

Friday, February 19, 1869

ABSTRACT OF PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

VOL 8

1869

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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 under the provisions of the Act of Parliament 24 & 25 Vic., cap. 67.

The Council met at Government House on Friday, the 19th February 1869.

P R E S E N T :

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

His Excellency the Commander-in-Chief, G. C. S. I., K. C. B.

The Hon'ble G. Noble Taylor.

Major General the Hon'ble Sir H. M. Durand, C. B., K. C. S. I.

The Hon'ble H. Sumner Maine.

The Hon'ble John Strachey.

The Hon'ble Sir Richard Temple, K. C. S. I.

The Hon'ble F. R. Cockerell.

The Hon'ble Rájá Shioráj Singh, C. S. I.

The Hon'ble Sir George Couper, Bart., C. B.

The Hon'ble Mahárájá Sir Dig-Bijay Singh, Bahádur, K. C. S. I., of
Balrámpúr.

The Hon'ble G. S. Forbes.

The Hon'ble D. Cowie.

The Hon'ble M. J. Shaw Stewart.

The Hon'ble J. N. Bullen.

VILLAGE POLICE (N. W. P.) BILL.

The Hon'ble SIR GEORGE COUPER moved that the Report of the Select Committee on the Bill for the maintenance of the Rural Police in the North-Western Provinces, be taken into consideration. He said that, for the purposes of this Bill, landowners in the North-Western Provinces might be divided broadly into two classes; landowners who paid revenue to Government and landowners who held their lands rent-free. By far the greater majority of landowners belonged to the first of these classes. At the time of making a settlement of the land-revenue with landowners paying revenue to Government, a percentage on their rent was fixed in discharge of their obligation to maintain the Rural Police. In 1855 this cess was fixed at $2\frac{1}{2}$ per cent. on their rent; but

the Government had no inherent power to levy this cess from landowners not paying revenue to Government, and therefore Act II of 1865 was passed to enable the Government to levy a cess of $2\frac{3}{4}$ per cent. on the amount which they would have had to pay if they had not been holding their lands rent-free. For the fact of their holding their lands rent-free was clearly no reason why they should be exempt from the payment of Police charges imposed on the less fortunate class of landowners.

Since then it had been found necessary, in the case of landowners paying revenue to Government, to raise this cess to $7\frac{3}{4}$ per cent. on their rent; but as the amount to be paid by landowners not paying revenue to Government was fixed by Act II of 1865 at $2\frac{3}{4}$ per cent. only, on what SIR GEORGE COUPER might call their estimated rent, it could not be raised to the amount now levied from landowners paying revenue to Government, namely, to $7\frac{3}{4}$ per cent.

The object of the Bill, therefore, was to place both classes of landowners on precisely the same footing in this respect. If it were found necessary hereafter to raise the percentage on the rent of landowners paying revenue to Government, the percentage on the estimated rent of landowners not paying revenue to Government would be proportionately raised. If, on the other hand, it were found possible to reduce the percentage in the case of landowners paying revenue to Government, the percentage to be paid by landowners not paying revenue to Government would be reduced proportionately.

The opportunity had been taken to make one or two amendments in Act II of 1855. The fourth section of that Act, which was taken from still older enactments, provided that landowners shall furnish certain information required for the purposes of the Act in connection with this cess, and on failure to do so, the landowner was put, so to speak, beyond the pale of the law; for, on the default of a tenant, he was precluded from distraining his crop, from suing him in the Civil Courts, and from taking any other measures for the enforcement of his rights. Instead of this legal ostracism, it had been thought better to provide that, if the landowner refused to give the information required by the law, he should be liable to a specific fine, the amount of such fine to be devoted to the purposes of the Act.

Section 11 of Act II of 1865, was to the following effect:—

“Every proprietor or other person in whom the right of nomination of village watchmen is vested, shall nominate a fit and proper person within fifteen days of the occurrence of any vacancy in the office of watchman on his estate; and the person so nominated shall, after due

enquiry, be appointed or rejected by the Magistrate of the District at his discretion, or by any officer authorized by him in that behalf. In default of a nomination within fifteen days of the occurrence of a vacancy or of the rejection of a nominee, the proprietor or other person in whom the right of nomination is vested shall be held to be guilty of disobedience to lawful authority, and shall be liable, by order of the Magistrate, to a fine not exceeding rupees fifty, and in default of payment to imprisonment in the civil jail for a period not exceeding one month; and the Magistrate of the District shall proceed to appoint a person to the vacancy."

It had been thought sufficient, for all practical purposes, to enact that on the neglect of the landowner to make a nomination, the Magistrate should proceed to fill up the vacancy. So much therefore of this section, as provided a specific punishment for failure to nominate on the part of the landowner, had been struck out of the Bill. For the rest the Bill was merely an embodiment of Act II of 1865 and Act II of 1866, both of which it repealed.

There was a matter of detail in which the Select Committee had thought it right to make a slight alteration in the Bill as it originally stood. It was provided in the nineteenth section that, in the event of the nomination of a village watchman by the landowner being rejected, the Magistrate should at once fill up the vacancy. The Select Committee thought this tantamount to vesting all such appointments bodily in the hands of the Magistrate, who had only to reject the landowner's nominee to appoint whom he would. It was therefore provided that, in the event of his first nomination being rejected, the landowner might make a second nomination within fifteen days.

The Motion was put and agreed to.

The Hon'ble SIR GEORGE COUPER also moved that the Bill as amended be passed.

The Motion was put and agreed to.

ARTICLES OF WAR BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF presented the final Report of the Select Committee on the Bill to consolidate and amend the Articles of War for the government of Her Majesty's Native Indian Forces.

POLICE SUPERANNUATION FUNDS' BILL.

The Hon'ble SIR RICHARD TEMPLE, in moving for leave to introduce a Bill to abolish the Police Superannuation Funds, said that, as the Council were aware, the various Police Forces in India had certain deductions made from the pay of the men, who became thereby entitled to a certain scale of pensions. This arrangement had been found, however, to give an immense deal of trouble

in the making up of the accounts of every man, and was otherwise inconvenient. It was now proposed to abolish these Funds and to guarantee on behalf of the Government the pensions which the men would otherwise have received ; they would thereby get greater security for their pensions, and would regard the measure as quite satisfactory ; and, on the other hand, the financial convenience of the Police Department would be consulted. The pay of the men would have to be revised so as to bring out approximately an amount equal to the nett amount which they now received after the present deductions. He had, therefore, with the full concurrence of his Hon'ble colleague in charge of the Home Department, brought in this Bill.

The Motion was put and agreed to.

EMIGRATION OF COOLIES' BILL.

The Hon'ble MR. GORDON FORBES presented the Report of the Select Committee on the Bill to amend the law relating to the Emigration of Native Labourers.

The Council adjourned till the 26th February 1869.

WHITLEY STOKES,

Secy. to the Council of the Govr. General

for making Laws and Regulations.

CALCUTTA, }
The 19th February 1869. }