

Saturday, March 26, 1859

**LEGISLATIVE COUNCIL
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taverns that these unlicensed houses were an easy means of evading the Excise Law, and that, though it was difficult to convict them of the offence, there could be no doubt that spirits, beer, and wines were sold in them. The Commissioner of Police and the Honorable the Lieutenant-Governor of Bengal were very desirous that the old Law should be restored, and be applicable to all houses of public resort and entertainment whether spirits and other liquors were sold in them or not. The main object of the Bill was to make this amendment in the existing Act. It also provided for one or two trifling omissions in that Act, upon which, however, it was unnecessary that he should detain the Council.

The Bill was read a first time.

CIVIL PROCEDURE.

MR. PEACOCK moved that the Bill "for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter" be now read a third time and passed.

The Motion was carried, and the Bill read a third time.

SALES OF LAND IN EXECUTION OF DECREES.

MR. RICKETTS said, it was not his intention to proceed with the Motion (which stood in the Orders of the Day) respecting sales of land in execution of decrees of Court, and, with the leave of the Council, withdrew it.

MADRAS POLICE.

MR. FORBES moved that the Bill "for the better regulation of the Police within the Territories subject to the Presidency of Fort St. George" be referred to a Select Committee consisting of Sir James Outram, Mr. Peacock, Mr. LeGeyt, Mr. Harington, and the Mover.

Agreed to.

CIVIL PROCEDURE.

MR. PEACOCK moved that Mr. Ricketts be requested to take the Bill "for simplifying the Procedure of the Courts of Civil Judicature not establish-

ed by Royal Charter" to the Governor General for his assent.

Agreed to.

The Council adjourned.

Saturday, March 26, 1859.

PRESENT.

The Hon'ble J. P. Grant, Senior Member of the Council of the Governor-General, Presiding.

Hon. Lieut.-Gen. Sir James Outram,	E. Currie, Esq.,
Hon. H. Ricketts,	H. Forbes, Esq.,
Hon. B. Peacock,	and
P. W. LeGeyt, Esq.,	Hon. Sir C. R. M. Jackson.

CIVIL PROCEDURE.

THE PRESIDENT read a Message informing the Legislative Council that the Governor-General had assented to the Bill "for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter."

PENAL CODE.

THE CLERK reported to the Council that he had received a communication from the Home Department relative to light and debased Coin tendered by the public at the General Treasury, with a view to the introduction of a new law for enabling the Government to deal with such Coin and the parties tendering them in a more stringent manner than is provided for by the existing law.

MR. PEACOCK moved that the above communication be referred to the Select Committee on "The Indian Penal Code."

Agreed to.

ABKAREE REGULATIONS (MILITARY CANTONMENTS).

THE CLERK also reported that he had received from the Home Department a communication concerning a proposed introduction of corporal punishment for breach of the Abkaree Regulations in Military Cantonments, and referring to objections to the principle of commuting labor for fine.

RECOVERY OF RENTS (BENGAL).

MR. CURRIE presented the Report of the Select Committee on the Bill "to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal."

EMIGRATION.

MR. PEACOCK postponed the Motion (which stood in the Orders of the Day) for the first reading of a Bill "to amend the law relating to the emigration of Native Inhabitants of India."

VILLAGE WATCHMEN (BENGAL).

MR. RICKETTS moved the second reading of the Bill "to regulate the appointment, employment, and dismissal of Village Watchmen in the Territories under the Government of the Lieutenant-Governor of Bengal."

In doing so, he said that it had been remarked to him that it would have been better if he had made mention of the existing laws regarding Chowkeydars, but in truth though much had been written about Chowkeydary, they were mentioned in the laws only in Section XVIII Regulation XXII of 1793, Section XXI Regulation XX of 1817, Section XXI Regulation XII of 1807, in which it was merely provided that Chowkeydars should be registered at the thannah. It might be as well to repeal the provisions of Section XX Regulation XX of 1817, which provided for periodical visits of the Chowkeydars to the thannahs, but it mattered little. A Magistrate could dispense with them if he considered them unnecessary.

He had observed in two of the Calcutta papers some remarks respecting the Bill. One paper supposed that it was his intention to increase the tax. He had no such intention. On the contrary he was quite willing, as he said before, to take one-third less than the sum now collected for the payment of Village Watchmen. The present amount exceeded 59 lakhs, and he would be satisfied with two-thirds of that sum, and with that he should be able to provide a sufficient number of Chowkeydars. In another paper it was represented that it was his intention to take away the

remaining Municipal liberties of the people, and that as he had been long enough in the country, he ought to know that the natives were willing and able to take care of themselves. Now, though the natives might be quite as capable of taking care of themselves as any of our fellow-subjects in other parts of the British dominions, still that would not provide food for the Chowkeydars, nor improve their organization. It was not his wish to deprive natives of their Municipal liberties, but to organize the Police in places where there was no organization, and to turn the sum collected to some purpose; at present it was all thrown away.

If the Council should allow the second reading of the Bill, he could only promise that he would, before the Bill passed into law, readily and carefully attend to any suggestions that might be received, and if the Bill should fail to be a useful measure, it would not be owing to any want of pains-taking on his part.

MR. LEGEYNT said, he did not oppose the second reading of the Bill, but he wished to make a few observations as to its provisions generally. He was disposed to regard the Bill as a portion of the great general question of Police now before the Council in the shape of the Madras Police Bill. He found that in the annexures of that Bill the principle of a Village Police was ably and clearly laid down, and it was shown that the system proposed to be adopted might be introduced also in Bengal. It was his conviction that any system of Police established in India, to be successful, must have for its basis a good and well superintended Village Police. The Honorable Member, after reading from the proposed rules for the Madras Police, went on to say that, whatever might be the superstructure of a Police system, those by whom crimes and offences were first discovered were the Village Police. Who but the Village Chowkeydar or Policeman can give information to the superior authorities of the character, the domestic relations, nay, the political feeling of the villagers? Is it not desirable that there should be a way of knowing these matters? Who on the commission of crime in a village is so likely as the Chowkeydar to hit on the criminal, and give that assistance to

the Stipendiary Police as will lead to his detection? But this will not be done unless the Village Police are instructed and vigilantly supervised. They would doubtless require aid and direction in pursuing criminals, but unless the Village Police was effective in itself, the formation of an expensive Constabulary would be of little use. It appeared to him that the present Bill could not grapple with the subject so fully as was desirable; some of its provisions were no doubt improvements on the present state of things, but he thought, when these improvements were made, still the Village Police would not be what it ought to be. No doubt regular pay was a great and indispensable item, but what he would desire to see was a Village Police selected, and appointed, and controlled solely by a responsible Officer of Government. From what he had heard from his Honorable friend, the present amount paid by the zemindars was ample to furnish an efficient village force. And he was glad to see the Bill did provide for an enquiry into the liabilities of the parties who were bound to furnish the force. But he would much have preferred a measure which rendered it imperative on the local Government to appoint at once a Commissioner in every district, who might be of the grade of a Deputy Magistrate, whose special duty it should be to go through every village and make the enquiries in the most complete manner contemplated in the 15th Section of the Bill, and having ascertained what the pecuniary means of each village were, he should then appoint Chowkeydars or Policemen, instruct them in their duties, and distinctly explain to the villagers what the policeman's duty was, and what their own duty was; he should also appoint a Local Superintendent of every village or bustee of villages, and place the watch of the village or villages in him. A Police would be thus established simultaneously with the enquiry, and the officer who had conducted such enquiry would probably be found to be well qualified for a District Superintendent when the work was complete. Such a plan was tried with the most perfect success ten years ago in one of the largest zillahs in the Bombay Presidency. The Village Police, which till

then had been totally disorganized, and a constant cause of anxiety to the Authorities and dread to the Stipendiary Police, in a very short space of time were converted into a well ordered and efficient watch and ward in every village. Violent crimes rapidly decreased, and during the eventful year of 1857, when there was sufficient cause of apprehension throughout that portion of the country which borders on one side of the Nizam's territories, the Village Police (Shetsundees as they were called) continued at their posts performing their duties. He recollected on two former occasions, many years since, that there had been insurrections in that very zillah, and that the persons principally concerned were the Shetsundees, in those days utterly neglected. He believed that the absence of any general rising in the Southern Mahratta Country during 1857 was mainly owing to the reform of the Village Police, brought about in 1848-49 under the direction of Sir George Clerk, who had been Governor of that Presidency.

MR. RICKETTS said, that his Honorable friend might have read much respecting Madras and Bombay Police, but he certainly had not read the Bill before the Council, for it contained all he desired to have. It provided for the employment of a Commissioner to adjust all disputes respecting the appointment and remuneration of Chowkeydars.

He (Mr. Ricketts) could not share in Mr. LeGeyt's regrets that the village system was not to be respected. Whatever village system there had been in Bengal had disappeared for nearly a century. No one now could tell exactly what it was, but he (Mr. Ricketts) thought that its entire disappearance might be attributed to its worthlessness, and to its being too much opposed to fair-dealing and individual responsibility, to be at all likely to be approved by an English Magistrate. We were gone too far to search after village systems; we must endeavor to make the Rural Police suited to the other institutions of the Empire.

MR. RICKETTS' Motion was then carried, and the Bill was read a second time.

The Council adjourned.