

Friday, December 30, 1870

**ABSTRACT OF THE PROCEEDINGS**

**COUNCIL OF THE GOVERNOR GENERAL OF INDIA**

**LAWS AND REGULATIONS.**

**VOL 9**

**Jan to Dec**

**1870**

**P L**

*Abstract of the Proceedings of the Council of the Governor General of India,  
assembled for the purpose of making Laws and Regulations under the  
provisions of the Act of Parliament 24 & 25 Vic., cap. 67.*

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The Council met at Government House on Friday, the 30th December 1870.

PRESENT :

His Excellency the Viceroy and Governor General of India, K. P., G. M. S. I.,  
*presiding.*

The Hon'ble John Strachey.

The Hon'ble J. Fitzjames Stephen, Q. C.

Major General the Hon'ble H. W. Norman, C. B.

Colonel the Hon'ble R. Strachey.

The Hon'ble F. R. Cockerell.

The Hon'ble J. F. D. Inglis.

The Hon'ble D. Cowie.

The Hon'ble W. Robinson, C. S. I.

LAND IMPROVEMENT BILL.

The Hon'ble MR. STRACHEY moved for leave to introduce a Bill to consolidate and amend the law relating to advances of money by the Government for the improvement of land. He said that a system of advances of this description, under the name of *takkávi*, had been in force in many parts of India almost from the commencement of our rule, and there were in several old Regulations passed at the end of the last century and the beginning of this, some seventy or eighty years ago, many provisions bearing on the subject. These old laws authorized, under certain conditions, the advancing of Government money for agricultural improvement, and in some parts of India the system had been acted upon to a very considerable extent. The security on which these loans were made was complete, because the security was the land itself on which the improvements were carried out, and the advances were declared by law to be recoverable by the same processes as were applicable to the recovery of arrears of land-revenue. The provisions of these old Regulations had, however, been found to be very incomplete, and, as might have been expected, they were hardly suitable in many respects to the circumstances of the present times, and besides, it was thought very desirable to consolidate the whole law on the subject. This would be a further step towards the carrying out of the great scheme of the consolidation of the

statutes of this country which his hon'ble and learned friend Mr. Stephen had in progress.

The Government believed that the principle of giving the assistance of the State to private persons for the purpose of carrying out works of permanent agricultural improvement was one that might with great advantage receive a much wider and more systematic development than had hitherto been given to it. The works for which these advances would be made were not at all great works requiring engineering skill, but works of improvement within the capacity of the proprietors and occupiers of the land themselves, with such little help from the authorities as might be necessary. These works would be for the most part such works as wells and small drainage-works, the reclamation of waste land, and so forth. There was another class of works at the present time for which advances of this kind might be made with special benefit, and for this class of works, through imperfections in the existing law, to which he need not now more particularly allude, advances had hardly been made at all. Northern India was being gradually covered with a system of great canals for irrigation; but the State could only construct the main channels for these works. All subsidiary works, such as the smaller channels for bringing water into the fields and the preparation of the land for irrigation, must be done by the people themselves, by the local proprietors and occupiers of land. Although these subsidiary works required really little skill; and were for the most part inexpensive, still the cost of them was often greater than the small proprietors and cultivators in possession of the land were able to bear without difficulty; and the necessity of incurring this expenditure had been found very often to be a serious obstacle in the way of obtaining full advantage from the irrigation-canals constructed by the Government. Without these subsidiary works of which he had spoken, it was impossible that full benefit could be derived from the canals. It rested with the occupiers of the land themselves to take water or not as they pleased; and the result of the present state of things was that there was frequently extreme delay, after the main channels were made, in taking the water. Thus there was delay in protecting the country against famine, and obtaining for the country the vast accession of wealth and prosperity which was offered to it, and at the same time, necessarily, delay in obtaining for the Government an adequate return on the vast sums of money that it had expended. The Government believed that there could be no object to which portions of the loans which it was proposed to raise for reproductive works could be more advantageously and properly devoted than this; and in making loans for works of this kind there could be absolutely no risk, for the loans would be given on the security of the land itself, and under a system

already known to the people and highly appreciated by them. In a very few years all advances of this kind would be repaid, without the slightest doubt, with interest; nor would any elaborate or expensive machinery be required for the carrying out of this system under any development we were likely to see given to it. He believed there could be no doubt that the existing revenue and other public establishments would be quite sufficient to do every thing which was likely to be required.

He need not now enter into the details of the measure he proposed to introduce. A more fitting opportunity for doing so would be found on the introduction of the Bill, if the Council would give him leave to proceed with the measure. Provisions would of course be required in detail, to regulate the purposes for which these advances of money might be made, and for defining the conditions under which advances should be given and under which they would be repayable, and, in cases of failure in repayment, for defining the manner in which the money should be recovered. The Local Governments were all consulted regarding this measure in a letter which was published in the *Gazette of India* some six months ago. Answers had been received from all the Local Governments in the North of India; and although many suggestions had been made, many of which were very valuable, and would require careful consideration in detail, he might say generally that the proposed measure had been generally approved by all the authorities consulted.

This system, which had long been in force in India, though in a very undeveloped form, was identical in principle with that which had been carried out on a large scale in many parts of the United Kingdom under the Land Improvement Acts, with results which were most encouraging, and the nature of which were well known to His Excellency the President, and to which he need not refer more particularly. He thought it might be safely said that there was perhaps no country in the world to which a system of this kind was more properly applicable than India; for in India at the present time there was one great industry, and one only—the agricultural industry. The one great source of wealth in India was the land. It might be safely said that the whole present and future prosperity of this country, and he might add the future financial position of our Empire in India, depended on the development of the vast and practically unlimited, though too often neglected, agricultural resources of the country. If advantage were taken of the means which science and wealth had placed at our disposal for the improvement of the land, and, he might add, if we abstained from putting into operation theories which ignored the only

really great and progressive source of wealth which India possessed, it might be safely predicted that the increase of agricultural prosperity in India would be rapid and immense : and he believed that at no distant period the twenty millions of annual income which the land now yielded to the State might be expected to form, he might really say, an insignificant burden on the agricultural resources of the country. The present measure would be a step in this direction, and, he thought, a not unimportant step. He believed that if it were worked intelligently it might produce really great results, and he thought that this measure would also be valuable at the present time as a fresh recognition of the fact that the Government of India was not only a Government, but the receiver, as the representative of the public, of that portion of the rent of the land which had belonged from time immemorial to the State, and that, in its capacity of chief landlord of the country, duties devolved on the Government for the improvement of the land, and for the advancement generally of agriculture, beyond the ordinary duties of a Government, and similar in kind to those duties which a good landlord had everywhere to perform.

The Motion was put and agreed to.

#### ABKARI BILL.

The Hon'ble MR. COCKERELL moved for leave to introduce a Bill to consolidate and amend the law relating to the Abkari Revenue in Northern India. He said that the law under which the Abkari Revenue system was administered in the Bengal Presidency was contained in Acts XXI of 1856 and XXIII of 1860.

By Acts X and XXVIII of 1864, the Government was empowered to extend the operation of the Bengal Acts to any part of the territories under the direct administration of the Governor General in Council, and to the Panjáb.

Through the combined operation of these enactments, the same law was now in force in Bengal, the North-Western Provinces, the Panjáb and the Central Provinces, and was also practically followed in Oudh, though the precise legality of its operation in that province was open to question.

In British Burma the Abkari administration was conducted under local rules which had been legalized by Act XXIII of 1868, and which, so far as they went, were not widely dissimilar to the provisions of the Bengal Act.

The object of the Bill which he was now asking leave to introduce was to substitute for the five Acts just mentioned one consolidated enactment, which

would have operation within the same local limits as the recently passed Prisons' Act, namely, all the territories in respect of which this Council discharged the functions of a local legislature.

It was not proposed to apply the Bill to Lower Bengal; for, although the Abkárí was a branch of imperial revenue, the details of its administration could be more conveniently dealt with by local legislation; and in fact, in the Madras Presidency, the law relating to Abkárí was contained in an Act of the local legislature.

The present law in Bengal having been enacted previously to the passing of the Indian Councils' Act of 1861, might be amended, as occasion required, by the local legislature; the effect of applying this Bill to Lower Bengal would be to deprive the Local Council of the power which it now had of making such alterations in the law as might from time to time be found necessary.

For this reason it was thought expedient to leave the present law, so far as its application to Lower Bengal was concerned, to be consolidated by the local legislature, as had been done in the Madras Presidency, and as, it was hoped, would be done at no distant date in the Bombay Presidency, where the law on this subject was at present in a very disjointed state.

The Motion was put and agreed to.

#### ARMS BILL.

The Hon'ble MR. ROBINSON introduced the Bill to consolidate the law relating to the manufacture, importation and sale of Arms and Ammunition, and the right to keep and use the same, and moved that it be referred to a Select Committee with instructions to report in six weeks. He said that this was at present a mere measure of consolidation, and would be referred to the Local Governments and administrations for their views.

The Motion was put and agreed to.

#### NORTHERN INDIA CANALS AND DRAINAGE BILL.

Colonel the Hon'ble R. STRACHEY moved that the Hon'ble Messrs. Inglis and Robinson be added to the Select Committee on the Bill to regulate the construction and maintenance of Public Works for Irrigation, Navigation and Drainage. He intended to proceed at once with the consideration of this important Bill; he hoped that it might be disposed of before the Government of India left the Presidency.

The Motion was put and agreed to.

## CRIMINAL PROCEDURE BILL.

The Hon'ble MR. STEPHEN moved that the Hon'ble Mr. Strachey be added to the Select Committee on the Bill for regulating the procedure of the Courts of Criminal Judicature not established by Royal Charter.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill to consolidate the law relating to the manufacture, importation and sale of Arms and Ammunition, and the right to keep and use the same—  
The Hon'ble Messrs. Stephen, Chapman, Cockerell and Inglis and the Mover.

The Council adjourned to Friday, the 6th January 1871.

CALCUTTA,  
The 30th December 1870. }

WHITLEY STOKES,  
Secy. to the Govt. of India.