-26).
Railway Department	(1908-26). ¹

¹ James B. Childs, Government Documents Bibliography in the United States and Elsewhere (3rd ed. Washington: Government Printing Office, 1942) pp. 57-60

2. Other catalogues. -- Other catalogues supplying information relative to the publications of the Government of India are:

Great Britain. India Office. Periodical List of Indian Official Reports and . . . Parliamentary Papers Received in the Record Department of the India Office During 1880 . . . (London: 1880 ? -) :

This serial seems to have been started earlier; it has been supplemented by periodical classified lists, such as follows:

Great Britain. India Office. A Classified List of Reports and Other Publications in the Record Branch of the India Office (London: His Majesty's Stationery Office, 1884).

_____. _____. A Classified List in Alphabetical Order of Reports and Other Publications in the Record Branch of the India Office . . . (London: Printed by Eyre and Spottiswoode, 1892).

In the former publication the reports, etc., are grouped under twenty-seven headings; in the latter, they are grouped under five hundred and eleven headings.

An important checklist of papers relating to India and submitted to the British Parliament during the nineteenth century is issued by the India Office: Annual Lists and General Index of the Parliamentary Papers Related to the East Indies Published During the Years 1801 to 1907 Inclusive

The Catalogue of the Library of the India Office (2 vols. in 9 parts. London: 1888-1923) is also an important tool of reference for general works as well as government publications relating to India. The India Office also published a monthly accession list of maps of India, and other parts of Asia, received in the Map Room.

Other important works, especially for the nineteenth century, are:

Francis Bunbury Fitzgerald Campbell. Index Catalogue of Indian Official Publications in the Library, British Museum (London: Library Supply Co., 1900 ?).

_____. Index Catalogue of Indian Publications. (British Museum) Accessions. No. 1 (Nov. 30, 1899) (London: 1900)

The office of the High Commissioner for India, in London, has issued a Short Catalogue (London: 1938) of its library which is a good guide for selected principal publications. The office also issues a Monthly List of publications received in its office.

The Moral and Material Progress Reports submitted each year to the British Parliament contained a selected list of government publications issued during the year.

A very useful checklist is the List of the Serial Publications of the Foreign Governments, 1815-1931, by Winifred Gregory (New York: The H. W. Wilson Company, 1932).

Royal Empire Society. Subject Catalogue of the Library of the Royal Empire Society . . . (4 vols. London: 1930-37). Part four deals with India and South East Asia. Under each subject, the official publications are noted separately following the list of books. The Society also published a section on overseas official publications in its Quarterly Bulletin, during 1927-32.

The Imperial Library of Calcutta, now known as the National Library, has published Catalogue of Indian Official Publications Vol. I A-L (Calcutta: Superintendent, Government Printing, India, 1909). Vol. II was never published.

Since the Imperial Library received most of the Government Publications, its catalogue, although incomplete, is especially useful. A revised edition of the catalogue is greatly needed.

Maps.

In India there are two authorities responsible for map production. The Survey of India is responsible for all maps other than geological maps. The geological maps are prepared by the Geological Survey of India.

A. Survey of India.

1. Introduction. -- The Department of the Survey of India dates back about two hundred years. The Survey of India may be said to have been founded in 1767 when Major James Rennell was appointed the first Surveyor General of Bengal.

The maps prepared by Rennell were not very accurate. They were at first military reconnaissance maps and later on chained survey maps based on astronomically fixed points. It was in 1802 that the wellknown system of triangulation was first used in Madras. From these beginnings, the Department became responsible for all topographical, geographical and air surveys, geodetic work, and maintenance of maps, relating to these functions for the greater part of southern Asia.

The Survey of India Department is under the Ministry of Natural Resources and Scientific Research. At its head is the Surveyor General of India whose headquarters are in the old Secretariat, Delhi. The officer in charge of map publication is the Director, Map Publication, Survey of India, Hathibarkala, Dehra Dun, (U.P.).

Systematic map preparation was begun in 1802, after the measurement of the Madras base line by Lambton. In the year 1824, the series known as 'The Atlas of India', on a scale of 1/4-inch to 1-mile was planned and printing in that series was begun in England in 1827. Up to the year 1867, maps were compiled and drawn in India and printed in England. After that date they were printed also in India.

An important change in the policy of map making was adopted in the year 1905. In that year it was decided that the true longitude of Madras, i.e. $80^{\circ}14'54''$ east of Greenwich, would be adopted for all Indian maps. The maps were also to be reproduced in colours. Under the 1905 scheme, the whole

of Asia was to be divided into sheets of suitable size for various scales and two series of maps, geographical and topographical, were to be published. The geographical series was to be published in the scale of 1/1,000,000 (or 1/m) and smaller scales and the topographical maps were to be published in the scales of 1/4-inch to 1 mile, 1/2-inch to 1 mile and 1-inch to 1 mile. In order to maintain a connection between the two series each 1/m geographical map was to be subdivided into sixteen 1/4-inch topographical maps. Each 1/4-inch map was again to be subdivided into four 1/2-inch maps and each 1/2-inch map was further subdivided into four 1-inch maps.

Each of the sheets of the 1/m series was numbered consecutively in strips from north to south. Each of the sheets covered 4° of longitude and 4° of latitude.

2. Sale of maps. -- The Survey of India maps are prepared, printed and sold by the Director, Map Publication, whose headquarters are at Dehra Dun (U.P.). The maps are also available from the ~~State~~ Circle Directors at Bangalore and Shillong. Recently a map sale office was opened at Delhi with the following address: Assistant-in-Charge, Map Sales Section, Survey of India, Old Secretariat Building, Civil Lines, Delhi 8. The maps may be obtained from the authorized sales agents whose names are given in the Map Catalogue.

3. Map Catalogue. -- The information regarding the maps which are available for sale with the Survey of India will be found in a map catalogue published from time to time

by the Department. The latest one is:

India (Republic). Survey of India. Map Catalogue . . .
Published Under the Direction of Brigadier G. F. Heaney . . .
Surveyor General of India (Dehra Dun: Printed at the Map
 Publication Office, Survey of India, 1950).

A particularly noteworthy feature of the catalogue is the Key to topographical maps, which consists of a series of index sheets consisting of the whole map of India spread out on fifty three pages, on a scale of 1-inch to thirty-two miles.

There are three supplements to the above catalogue, each showing area covered by photography, large scale and forest maps, and all maps on a scale of 1/25,000 respectively. The appendices at the end of the catalogue indicate the scale, date of edition, number of sheets, size and price of each of the maps in the various series. They also contain an alphabetical index to the states and districts and indicate against each the number of the index map and degree sheets where it can be found. They also give index maps for 'triangulation and levelling pamphlets', and index maps to other series.

The following paragraphs furnish some details regarding the several series of maps published by the Survey of India.

4. Map series: (a) Geographical maps. -- 1. India and Adjacent Country Series. This series consists of maps on the scale of 1/m or about 16 miles to an inch. They are published

in colours. There are two editions, one showing altitudes and the other not. The series is now being replaced by Le Carte Internationale du Monde series.

2. The Imperial Atlas of India. This consists of the above maps in book form in a special binder with index.

3. Southern Asia Series. The maps in this series are on a scale of 1/2,000,000 or 32 miles to an inch. Each sheet thus covers six times the area covered by a sheet of the India and Adjacent Country series.

4. Le Carte Internationale du Monde. This series was undertaken in consequence of the desire shown by an International Committee assembled in London in 1909 to organize for uniform map production for the whole world. It is not a part of the 1905 scheme. Each sheet covers 6° of longitude and 4° of latitude, thus each sheet covers one and one half times the area of each of the sheets prepared under the 1905 scheme.

(b) Topographical maps. -- As noted previously, the topographical maps are published in three scales: 1/4-inch to 1 mile, 1/2-inch to 1 mile and 1-inch to 1 mile. The basis of indexing is the India and Adjacent Country series. It employs seven colours to indicate water, roads, cultivation, woods, contours, etc. On 1-inch maps contours are shown at fifty feet intervals. The army uses these as standard tactical maps. On 1/2-inch maps contours are shown at the distance of 100 feet and in 1/4-inch maps they are shown at the distance of 250 feet. It has recently been decided to suspend the

1/2-inch series.

(c) Other Maps. -- In addition to the above-mentioned maps the Department publishes the following types of maps:

1. Province and district maps. The scale of these maps varies; many district maps are on 1/4-inch to 1-mile scale.

2. City and town guide maps. These are the maps of important cities on a scale of 3-inch to 1 mile or larger.

3. Stein's maps. These maps were drawn from surveys made by the famous archaeologist, Sir Aurel Stein, in Chinese Turkestan and Kansu; the scale is 1 inch to 8 miles. They are printed in colours.

4. General maps. These are on various scale from 32 miles to 192 miles to 1-inch. They include road maps, tourist maps, railway maps, cotton maps, forest and geological maps, etc.

5. Miscellaneous. The Department has prepared maps of Asia, Europe, America, Arabia and the Persian Gulf, etc. It has also published maps of places of archaeological interest such as Ajanta, Ellora, Sanchi, etc.

6. Charts of International Civil Aviation Organization, including Route Charts, Instrument approaches and Landing charts for all civil aerodromes, etc.

B. Geological Survey of India.

The Geological Survey of India was founded in 1851. In the beginning its work centered around obtaining the

general view of the geology of the country and preparing geological maps on the scale of 1-inch to 4 miles. Its staff and activities increased greatly after the beginning of the twentieth century.

At the head of the Department is a Director, whose headquarters are at Calcutta. He has several sections under him, of which the Drawing Office (which prepares the geological maps) is one; smaller maps are printed by the Department while the larger maps are printed by the Survey of India. All geological maps are sold by the Office of the Geological Survey of India, 27 Chowringhee, Calcutta.

Many of the maps prepared by the Geological Survey are first published in the Records or the Memoirs series published by the Department. Some of them are separately printed for sale; when maps are not separately available, and are desired, the Department will undertake to prepare copies from the originals at small cost.

The following are the main series of maps published by the Geological Survey of India:

- (1) Geological Map of India, in eight sheets, 1931. Scale 1-inch to 32 miles.
- (2) Geological Map of Tavoy District, Burma. 1919. Scale 1-inch to 16 miles.
- (3) Geological Map of Bihar and Orissa. 1922. Scale 1-inch to 16 miles.
- (4) Geological Map of Jharia Coal-field in eight

sheets. 1929. Scale 4-inch to 1 mile.

(5) Geological Map of Raniganj Coal-field in
twenty-one sheets. 1930. Scale 4-inch to 1 mile.

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CHAPTER IX

THE PUBLICATION BRANCH, GOVERNMENT OF INDIA; ACQUISITION AND ORGANIZATION OF INDIAN PUBLICATIONS.

Historical introduction. -- The publishing activity may be traced back to the year 1793, where is found the first reference for printing and publication of regulations of the Governor-General-in-Council. There was no uniform procedure for printing the regulations before that time and many of the regulations existed only in manuscript form, chiefly on detached papers and not easy of reference even to the officers, not to speak of the public.

The Regulation XLI of 1793 laid down a clear procedure:

The Superintendent of the Company's Press is to retain in his office one hundred copies of each of the Regulations that may be passed and printed annually, and the same number of copies of the translations of them in Persian and the Bengal languages. At the close of the year, after he has been furnished with the index ordered to be prepared in the preceding Section, he shall bind up the English printed copies of the Regulations and the Bengal translations, each in separate volumes. The remainder of the English copies of the Regulations and the Persian and the Bengal translates (sic) are to be distributed as they are passed and printed in such proportions as Governor General in Council may direct, amongst the Courts of Justice, the Board of Revenue and Trade, the Collectors of the land revenue and the customs and the commercial residents and the salt agents or other public officers, or any individual to whom it may be thought advisable to deliver the copies.¹

Although the Government of India assumed the duty of

¹ Richard Clark, The Regulations of the Government of Fort William in Bengal in Force at the End of 1853 . . . (London: Printed by J. and H. Cox, 1853), Vol.I, p.233.

printing and publishing its own documents, the publication aspect had not received sufficient attention before 1924. The officer in charge of this work, who was called the Controller of Printing and Stationery, was more concerned with the printing aspect and was burdened with several other duties. The situation before 1924 has been described thus:

Such of its (the Department's) functions as were done at all were in the hands of the Calcutta Press. The Book Depot, as it was then termed, was situated in Temple Street, an unknown thoroughfare in the slums of Calcutta; in a small, dark and equally unknown passage in Hastings Street Press. Many publications were stocked for sale only by the Administrative department concerned; an ineffective system of sale through agents was in force; no control over the publications existed; the idea of publicity was taboo; the Book Depot was a neglected routine branch of the Press, and it was only with the greatest difficulty that the public was able to obtain Government of India publications even with a maximum of delay.¹

In order to improve this situation, a separate publication branch was established in Calcutta on April 1, 1924. This was called the Central Publication Branch. A retail book shop was attached to it and it functioned as a commercial department up to 1931. In 1932 the Branch was transferred to Delhi. The Manager of the Central Publication Branch was renamed Manager of Publications in 1933. In 1948, the Branch was styled Government of India Publication Branch, the designation of the officer in charge remaining the same.

Present Organization. -- The Publication Branch is a part of the larger organization, the Printing and Stationery

¹ India, Publication Branch, Manual of the Government of India Publication Branch. (Business and Procedure) (Delhi: Government of India Press, 1949), p.1.

Department. This Department, in its turn, is under a Ministry of the Government of India. At first it was under the Ministry of Commerce and Industry. During the readjustment of various departments in the first year of independence, it came under the Ministry of Works, Production and Supply (formerly known as the Ministry of Works, Power and Supply).

The head of the Department is the Controller of Printing and Stationery. He is generally responsible for three functions: (1) Printing of government documents and forms; (2) Publication of the documents; (3) Supply of Stationery and forms. In these functions he is assisted by: (1) Assistant Controllers and Deputy Controllers of Printing at headquarters (Delhi) and elsewhere; (2) Manager of Publications; (3) Deputy Controller in charge of the Stationery Office.

The Publication Branch is situated at Civil Lines, Delhi. The orders from various departments for printing and publication are received by the Controller of Printing and Stationery who sends the 'copy' to one of the presses and the printing requisition to the Publication Branch. The Branch determines the number of copies to be printed, the price, etc., and places the order with the press. It receives the printed matter from the press, stores, and catalogues it. It distributes the publication, free or otherwise, as requested by the Department which placed the order.

How to obtain publications. -- The Branch sells the publications directly as well as through the agencies. It

maintains two Book Depots directly under its own management: (1) The Government of India Book Depot, 8 Hastings Street, Calcutta and (2) the Kitab Mahal (Publications Emporium), Queensway, New Delhi. These Depots sell the publications on cash payment only. They are not allowed to sell any publications on discount basis, except to the Government Offices.

The Branch maintains a network of agencies in some fifty large towns throughout the length and breadth of India. The list of these agencies is given on the cover of many publications, in the Catalogue of Civil Publications and in Appendix F of the Manual¹. The sale of publications in Europe and America, however, is entrusted to the Office of the High Commissioner for India, India House, Aldwych, London, W.C.2, who acts as sole agent for these countries.

Terms of business. -- In all cases when the orders are placed directly with Governmental Depots or with the Manager of Publications, payment is required before the orders are filled. The commercial agencies, however, supply prior to payment. The publications are supplied free of postage and packing charges in India, but in the case of publications sent abroad, postage (but not packing) is added to the cost. A discount of 25 per cent on the sale price is granted on almost all purchases by Government Departments,

¹ Op.cit. p. 57 et seq.

Government Offices and authorized agencies in India. In the event of a regular subscriber being secured by an agent and the Publication Branch being required to fill the orders directly, 12.5 per cent discount is allowed the agent.

Subscriptions are accepted by the Publication Branch for certain serial publications. The titles and rates of subscription for these publications are given in Appendix D of the Manual and Appendix II of the Catalogue of Civil Publications.

Depository libraries and free distribution. -- A large majority of the publications are priced publications. Only a few are intended for free distribution. Whether the publication is to be priced or distributed free is decided by the Ministry, Department, or the Office that places the order.

There seems to be no statutory provision for supplying free copies of publications to libraries. The Ministry or the Department usually submits a list of addresses for free distribution along with its order to print and the Manager of Publications acts accordingly; but even in this case the cost is debited against the monetary allotment for printing of the Department concerned. The High Commissioner for India in London, is allowed to exercise his own discretion regarding the supply of copies of central publications free of charge to deserving institutions and societies. Since these are charged against the Departments concerned, any extensive use of this privilege would require the sanction of the Departments.

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Although previously there were some irregular arrangements for exchange of publications, it is only recently that regular exchanges with foreign governments have been inaugurated. The agreement between the Governments of U.S.A. and India concluded on November 8, 1950 and January 11, 1951, stipulated that each of these Governments shall supply to the other whatever non-confidential publications are indented by it. These publications are received by the Smithsonian Institution, Washington, in U.S.A., and by the Secretariat Library, New Delhi, in India.¹

It is indeed regrettable that there is no definite system of supplying all or selected publications to certain important libraries such as those of universities and research institutions in India. These libraries are obliged to keep on the lookout for new publications and in absence of a depository system, it takes quite a long time for them to secure the materials. Since there is no depository system, the only place where one would expect to get all the publications is the Office of the Manager of Publications. Among the libraries, the National Library, Calcutta (formerly called the Imperial Library) has the most extensive collection.

Supply of publications to the Members of the Parliament. -- The members of the Indian Parliament have no privilege to recommend free supply of publications to anyone. They

¹ U.S. Exchange of Official Publications, Agreement Between the United States of America and India. . . (Washington: United States Government Printing Office, 1952).

themselves are supplied, free of charge, with all the current legislative publications except the Electoral Rules and Regulations and Acts in Slip-Law form. They may get past legislative publications if in stock. They are supplied free with the Gazette of India. As far as nonlegislative publications are concerned, they are supplied with those which are connected with the business before the House or with which they are concerned as members of committees.

Catalogues. -- The Publication Branch usually issues a Catalogue of Civil Publications . . . every two years. The Catalogue includes all publications available for sale at that time with the Publication Branch. It also issues a supplement in the year in which the biennial edition is not published. A monthly supplement to the biennial catalogue is issued until a new catalogue is published.

Every publication is given a symbol number by which it is known. The Publication Branch insists that these symbol numbers be quoted in all indents and orders for publications referred to the Publication Branch, and should be clearly written. Titles of publications should on no account be quoted except when the symbol numbers are not known and in such cases care should be taken to ensure that complete titles are quoted.¹

¹ India, Publications Branch, Catalogue of Civil Publications, 1948 (Delhi: Government of India Publication Branch, 1948), p. 267.

Although the Catalogue or the monthly supplement is not voluminous, a mere list is not a good guide for selection, especially in absence of annotation. Hence the importance of a publication is only known when it is actually handled. The absence of a selective guide to the new publications is thus greatly felt. There is need of a publication similar to the Selected Documents which draws attention to the more noteworthy publications of the U.S. Government.

The organization of the publications on the shelves.--

A few words about the organization of the Indian government publications will not be out of place here. Libraries can be roughly divided into three groups according to their policy of organizing publications:

(1) Those which classify the publications by subject under a standard classification scheme and catalogue a major portion of them.

(2) Those which maintain the documents according to the classification used by the government publishing authority and catalogue them accordingly to some extent.

(3) Those which arrange by the classification symbols of the government publishing authority or alphabetically by the name of issuing bodies and do not catalogue them.

Margaret Stapleton, in her study of depository public libraries in U.S.A., situated in cities within the range of one hundred thousand to three hundred thousand population, which received at least 50 per cent of the government publica-

tions available in the United States, found that the percentage of libraries falling into the three groups mentioned above were as follows:

Group 1	23	per cent	
Group 2	10	" "	
Group 3	67	" "	.1

In contrast to this, let us examine the situation in university libraries. Thomas Fleming made a study of the twenty-eight largest university libraries of the U.S.A. and Canada. He mentions that some 17 per cent of the libraries have a separate documents department which does all the work -- acquisitioning, classifying, cataloguing, etc., of the documents. About 14 per cent have a separate division as a part of another department. The university libraries of Iowa and Stanford represent the extremes of this type.

On the other hand, the libraries whose treatment of documents does not show special variation from the treatment of other materials are quite large in number, amounting to some 70 per cent. Chicago, Princeton, and Columbia belong to this type, while Harvard, California and Minnesota, exemplify this type, with minor variations.²

¹ Margaret L. Stapleton, "The Treatment of United States Publications in Depository Libraries of Medium Size", Public Documents, Their Selection, Distribution, Cataloguing, Reproduction and Preservation. . . (Chicago: American Library Association, 1935) pp. 135-6.

² Thomas P. Fleming, "The Organization of Work with Public Documents in University Libraries", Public Documents, Their Selection, Distribution, Cataloguing, Reproduction and Preservation. . . (Chicago: American Library Association, 1936), pp. 101-3.

It thus appears that a majority of the public libraries prefer not to catalog the mass of documents they receive, while a majority of the university libraries do prefer to catalog them. Again, a majority of public libraries keep the documents separate according to some sort of classification, whereas a majority of university libraries prefer to keep them on shelves with other materials on the same subject.

It is possible to arrange the publications of the Government of India according to the issuing authority. The Manager of Publications assigns symbol numbers to each publication, based on the designation of the issuing authority and the nature of the publication. I have mentioned previously that the acts are numbered by the year and consecutive number of enactment in Roman numerals. Thus "1937, I. Indian Finance Act". An issue of the Memoirs of the Archaeological Survey of India would be listed as "DGA.23.66", here 'DGA' stands for Director General of Archaeology, '23' stands for Memoir Series and '66' for the volume in the series.

This classification would be convenient if it included only the matter pertaining to a single subject. This is not so in the case of several publications. For example, the Pamphlet Series of the Survey of India contains pamphlets on **geodesy**, geophysics, earthquakes, surveying, measurement of tides and tide-tables, magnetism, etc. These topics do not belong to one fairly broad subject. The books on these subjects would be classified according to some standard classi-

fication scheme and would be separated far from each other. In these circumstances, if the pamphlets are not catalogued, they would, in all probability, not be noticed by the reader. The same would also happen, to a lesser extent perhaps, with publications such as the Pamphlet Series of the Bureau of Education. This series consists of important publications on Indian education and although they are called pamphlets, they are more in the nature of fair-sized monographs. They deal with all aspects of education -- planning, curriculum, administration, buildings, etc.

Yet another objection to maintaining the documents by publication symbols is that the designations of the issuing authority are liable to change. Some of the publications of the Department of Education, Health and Lands were given the symbol 'EHL'. Now there are three separate ministries dealing with these portfolios and new publications do not get the same symbols. As a result, the serial publications of one series would not be kept together unless some device is used to bring this about.

It is thus desirable to keep all material on a certain subject or topic together so far/as it is convenient to do so. The convenience of course depends on many factors: The size and type of the library, the staff, the budget, the extent to which these materials are in demand, etc. The decision depends on a consideration of all the factors.

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