

Provinces of India has been fixed on the recommendations of the Local Government?

Mr. S. P. O'Donnell: I would refer the Honourable Member to the provisions of section 52 (1) of the Government of India Act from which he will see that the number of ministers to be appointed in each province for the administration of transferred subjects is a matter that rests solely with the Governor of each province.

ESHER COMMITTEE'S REPORT.

119. **Sir P. S. Sivaswamy Aiyer:** (a) Will the Government be pleased to state whether besides the terms of reference published in the Report of the Esher Committee above the table of contents there were any other, and if so, what questions referred to the Commissioners; and will the Government be pleased to publish with the permission, if necessary, of the Secretary of State, all further or subsequent instructions issued by him to the Committee?

(b) Will the Government be pleased to publish the communication from the Secretary of State to the Esher Committee by which the proposals made by them in Part I of the Report are said to have been in the main approved by him.

(c) (i) Was there any special reason for not printing and publishing Appendix I to the Report containing the recommendations of the Committee with regard to the Indian officers and other ranks in the Indian Army?

(ii) Will the Government be pleased to publish the Appendices to the Report also?

(d) Will the Government be pleased to state whether estimates of the cost of the Committee's proposals in whole or in part have been framed and, if so, will the Government be pleased to publish such estimates?

(e) Will the Government be pleased to state whether it has been decided to give effect to any, and if so, which of the recommendations contained in the Report?

(f) Whether the Government will require that proposals for the organization and administration of the Army should be so framed as to facilitate the increasing association of Indians in every branch of the military organization and administration?

(g) Will the Government be pleased to state the specific points, if any, in which the proposals made by the Committee in Part I for establishing direct and intimate relations between the Commander-in-Chief in India and the Chief of the Imperial General Staff and for making the latter the sole responsible military adviser of the Secretary of State and their proposals for establishing a chain of military responsibility from the Chief of the Imperial General Staff to the Governor General alter the control now exercised by the Government of India over the Army?

(h) To the knowledge of the Government is the Chief of the General Staff in England allowed to exercise a 'considered influence' on the military policy of the Self-Governing Dominions?

(i) Will the Government be pleased to state whether any scheme similar to that of the Committee for establishing closer relations between the British and the Indian Armies and for promoting the fusion of the British officers

cadre of the Indian Army with that of the British Army are in force in any of the Self-Governing Dominions or have been put forward ?

(j) Do the proposals for the organization of the auxiliary services of the Army in India conform to the organization of such services in the Self-Governing Dominions ?

Sir Godfrey Fell: (a) The answer to the first part of the question is in the negative. The rest of the question does not therefore arise.

(b) The Government understand that no written communication was received by the Esher Committee intimating that the proposals made in Part I of their Report had been in the main approved by the Secretary of State for India. Their statement to this effect was based, the Government understand, upon a conversation which the President of the Committee had with the Secretary of State, from which he derived the belief that Mr. Montagu personally accepted the proposals in all essentials, subject to modification in respect of minor points.

(c) (i) The Government of India did not wish to raise expectations in the minds of Indian officers, non-commissioned officers and men, which it might prove difficult to fulfil.

(ii) It is not proposed to publish the Appendices. Such of the recommendations as are contained therein and are accepted by the Government of India will be promulgated in due course.

(d) Approximate estimates have been prepared. It is not proposed to publish them until a decision has been arrived at as to which, if any, of the recommendations should be accepted.

(e) The only recommendations of the Esher Committee to which it has been decided as yet to give effect are those relating to :

- (1) Tightening up of the system of financial control exercised at Army Headquarters and in the Royal Indian Marine.
- (2) Improvements in the system under which the Army and Marine accounts are maintained.
- (3) Re-arrangement of staff duties at Army Headquarters.
- (4) Assimilation of the training system in India to that in force in the United Kingdom, including the introduction of the system of education for Indian soldiers.
- (5) Creation of a Territorial Force for India.

(f) The Government of India are in favour of the policy referred to in the Honourable Member's question and propose to give effect to it, to the extent to which Indians show themselves to be qualified.

(g) The Government of India do not propose to accept any departure of policy or procedure such as is indicated in the Honourable Member's question, nor any other departure of the kind which would not be compatible with the effective control by the Government of India of the Army in India and with the approach of India to a Dominion status.

(h) The Government of India have no information on the subject, but they believe that the answer is in the affirmative.

(i) The Government of India have no detailed information on the subject, except that they know that interchange of staff officers as between Dominion troops and the British Army does take place.

(7) The Government of India have no information on the subject. It is understood, however, that the organisation of the military services in India and in the Dominion forces are on entirely different bases.

Mr. Mahomed Yamin Khan : May I request, Sir, through you, that Honourable Members of Government, who reply to questions, will speak out a little bit louder so that their voices may be heard on this side of the House ?

SESSIONS TRIALS.

120. **Mr. Kabeerud-Din Ahmed :** (a) Are the Government aware that at sessions trials before High Courts neither the evidence of the witnesses nor the summing up of the Judge are recorded ?

(b) Are the Government aware that when a case is heard by the Full Bench under clause 26 of the Letters Patent, the Judges have to deal with the case without any record ?

(c) Are the Government aware that the Judges themselves pointed out this defect in the case of King-Emperor *versus* Peary and Lakshi Pesakar reported in 23 Calcutta Weekly Notes at page 426 ?

(d) Do the Government propose to consider the question of amending sections 354 and 356 and the proviso to section 367, sub-section 5, of the Code of Criminal Procedure by extending the provisions thereof to trials before the High Court ?

The Honourable the President : Mr. Kabeerud-Din Ahmed. The Government must answer Question No. 120.

The Honourable Mr. Moncrieff Smith : Mr. Kabeerud-Din Ahmed is not here, Sir. He has not yet taken the Oath.

COURT FEES ACT.

121. **Lala Girdhari Lal Agarwala :** (a) Has the attention of the Government of India been drawn to the following passage in the judgment of the Honourable Mr. Justice Tudball, in the case of Lakhan Singh *versus* Ram Kishan Das, reported in Volume 15 of the Allahabad Law Journal, page 886 : " It appears to me that this is perhaps due to an oversight at the time when Act V of 1908 was passed in not adding the words ' or Cross Objection ' to Article 17 of Schedule II of the Court Fees Act."

(b) Do the Government propose to consider the question of introducing a Bill for amendment of the Court Fees Act in regard to this matter ?

Mr. S. P. O'Donnell : (a) The Government of India have seen the ruling of the Allahabad High Court referred to.

(b) The Government of India have under consideration the question of the general revision of the Court-fees Act, 1870, and will consider in that connection the point which has been brought to notice.

INDIAN LAW REPORTS.

122. **Lala Girdhari Lal Agarwala :** (a) Is the Government aware that the rulings reported in the Indian Law Reports are also reported in