

Friday,
12th January, 1883

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXII

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Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

1883,

VOL. XXII.



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1884.



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 12th January, 1883.

PRESENT :

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

His Honour the Lieutenant-Governor of Bengal, C.S.I., C.I.E.

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

The Hon'ble J. Gibbs, C.S.I., C.I.E.

Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

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

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble Mahárájá Sir Jotíndra Mohan Tagore Bahádur, K.C.S.I.

The Hon'ble C. H. T. Crosthwaite.

The Hon'ble Rájá Siva Prasád, C.S.I.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble Sayyad Áhmad Khán Bahádur, C.S.I.

The Hon'ble Durgá Charan Láhá.

The Hon'ble H. J. Reynolds.

The Hon'ble H. S. Thomas.

The Hon'ble R. Miller.

CENTRAL PROVINCES LOCAL SELF-GOVERNMENT BILL.

The Hon'ble MR. CROSTHWAITE moved that the Reports of the Select Committee on the Bill to make better provision for local self-government in the Central Provinces be taken into consideration.

The Motion was put and agreed to.

The Hon'ble Mr. CROSTHWAITE also moved that to clause (a), section 34 of the Bill, the following words be added, namely :—

“ and as to the number of the representative members for each circle or group of circles, and as to the number of the representatives of the mercantile classes or professions, to be elected or appointed to each local board or district council ;”

He said that the amendment was merely a verbal one. The Committee had thought that the section as worded sufficiently provided for the determination of the number of members for each circle or group, and for the number of representatives of the mercantile classes, by the Chief Commissioner. But, as there seemed to be a little doubt on the subject, they thought it better to make the matter clear by adding the words which he had read to clause (a) of section 34.

The Motion was put and agreed to.

The Hon'ble MR. CROSTHWAITÉ also moved that the Bill, as amended, be passed. He said :—

“In asking the Council to pass this Bill, I think it necessary to take the opportunity of explaining the plan and the principles on which it has been framed more fully than I have yet done, with the object of making the intention of those who have framed the law clear and intelligible to those who will have to work it. I wish to premise my remarks by reminding the Council and the public that this Bill is intended for the Central Provinces only; that it is not intended to be a model for other Governments to follow; and that, in framing it, we have looked exclusively to the condition and needs of the Provinces to which it applies.

“The first thing we had to settle was the constitution of the boards and councils. We began by recognising the principle that the village is the unit of all administration in this part of India. Whether in the management of the revenue, the police or education, nothing much can be done unless there is an organisation, minute and spreading enough to reach and deal with each individual village. Under the ancient system of the country, each village managed its own affairs; and although there is little trace in the Central Provinces—which, compared with other parts of India, are distinctly a new country—of those complicated village-communities which still thrive in Northern India, yet the system of village-management was, until a comparatively recent date, complete. Every village had its headman or patél, who, without having any greater rights in the land than the other villagers, acted as their guide, agent and leader. By the Mahrátha revenue-system, under which the village-community was jointly responsible for the whole revenue, and all details of assessment were left to the villagers themselves, the people were forced to act together under their headmen, and to arrange their own affairs.

“During the later period of the Mahrátha power, and in the earlier years of British rule, the headman became a contractor and farmer of the revenue. Still he remained a distinct power in the village, and retained somewhat of his official

character. Under the terms of our last settlements, he has, in most cases, become the owner of the land; and, if it were not for the provisions of the Central Provinces Revenue Act, which was passed in 1881, his position and duties as headman would be in danger of becoming merged and lost in his newer and larger character of landowner.

“The provisions of the Revenue Act enable the Government to select in every village one of the resident landowners, or, if the landowners are absentees, some suitable resident, to be the mukaddam, as he has been called in that Act, or headman of the village; and this mukaddam, both in the manner of this appointment and in the duties required of him, represents the patél of forty or fifty years ago as nearly as the change in his relations to the villagers, caused by the creation of a proprietary right in the soil, will permit.

“Believing that the scheme of self-government will have much greater vitality if it can be founded on some indigenous institution, which the people can understand and are accustomed to, we decided on taking the village and the mukaddam or headman as the basis of our scheme and building up from this foundation.

“The nomination of the mukaddams is a matter outside this Bill, and I presume that, under the provisions of the Revenue Act, each village already has its mukaddam. The first step, then, for the enforcement of the present measure, is to arrange the villages into circles, the size of which will depend on a variety of circumstances, and may be varied from time to time; the next to choose, or to allow the mukaddams themselves to choose, a representative mukaddam for each circle. These representative mukaddams will form the hearts of the local boards.

“By this plan, which, I may perhaps be allowed to say, has been adopted at my suggestion, several advantages are gained. First, we secure to the board the advantage of local knowledge of all parts of the area under its jurisdiction; secondly, without directly choosing the electors, we obtain a manageable constituency or electoral body, to which we may be able to leave the choice of members; thirdly, we get, as members of the board, the men who can best aid us in the execution of small local works; and fourthly, we connect the boards intimately with every village, and secure the presence in every village of a person who is represented on the board, who may look forward to becoming a member of the board, and who may fairly be expected to aid the board in the performance of its duties, and in the course of time will, I hope, come to regard himself as part and parcel of the governing body of the country.

“To this scheme it has been objected that the mukaddam is not a representative of the villagers, who are mostly his tenants, and whose interests are not identical with his.

“To this, I reply that the cesses which make up the greater part of the fund at the disposal of the local boards and district councils are paid by the owners of land, and that it is right, therefore, that those owners should be largely represented. Secondly, I do not think that, in the matter of the duties which the local boards will have to administer, the interests of the two classes—landlords and tenants—are divergent. Anything which tends generally to the wealth of the country benefits both classes. In educational matters, the landlords are perhaps inclined to be retrogressive, but hardly more so than the peasantry themselves; and, as I will show hereafter, we have taken precautions against any tendency to neglect primary education. Lastly, it is practically impossible at present to have a system of election under which each village should elect its own representative. As it is, I believe we are going quite as far as anything that has been done in England in the way of making the local boards representative bodies: and at present, while I think that it is in every way a good thing to take this step, I think also it is inexpedient to go further. When the people are ready for more, they will make themselves heard.

“After the appointment or the election of the representative mukaddams, the next step is to select members to represent the professional, mercantile or trading classes. The number of such representatives must vary with the character of the population in each locality. We have, therefore, left it to the Chief Commissioner to decide how many of these representatives there shall be.

“The method of election or appointment is also left to the Local Administration. I conceive that it will probably be convenient at first to appoint some of the leading chaudhris or trade-masters, and that hereafter the election of the representatives may be entrusted to them.

“It has been represented to the Select Committee by my friend the Hon'ble Rájá Siva Prasád that clause (b) of section 4 is so worded as to exclude traders resident within a municipal area from sitting on local boards. It will be noticed that this criticism does not apply to clause (b) of section 5. On a district council, traders who reside within municipalities may sit. The intention in excluding municipal residents from local boards is to prevent the predominance of urban interests and to maintain the rural character of the boards. The head-quarters of a sub-division are generally at or within a municipality, and the largest bankers generally reside there. If these bankers were eligible, they would certainly be elected, and the tendency would be to

give an undue influence to the residents at the head-quarters, which, I think, has been a very common fault in the existing committees.

“The larger traders can, whenever it is advisable, be nominated by the Government.

“The third element in the board is the Government nominees. In clause (c), section 4, power is given to the Chief Commissioner to appoint members equal in number to one-third of the board. This power has been taken for several reasons. In the first place, it appears the best method of dealing with the question of official members. It leaves considerable discretion to the Chief Commissioner, who may appoint no official members, or may appoint as many as one-third of the whole board. Secondly, it enables the Chief Commissioner to appoint persons of eminence who may not be eligible or may not have been elected under the other clauses—a large non-resident land-owner for example. Thirdly, it will enable the Chief Commissioner to secure to some extent the representation of an influential minority, say (to take a case not probable in the Central Provinces) of a large body of European planters.

“With what I have already said, there will be no difficulty in understanding the constitution of the district councils, as laid down in section 6 of the Bill. They are intended to represent and to unite the local boards, and to be controlling and consultative, rather than executive bodies, which, while leaving most of the executive work to the local boards, will have the power of executing under their own immediate supervision large and important works affecting the whole district. The relation of the local boards to the district councils is one of subordination, especially in financial matters. We are of opinion that no other relation is possible at present, but no doubt every care will be taken by the district councils to refrain from unnecessary interference and to leave local boards to manage their own affairs. As the district council will not meet very frequently, and as a majority of two-thirds of the whole council is required in order to overrule a board, there need not be much apprehension of constant or vexatious meddling.

“I apprehend that the council and the boards will work very much through committees. To attain success, this appears to be the best plan. There will be a financial committee, an engineering committee and a committee for education.

“We have found in the Central Provinces a system of this kind already in force for the management of schools, and at the request of my friend Mr. Colin Browning, the very able Director of Education in the Central Provinces,

who in a quiet, unostentatious manner has done very signal service to the cause of education in that part of India, we have recognised the existing school committees and given them a place in the Bill (section 16). As the history of these committees shows what has been done, and suggests what can be done, by working through the people themselves, I will read what Mr. Browning says about them :—

“ ‘ Every Government school, of whatever kind,—whether middle class or primary,—has a school committee. Each school committee consists of not less than four members. They are usually nominated by the Deputy Commissioner. The school committee members are asked to visit their school once a month collectively, and one individual member, chosen by rotation, visits, or should visit, the school weekly. The school committee members sometimes examine the boys ; but the members are often illiterate and unable to examine the scholars. Still, they see those that are present, inquire regarding absent boys, settle matters of discipline, and arrange within certain limits what rate of fee scholars shall pay, and what boys shall be free scholars. The school committees are especially useful in providing suitable accommodation for their schools and in repairing school-houses. Several schools have adopted a certain uniform. This uniform the school committees give to the poorer boys at their own expense. School committees are indispensable for the proper conduct of schools. They not only represent our wishes to the people, but the wishes of the people to us. It is often by their influence that many scholars attend school.’

“ Mr. Browning adds that the great use of school committees is undeniable. I need only add that they are entirely unpaid, and that the number of gentlemen serving on these committees is between three and four thousand. This is certainly a fact that affords great encouragement to those interested in the success of the present measure.

“ Turning now to the conduct of business, it will be seen that the election of a chairman has, as we explained in our former report, been left to the members of the local bodies. The Hon’ble Rájá Siva Prasád (of whose valuable advice we have lately had the advantage) urged the Select Committee to leave the boards and councils free to elect an outsider to the chair. There may, doubtless, be advantages in this plan ; but I think the result would be this, that the election of the District Officer being possible, the boards would naturally cling to him, and we should have much trouble in getting them to exert their own powers and to walk alone. I do not think this would be a fair way of working the experiment at the outset.

“ Under the Bill as it stands, there is nothing to prevent a weak board, mistrustful of its own powers, from asking the Government to nominate an official whom it may appoint as its chairman. But the strain is not put upon it of passing over or refusing to elect an influential official, who, if eligible,

would certainly be proposed for election. The way in which the Bill will work is not very different from the plan which Sir A. Lyall proposes to follow in the North-West. He proposes to let the members of the board meet and decide for themselves whether they will elect their own chairman from among themselves, or leave the appointment to the Government. In the latter case, the District Officer will ordinarily be appointed.

“ The control sections of the Bill are perhaps the only part of the measure which has evoked any hostile criticism. They are thought by some writers in the public press to be too strong and to be inconsistent with the freedom or independence of local bodies.

“ It is said by one writer that ‘ the local boards and district councils will thus be absolutely at the mercy of the Deputy Commissioner. It will be impossible for them to do anything against his wishes.’

“ I do not think that the gentleman who brought this accusation could have understood this portion of the Bill. The Deputy Commissioner has a very limited power of interference.

“ He can object to an estimate ; but the Commissioner has to decide on his objection, and will doubtless take care to let the board or council be heard before coming to a decision. He can inspect works and call for reports, but no local body which is conscientiously doing its duty need fear enquiry. He can suspend the execution of an order or resolution, if he thinks anything is being done to cause injury or annoyance or lead to a breach of the peace, and in very extraordinary emergencies he can step in and execute a work which would properly belong to the board or council. But these powers can only be exercised subject to the check of immediate report to the Commissioner, and in some cases to the Chief Commissioner.

“ The larger powers of providing for the performance of a duty in respect of which a board or council has made default can only be exercised by the Chief Commissioner ; while the extreme measure of suspending a council or board in case of incompetency, default or abuse of powers can only be exercised with the approval of the Governor General in Council.

“ I think, then, that such criticisms as those I have quoted are unfair, and show the inability of the writer to understand that impatience of reasonable and constitutional control is more likely to wreck the policy of extending self-government than any official interference.

“Your Excellency has already explained to the public—I think in answering an address at Lahore—that the powers of control proposed to be taken by the Government are no greater than those retained in similar matters in England. And to this it has been replied that there is public opinion in England, and that the people there are strong enough to resist official or officious interference. It is, no doubt, true that there is more danger of undue official interference in India; but, at the same time, the very weakness of the people and their want of independence renders control more necessary. And it must not be forgotten that, if there is not much strength as yet in public opinion, there is, vested in the Local Administration and in your Lordship’s Government, a powerful control over the district officials which will, no doubt, secure a discreet and moderate use of the law.

“It must be remembered that the funds which are to be entrusted to these local bodies will not consist merely of local rates, but will be supplemented very largely from the Provincial revenues—in other words, from the proceeds of general taxation. It must be recollected, also, that their duties are of such a nature that the due performance of them is necessary for the wealth and prosperity of the whole country. Control, therefore, is essential; and in the provisions of this Bill I think we have safely steered between the danger of encouraging a fretting constant meddling that would degrade and disgust the boards, and that of entire abstinence from interference which would leave inexperienced boards to destroy themselves.

“As to the duties of district councils and boards, section 9 is sufficiently explicit. It has been the desire of the Select Committee to follow the wishes of the Government by giving to the boards every work on which they can be fitly employed; and, if sufficient funds are forthcoming, I do not think the energies of our boards will be allowed to rust for lack of work. I have only to notice, in respect of the power of exception reserved to the Chief Commissioner by section 9, that this power is not given with the object of allowing him to interfere from time to time by taking special works out of the hands of the local bodies, but in order that works like railways, large provincial roads, great irrigation works and the like, which cannot profitably be administered by local authorities, may be retained under the immediate management of Government.

“And as to this matter of the duties of the boards, I anticipate that, when the officers in charge of districts realize the nature of the organization which is sought to be established and kept alive by the provisions of the measure now before the Council, they will not fail to perceive the advantage of utilizing the local boards, and the individual members of them, in many ways not laid down

in the law, and quite outside of the scope of this Bill. They will seek from them information regarding the state of the people, and the agricultural conditions of the country. They will use them as mediums for explaining and making known to the people the wishes and intentions of the Government, and they will go to them for aid in all matters of local administration, including the revenue and the police. The organization which we contemplate, reaching, as it will, to every village, will, I have every hope, be found adapted to all these ends. In fact, I anticipate that, even if from want of money the energy of the board may not be fully occupied in the execution of works of improvement, it may still find ample and useful employment in many ways, and that there need be no fear of the new institutions expiring from want of occupation.

“It remains for me to say a few words as to the financial part of the scheme and the sources of supply enumerated in section 23 of the Bill. As I have already suggested, the greatest difficulty in the way of working the scheme will be the scanty supply of money. The school-cess of the whole Province is less than a lakh and a half of rupees, the road-cess is no greater; and these two cesses will form the bulk of the funds which the district councils can absolutely call their own. The area of the Provinces, excluding feudatory States, is roughly 84,000 square miles, and the population is about 10 millions. The councils, must, therefore, depend in a great measure on the contributions made to the fund by the Administration. These contributions can be made, and no doubt will be made, for fixed periods of years, so that the councils will be able to adopt something better than a hand-to-mouth policy. But they cannot be of a very large amount, and the danger that I apprehend is, not that the members of the boards will neglect their duties, not that they will be controlled into a state of apathy by official meddling, but that they will find themselves helpless for want of money. I hope that this may be remedied in part by the generosity of private individuals, who wish to benefit their fellow countrymen, and who will work through the agency of the boards. We have a good deal of money in the Central Provinces, and the spirit to use it well is not wanting. At the present moment, the municipality of Jabalpur is constructing a very fine work for the supply of water to the city and cantonment, and that they have been able to do this is entirely due to the extraordinary munificence of Rao Seth Gokul Dáss, a well-known banker, who, when I was Commissioner of Jabalpur, came forward to aid us in carrying out this noble work. I am quite sure that his example will be followed by others.

“The various sources of income, which are enumerated in section 23, we have formed into a fund, in the disposal of which we have left the councils unfettered, except in one matter. It has been provided that the amount

expended from the district fund in any financial year on primary education shall not be less than the estimated net proceeds for that year of the rates levied for the maintenance of schools.

“The school-cess is levied on the land, and it was intended for, and in the Central Provinces has always been duly appropriated to, rural primary schools.

“So far as regards the practice hitherto followed, this restriction on the discretion of the councils will make no change. But, on the representation of Mr. Browning, and in view of the repeated declarations made by the Secretary of State and the Government of India as to the appropriation of this cess, we have thought it best to provide, by law, against its application to other purposes.

“The only other matter which I need notice is in connection with section 34, which empowers the Chief Commissioner to make rules for a great many matters, and I have no doubt it will be thought by some that many of these matters are very important, and ought not to have been left to rules. It is, however, of the first importance in a measure of this kind,—especially as it is in some ways a new and experimental measure,—to leave great discretion to the authorities who have the working of it, in order that they may, by practice, arrive at the best methods of giving it effect.

“Of this I am quite sure, that every endeavour will be made in framing the rules to follow the spirit of Your Lordship’s policy, and that the Government may confidently rely on the loyal co-operation of every officer connected with the Central Provinces Administration in giving effect to the law.

“In conclusion, I have only to ask the Council to pass the Bill, and to express my earnest hope that it may benefit the people of the Central Provinces, and, if possible, increase that loyalty to the British Government for which they are now conspicuous.”

The Hon’ble SAYYAD AHMAD KHÁN said :—“My Lord, I intend to vote in favour of the passing of this Bill, but, in explanation of my vote, I am anxious, with your Lordship’s permission, to make a few observations on some features of this Bill. My Lord, I am one of those who believe that the success of local self-government will, in a great measure, depend upon the amount of independent power to be conferred upon the local boards and the district councils. Indeed, I am convinced that it may be safely laid down as a general rule, that the greater the powers conferred upon these bodies the greater will be the cordiality, earnestness and industry with which the work will be performed by the members. Holding such views, it would

be only natural for me to dissent from such provisions in the Bill as are intended to authorise interference on the part of the district authorities. But, my Lord, I wish to offer no opposition, as I am aware that this Bill relates only to the Central Provinces, that those Provinces are among the least advanced parts of British India, and I feel that in this circumstance is to be found justification for exceptional treatment. There is another important matter in this Bill to which I assent with a similar qualification. I refer to the provisions in this Bill regarding the constitution of local boards and district councils. Upon this question, which appears to me to be one of the most important in the entire scheme of local self-government, there appear to be two prevalent opinions. Some people think that the local boards and the district councils should consist of entirely separate sets of members; the other opinion is the one which has been adopted in this Bill in section 6, clause (a), which provides that the district council shall consist of 'representatives of groups of circles within the district, one or more for each group, being a member or members of, and elected by, the local board for that group.' I understand the effect of this provision to be, that, as far as clause (a) is concerned, none but members of local boards are to be eligible to the district councils. Now, my Lord, my knowledge of the people leads me to believe that, in such parts of India as the North-Western Provinces and Oudh, persons of social standing and respectability would not be willing to serve on local boards subject to the authority and control of the district council. And, if the local boards are to be the only bodies from which the representatives of the landed interest are to be elected for the district councils, there will be a great risk of losing the services of many men whose presence might prove of great use and valuable assistance in the work entrusted to the district councils. My own feeling is, that perhaps the best and safest rule for the constitution of the district councils would be to provide that all the members of the local boards should also be members of the district councils; in other words, to remove the distinction between the positions of members of the local boards and members of the district councils. Such a course would attract the best class of the people to serve both on the local boards and the district councils; the local boards would discharge their duties as if they were sub-committees of the district councils; every member of the local board would have a voice in the deliberations of the district council itself; and there would be no room for those petty jealousies which will attend the election by the local board of a member for the district council. If such a provision as I have ventured to suggest were adopted, the district councils would of course be numerically larger than under the provisions of the Bill now before us; but I do not think the district councils would be too bulky for working purposes, and I am convinced that the chance of securing well-attended meetings will

certainly be greater in proportion to the number of which the district council is composed. My Lord, I should have considered it my duty to have dwelt more fully on these considerations had I been prepared to oppose any provision in this Bill. But, as I have already said, I regard the Central Provinces as requiring an exceptional treatment, and in a matter of this kind it is no doubt safer to rely upon the advice of the local authorities. I am all the more unwilling to offer any definite opposition to the Bill, as under its provisions the landed interest is to be represented in the local boards by mukaddams, or executive headmen of villages, appointed under the Central Provinces Revenue Act of 1861. Such men will, no doubt, be persons of position and influence, and the remarks which I have ventured to make have, perhaps, not the same force in regard to the Central Provinces as they might have had if the Bill now before the Council related to my part of the country.

“ But, my Lord, far more important than any of the points I have noticed are the provisions contained in clause (c) of section 5, and the corresponding clause in section 6 of the Bill. These clauses reserve to the Government the power to appoint members of the local boards and the district councils not exceeding one-third of the whole number. I regard this provision in the Bill with unqualified satisfaction, and, as this is the first occasion on which the subject of local self-government has come before the legislature, I cannot avoid expressing a hope that the provision to which I have alluded is an indication of the policy which Government intends to pursue in regard to legislation for other provinces also. How far the Government should control the constitution of local boards and district councils is a matter of principle by no means peculiar to the Central Provinces. It is, indeed, a matter which goes to the very root of the entire scheme of local self-government for which the country is indebted to your Lordship's Administration. To that noble scheme I am proud to give my hearty, though humble support, for I rejoice to feel that I have lived long enough to see the inauguration of the day when India is to learn at the hands of her rulers those principles of self-help and self-government which have given birth to representative institutions in England, and have made her great among the nations of the world. My Lord, I sincerely believe that all the intelligent classes throughout India sympathise with the feelings which I have expressed, that they feel grateful to the Government for the privileges which the scheme of local self-government will confer upon them, and that the effect of those privileges will be to enhance the popularity of the British rule, and to inspire feelings of loyalty and devotion among the vast population of British India. The more real those privileges are, the more beneficial

will be the results. Having such views and feelings as these, I cannot possibly have sympathy with those who deprecate the withdrawal of Government from the direct management of local funds and local affairs; and it is natural for me to wish, as a matter of principle, that the local boards and the district councils should consist, as far as possible, of persons whom the voice of the people has elected as their representatives. But, my Lord, I feel that I am not acting inconsistently with my feelings and views in cordially supporting those provisions of this Bill which reserve to Government the power of appointing one-third of the members of the local boards and district councils. I am convinced that no part of India has yet arrived at the stage when the system of representation can be adopted, in its fullest scope, even in regard to local affairs. The principle of self-Government by means of representative institutions is perhaps the greatest and noblest lesson which the beneficence of England will teach India. But, in borrowing from England the system of representative institutions, it is of the greatest importance to remember those socio-political matters in which India is distinguishable from England. The present socio-political condition of India is the outcome of the history of centuries of despotism and misrule, of the dominancy of race over race, of religion over religion. The traditions and feelings of the people and their present economic and political condition are in a vast measure influenced and regulated by the history of the past: the humanizing effects of the British rule have not yet demolished the remembrance of the days of strife and discord which preceded the peace brought to India by the British supremacy. India, a continent in itself, is inhabited by vast populations of different races and different creeds: the rigour of religious institutions has kept even neighbours apart: the system of caste is still dominant and powerful. In one and the same district the population may consist of various creeds and various nationalities; and, whilst one section of the population commands wealth and commerce, the other may possess learning and influence. One section may be numerically larger than the other, and the standard of enlightenment which one section of the community has reached may be far higher than that attained by the rest of the population. One community may be fully alive to the importance of securing representation on the local boards and district councils, whilst the other may be wholly indifferent to such matters. Under these circumstances, it is hardly possible to deny that the introduction of representative institutions in India will be attended with considerable difficulty and socio-political risks. In a country like England, where the distinctions of race no longer exist, where the differences of sectarianism in religious matters have been mitigated by the advance of toleration, the matter does not present such difficulties. The community of race and creed makes the English people one and the same nation, and the advance of education has rendered

smaller differences wholly insignificant in matters connected with the welfare of the country at large. Christian constituencies do not object to return Jews to represent their interests in Parliament, and, indeed, for socio-political purposes, it may be said that the whole of the population of England forms but one community. It is obvious, of course, that the same cannot be said of India. The system of representation by election means the representation of the views and interest of the majority of the population, and, in countries where the population is composed of one race and one creed, it is no doubt the best system that can be adopted. But, my Lord, in a country like India, where caste distinctions still flourish, where there is no fusion of the various races, where religious distinctions are still violent, where education in its modern sense has not made an equal or proportionate progress among all the sections of the population, I am convinced that the introduction of the principle of election, pure and simple, for representation of various interests on the local boards and the district councils, would be attended with evils of greater significance than purely economic considerations. So long as differences of race and creed, and the distinctions of caste, form an important element in the socio-political life of India, and influence her inhabitants in matters connected with the administration and welfare of the country at large, the system of election, pure and simple, cannot be safely adopted. The larger community would totally override the interests of the smaller community, and the ignorant public would hold Government responsible for introducing measures which might make the differences of race and creed more violent than ever. My Lord, I have dwelt upon this matter at such length in order to explain why I, a sincere admirer of the representative system, have given my cordial support to such provisions of this Bill as appear to militate against the system of election, pure and simple. Government, in reserving to itself the power of appointing one-third of the members of the local boards and district councils, is adopting the only measure which can be adopted to guarantee the success of local self-government, by securing and maintaining that due and just balance in the representation of the various sections of the Indian population which the system of election, pure and simple, would fail to achieve."

The Hon'ble MR. HUNTER said:—"My Lord, I congratulate your Lordship's Government on the passing of this Act. It is the first legislative expression of that policy of local self-government with which your Excellency's name will be for ever identified in India. It is, however, only in regard to the educational sections of the Bill that I shall venture to detain the Council with a few remarks. Those sections had to accomplish two objects. They had, in the first place, to conserve the popular element in

the existing educational mechanism of the Central Provinces. They had, in the second place, to guard against placing restrictions on the further development of popular instruction, or hampering the action of the Education Commission now sitting. The Bill has been carefully considered by the members of the Commission, and I have the pleasure to say, on their behalf, that it seems to accomplish both these objects. The unit of educational administration in the Central Provinces—indeed, I believe, the smallest administrative unit of any kind—is the school committee. One thousand of these useful little bodies are at present at work in those Provinces. The quotations made by the member in charge of the Bill, from the able report by my friend Mr. Browning, render it unnecessary for me to describe the action of such committees. Their origin dates from the formation of the Education Department itself; and whenever a new school is established, a new school committee is appointed. There is, therefore, a widespread system of school boards in the Central Provinces—a system which has the accumulated experience of twenty years of actual work, and which has within itself the elements of a natural and necessary growth, in proportion to the spread of intelligence and education. The present Bill organises these educational administrative units into a part of a complete system of local administration. The school committees consist of not less than four members, of whom the mukaddam, or village-head, is almost always one. The Bill provides that the district council shall, as far as practicable, conduct the management of the schools through these school committees. The mukaddams, and probably other members of the school committees, will have seats in the local boards; while the local boards will be represented in the district council. The school committee is, therefore, the pre-existing unit of local administration, whence some of the most important members of the local board will be drawn; and there is a perfect chain of responsibility through the local board to the district council.

“ The only other aspect of the Bill with which I shall detain the council is in regard to educational finance. Two of the financial difficulties which arise in Indian Provinces with regard to the education of the cultivators may be stated as follow. First, the difficulty of securing that funds specially raised for primary education shall be entirely spent on primary education, to the exclusion of higher classes of schools. Second, the difficulty of securing that funds specially raised from the cultivators shall be entirely spent on the education of the cultivators, to the exclusion of the town or municipal schools. The present Bill provides for the first difficulty. All funds raised for primary education in a district, although paid at first into a common fund, shall be expended solely on primary education; or rather, a sum at least equal

to the educational funds raised, shall be thus spent. With regard to the second difficulty, the Bill is silent. For that difficulty does not yet arise in the Central Provinces, outside municipalities and cantonments; that is to say, within the area over which the Bill has jurisdiction. The difficulty may arise hereafter in the Central Provinces, as it has done in other parts of India; but it is so complicated by local considerations and local claims, that the Bill wisely refrains from entering on a thorny question which has not yet arisen in the particular area with which it deals. That question, however, will require a definite legislative answer in some other parts of India; and it is now receiving the attention of the Education Commission. The present Bill preserves the existing popular element in the educational system of the Central Provinces. It provides for the strict application of funds raised for primary instruction, to the purposes for which they are levied; and it in no way fetters the Education Commission in its efforts to still further develop popular education."

The Hon'ble RAJÁ SIVA PRASÁD said:—"My Lord, after the able and lucid exposition of the principles on which the Bill is based by the Hon'ble Member in charge of it, I have very little left to add. However, I am very glad to find that the Hon'ble and learned Dr. Hunter has spoken so strongly in favour of the Bill, especially so far as the education of the people is concerned, and with those remarks I fully concur. As to the self-government scheme, the whole country, from the Himalayas to Cape Comorin, has already responded in terms of unqualified approval, but I do not agree with the Hon'ble Member in charge of the Bill in the mode of the selection of chairman. The result of the limitation of power of the district councils and local boards in making selections from among themselves will be quite different from what he expects. Many good and fit Natives, who would have offered themselves as candidates for chairmanship, may not accept a membership. Still, I do not like to interfere in any way with the wishes and plans of the Local Governments. Self-government does not abolish the Local Governments, and they are, after all, the best judges in such matters."

The Hon'ble MR. ILBERT said the Council had been reminded that day that the importance of this measure consisted in its being the first attempt to embody in a legislative form the principles laid down by the Government of India in its Resolutions on the subject of local self-government, and it had been explained on a previous occasion that this circumstance was due to a mere accident. But he could not help thinking that it was a happy accident which entrusted the task of preparing and introducing and explaining this measure to a gentleman who,

from his thorough knowledge of local circumstances and local requirements, and his genuine and sympathetic appreciation of Native character, was so eminently qualified to perform the task as his hon'ble friend Mr. Crosthwaite. His hon'ble friend had so fully explained the provisions of the Bill and its general objects that he had left little for Mr. ILBERT to add, either for the purpose of meeting criticisms or for the purpose of removing misapprehensions ; and, of course, anything he could say would not carry with it the weight which necessarily attached to a person who spoke with a local experience which Mr. ILBERT could not pretend to possess. He was necessarily compelled to approach this subject from an English point of view, and to look at it with the light of such knowledge as he happened to possess of the working of local representative bodies in England. But that the knowledge and experience derived from these sources was altogether inapplicable to similar institutions in India was a proposition which he was not prepared to admit. If it could not tell the Government what they were able to do or what they ought to do, it might be useful for the purpose of telling them what mistakes they ought to avoid. He had read a good many reports on the working of local representative bodies in India, and as he had read them he had often been reminded of the aphorism of Artemus Ward that "after all there is a good deal of human nature in man." What he meant was that, in spite of the enormous differences between the Englishman and the Hindu, and between England and India,—differences which no Indian statesman would be likely to minimize or overlook,—yet there were certain broad principles of policy which were as applicable here as they were applicable there, and which an Indian could not any more than an English statesman afford to disregard. One was often tempted to suspect that, where the attempts to introduce or develop self-government had failed in India, the failure might be traced to causes which would have produced the same effects in England. Suppose, for instance, that a statesman had to frame or give effect to a scheme for entrusting new or extended powers to local representative bodies in England. What would be the main considerations which he would endeavour to keep in view ? In the first place, he would bear in mind that the main object of local self-government was to enlist on the side of the Central Government local knowledge and popular sympathies, and, even if he could be assured that that object could not be attained without the risk of sacrificing a certain amount of administrative efficiency, he would still be prepared to make the sacrifice. Then he would recognize the necessity of building on and developing existing institutions. Instead of creating new authorities or new machinery, he would do his best to utilise the authorities which were already in existence and the machinery with which the people were familiar. Again, he would take care

that the work which was entrusted to local bodies should be work of a kind to which they were accustomed, as to which their special knowledge and experience would be valuable and in which they would be likely to take an interest. The main function of a local representative body, especially of a local body in a rural district, was to provide in a simple way for petty local wants. These were the things about which the members of such bodies knew about which they really cared and which they were likely to do well. If they were required to carry out works which were conceived on an Imperial or Provincial scale, they would be discredited; if they were fettered with elaborate formalities, they would be disgusted.

Then in dealing with the question of finance, an English statesman would recognise the importance of appropriating local taxes to local purposes. The British rate-payer like to see what became of his money, and strongly objected to its being spent outside his parish or union: if he was told that he would reap the benefit of the expenditure in an indirect manner, he was apt to be incredulous and dissatisfied. It was possible that the Indian rate-payer might be influenced by similar feelings. Then, care would be taken to leave a considerable amount of discretion to local boards, both as to the works on which the money placed at their disposal was to be spent, and as to the mode in which those works were to be carried out. Unless such discretion were given, all real responsibility for, all genuine interest in, local work was made impossible, and the body which had been called into existence for the purpose of assisting the Government with its knowledge and experience was reduced to the level of a mere collecting and spending machine.

Lastly, whilst allowing great latitude as to matters of detail, he would, as to matters of principle, reserve large and strong powers to the Central Government, taking care, of course, that these powers would not take the form of vexatious or arbitrary interference, but should be exercised with reference to general principles and for assignable reasons.

Such were among the most important of the considerations which would be applicable to any experiment in the direction of extending self-government in England; whether, and how far, like considerations were applicable to similar experiments in this country, and, if they were applicable, whether the failure of some of those experiments could in any measure be attributed to a disregard of them, he would leave to those who had more knowledge of India than himself to say.

The only one of these considerations on which he wished to touch further to-day was that which related to the matter of control, and he wished to refer

to that for two reasons :—first, because, as his hon'ble friend Mr. Crosthwaite had remarked, it was the feature of the Bill which had evoked most criticism ; and secondly, because it was a point on which direct appeal had been made to English precedents. Some of the official critics of the Bill seemed to have feared that its effect would be to take away Government control, whilst there was another class of critics who apparently thought that the existence of such control was incompatible with the existence of local self-government at all.

The Government of India did not share the apprehensions of the first class of critics, and they did not agree with the views of the second. Nothing was further from their intention than to place local representative bodies in a position of absolute freedom from Governmental control. What was proposed was not to remove such control, but to alter its character, to substitute for dictation from within control from without, and to take care that this control should be exercised with reference to fixed and general principles and for definite and intelligible reasons. Control in this form, so far from being incompatible with, was an essential feature of, any good system of local self-government. Take, for instance, the system which prevailed in England ; not a model system by any means, but a system under which a great deal of useful work was done in a very creditable manner ; and consider the relations in which local bodies in that country stood to the Central Government. The most important of the local representative bodies in England were the town councils and local boards in towns, the boards of guardians and the newly established school boards. These were the bodies which, in the language of modern Acts of Parliament, were usually referred to as the "local authorities." They represented the local, as distinguished from the central, element in the Government of the country ; and their most important functions were to supervise the relief of the poor, to look after schools and roads and to provide for the maintenance of the public health. In the discharge of each of these functions, their proceedings were controlled by some department of the Central Government. Thus, school boards acted under the control of the Education Department ; town councils, local boards and boards of guardians, in their capacity of sanitary authorities, acted under the control of the Local Government Board. He would not refer to the relations which existed between the school boards and the Education Department, except for the purpose of remarking that the section of the present Bill giving power to suspend a district council or local board in case of default was modelled on a section of the English Elementary Education Act of 1870 (section 63), which gave a similar power to the Education Department in the case of a defaulting school board. But MR. ILLBERT would take his illustrations mainly from the important Public Health Act of 1875, which regulated the powers and duties of local authorities when exercising sanitary functions.

The department of the Central Government which was charged with the control of local sanitary authorities was known as the Local Government Board; but it was not a board at all in the sense of being a deliberative or consultative body—it was simply a department of the State consisting of a President and a Secretary who sit in Parliament, and change with the Government of the day, and of a large permanent staff consisting of secretaries, assistant secretaries, inspectors and other officers. If reference were made to the Public Health Act, 1875, it would be found that the powers of control and supervision which were conferred by that Act on the Local Government Board were numerous and extensive. The sanction of the Board was required for loans and leases. It regulated the terms on which money was to be borrowed and lands let out on lease. Its approval was required for all bye-laws. Its sanction was required for appointments to all offices which were not wholly paid for out of local rates. It prescribed the form in which local authorities were to keep their accounts. It appointed auditors to audit their accounts; and these auditors not only had power to check the accuracy of the figures, but were required to disallow every item of account which was contrary to law, to surcharge the same on the person making or authorising the making of the illegal payment, and to charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person. Its inspectors were entitled to attend any meeting of the local authority. The Board might direct its officers to hold local enquiries as to the mode in which the Act was carried out and might in appropriate cases charge the expense of the enquiry on the local rate. And lastly, if the local authority made default in the performance of its duties, the Local Government Board might take effectual steps for enforcing and securing the performance of that duty. The section which conferred that power was so important, and bore so directly on the proposals contained in the present Bill, that he would take the liberty of reading it to the Council.

Section 299 of the Public Health Act, 1875, was as follows:—

“Where complaint is made to the Local Government Board that a local authority has made default in providing their district with sufficient sewers, or in the maintenance of existing sewers, or in providing their district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a local authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due enquiry, that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If such duty is not performed by the time limited in the order, such order may be enforced by writ of mandamus, or the Local Government Board may appoint some person to perform such duty, and shall by order direct that the expenses of

performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default; and any order made for the payment of such expenses and costs may be removed into the Court of Queen's Bench and be enforced in the same manner as if the same were an order of such Court."

He made these references to English legislation for the purpose of showing that there was ample English precedents for the powers proposed to be conferred by the present Bill on the Local Government and its officers. The Government of India did not say that the precise powers which were in the present Bill were necessary or applicable under all circumstances or in all parts of India. It was enough to say that they appeared to be required in the Central Provinces, and he hoped and believed that, in the form in which they were given, they would be found to be sufficient.

The Hon'ble MR. GIBBS said :—

"At the last meeting of Legislative Council at Simla, at which I was unfortunately not able to attend, the Hon'ble Mr. Plowden made some observations on the policy of this Bill, founded on his experience of thirty years as a member of the Civil Service, and, in the course of his speech on that occasion, he alluded to the fact that he was in my absence the senior representative of the Civil Service in the Council. I am not only the senior member here, but with the exception of one member in the Madras Presidency, I believe I am the oldest representative of the Civil Service in India; and it is in that character that I wish to make a few observations on the present occasion. My opinion of the necessity for local self-government is not an opinion recently formed or merely formed on the question being brought forward by your Lordship. I have long seen that such a necessity must arise, and that it was merely the natural outcome of that system of education which has been going on under the auspices of the British Government for between forty and fifty years. I have for many years watched the progress made by the Natives of this country to render themselves capable of taking part in the Government, and done my best to hasten on that end, whenever I had the opportunity, specially by trying, and sometimes with success, to increase the power and independence in municipalities and other local bodies in Western India. Particularly I am allude to the Municipality and Port Trust in the City of Bombay. I am sure that no true friend of the Natives of this country can hold any other opinion than that it would be for the good of the empire when the people of the country become fitted to take a more direct part in its government. This has to a certain extent been going on for many years, by the employment of so many Natives, some in important, but the majority in subordinate, official posi-

tions under Government; but the present movement is of very much greater importance than anything that has yet been attempted, for it will enable the independent gentry of the country not merely to join the Government in carrying on the administration of the Empire, but in their own individual capacity to step in and relieve the ordinary Government of much of its work.

“I feel sure that the leading people can, and will, do much to carry out the policy now proposed, but at the same time I feel equally certain that the success of that policy will depend almost as much on the District Officers and their conduct towards the boards as it will on the boards themselves. It will require judicious care and assistance, and not dictation, on the part of the District Officers to assist the gentlemen who form the boards, especially at the commencement, to carry out their onerous duties with success.

“As regards the powers of control given under the Act, I feel quite sure, although no one could be better pleased than myself to avoid such clauses, that no real friend of the people could object to such control at the first, because its real object is to ensure the success of the Act, which, without it, might, and would probably, fail. I feel quite certain, however, that, when it is found that the boards can act alone, such control will be reduced, and eventually perhaps almost entirely removed.

“As an example of what I mean, I would point to large bodies, such as some of the larger municipalities of the Bombay Presidency, and especially to the Municipal Corporation of the City of Bombay. I have no doubt that, if any measure for amending the Acts under which those bodies work were now under consideration, the control at present insisted on might be considerably reduced and modified.

“I am aware that this is a special Bill for a special province, and, therefore, I will say nothing as to its details beyond expressing my conviction that the great local experience of the Hon'ble Member in charge will have provided for all that is possible to ensure success, and I trust most sincerely that it will prove a blessing to the province to which it applies.

“Your Excellency has been congratulated on the passing of this measure to-day; I will rest content with congratulating myself that I have had the honour and satisfaction of forming one of the Council and the Government who have initiated so far successfully the important policy of local self-government in India.”

His Excellency THE PRESIDENT said :—

“ I really have nothing to add to the remarks which have been made by previous speakers in the course of this discussion. The Bill before us is, as has been pointed out, a Bill relating to the Central Provinces only, and, consequently, it is framed in accordance with the special circumstances which prevail in that district.

“ The Government do not put this Bill forward as a model measure which they would recommend to be followed by all the other Local Governments throughout the country. It might almost be said that the Central Provinces is one of the least advanced districts in India, to which a system of local self-government can be considered to be at all applicable. It is, therefore, natural that a measure to be applied to a district of that description should be framed in a manner which might not be suitable to the circumstances of districts of a much more advanced description, and I desire that it should be distinctly understood that this Bill relates to the Central Provinces, and the Central Provinces only. It is a measure which we have reason to believe is well suited to the circumstances and people of those Provinces, but, doubtless, many of the provisions which find a place in this Bill will not be considered by the heads of Local Governments in other parts of India either necessary or suitable for the populations under their charge. That being so, there is really very little necessity for me to make any remarks upon the details of this Bill. They have been ably explained by my Hon'ble friend Mr. Crosthwaite, and commented on with his full knowledge of such questions by my Hon'ble and learned friend Mr. Ilbert; and I do not think, therefore, that there are any matters upon which any further explanation with respect to the views, intentions and objects of the Government can be required from me.

“ I will, however, make just one remark upon a single point of detail, alluded to by my Hon'ble friend who introduced this discussion. He spoke of the section of the Bill—section 34—which relates to the framing of rules by the Chief Commissioner, and he said that some persons might think that a very wide discretion was left to the Local Government in respect to the framing of those rules. Now, it is very important that all persons who have to consider Bills of this description should bear in mind that the provisions which are contained in measures which will form part of the law of the land are hard-and-fast provisions which cannot be altered without referring again to the Legislature and passing a new Act. Now, in a matter of this kind, particularly at its commencement, it is very undesirable to lay

down more hard-and-fast rules than are necessary. What you want is that the system should be elastic; and that you should ascertain by practical experiment what modes of self-government are most suited to the requirements and idiosyncrasies of the people in different parts of the country; for, if you tie the hands of the Government too tight by the regulations of an Act of the Legislature, that elasticity which is so desirable in order to arrive at the system best suited to fulfil the wishes and meet the requirements of the country will be altogether lost, and the Government will find itself bound, whether the measure is in practice found to be suitable or not, to enforce the provisions of the law, or else to go through the long and complicated process of again referring the matter to the Legislature. But those who are inclined to think that these rules are all too elastic, should bear in mind that we have, in this Bill, in fulfilment of the promise made in the Resolution of the Government, issued a short time ago, in respect to rules of this description, distinctly laid down that the rules issued under section 34 shall be published beforehand in draft and left for the consideration of the public for a certain period, in order that, if any objections are felt to them, those objections may be fairly represented to the Local Government.

“And, certainly, if ever there was a case in which we may trust implicitly that the rules which will be made—I hope speedily—under the Bill about to become law, will be those best suited to carry out the provisions of this measure in a friendly spirit towards the spread of self-government, it is this; because it is due to Mr. Morris, whose time in the Central Provinces, I regret to think, is drawing to a close, but who nevertheless will have an opportunity of making the rules under this Bill, that I should say again, what I said on the occasion of a previous discussion at Simla, that there is no civil servant in India who has shown himself, long before this question was taken up by the present Administration, more desirous of applying largely and wisely the principles of local self-government than Mr. Morris. The best thanks of the Government are due to that distinguished public servant for this part of his policy, as well as for the ability with which he has so long administered the Central Provinces over which he has been placed; and I feel the most entire confidence that, in entrusting the initiation of the system established by this Bill to his hands, we are leaving it to one who fully and heartily approves of the principles of the Government on this subject as laid down in their Resolutions on local self-government.”

The Motion was put and agreed to.

EXPLOSIVES BILL.

The Hon'ble MR. ILBERT moved that the Bill to regulate the manufacture, keeping, sale, conveyance and importation of explosives be referred to a Select Committee consisting of Lieutenant-General the Hon'ble T. F. Wilson, the Hon'ble Mr. Hope, the Hon'ble Durga Charan Laha, the Hon'ble Messrs. Reynolds and Miller and the Mover.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the local official Gazettes in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

The Council adjourned to Friday, the 26th January, 1883.

R. J. CROSTHWAITE,

Additional Secretary to the Government of India,

Legislative Department.

CALCUTTA ;

The 12th January, 1883. }