

*Friday,
4th December, 1903*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XLII

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ABSTRACT OF THE PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA:
ASSEMBLED FOR THE PURPOSE OF MAKING
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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 Government House, Calcutta, on Friday, the 4th December, 1903.

PRESENT :

The Hon'ble Mr. T. Raleigh, C.S.I., *presiding*.
 The Hon'ble Sir E. FG. Law, K.C.M.G., C.S.I.
 The Hon'ble Major-General Sir E. R. Elles, K.C.B.
 The Hon'ble Mr. A. T. Arundel, C.S.I.
 The Hon'ble Sir Denzil Ibbetson, K.C.S.I.
 The Hon'ble Rai Bahadur B. K. Bose, C.I.E.
 The Hon'ble Mr. A. W. Cruickshank, C.S.I.
 The Hon'ble Mr. Gopal Krishna Gokhale.
 The Hon'ble Mr. E. Cable.
 The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.
 The Hon'ble Mr. F. S. P. Lely, C.S.I.
 The Hon'ble Mr. H. Adamson, C.S.I.
 The Hon'ble Mr. A. Pedler, C.I.E.
 The Hon'ble Mr. J. B. Bilderbeck.
 The Hon'ble Mr. D. M. Hamilton.

NEW MEMBERS.

The Hon'ble MR. GOPAL KRISHNA GOKHALE, the Hon'ble NAWAB SAIYID MUHAMMAD SAHIB BAHADUR, the Hon'ble MR. LELY, the Hon'ble MR. ADAMSON, the Hon'ble MR. PEDLER, the Hon'ble MR. BILDERBECK and the Hon'ble MR. HAMILTON took their seats as Additional Members of Council.

MADRAS COAST LIGHTS BILL.

The Hon'ble SIR EDWARD LAW moved that the Bill to authorize the levy of dues on vessels for the provision of lights on the coast of the Province of Madras be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Mr. Cable, the Hon'ble Nawab Saiyid Muhammad, the Hon'ble Mr. Adamson, the Hon'ble Mr. Hamilton and the mover.

The motion was put and agreed to.

[*Mr. Arundel; Nawab Saiyid Muhammad.*] [4TH DECEMBER, 1903.]

INDIAN OFFICIAL SECRETS (AMENDMENT) BILL.

The Hon'ble MR. ARUNDEL moved that the Bill to amend the Indian Official Secrets Act, 1889, be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Major-General Sir Edmond Elles, the Hon'ble Sir Denzil Ibbetson, the Hon'ble Rai Bahadur B. K. Bose, the Hon'ble Mr. Cruickshank, His Highness the Agha Khan, the Hon'ble Mr. Gokhale and the mover.

The Hon'ble NAWAB SAIYID MUHAMMAD SAHIB BAHADUR said :—" Sir, no one who opposes this Bill has any desire whatever to encourage malpractices or dishonest acts which will be prejudicial to the interests and the policy of the State. The general opposition to this Bill is due to the extremely vague provisions contained in the proposed amendments to section 3 of the existing Act. These provisions can be made applicable to any act having anything to do with any Government office, however innocent it may be. The Bill gives considerable room for oppression by the Police, and in what way power is being wrongfully used by the Police is well known to Government now after the sitting of the Police Commission. It is extremely amazing that the mere entry into any Government office from the Secretariat down to the taluq office, should be liable to be made a cognizable and non-bailable offence. It is a well known principle of law that an act is not criminal unless the intention too is criminal, but under the present Bill the very objectionable position is taken, namely, that the act itself is considered an offence, whatever may be the motive and however innocent it may be.

" One would naturally think that great precautions should be taken for keeping perfect secrecy in the naval and military affairs of Government, but it would be difficult to conceive of many matters which should be kept perfectly secret in the civil administration of a fair and benign Government like that of the British. The proposed amendments to section 3 of the Act, especially sub-section (1), sub-head (a), make the offence so vague in its description that it should necessarily be made bailable and non-cognizable to prevent people being unnecessarily harassed and the personal liberty of subjects being lightly dealt with. The salient provision of the existing law requiring the previous sanction of the Government for instituting criminal proceedings against any person contained in section 5 of the Act should not, I submit, in any way be modified. Under this Bill no such sanction is necessary to start any such proceedings, but such sanction is necessary only for proceeding with the trial of

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any person against whom action had already been commenced. Even if the Government does not give its consent for proceeding with the trial of any person in any particular case, still the annoyance caused to such person by criminal proceedings being merely instituted against him, though he is let off for want of such consent, will indeed be very great. This Bill should in my opinion be dropped altogether, as no clear case has been made out, and sufficient cause has not been shown for passing it. It is legislation of this kind that causes unnecessary irritation in the minds of the people, and it is highly desirable that Government should avoid it."

The Hon'ble MR. GOKHALE said :—"Sir, this Bill, both in its principle and its details, is open to such grave objection that it is a matter for profound regret that Government should ever have thought of introducing the measure. The *Englishman*, in a recent issue, describes the Bill as calculated to Russianize the Indian Administration, and says that 'it is inconceivable that such an enactment can be placed on the Statute book even in India.' This, no doubt, is strong language, but, I think, it is none too strong, and in view of the quarter from which it comes, it should give Government pause. Fourteen years ago, when the Indian Official Secrets Act was passed, there was no discussion in the Council, as the measure was introduced and passed at Simla. But there were two considerations in its favour: First, that a similar Act had already been passed in England and it was applicable to all the dominions of His Majesty, including India, and so the Indian Act was a mere Indian edition of the English Law already in force in India; and, secondly, it related principally to Naval and Military secrets, and it could be argued that as such secrets concerned questions of the country's safety, it was necessary for Government to have drastic powers for preventing their disclosure. The present Bill, however, proposes to make alterations of so astounding a nature in that Act that it is difficult to speak of them with that restraint which should characterize all utterances in this Chamber. To state the matter briefly, the Bill proposes to make three principal changes in the old Act: First, it proposes to place Civil matters on a level with Naval and Military matters; secondly, in place of the present provision that a person, who enters an office *for the purpose of wrongfully obtaining information*, is liable to be punished under the Act, it is now proposed to enact that whoever, 'without lawful authority or permission (the proof whereof shall be upon him),' goes to a Government office, commits an offence under the Act; and, thirdly, it is proposed to make all offences under the Act cognizable and

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non-bailable. Now, Sir, it is difficult to imagine that any responsible officer of Government conversant, in any degree, with the administration of the country, and possessing the least regard for the professed character of British rule, could have drafted these amendments. Take the first proposal to place Civil matters on a level with Naval and Military matters. The Civil administration of the country ranges from the highest concerns of State policy which engage the attention of the Viceroy down to the pettiest detail of the routine work of a village official. The word 'Secret' is nowhere defined, and it must, therefore, include all official information not authoritatively notified by the Government to the public. And I want to know if it is seriously intended to make the publication of even the most trivial news in connection with this vast civil administration of the country penal—such news, for instance, as the transfer of a Government officer from one place to another—unless it has first appeared in a Government resolution or any other official notification. And yet this would be the effect of the proposed amendment. The *Englishman* calls this Russianizing the administration, and he is entitled to the thanks of the public for his powerful criticism, which is also disinterested. For the Bill, even if it becomes law, will not, in practice, affect him or the other editors of Anglo-Indian papers. I would like to see the official who would venture to arrest and march to the police thana the editor of an Anglo-Indian paper. But so far as Indian editors are concerned, there are, I fear, officers in this country, who would not be sorry for an opportunity to march whole battalions of them to the police thana. It is dreadful to think of the abuse of authority which is almost certain to result from this placing of Indian editors, especially the smaller ones among them, so completely at the mercy of those whom they constantly irritate or displease by their criticism. It might be said that, while Government have no objection to the unauthorized publication of official news of minor importance, they certainly want to prevent the publication of papers, such as the confidential circulars about the wider employment of Europeans and Eurasians in the Public Service, which were published by some of the Indian papers last year. Now, in the first place, the Bill does not distinguish between matters of smaller and greater importance. And, secondly, even on the higher ground on which the measure may be sought to be defended, I submit that the Bill, if passed into law, will do incalculable mischief. I think, Sir, that in a country like India, while Naval and Military secrets require to be protected, if anything, with even greater strictness than in England, the very reverse is the case with matters concerning the Civil administration. The responsibility of the Government to the people in this country is merely moral—it is not legal, as in the West. There is no machinery here, as in Western countries, to secure that

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the interests of the general public will not be sacrificed in favour of a class. The criticism of the Indian Press is the only outward check operating continuously upon the conduct of a bureaucracy, possessing absolute and uncontrolled power. I can understand the annoyance caused to the officers of Government by the publication of circulars, such as were made public last year. But are Government wise in permitting this feeling of annoyance to so influence them as to make them come forward with a proposal to close an obvious safety-valve and drive popular discontent inwards? The proper and only remedy, worthy of the British Government, for whatever is really deplorable in the present state of things is, not to gag newspapers as proposed in this Bill, but to discourage the issue of confidential circulars which seek to take away in the dark what has been promised again and again in Acts of Parliaments, the Proclamations of Sovereigns, and the responsible utterances of successive Viceroys. From the standpoint of the rulers, no less than that of the ruled, it will be most unfortunate if Indian papers were thus debarred from writing about matters which agitate the Indian community most. What happened, for instance, last year, when those circulars were published? For some time before their publication, the air was thick with the rumour that Government had issued orders to shut out Indians from all posts in the Railway Department, carrying a salary of Rs. 30 and upwards a month. It was impossible to believe a statement of this kind, but it was not possible to contradict it effectively when it was practically on every tongue. ~~The damage done to the prestige~~ of Government was considerable, and it was only when the circulars were published that the exact position came to be understood. The circulars, as they stood, were bad enough in all conscience, but they were not so bad as the public had believed them to be. What was laid down in them was not that Indians were to be shut out from all appointments higher than Rs. 30 a month, but that Eurasians and Europeans were to have, as far as practicable, a preference in making appointments to such posts. The fear that such lamentable departures from the avowed policy of Government might be dragged into the light of day acts at present as an effective check on the adoption of unjust measures, and I think it will have a disastrous effect on the course of administration, if this check were to be done away with, and nothing better substituted in its place. As regards the second amendment, which would make a man's merely going to an office, without lawful authority or permission, an offence, I am sure Government have not considered what this will mean in practice. A very large amount of the work of lower officials is transacted by the people concerned going to their offices without permission expressly obtained. Petitioners, for instance, often have to go to offices for making inquiries about what has happened to their

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petitions—they rarely receive written replies—and it will now be in the power of any police-officer to get a man, against whom he has a grudge or from whom he wants to extort anything, into trouble by alleging that he had gone to an office of Government ‘without lawful authority.’ This will be putting a most dangerous power into the hands of the lower police, about whose character, as a class, the less said, the better. Even an innocent friendly visit by a private individual to an official friend of his at the latter’s office can, under this Bill, be construed into an offence. I am sure nothing could be farther from the intention of Government, and I am astonished that greater care was not taken in drafting the Bill to confine it to the object Government had in view. Lastly, it is proposed to make offences under this Act cognizable and non-bailable—which means that a person charged with an offence under this Act is to be arrested at once, but he is not to be liberated on bail—and yet there is to be no trial till the sanction of the Local Government has been obtained. This may take weeks and even months, and finally it may never be accorded, and the person arrested is all the while to rot in detention. I cannot understand how a procedure so abhorrent to ordinary notions of fairness should have commended itself to Government. The only redeeming feature in this most deplorable business is that among the opinions which the Government of India have received from their own officers, there are some that strongly deprecate the measure—at least in its more serious aspects. And I think it is a matter for special satisfaction that the Government of Bengal has spoken out so plainly against placing Civil matters on a level with the Naval and Military. Sir, I protest against the very introduction of this Bill. I protest against the spirit in which it has been conceived. I protest against its provisions generally. And as I cannot imagine any possible amendment of the measure which can make it acceptable to me, my only course is to vote against this motion to refer it to a Select Committee.”

The Hon’ble MR. ARUNDEL said:—“If I had been aware of the intention of the Hon’ble Members who have spoken, to address the Council at this stage, and had been favoured with the remarks they proposed to offer, I should have been in a better position to comment, as I should have been glad to do, on the arguments they have brought forward against the Bill. The Hon’ble Mr. Gokhale objects to the Bill both in principle and in detail. On the question of principle, I will allude to one subject on which it will be admitted by all that the law should empower secrecy to be maintained when in the opinion of Government the public interests so require. I refer to political matters in which it may be of great importance that pending questions should be conducted confi-

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dentially. Into other matters of principle I will not now enter. As regards the details of the measure these are the very matters for the discussion and consideration of which it is proposed to appoint the Select Committee. A considerable number of criticisms have been sent in, and these will receive careful consideration at the hands of the Select Committee, and I am not without hope that as the result, important objections that have been raised will be met, and that a general approbation of the Bill will not be wanting."

The Hon'ble MAJOR-GENERAL SIR EDMOND ELLES said:—"I should like to ask the Hon'ble Mr. Gokhale whether he intends to oppose the Bill in its military aspect as well as in its civil aspect because I understood him to say he would oppose the Bill altogether."

The Hon'ble MR. GOKHALE said:—"Not in its military aspect."

The motion was put and agreed to.

✓ ANCIENT MONUMENTS PRESERVATION BILL.

The Hon'ble SIR DENZIL IBBETSON moved that the Bill to provide for the preservation of Ancient Monuments and of objects of archæological, historical or artistic interest be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Rai Sri Ram Bahadur, His Highness the Agha Khan, the Hon'ble Mr. Lely, the Hon'ble Mr. Adamson, the Hon'ble Mr. Morison and the mover. He said:—"I should explain that neither with regard to this Bill nor to another Bill respecting which I am about to make a similar motion have the opinions of all the authorities consulted been received, but it is thought desirable to constitute the Committee at once in order that they may be in a position to begin work as soon as the papers are ready."

The motion was put and agreed to.

• CO-OPERATIVE CREDIT SOCIETIES BILL.

The Hon'ble SIR DENZIL IBBETSON moved that the Bill to provide for the constitution and control of co-operative credit societies be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Sir Edward Law, the Hon'ble Rai Bahadur B. K. Bose, the Hon'ble Rai Sri Ram Bahadur, the Hon'ble Mr. Cruickshank, the Hon'ble Mr. Lely, the Hon'ble Mr. Adamson and the mover.

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The Hon'ble NAWAB SAIYID MUHAMMAD SAHIB BAHADUR said:—

"Sir, I desire at the outset to congratulate the Government on their undertaking a project of legislation, as the one now before us, for the establishment of co-operative credit societies in India, a measure inspired by beneficent motives for the welfare of the agricultural population. As Sir Antony MacDonnell's Commission observed a large hope for the future of agriculture in India lies in the establishment of mutual credit societies and, though there might be difference of opinion as to the details of the Bill, the people of this vast continent cannot but receive the measure in a spirit of thankfulness and hope. It is now more than twenty years that the idea of establishing agricultural banks for the relief of rural indebtedness took practical shape and found favour with the authorities in India. In the Bombay-Deccan the agriculturists had during the seventies become hopelessly involved in debt which led to serious agrarian outbreaks, and a Relief Act intended to disarm the money-lenders was passed. But the Act was found to be ineffectual, the ryot continued to live a hand-to-mouth existence, while the business of the money-lender was paralyzed as he was unable to recover even the interest on his loans, and there was actually a total disorganization of rural credit. The people of Poona set on foot a movement for the establishment of an Agricultural Bank in the Deccan. I need hardly add that the task was a stupendous one. While, on the one hand, provision had to be made for the settlement of old debts, on the other hand, friendly relations between the money-lenders and the agriculturists had to be restored and the support of the capitalists had to be secured; and most important of all concessions necessary for the practical success of the whole scheme had to be obtained from Government. The scheme took a practical shape in 1882, and the result so far was entirely due to Sir William Wedderburn, who took a great interest in the scheme. The ryots welcomed the proposal, the money-lenders agreed to co-operate and capitalists came forward and undertook to finance the Bank. The Governor of Bombay, Sir James Ferguson, was favourably disposed to grant the concessions asked for, and when the scheme was finally submitted to the Government of India, it received the most sympathetic attention of the Viceroy the Marquis of Ripon and his distinguished Finance Minister Sir Evelyn Baring (now Lord Cromer). In submitting the proposal for the sanction of the Home authorities, the Government of India stated that the object in view was to make a practical experiment with the hope if the system was successful it would spread whenever needed and prove of incalculable benefit to the whole country. The Marquis of Ripon and his colleagues attached the greatest importance to the experiment, and in soliciting the sanction of the Secretary of State they

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stated 'We are anxious to give effect to a scheme which we believe to be advocated on purely disinterested grounds, which can under the experimental conditions proposed, be carefully watched and which is likely, if successful, to be productive of much benefit to the country'. It looked as though a bright future was dawning on the agricultural population, but the hope was only short-lived as the Secretary of State declared himself against the experiment. As observed by Mr. (now Sir Frederick) Nicholson 'great measures are always impossible till they are found to be successful, and success depends upon incessant experiment, perseverance and courage; the problem is insoluble till it is attacked in actual experiment.' It is therefore to be greatly deplored that a measure which was put before the Secretary of State under such happy auspices should have been shelved. After the departure of Lord Ripon from India the matter did not receive that sympathetic consideration which it so richly deserved. In 1891, however, Lord Wenlock placed Sir Frederick Nicholson on special duty for the purpose of enquiring into the possibility of introducing in the Madras Presidency a system of agricultural or other land banks so as to enable the vast agricultural population to obtain the money they require on more easy terms than they were able to do so. In a lucid report so truly characterized by Sir Denzil Ibbetson as a 'monument of research and a perfect storehouse of information,' Sir Frederick emphasized the necessity for the establishment of village banks in the Madras Presidency, and urged that such banks need to be encouraged and regulated by the State. Briefly, he recommended that the articles of association must be subject to scrutiny; the limit of liability extended; an independent audit prescribed; the issue of debentures permitted; investment of a portion of the capital in Government securities made compulsory; reduction of stamp and registration charges; privilege of free postage in correspondence with officials; distraint and sale without intervention of a Court; priority in claim of loans granted for land improvement; partial exemption of shares and deposits from attachment and the supervision of the banks by a Government official. Over and above all he considered that State subventions or guarantees were necessary. Before the submission of the report Lord Wenlock who took an interest in the experiment had left these shores and the succeeding administration did not evince that sympathy for the agricultural population to which they were entitled by the position which the Indian Government had always assumed in their relation with the ryots. The Government of Madras considered that independence of State aid should be the guiding principle of any system of co-operative village banks in the Madras Presidency, and that no amendment of the law governing the formation and working of companies such as that advocated

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by Sir Frederick was necessary as in their opinion neither in the law nor in the Government nor in the state of society were there any obstacles to the establishment of any class of bank or benefit society. The decision of the Madras Government therefore was unfortunate and led to further delay in the inauguration of a much needed reform. It was thus left to the administration of His Excellency Lord Curzon to initiate under legal sanction and executive encouragement a measure which in the fulness of time will confer on the agricultural population of India inestimable benefits.

"Sir, in the Province to which I belong the average holding of each ryot is approximately seven acres, and as nearly ten acres of ordinary dry land is necessary to procure the subsistence of the ryot and his family, it is clear that the average holding is insufficient to maintain the ryot population in health and comfort. It must also be remembered that nearly 66 per cent. of the total holdings are less than five acres, and the ryots cannot even in times of plenty secure the necessary means of subsistence from their lands. The progressive sub-division of holdings inherent in the system of ryot-proprietorship and the Hindu and Mahomedan Law of Succession are tending to diminish still further the extent of the ryots' holdings. In these circumstances, the ryot population of Southern India is even in times of plenty in a miserable condition, and it is therefore no wonder that the failure of the monsoon brings about famine or widespread starvation. When we find that in times of famine, owing to the competition for the little employment when agricultural operation falls off, the rates of wages offered and accepted is generally below the ordinary or customary rate, it is self-evident that the ryot has absolutely no chance of obtaining a decent living by becoming a labourer.

"Half a century ago the establishment of Agricultural Banks and Co-operative Credit Societies was first initiated in Germany and was grafted subsequently in most of the European countries. These Banks have conferred great boons on the rural and urban population, and the measure now before the Council cannot therefore strictly be called an experiment, as the efficacy of the Banks for relieving the peasant indebtedness has been established beyond doubt wherever they have been introduced.

"It is proposed in the Bill to empower the rural societies to borrow with the sanction of the Registrar and the approval of the Collector. The Societies can lend money only to their members, but an urban society may lend to a rural society in the same district. I observe that the lending should be on personal credit only, and that a loan on mortgage is absolutely prohibited. This seems

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to me to be a vital objection, as loans for land improvement and certain other objects must be long-term loans which are not likely to be granted except on security of immoveable property. In the case of rural societies loans on the security of immoveable property, I submit, should be allowed.

"I doubt the expediency of prohibiting the lending of money on pledge of jewels and such other moveable property. The grounds on which the prohibition has been made are that the lending of money on such pledge is not one of the proper functions of the societies under contemplation, while the adoption of this line of business might introduce complications into its management and accounts that would materially imperil success. In places where there are facilities available for the proper valuation and pledge of jewels, it appears to me that it would be safe to grant loans on the security of these valuables, and as a matter of fact, the advancing of money on pledge of jewels to members forms part of the transaction of the Madras Funds or Nidhis which are now in existence throughout the Presidency. At any rate, the matter seems one which may be left to be decided with reference to particular tracts, as any hard-and-fast rule will prevent the temporary accumulation of the large amount of capital locked up in jewels and ornaments throughout the Presidency.

"The only other point I wish to bring to the notice of the Council, is in regard to the encouragement and help which the Government is prepared to give for these societies. The Government of India proposes to exempt for the present their profits and operations from the Income-tax, Stamp Duties and Registration Fees, and to authorize them to open public accounts in the Post Office Savings Banks. As regards financial assistance the Bill is silent on the point, but the Government of India recognize that such assistance may be necessary and have left the matter to be regulated by executive order. In introducing the Bill Sir Denzil Ibbetson expressed the opinion that no real advance will be made without the active encouragement and assistance of Government, and that they will be prepared to advance money to rural societies in even fifties of rupees, subject to the condition that the total advance shall at no time exceed the total of the amount subscribed or deposited by the members of the society, or a limit of Rs. 2,000 in the case of any single society. While the public will be thankful for the concessions vouchsafed by the Government of India, I beg to submit that they are not sufficiently liberal to ensure a thorough success of the scheme. It must be remembered that true banking operation is a new plant which will have to be carefully nurtured, and people who embark on such an enterprise will have to overcome great many obstacles. Under the circumstances,

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Mr. Arundel.]

it seems to me that the Government should be pleased to give more liberal help than what has been proposed. In Egypt, Lord Cromer has found it necessary to advance large sums of money for helping the peasant to get out of the clutches of the money-lender. If the Government cannot render large financial help the guarantee system which has been found to be necessary in the case of railways and other public undertakings might well be tried in the case of these banks. As the mainstay of Indian finance is the land-revenue there is nothing more fitting than risking a small fraction of the tax in helping the agriculturalists, and in my opinion, the risk will not be very great.

"I have made these suggestions regarding the provisions of the Bill, in the hope, that they will receive careful consideration in the Committee, and I strongly support the introduction of such a beneficial measure, and I have no doubt that the Bill would be hailed by all interested in the welfare of the agricultural population of India."

The Hon'ble SIR DENZIL IBBETSON said :—"I am gratified to find that the principle upon which our proposals rest has the approval of the Hon'ble Member. As regards the criticisms in detail which he has put forward, this is not the time to discuss them. As I said when I introduced the Bill, the Government is approaching the whole subject with an exceedingly open mind, and I will take care that the views of the Hon'ble Member receive careful consideration in the Select Committee."

The motion was put and agreed to.

CENTRAL PROVINCES CIVIL COURTS BILL.

The Hon'ble MR. ARUNDEL moved for leave to introduce a Bill to consolidate and amend the law relating to Civil Courts in the Central Provinces. He said :—"This Bill is intended to consolidate the law relating to Civil Courts in the Central Provinces, and to introduce certain amendments the necessity for which was foreshadowed when the Bill which became the Central Provinces Civil Courts (Amendment) Act, 1901, was under consideration. The main alterations proposed are—

- (a) the separation, as far as practicable, of the civil from the criminal and revenue branches of the administration, and
- (b) the provision that appeals in suits where the value exceeds Rs. 5,000 shall lie direct from the District Court to the Court of the

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Judicial Commissioner, and not as heretofore to the Divisional Court.

"The first is provided for by the establishment of regular Civil Courts. The second follows the law in force in other Provinces, and, as it will throw an additional burden upon the already overworked Judicial Commissioner, the Bill provides for his relief by the appointment of a permanent Additional Judicial Commissioner, or of more than one, if at any future time the state of business should render further assistance necessary. The provisions here suggested are on the lines of similar laws in force elsewhere in British India.

"With regard to the first of the above alterations, I may observe that in the Central Provinces the separation of the functions of Civil Judge from those of the Magistrate and Revenue Officer has been a matter of gradual development. The first step was taken when by the enactment of the Civil Courts Act, 1885, Tahsildars were relieved by the appointment of Munsiffs. Deputy Commissioners were next relieved by the appointment of Civil Judges, at first in the more important districts only, but since 1895 in every district of the Provinces. In 1891, Judicial Assistants were appointed to relieve Commissioners of civil work, and by Act IV of 1901, the Judicial Assistants became Divisional Judges, and assumed the whole of the civil functions of the Commissioners. The purpose of the present Bill is to place the civil judicial arrangements thus gradually evolved on a permanent footing, and to assimilate the law in force in the Central Provinces to that obtaining elsewhere."

The motion was put and agreed to.

The Hon'ble MR. ARUNDEL introduced the Bill.

The Hon'ble MR. ARUNDEL moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the Central Provinces Gazette in English and in such other languages as the Local Government thinks fit.

The motion was put and agreed to.

The Council adjourned to Friday, the 18th December, 1903.

J. M. MACPHERSON,

*Secretary to the Government of India,
Legislative Department.*

CALCUTTA;
The 7th December, 1903. }