

*Friday,  
5th October, 1900*

**ABSTRACT OF THE PROCEEDINGS**  
**OF THE**  
**Council of the Governor General of India,**  
**LAWS AND REGULATIONS**

**Vol. XXXIX**

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ABSTRACT OF THE PROCEEDINGS  
OF  
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA:  
ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS

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*Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., c. 67, and 55 & 56 Vict., c. 14).*

The Council met at the Viceregal Lodge, Simla, on Friday, the 5th October, 1900.

P R E S E N T :

His Excellency Baron Curzon, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

His Honour Sir W. Mackworth Young, K.C.S.I., Lieutenant-Governor of the Punjab.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.

The Hon'ble Sir A. C. Trevor, K.C.S.I.

The Hon'ble Mr. C. M. Rivaz, C.S.I.

The Hon'ble Mr. T. Raleigh.

The Hon'ble Sir E. FG. Law, K.C.M.G.

The Hon'ble Kunwar Sir Harnam Singh, Ahluwalia, K.C.I.E., of Kapurthala.

The Hon'ble Mr. C. L. Tupper, C.S.I.

The Hon'ble Mr. H. C. Fanshawe, C.S.I.

The Hon'ble Nawab Muhammad Hayat Khan, C.S.I.

QUESTIONS AND ANSWERS.

The Hon'ble NAWAB MUHAMMAD HAYAT KHAN asked :—

" 1. Whether the Government of India are aware of the extent of the dissatisfaction caused among Muhammadans in the North-Western Provinces and Oudh by the Resolution of the Local Government, dated 18th April, 1900, allowing the use of the Nagri character in Courts and rendering a knowledge of the Hindi language compulsory for ministerial appointments in all except the purely English offices ?

" 2. Whether the Government of India are prepared, having regard to the fact that the words 'petition' and 'complaint' as used in clause 1, section 4 of the Resolution referred to have been differently interpreted by the High Court at Allahabad and the Court of the Judicial Commissioner, Oudh, to restrict the permission to use the Nagri character to persons knowing nothing but Nagri and presenting their petitions without the intervention of legal practitioners ? "

[Mr. Rivas.]

[5TH OCTOBER,

The Hon'ble MR. RIVAZ replied:—

"1. The Government of India are aware that a certain amount of dissatisfaction has been expressed with the orders in question, but they are informed by the Lieutenant-Governor that this feeling has been shown chiefly by Muhammadan members of the legal profession and hardly at all by the important and influential landlord or agricultural or industrial interests of the North-Western Provinces and Oudh."

"The orders merely recognize the permissive use in official documents of the Nagri character, which is the character best known by, and most acceptable to, the vast majority of the population of the North-Western Provinces and Oudh. The Government of India entirely concur with the Lieutenant-Governor, whose orders were issued with the full acquiescence of the High Court of the North-Western Provinces, the Judicial Commissioner of Oudh and the Board of Revenue, that it was no longer desirable to exclude the Nagri character from official recognition. The orders of the Local Government do not affect the *language* in use in the Courts, which remains unchanged; nor do they in any way restrict the free use of the Persian character by those who wish to employ it.

"Every civil officer from a naib-tahsildar upwards is required under existing rules to qualify in both Urdu and Hindi, which are the current vernacular languages of the North-Western Provinces and Oudh. The rule referred to in the last part of the first question merely extends this principle to all ministerial officers not employed in a purely English office. Some classes of documents written in the Hindi language have always been received by the Courts and offices in the North-Western Provinces and Oudh. A ministerial officer in a vernacular office who does not know Hindi is really incapable of properly discharging the duties which may ordinarily devolve upon him.

"2. The Government of India are informed that the Government of the North-Western Provinces and Oudh is in communication with the High Court and the Judicial Commissioner, with a view to the establishment of a uniform rule of practice on the point raised in the second question. Obviously a uniform rule for both Provinces is necessary; but the Government of India are not prepared to limit the discretion of the Local Government, acting after consultations with the chief judicial authorities, by recommending it to adopt the restriction suggested in this question."

1900.]

[*Mr. Rivas.*]

## PUNJAB ALIENATION OF LAND BILL.

The Hon'ble MR. RIVAZ presented the further Report of the Select Committee on the Bill to amend the law relating to agricultural land in the Punjab. He said :—" The few further amendments which the Select Committee propose to make in the Bill are explained in the Report which I now present. The only one of these amendments which I need notice is that which relates to the third form of mortgage which, as I stated when presenting the preliminary Report of the Select Committee on the 10th August last, had been added, on the recommendation of the Punjab Government, to the two forms allowed by the original Bill. As I then explained, the special features of this new form of mortgage were that the mortgagor might mortgage for any period he pleased, but on condition of retaining a cultivating right of occupancy in the mortgaged land on payment of a fair rent, and of preserving his right to redeem the proprietary right whenever he might be able to do so. The mortgagor under this form of mortgage was rendered liable, however, to ejection from his cultivating occupancy if he used the land in an improper manner, or, if his rent were payable in kind, if he should wilfully fail to cultivate the land, or if a decree for an arrear of rent had been passed against him and remained unsatisfied. These provisions have been criticized in some quarters on the ground that if the mortgagor were ejected from his cultivating occupancy on any of the grounds which I have specified, or voluntarily abandoned or relinquished the land in collusion with the mortgagee, he would in most cases never be able to redeem the proprietary right, and the mortgage would thus be practically converted into a permanent alienation. We have recognized the force of this objection and have accordingly provided that, although the mortgage under this form may be for an unlimited period so long as the mortgagor retains the cultivating occupancy, yet if he is ejected therefrom or relinquishes or abandons it, the mortgage shall thereupon be converted into a self-redeeming usufructuary mortgage for a term not exceeding twenty years.

" We have also defined more precisely what we mean by a fair rent in this class of mortgages. It might be difficult in some cases to determine what the ' customary rate ' really was, so we now propose to omit all reference to this standard and to allow the rent payable by the cultivating mortgagor to be fixed in each case by agreement between the parties, subject to a maximum. We have adopted the principle which is prescribed in the Punjab Tenancy Act for regulating the cash rents of occupancy-tenants, but have fixed the maximum at a somewhat higher rate than that which the Act provides for the least favoured classes of such tenants, namely, 16 annas per rupee of land-revenue instead of 12 annas. We are satisfied that the rent thus demandable will not be excessive even when the maximum rate is agreed to by the mortgagor.

[*Mr. Rivas.*]

[5TH OCTOBER, 1900.]

"I propose, with Your Excellency's permission, to ask the Council this day fortnight to take the two Reports of the Select Committee into consideration and to pass the Bill."

The Council adjourned to Friday, the 19th October, 1900.

SIMLA;  
The 5th October, 1900. }

J. M. MACPHERSON,  
*Secretary to the Government of India,*  
*Legislative Department.*