

Tuesday, March 14, 1876

**COUNCIL OF THE GOVERNOR GENERAL  
OF INDIA**

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ABSTRACT OF THE PROCEEDINGS

1877

OF THE

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1876.

WITH INDEX.

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1877.

*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 Tuesday, the 14th March 1876.

**PRESENT :**

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

His Honour the Lieutenant-Governor of Bengal.

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

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

The Hon'ble A. Hobhouse, Q. C.

The Hon'ble E. C. Bayley, C. S. I.

The Hon'ble Sir W. Muir, K. C. S. I.

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

Colonel the Hon'ble Sir Andrew Clarke, R. E., K. C. M. G., C. B.

The Hon'ble John Inglis, C. S. I.

The Hon'ble T. C. Hope.

The Hon'ble D. Cowie.

The Hon'ble Rájá Nárendra Krishna Bahádur.

The Hon'ble J. R. Bullen Smith, C. S. I.

The Hon'ble F. R. Cockerell.

**NEW MEMBER.**

The Hon'ble F. R. COCKERELL took his seat as an Additional Member.

**CHUTIA NÁGPUR INCUMBERED ESTATES BILL.**

His Honour THE LIEUTENANT-GOVERNOR moved that the Final Report of the Select Committee on the Bill to relieve from incumbrances certain estates in Chutia Nágpur, be taken into consideration. He said that at the last meeting, when he presented the Report, he had explained the several points to which the Report adverted. He would not now repeat that explanation.

The Motion was put and agreed to.

His Honour THE LIEUTENANT-GOVERNOR also moved that the Bill as amended be passed. He said that the Final Report related to the framing of rules by the Lieutenant-Governor for the preparation of the schedule of debts, particularly the rates of interest payable thereon, and the Report of the Committee had dealt completely with that particular subject. He believed the Bill might now safely be passed. He had recently had the advantage of travelling in the portion of the provinces to which the Bill would apply, and he could assure the Council that the provisions of the Bill, if passed, would prove useful to the interesting and important tracts to which it referred.

The Motion was put and agreed to.

#### CRIMINAL TRIBES ACT EXTENSION BILL.

His Honour THE LIEUTENANT-GOVERNOR then moved that the Report of the Select Committee on the Bill to extend the Criminal Tribes Act, 1871, to the Lower Provinces of Bengal, be taken into consideration.

The Hon'ble RÁJÁ NÁRENDRA KRISHNA said, at the last meeting of the Council he had the honour to represent the hardship and injustice to which the zamíndárs of these provinces would be subjected if the provisions of sections 21 and 22 of the Criminal Tribes Act of 1871 were applied to them. He had on that occasion fully stated to the Council that the zamíndárs could not possibly have any personal knowledge of the movements of these criminal tribes, in consequence of their not living on their estates. His Excellency was aware that the mofussil Police was now superintended by competent European officers, and these tribes could scarcely escape the vigilance of such officers when they might attempt to reside in some places. Besides, there were other sources of gaining information of their whereabouts. With reference to the letter of Mr. Secretary Mangles, communicating the views of His Honour the Lieutenant-Governor of Bengal on the subject of RÁJÁ NÁRENDRA KRISHNA'S proposed amendment, he begged to observe that these criminal tribes did not permanently reside in a particular spot, like the offenders alluded to in section 90 of the Criminal Procedure Code, who might be supposed to be the residents of the locality where they committed crimes; and even the agents of the landlords had no means of successfully watching, or knowing, the movements of these criminal tribes, which could only be ascertained by an efficient detective Police. The sections of the Criminal Tribes Act did not make the agents of zamíndárs liable to penalty, but threw the whole responsibility upon the landholders, on failure to give the information recited therein; but the Criminal Procedure Code section included zamíndárs, or their agents, clearly intending thereby that the

non-resident zamíndárs should not be held liable for not giving the information required under that section. However much he might appreciate the duty of the zamíndárs in helping the Police, he considered it a great hardship towards them if they were required to do things which lay beyond their power. He therefore begged to move that the following clause be added to the Bill:—

“ 2. Nothing in this Act shall be deemed to extend to any part of the territories under the government of the Lieutenant-Governor of Bengal so much of sections 21 and 22 of the Criminal Tribes Act, 1871, as requires owners and occupiers of land to give information at police-stations.”

The Hon'ble MR. INGLIS said, that he should vote against the amendment proposed by the Hon'ble Rájá Nárendra Krishna, as he was certain that if the owners and occupiers of land in villages where a criminal tribe or class that had been brought under the Act resided, were relieved from the duties imposed on them by section 21, it would be impossible for the Local Government to carry out the purposes for which the Act was about to be extended to Bengal. Section 21 required the village headmen, the village chaukidárs, and the owners and occupiers of land in villages where a criminal tribe may have been directed to reside by the Local Government, to give certain information regarding them to the Police. If the amendment were passed, the only persons then remaining responsible for giving this information would be the village headmen and the village chaukidárs. The term “village headmen” meant, in the North-Western Provinces, the Panjáb and Oudh, the village lambardárs, from whom engagements for the payment of the Government revenue had been taken as representatives of the village community. These men held a recognized position in their villages and exercised considerable influence over the co-sharers, the tenants, and all other residents in the estate, and were perhaps the best men to whom the Police could look to for the information wanted about these criminal tribes. There were, however, no such men in Bengal, and, consequently, the only persons who would be bound to assist the Police in the manner prescribed by section 21, if the Hon'ble Member's amendment were carried, would be the village chaukidárs; and he need scarcely say that if that were the case, it would be hopeless to expect that the Act could be worked successfully.

The duty of assisting the Police by giving information regarding the commission of crimes, the resort of bad characters to their estates, and other similar matters, was imposed on the landholders of Bengal many years ago, shortly after the permanent settlement, when the police powers they had pre-

viously exercised were taken from them, and the police in the mofussil were placed directly under the charge of the district officers. He would read to the Council the provisions of the old Regulations which imposed these duties on the landholders of Bengal. Section 2 of Regulation VI. 1810 provided that,—

“ All zemindars, talookdars, and other proprietors of lands, whether malgoozary or lakheraj, all sudder farmers and under-renters of land of every description, all dependent talookdars, all naibs, and other local agents, all native officers employed in the collection of the revenues and rents of lands on the part of Government or of the Court of Wards, are hereby declared especially accountable for the early and punctual communication to the Magistrates, and police darogahs, either publicly or secretly, as the informants may judge proper, of all intelligence which they may obtain respecting the resort to any place within the limits of the estate or farm held or managed by them, of any person or persons of the different classes of people ordinarily known by the appellation of dacoits, cozauks, thugs, or buddecks, or of any other description of robbers.”

Then section 10 of Regulation I. 1811 enacted,—

“ All zemindars, talookdars, and other proprietors of lands, whether malgoozary or lakheraj, all sudder farmers and under-renters of land of every description, all dependent talookdars, all naibs and other local agents, all native officers employed in the collection of the revenue and rents of lands on the part of Government or of the Court of Wards, are hereby declared accountable for the early communication to the Magistrate either secretly or publicly, of all information which they may obtain respecting the residence of any notorious receiver or vendor of stolen property within the limits of the estate or farm held or managed by them.”

Then section 4 of Regulation III. 1812 enacted,—

“ Regulation VI. 1810 defines the duty required from the zemindars and others, with respect to the resort of criminals within the limits of the estates or farms held or managed by them.

“ With the view of affording to the Magistrates more early and punctual information of public offences committed within the limits of their respective jurisdiction, all zemindars, talookdars, and other proprietors of lands, whether malgoozary or lakheraj, all sudder farmers and under-renters of land of every description, all dependent talookdars, all naibs and other local agents, all native officers employed in the collection of the revenue and rents of lands on the part of Government or of the Court of Wards, are hereby declared especially accountable for the early and punctual communication to the Magistrates or Police darogahs, of all information which they may obtain respecting the commission of robberies, and likewise regarding the offence of breaking into houses, tents, or boats, or other places of habitation, perpetrated within the limits of the estate or farm held or managed by them.”

Then section 2 of Regulation VIII. 1814 enacted,—

“ With the view of affording to the Magistrates more early and punctual information of public offences committed within the limits of their respective jurisdictions, all zemindars,

talookdars, and other proprietors of lands, whether malgoozary or lakheraj, all sudder farmers and under-renters of land of every description, all dependent talookdars, all naibs and other local agents, all native officers employed in the collection of the revenue and rents of lands on the part of Government or of the Court of Wards, are hereby declared especially accountable for the early and punctual communication to the Magistrates or Police darogahs, of all information which they may obtain respecting the commission of murders, and likewise regarding the offences of arson and theft, perpetrated within the limits of the estate or farm held or managed by them."

Lastly, section 33 of Regulation XX. 1817 provided that,—

"The police darogahs shall take every favourable opportunity, when employed on local inquiries, as well as on other occasions, of explaining to the zemindars, talookdars, and other proprietors of land, malgoozary or lakheraj, to the sudder farmers and under-renters of land, dependent talookdars, naibs, and other local agents, and to all native officers employed in the collection of the revenues and rents of land, on the part of Government or the Court of Wards, the duties incumbent upon them, and the responsibility attached to them under the provisions of Regulations IX. 1808, VI. 1810, I. 1811, III. 1812, VIII. 1814, and any other Regulations in force, to communicate to the Magistrates and police darogahs, either publicly or secretly, all information which they may obtain respecting the commission of murder, robbery, house-breaking, arson, or theft, within the limits of the estate or farm held or managed by them respectively; or respecting the resort of any known robbers, of whatever description, or the residence of any notorious receiver or vendor of stolen property, within such limits, as well as to afford their assistance in the apprehension of proclaimed offenders, and of all persons for whose apprehension warrants may have been issued by the local Magistrate in pursuance of section IX, Regulation III. 1812; and generally to co-operate with, assist, and support the police officers of Government in maintaining the peace, preventing, as far as possible, affrays and other criminal acts of violence, or apprehending the offenders under the rules and restrictions which have been enacted and promulgated in the Regulations."

These sections of the old Regulations were repealed by Act X of 1872 (the Criminal Procedure Code), but their substance was re-enacted in sections 89, 90 and 102 of that Act. Section 89 applied to the public generally and provided that—

"Every person aware of the commission of any offence made punishable under sections one hundred and twenty-one, one hundred and twenty-one A, one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-four A, one hundred and twenty-five, one hundred and twenty-six, one hundred and thirty, three hundred and two, three hundred and three, three hundred and four, three hundred and eighty-two, three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, three hundred and ninety-eight, three hundred and ninety-nine, four hundred and two, four hundred and thirty-five, four hundred and thirty-six, four hundred and forty-nine, four hundred and fifty, four hundred and fifty-six, four hundred and fifty-seven,

four hundred and fifty-eight, four hundred and fifty-nine, or four hundred and sixty of the Indian Penal Code, shall, in the absence of reasonable excuse, the burthen of proving which shall lie upon such person, give information of the same to the nearest Police officer or Magistrate."

Section 90 applied specially to landholders and persons specially connected with the land, and provided as follows :—

"Every village headman, village watchman, owner or occupier of land, or the agent of any such owner or occupier, and every native officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, is bound forthwith to communicate to the nearest Magistrate, or to the officer in charge of the nearest Police station, any information which he may obtain respecting—

(a) the residence of any notorious receiver or vendor of stolen property at the village of which he is headman or watchman, or in which he owns or occupies land, or collects rent or revenue, as the case may be ;

(b) the resort to any place within the limits of such village of any person or persons known or reasonably suspected of being a thug or robber ;

(c) the commission or intention to commit suttee or other non-bailable offence at or near such village ;

(d) the occurrence of any sudden or unnatural death."

Then section 162 provided,—

"The Magistrate of the District may direct a warrant or warrants to landholders, farmers or managers of land, for the arrest of any escaped convict, proclaimed offender, or person who has been accused of a non-bailable offence, and who has eluded pursuit.

"Such landholder or other person shall acknowledge the receipt of the warrant and shall be bound to execute it, should the person for whose arrest it was issued enter on or be in his estate, farm or land under his charge."

The Council would thus see that the duty imposed upon the landholders of Bengal by section 21 of the Criminal Tribes Act was no new duty imposed upon them for the first time, but that they had been obliged to perform similar duties for many years past. With reference to the remark made by the Hon'ble Mover of the amendment that these criminal tribes had no fixed place of residence, and that therefore it would be impossible for the owners of land in any particular village to give the information required by section 21 to the Police, he would observe that section 21 only came into operation after the report required by sections 2 and 3 of the Act had been submitted to the Government of India, and the measures proposed had received the sanction of the



Governor General in Council, and then applied only to the owners and occupiers of land in villages where the criminal tribes, regarding which the report was submitted, might have been directed to reside; so that the difficulties anticipated by the Hon'ble Rájá Nárendra Krishna consequent on the migratory character of these tribes, would not be felt by the landowners who were required to give information regarding them.

He would for these reasons vote against the amendment; but he would submit, for the consideration of the Council, that the objection urged by the Hon'ble Rájá Nárendra Krishna against the section as it stood, namely, that it was hard to impose these duties upon non-resident landholders, might be removed by the insertion in that section of the words "or the agent of any such owner or occupier." These words were inserted in section 90 of Act X of 1872 to meet a similar objection to the section as first drafted. If these words were added, the responsibility of resident landholders, and of their agents in case of their absence, would be maintained, and that he thought was all that was wanted.

The Hon'ble MR. BAYLEY wished to add a few words to what his hon'ble friend Mr. Inglis had just stated. He thought that, as regards the history of the law in its present condition, Mr Inglis had said almost everything that was to be said. He would only draw attention to a few qualifying words in section 21, which were in themselves, he thought, sufficient to meet the objections made by the hon'ble mover of the amendment; that was to say, to the words by which owners and occupiers of land were only required to give such information as was in their power. Now he thought that nobody could reasonably suppose that a Magistrate, however crass or stupid he might be, would think that a man, a hundred miles off, could have special knowledge, or be able to have such knowledge, of an offence committed on his estate. MR. BAYLEY could not say that he had any objection to the amendment proposed by his hon'ble friend Mr. Inglis, because it brought this particular law into exact harmony with the wording of the general law of the Criminal Procedure Code. But he must say this, that he could not see that the fact of a man being absent entirely absolved him from all responsibility in regard to his property. It seemed to him that there were influences and responsibilities connected with landed property, and which always must be connected with it, which every man must and ought to exercise and to bear in the villages within his estates. The mere fact of systematic absenteeism was, he thought, a very serious political evil, and one which nothing should be done to encourage. Of course, if the responsibility was imposed on the agent of the

absentee landlord, practically the pecuniary part of it would fall on the absentee himself, and therefore to a certain extent the fact of his absence would not enable him entirely to escape the duties he was bound to perform; indeed, in this sense, Mr. Inglis's amendment was an improvement on the Bill. He believed the bulk of the larger zamíndárs in Bengal were men who would fulfil the duties imposed upon them by the general law without the stimulus of punishment. But he was bound to say that he had known, and he could point to the public records of the Government to show, instances in which in other parts of India zamíndárs of large influence and power and property had been actually convicted of systematically harbouring the very criminal tribes which were dealt with by this law. He thought, therefore, that so far as regards the amendment which had been proposed by Rájá Nárendra Krishna, there was no sound reason why it should be passed; but at the same time he for one was quite ready to accept his hon'ble friend Mr. Inglis' amendment.

The Hon'ble Rájá NÁRENDRA KRISHNA observed that, by the existing law of the country, zamíndárs were not allowed to summon their ryots to their kachahris, and consequently they had not the same power over their ryots as they had before, and could not exercise the same influence in their estates as they did in former days.

His Honour THE LIEUTENANT-GOVERNOR merely had to remark that he was entirely opposed to the amendment as put by his hon'ble friend Rájá Nárendra Krishna, but that he quite accepted the revised amendment moved by the Hon'ble Mr. Inglis. He would recommend that the precise wording of the Criminal Procedure Code be adopted in the present Bill. The Criminal Procedure Code was passed subsequently to the Criminal Tribes Act, and the improved wording of the Code might be very well incorporated into the Bill before the Council. And he thought Rájá Nárendra Krishna ought to be content with it. His hon'ble friend laid great stress upon the difficulty which absentee landlords might have in giving information. Now he must remind his hon'ble friend that the remarks which had just fallen from the Hon'ble Mr. Bayley did still describe the duties and obligations of zamíndárs in Bengal. It might be that, as Rájá Nárendra Krishna stated, zamíndárs had not quite the power they once had, but they still had a great deal of legitimate influence, and not only influence, but the means of obtaining information; either they or their agents. If there was any zamíndár who was absent from his estates, he certainly was bound to have a responsible manager on the spot, from whom information could be obtained; and His Honour could not see that any zamíndár, who cared for his estate and managed it as well as his hon'ble friend managed

his own estate, could possibly object to his agent being responsible to give information of the coming and departure of the members of these criminal tribes.

But he would desire to remind the Council that the zamíndárs in Bengal as a class were not absentees. There were some gentlemen who resided in the capital, no doubt greatly for the general good of the community; but the great majority of them did still dwell in or near their estates, or at all events in the interior of the country, and were quite well able to afford all the local information needed in order to keep these tribes in order. And he need hardly do more than corroborate most distinctly on behalf of the Bengal Government what was stated by his hon'ble friend Mr. Inglis, that this obligation was nothing more than an integral part of the original obligations which rested upon all zamíndárs in the country—obligations which were not only common to zamíndárs in Bengal, but common to landholders in all parts of the country. It seemed to him that the substance of the amendment moved by Rájá Nárendra Krishna was this, that whereas zamíndárs were by the common law of the country required to give information to the Police of all bad characters, thieves and escaped offenders, in fact of every kind of bad character, yet there should be some exception to this general obligation with reference to these criminal tribes, that was to say, that the zamíndár was bound to give information of every kind of bad character, except the members of these criminal tribes. That seemed to him a *reductio ad absurdum*. So HIS HONOUR hoped the Council would be pleased to affirm those obligations as to these criminal tribes, and declare, as urged by his hon'ble friend Mr. Inglis, that without the co-operation of the owners and occupiers of land, it would be impossible to keep these offenders in order. The Hon'ble Rájá seemed to consider that the Police were sufficiently strong in Bengal to check these persons without the assistance of the landholders. Now, without any disparagement to the Police, HIS HONOUR maintained that they were not strong enough in such a vast area and amongst so great a population to keep all these criminal wanderers in order without the co-operation of the people who lived in these villages.

So with these observations, he would press upon the Council to reject the amendment proposed by Rájá Nárendra Krishna, and to accept the revised amendment proposed by his hon'ble friend Mr. Inglis.

The Hon'ble MR. COCKERELL said that, having only just joined the Council, he had not, before coming into that room, any opportunity of becoming aware of the intention of his hon'ble friend Rájá Nárendra Krishna to move such an amendment as that now before the Council; and he

could not help expressing his surprise at the theory propounded by the Hon'ble Member's motion, namely, that the principle by which the proposed legislation would impose certain responsibilities upon the owners or occupiers of land in the matter of giving information to the police, regarding the resort of professional criminals within the limits of such land, was a new principle. It was almost unnecessary to add that this was a wholly erroneous theory. The fact that it was so had been clearly established by the citation of the various enactments of the past three-quarters of a century by the Hon'ble Member opposite (Mr. Inglis).

Then as to the modifications of the amendment suggested by that Hon'ble Member to meet the apprehensions expressed by the Mover of it in its present shape, he (MR. COCKERELL) would not say that there was any positive objection to them, but he would prefer dispensing with them altogether; for he must say that he leaned completely towards the view expressed in the remarks of another Hon'ble Member (Mr. Bayley) that the absenteeism of any considerable section of the landed proprietary body was an evil which, at all events, we should in no way encourage by special distinctions in our legislation in the matter of the duties and responsibilities attaching to their position. Moreover, in such cases as the present, the proposed distinction would be merely nominal; this would be evident upon an examination of the manner in which this particular provision of the law would be likely to operate, for in practice a Magistrate would regard the omission to report the advent of criminal tribes within the limits of any estate as an act of negligence which would be suitably punished by a fine. The Hon'ble Mover of the amendment, he (MR. COCKERELL) was sure, would not dispute the assertion that in such case the fine would not fall upon the local agent or manager as a personal loss, but would be charged in the zamindari account and treated wholly as an item of expenditure incurred on account of the estate and to be met from its assets.

Then, again, it must be remembered that zamindars had considerable duties and responsibilities imposed by the law and the conditions of the settlement in regard to land-revenue, and they were bound to discharge certain functions in connection therewith. In regard to these matters there was no distinction between resident and non-resident proprietors; all were responsible alike. The Collector looked to the registered proprietor of the land and addressed his "parwana" or precept to him, enjoining the fulfilment of his legal obligations. As a matter of fact, in the case of the absentee landowner, his local agent habitually represented him, by receiving the communications addressed to his principal and acting up to them; but the theory of the principal's respon-

sibility was always maintained, and the conditions attaching to that position strictly enforced.

For these reasons, he (MR. COCKERELL) would reject the amendment *in toto*, as he considered that the proposed modifications would, in practice, be found unnecessary.

The Hon'ble RĀJĀ NĀRENDRA KRISHNA observed that, in addition to the fine, the Magistrate could, under the law, inflict a month's imprisonment, so that his hon'ble friend Mr. Cockerell was not right in supposing that the Magistrate could only inflict a fine.

His Excellency THE PRESIDENT said :—“ As far as I understand this question, the desire of RĀjā Nārendra Krishna was to exempt an owner of land, who was not resident on his property, from any personal liability for not giving information in these cases. The amendment of the Hon'ble Member goes further than that, because it exempts all owners and occupiers of land, whether resident or not, from the obligation, which was doubtless not his intention. It seems to me, then, that this reason is conclusive against making an exception in the terms proposed by the Hon'ble Member, and that the proposal made by my hon'ble friend Mr. Inglis is the right one, namely, that the provision contained in the Code of Criminal Procedure laying upon owners and occupiers of land the responsibility of giving certain information should be applied to this case. Mr Inglis proposes to add after the words ‘ owner or occupier of land,’ the words ‘ or the agent of any such owner or occupier.’

“ I think the Hon'ble Member will see that that amendment will sufficiently meet the case.”

The further consideration of the Report was postponed.

#### DRAMATIC PERFORMANCES BILL.

The Hon'ble MR. HOBHOUSE moved for leave to introduce a Bill for the better control of dramatic performances. He said :—“ This subject, the subject of stage plays, is one on which our law stands in need of amendment. If, indeed, a play is of a defamatory, an obscene, or a seditious character, those who exhibit it may be punished for the offence of defamation, obscenity or sedition. But the Government have been advised that they have no power to prevent the performance of any such play, unless, indeed, in the very rare instances in which it could be said that it was so certain to lead to a breach of the peace as to constitute the actors and audience an unlawful assembly.

“This imperfection of our law has been brought pointedly under our attention by some cases which have recently happened, and of which I will mention two. In the course of last year there was composed a work in a dramatic form, called the *Ohá-ka-Darpan*, which I am told means The Mirror of Tea. I do not know who was the author, or what his motives were, but the work itself was as gross a calumny as it is possible to conceive. The object was to exhibit as monsters of iniquity the tea planters and those who are engaged in promoting emigration to the tea districts,—bodies of men as well conducted as any in the empire. These gentlemen, who are carrying on their business to the benefit of everybody concerned, and perhaps with a greater proportion of benefit to the labourers they employ than to anybody else, have what is called a Mirror held up to them in which the gratification of vile passions, cruelty, avarice and lust, is represented as their ordinary occupation. I do not know that this play was ever acted, but it is written, and in all respects adapted, for the stage, and it might, for any power of prevention the Government have, be acted at any moment.

“Another case has happened more recently. A highly respectable Hindú gentleman, of good position in society, one of the legal advisers of Government, and one of the legislature of Bengal, gave an entertainment at his house which some of his caste-fellows disapproved of. What he did was perfectly lawful, perfectly innocent, perfectly honourable, but some of his neighbours did not like it. So in order to punish him, they got up a play in which, in the coarsest way, and under the thinnest disguise of name and place, the gentleman is represented as deliberately selling his own honour and that of his family in order to get promotion and money.

“Now men are free to choose their own company, and they have a right to withdraw from the society of any one who infringes any rule, however absurd, which they may lay down; but they have no right to spread falsehood and calumny for the purpose of inflicting pain upon him. Yet this play was publicly acted, an honourable gentleman was held up to the scorn of the ignorant multitude as one of the basest of mankind, and though the acts might be punishable when done, the Government had no direct legal power of stepping in to prevent it.

“It was on account of the defect in the law that His Excellency the Viceroy thought it right to issue an Ordinance giving power to the Government of Bengal to prohibit objectionable performances of this kind. And it is a Bill on the model of that Ordinance which I am now asking leave to introduce.

“Now in all times and countries, the drama has been found to be one of the strongest stimulants that can be applied to the passions of men—

“ ‘Segnius irritant animos demissa per aures  
Quam quæ sunt oculis subjecta fidelibus.’ ”

said an acute man of the world who knew human nature well. The same philosopher tells us that no feat seems to him to be too difficult for the dramatist, who can produce any effect and illusion that he pleases on the mind of the spectators :

“ ‘Irritat, mulcet, falsis terroribus implet,  
Excitat, et modo me Thebis, modo ponit Athenis.’ ”

‘Seeing is believing’ says our proverb. Certain it is that we accept conduct and language on the stage which if we read the same things in a book, we should at once reject as false, absurd and incredible ; so powerful is the effect produced by the actual living representation before our eyes. And in times of excitement no surer mode has been found of directing public feeling against an individual, a class, or a Government than to bring them on the stage in an odious light. It is doubtless for these reasons that the laws of civilized countries give to their Governments great controlling power over the stage. I will not trouble the Council with the laws of other countries, indeed I have not sufficiently studied them, but I will state briefly what is the law of England. By that law, it is not lawful for any person to have or to keep any house or other place of public resort for the public performance of stage-plays without the authority either of Royal Letters Patent or of the Lord Chamberlain’s license, or of a license given by Justices of the Peace.

“Then there are rules requiring licensees to give bonds for good conduct, and there are powers given to the Lord Chamberlain and to the Justices to suspend licenses and to shut up theatres.

“The most stringent rule of all is the one which gives to the Lord Chamberlain complete control over the stage. First, it is required that a copy of every new play or alteration in a play shall, seven days before it is acted, be sent to the Lord Chamberlain, who has absolute discretion to allow or disallow its performance. Secondly, the Lord Chamberlain is empowered to forbid the acting of any play, even though already put upon the stage, ‘whenever he shall be of opinion that it is fitting for the preservation of good manners, decorum, or of the public peace so to do.’

"The Council will see how very sweeping and overshadowing a law is thought necessary in England, in order to preserve a due control over this subject. We shall not propose to take such large powers as those which are vested in the Lord Chamberlain, but shall propose to take what will probably be quite effective in this country. If, however, my present motion is accepted, I will explain the precise nature of the Bill when I introduce it. The question now is, whether I have assigned to the Council sufficient reason for placing in the hands of Government a larger control over dramatic performances than Government now has. I trust they will be of opinion that I have done so."

The Motion was put and agreed to.

### INDIAN MUSEUM BILL.

The Hon'ble MR. BAYLEY introduced the Bill to provide for the management of the Public Museum at Calcutta, and moved that it be referred to a Select Committee with instructions to report in a week. He obtained, at the last sitting of the Council, leave to introduce the Bill, and he then explained that the principal reason for which he asked that leave was, that the Government had entered into an arrangement with the Asiatic Society by which that body should surrender their right, under Act XVII of 1866, to special accommodation in the building which had been provided for the Imperial Museum at Calcutta, in consideration of a sum of money paid to them. And he said also that the opportunity was taken of re-enacting Act XVII of 1866 with certain minor amendments. The Bill he had therefore now the honour to introduce repealed Act XVII of 1866, and re-enacted it with the following amendments. The provision securing to the Asiatic Society the possession of certain parts of the Museum building had been omitted, and certain minor provisions which the existence of that obligation entailed, such as to provide certain rooms for the Society, to provide for the repairs of the building and the incidence of the expense of these repairs, had been omitted. The remaining new provisions of the Bill were merely to remedy certain inconveniences which had been found in working the existing Act. The first of these was in regard to the number of Trustees. The present number was thirteen; but it had been found very difficult, in consequence of a considerable portion of them being necessarily hard-worked officials, always to get a quorum at meetings of the Trustees, to transact business. It was proposed therefore slightly to raise the number of Trustees, namely, from thirteen to sixteen, and to give the appointment of these Trustees in exactly the same proportion as formerly was given to the Government and the Council of the Asiatic Society, and to secure the appointment of a



similarly increased proportion of official Trustees. Then, again, provision was made that no officer was to be appointed by the Trustees without the approval of the Governor General in Council, or of the Secretary of State for India in Council, and that no new office should be created or salary fixed without the previous sanction of the Government. And as regards salaries, pensions and leave rules, it was provided that the officers of the Museum should be subject to the rules applicable to the Uncovenanted Civil Service. These latter provisions of the Bill represented exactly what was the existing practice, to which it was found convenient to give legal sanction.

He did not think he need detain the Council with any further explanation of the provisions of the Bill. The Bill had been submitted to the criticisms of the Trustees of the Museum and of the Council of the Asiatic Society, and the different Departments of Government concerned, and it had been modified in accordance with their wishes. He therefore proposed to refer it to a Select Committee with instructions to report in a week, as he anticipated that very slight, if any, alterations would be found necessary in the Bill.

The Motion was put and agreed to.

#### PRESIDENCY BANKS BILL.

The Hon'ble SIR W. MUIR presented the Report of the Select Committee on the Bill for constituting and regulating the Banks of Bengal, Madras and Bombay. He said it would be expedient that he should allude briefly to the alterations made in Committee in the Bill. The communications received on the subject from various quarters had all been very carefully examined in Committee, with the advice and assistance of his Hon'ble friends the mercantile Members of Council, and conclusions which he believed to be satisfactory had been come to upon them.

The first important change (chapter VIII, section 37, clause (d)) related to the limit of Six hundred thousand rupees which had been placed on unsecured loans to any single person. In introducing the Bill, he had explained that this restriction had been imposed in conformity with suggestions made by the Bombay Commission. It had been, however, thought better, instead of laying down a hard and fast limit, to leave the amount to be fixed by the bye-laws which would be made by the directors subject to the confirmation of the Governor General in Council. Thus, the limit would be proportioned to the requirements of each Bank, which no doubt might differ largely; and the amount would also be capable of variation and adjustment from time to time according to the circumstances of the period. It would be admitted, he thought, that this was an important improvement.

Next, the scope of the Banks had been enlarged so as to enable them to advance on the securities of the United Kingdom of Great Britain and Ireland (chapter VIII, section 36, clause (2)). This might prove an important convenience to the Banks, and was certainly a safe extension of their business.

Thirdly, it was declared that the responsibility of proprietors was a limited responsibility (chapter II, section 4). The Committee, indeed, had no doubt that even under the previous drawing, the liability was already a limited one; but the point having been raised, it was thought proper, in order to give greater confidence to the proprietors, distinctly to declare the limitation.

Fourthly, referring to the continuance of the Agency of the Bank of Bengal at Bombay, and the possible establishment of other similar Agencies, it had been thought advisable to enact that these, if established, should be subject to similar restrictions as had been imposed on the Bombay Agency of the Bengal Bank (chapter VIII, section 42). The equity of such a provision was plain.

Fifthly, the disqualification for directorship attaching to banking business had been confined to the management of Joint-stock Banks (chapter VI, section 27, clause 2). The ordinary banking business done by houses of business was not deemed to be a disqualification; and, indeed, it had been represented from Madras that, unless this relaxation were made, it would be impossible at that Presidency to obtain a satisfactory and effective Board.

Sixthly, it had been strongly represented that directors should be protected in the *bonâ fide* discharge of their duties. The usual clause common in England for such purpose had therefore been added, indemnifying the directors against loss, except such as might happen from wilful act or default, and making them responsible only for their own several acts (chapter VI, section 31). This would give a satisfactory and reasonable confidence and security to the directors personally.

Lastly, the scale of votes to which shareholders were entitled had been revised (chapter XI, section 56). The subject was noticed when introducing the Bill, and it was then said that it might be proper to give greater weight to capital than at present. This had now been done, but on the other hand, the scale had also been taken lower. The minimum capital to secure a share was formerly Rs. 4,000; a capital of Rs. 2,000 would now carry a vote; Rs. 10,000 would carry two votes, and so on, every Rs. 10,000 giving a vote up to Rs. 50,000. Thereafter, Rs. 25,000 gave an additional vote up to Rs. 200,000, for which the proprietor was entitled to the maximum of twelve votes (chapter XI, section 56). This scale appeared to be equitable, and, it was hoped, would give general satisfaction.

No other points of importance needed notice. But it was proposed that the Bill be republished for general information, as it concerned a subject on which the public throughout the three Presidencies were interested, and on which it was proper that they should have the fullest information before the measure became law.

#### NATIVE COINAGE BILL.

The Hon'ble SIR W. MUIR also presented the Report of the Select Committee on the Bill to enable the Government of India to declare certain coins of Native States to be a legal tender in British India.

#### OPIUM BILL.

The Hon'ble SIR W. MUIR asked leave to postpone the presentation of the Report of the Select Committee on the Bill to amend the law relating to opium. A letter had been received from Bombay on the subject, and the Select Committee wished to re-examine the Bill in the light of its comments before finally presenting their report.

Leave was granted.

#### BOMBAY REVENUE JURISDICTION BILL.

The Hon'ble MR. HOPE presented the final Report of the Select Committee on the Bill to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the land-revenue, and for other purposes.

#### SUNDRY BILLS.

The Hon'ble MR. HOBHOUSE moved that the Hon'ble Mr. Cockerell be added to the Select Committees on the following Bills :

To consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature.

To consolidate and define the law relating to land-revenue in Oudh.

To declare and amend the laws to be administered in Oudh.

To amend the law relating to Civil Appeals in the Lower Provinces of the Presidency of Fort William.

To amend the law relating to Merchant Seamen.

To define and amend the law relating to certain kinds of Specific Relief.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill to provide for the management of the Public Museum at Calcutta—The Hon'ble Mr. Hobhouse, Sir A. J. Arbuthnot, and the Mover.

The Council then adjourned to Tuesday, the 21st March 1876.

CALCUTTA,  
The 14th March 1876. }

WHITLEY STOKES,  
Secretary to the Govt. of India,  
Legislative Department.