

CHAPTER V

Constitutional and Administrative System of Cooch Behar State

i) The State (Executive) Council, The Legislative Council and the Judiciary :

Barbara N. Ramusack has argued that 'many princes represented a continuity of traditional state formation in India and remained autonomous rulers, exercising substantial authority and power within their states, until 1948. Hence the British imperialists did not create the princely states as states or to reduce them to 'theatre states' where ritual was dominant and governmental functions relegated to imperial surrogates'. According to Ramusack, as a matter of fact, 'the British power gradually restrained sovereign princely authority, especially in defence, external affairs and communications. Nevertheless, Indian princes taxed their subjects, allocated state revenues, had full criminal and civil judicial powers, maintained internal law and order to varying degrees, patronised traditional and modern cultural activities and institutions. Indeed they synthesised elements of rajadharm or indigenous kingly behaviour with those of British models'.¹

As early as 1934 William Burton opined that 'the older school of Indian Princes cherished the idea of the divine right of kingship,' and subconsciously the feeling is still there.' In some ancient principalities, according to him, the maintenance of regal splendour is more important than sound administration. There are others in which there is no clear border-line between the expenses of the court and the administration. This often means that essential services are starved.² Mr. Burton further noted that the quality of government, despite adoption of modern administrative machinery, 'depends almost entirely on the personality of the ruler. Where he takes a close interest in what is going on, knows how to select his men and keeps in close touch with his people, the system is more satisfactory than the impersonal system which exists in so many parts of British India. The experience and inside knowledge of a ruler that can build up in the course of years makes it possible for him to keep a strong check over the oppression by his officers, ...'³ This was, however, mainly true of the larger states which had set up a system of administration approximating to the British model. In the huge agglomeration of states comprising Indian India there was naturally a great diversity of standards of government. In the small states in the Himalayas round Simla, for instance, the raja's powers were circumscribed, he ruled paternally subject to appeal to British authority, much in the same way as a minor baron of the Middle Ages in Europe. There were many similar states in other parts of India, dealt with on similar principles by the British Indian Government. In such cases the administration was supervised by the Political Agent.

The system of administration that came into vogue under the rule of the Koch kings was the monarchical

system, and in its pyramidal structure the king's position was at the apex. The king usually claimed his divine origin and his divine right of kingship.⁴ Though the king was the supreme head of the state administration, there was, under the Koch rulers, a council of ministers which used to play an important role in the administration of the Koch kingdom. The king used to consult with the ministers in times of need.⁵ Like the other Hindu kingdoms, the Koch kings of Western Kamarupa had developed a well network of administrative system. Immediately after the conclusion of the Anglo-Koch treaty of 1773, the Cooch Behar State virtually became a protectorate kingdom and the English East India Company reorganised the administrative system of the State to some extent.⁶

Mr. Beveridge, the Deputy Commissioner of Cooch Behar made the following observation on the Government of the State in his Annual Report for 1865-67, "the administration of Cooch Behar has not many years been that of purely a Native state ; for ever since the treaty with the British Government it has been powerfully acted upon by the European ideas. Its proximity too to Rangpur, and the fact of all the amlah being natives of Bengal proper, assimilated many of its institutions to those of British India."⁷ The Deputy Commissioner further observed that before the appointment of a British Commissioner the Government of Cooch Behar was in a deplorable condition. ' It neither had the small rigour which may be supposed to characterise the government of a thoroughly Native State such as Nepal nor had it the organisation of a civilised State. It was, in fact, a mongrel government, being a cross as it were, produced by the Bhutia or Koch idea of government, and those which the Bengali amlah supposed to be ours. Hence the idea of the Raja being above the law, and of everything in a country being his, existed side by side with the ideas of a Stamp Act, and of appeals, both regular and special, ad infinitum'.⁸ Beveridge's observations though appear to be rather harsh, yet it will be difficult to disagree with the general tenor of his arguments.⁹

The system of administration of Cooch Behar State under the old Maharajas was an exceedingly cheap one. The pay of nearly all the officers was on a wretchedly small scale. The only way in which an officer could honestly live at all was by holding three or four different offices. Thus, while pluralities of appointments were common in some cases, the number of officers was unduly large in others. Besides, the resources of the government was not large. The only source of revenue was land, and even this was not properly taxed. Again, under a weak system of administration, and owing to the want of proper arrangement for the suppression of crime and maintenance of the peace, the material prosperity of the people was at a low ebb, notwithstanding the rich natural resources of the State.¹⁰

K.M. Panikkar credits Lord Mayo, Governor-General from 1869 to 1872, with establishing the practice of forceful intervention during minority administrations in the Princely States.¹¹ British officials frequently denigrated local appointees to Councils of Regencies as motivated by self-interest. Their most caustic criticism was directed at the minor ruler's female relatives. Since the British did not have direct access to the zenana or women's quarters they were particularly anxious to reduce the influence of Indian women, whom they stereotyped as superstitious and of

doubtful morality. In order to counter the zenana's impact in the public sphere and to preserve the patrimony of young princes the British officials resorted to such forceful interventions. Through such intervention princely administrations were frequently rationalised according to British models that furthered British economic and political interests. The measures undertaken by the British officials included reorganised administrative structures and judiciaries, and most importantly, land revenue settlements.¹²

The man destined to put things to right in the Cooch Behar State was Colonel Haughton, who was appointed by the Government as Commissioner of Cooch Behar in 1864 during the minority of Maharaja Nripendra Narayan.¹³ His vigorous yet considerate mode of procedure achieved highly satisfactory results in a very short time. He largely improved the resources of the revenue, established a regular budget system regulating receipts and expenditure, introduced thorough reforms in the administration of justice, established a good system of police, cut down all unnecessary expenditure, laid out large sums on public works and education, and encouraged morality and honesty in every branch of administration. When Mr. Haughton left Cooch Behar in 1873, 'he had sown all these seeds of good government and improvement in the State, which under the fostering care of his successors and able assistants' brought the State to a higher stage of development.¹⁴

On 8th November, 1883 Maharaja Nripendra Narayana assumed the ruling power and on the following day he issued the Memorandum of Administration drawn up by the Commissioner of Jalpaiguri and Koch Behar Division. Accordingly, a Council of State was established with the Maharaja as President and three members namely, the Superintendent of the State, the Dewan and a Judicial Officer, who were to be the Heads of the three Departments of General administration, the administration of Revenue, and that of Civil Justice. The Superintendent would supervise, direct and control the administration of Criminal Justice and the Police, the Military, Jail, Public Works, Education and Audit Departments and would be the Sessions Judge, hearing all criminal appeals 'which ordinarily lie to the Sessions Judges', but would not act as a Civil Judge except when sitting in Council. The Dewan would be in charge of the Revenue Department, being responsible for the collection of all kinds of revenue, and the supervision of all proceedings in connection with such matters. The Judicial Member of the Council would hear civil and revenue appeals of certain classes, and supervise the administration of Civil Justice, all final appeals lying to the Council.¹⁵

In the Memorandum of Administration of 1883 it was resolved that the annual state budget would be brought up and discussed in the Council, after which it would be submitted to the Maharaja for sanction without which the budget would not be finally settled.¹⁶ No new tax would be imposed by the Maharaja without the consent of his Council, but it would be open to him to veto any such tax proposed by the Council.¹⁷

In 1891, the Memorandum of Administration of 1883 was considerably modified. The constitution of the

Council consisting of two Members (The Member from whom appeals lay before the Council being left out) similar to a Division Bench of the Calcutta High Court, was established. Any difference of opinion between the two members was to be referred to a Full Bench consisting of all the Members with the Maharaja as President. All motions against the orders of subordinate officers were to be heard by a Bench composed of all the three Members of the Council.

On the Legislative side, it was the intention of His Highness to appoint Additional Members from time to time, from amongst the Rajguns, the intelligent and wealthy Jotedars, and from the Bar. Besides, The Civil Judge was appointed Sessions Judge in addition to his duties, and the Superintendent of the State ceased to be a Sessions Judge, and the Dewan, an additional Sessions Judge to which office he had been appointed in 1890-91. The powers of the Fouzdari Ahilkar were defined and made to correspond with those of a District Magistrate of British India.¹⁸

It can be mentioned here that the Audit Department was transferred from the office of the Superintendent of the State, and placed under His Highness' immediate control. It was to remain in Cooch Behar, but would have a distinct and separate existence for check and control of expenditure, which was the chief object of such an institution. In 1894-95, the designation of 'Auditor' was changed, under the orders of His Highness, to 'Accountant-General.'¹⁹

The Chaklajat Estates were placed directly under the Council and the Manager of these estates was made a Member of the Council with a vote, like the other members, with respect to all matters connected with the above estates. But later the Chaklajat Estates finally ceased to be directly under the Council and were placed under the supervision of the Dewan.²⁰

In August, 1885, the Commissioner of the Rajshahi Division was appointed by the Government of India ex-officio Political Agent for the Cooch Behar State, for the purpose of articles IV and V of Act XXI of 1879 (Foreign Jurisdiction and Extradition Act), and the Superintendent of Cooch Behar was appointed Justice of the Peace within the State for the trial of European British subjects infringing the laws of the State. The Court of Sessions at Rangpur was given jurisdiction in cases committed for trial by the Justice of the Peace for Cooch Behar.²¹

From the foregoing discussion it is clear that the functions of the State Council were three fold : Legislative, Executive and Judicial. On the legislative side the Council passed laws and enactments. On the executive side it regulated the management of the different departments. In matters judicial the Council was the highest court of appeal having final jurisdiction in civil, criminal and revenue suits and proceedings. The Council had the power to frame rules and regulations for the management of the judicial side.²² It is also matter of fact that the State Council which was established by Nripendra Narayan was a nominated body and had all official members. Though it decentralised power, the people were not associated with the administration.²³ The State Council continued to function in almost the same manner for three successive decades.

Another landmark in the history of the state administration was the establishment of the State legislative Council in 1909 by Nripendra Narayan.²⁴ It was founded with a view to giving effect to His Highness' long cherished desire to create a separate Legislative Council for Cooch Behar. The functions hitherto exercised by the State Council, as at present constituted, so far, relating to matters legislative should be performed by the legislative Council. The constitution of the newly founded Legislative Council was as follows : (i) All the members of the State Council as at present constituted, (ii) One member representing the Rajguns, (iii) One member representing the Hindu Jotedars and one member representing the Mohammedan Jotedares, (iv) One member representing the Bar and (v) One member representing commerce and industry. The five new members were to be called Additional Members and would be appointed by the Maharaja. The State Government argued that the time had not yet arrived to introduce the elective form of representation.²⁵

During this period only two other Princely States in India, namely, Mysore and Cochin had similar arrangements.²⁶ It had been mentioned that in constituting the State Legislative Council the Maharaja of Cooch Behar followed the example which Lord Morley, then Secretary of State for India and Lord Minto, then Governor-General of India had set in enlarging Imperial and Provincial Legislative Councils with a view to making them more representative in character.²⁷ Though the Legislative Council, thus constituted, was a nominated body, it represented different social, professional and business interests as well as the leading sections of the people of Cooch Behar State.²⁸ The Legislative Council continued in almost the same way for the next three decades to perform useful functions, more specially in enacting a body of statutory laws adapted mutatis mutandis from British Indian Law.

The constitutional and administrative set up of the Cooch Behar State as laid down by Nripendra Narayan (1863 - 1911) was followed by the next two kings, Raj Rajendra Narayan (1911 - 1913), and Jitendra Narayan (1913 - 1922) during whose reigns no worthwhile changes had been introduced in the administrative as well as constitutional framework.²⁹ The reign of Jagaddipendranarayan (1922 - 1949), the last king of Cooch Behar State, however, witnessed some overhauling changes in the constitution and functioning of the Executive Council as well as the Legislative Council, as a result of which a dyarchical form of government was established in the State in 1939.³⁰

In 1936, Maharaja Jagaddipendra Narayan assumed the ruling powers in his own hands. In 1938, the constitution of the State Legislative Council was radically changed. In that year Maharaja Jagaddipendra Narayan expressed his wish that more non-official members would be given seats in the Legislative Council, and these additional members would be duly elected by sealed nomination from the public of the sub -divisions of Dinhat, Mekligunj and Mathabhanga. As a consequence, there was now a non-official majority in the State Legislature even after allowing for the casting vote of His Highness the President.³¹ The number of non-official members was raised to a total of eight and that of official members to six with His Highness' special power to cast a vote.³²

In 1939, another momentous step was taken in accordance with the policy which the Maharaja announced in a state notification on 9th January, 1939. It was declared that "His Highness has been pleased to express his personal wish that measures be adopted whereby his subject shall be increasingly associated with the administration of the State. It was further announced that there would be a new full Member of the Executive Council and he would be a Cooch Behari, and in the first instance would be in personal charge of the following Departments : Education, Agriculture and Industries, Registration, Court of Wards, Press and Stationary.

The powers and functions of the new Member of the Executive Council were further delineated in another State Notification issued on 18th January, 1939. "As a full Member," this Notification stated, "he will not only hold charge of his Departments, but he will participate in all proceedings of the Executive Council and his opinion will naturally have as much weight as that of any other Member of the Executive Council. He will be elected by the non-official Members of the Legislative Council from among their members and will be responsible to them". "This means that", the notification continued, "if the non-official Members of the Legislative Council are of united opinion that the new Member's policy in some important respect is not proper or is contrary to the general wishes of the subject of His Highness, it will be open to those members and indeed their duty to move a vote of no confidence in the Legislative Council, and if that vote be passed, the Member would, in accordance with accepted constitutional convention, be forced to resign". he would be replaced by another Member who would be similarly elected and who could command the confidence of the non-official majority.³⁴

It was further declared that the new Member should be known as 'Fourth Member,' as because the Vice-President of the State Council being the first Member, the Revenue Officer being the second Member and Henceforth to be designated 'Revenue Member', the Audit Officer being the third Member and designated 'Finance Member'.³⁵

The swearing-in -ceremony of the Fourth Member, Mr. Sushil Kumar Chakravarty, M.A., M.L.C., took place on 25th February, 1939. Then Mr. U.N. Dutt, B.L., a High Court Judge administered the oath to the fourth Member designate who kneeling before His Highness, swore the following oath : "I, Sushil Kumar Chakravarty, having been elected a Member of the Cooch Behar State Council by the Non-official Additional Members of the Cooch Behar Legislative Council do solemnly swear that I will be faithful and bear true allegiance to His Highness the Maharaja Bhup Bahadur, Maharaja of Cooch Behar, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."³⁵

Thus the new Member, who was a Cooch Behari, took office with effect from the 1st March, 1939, and in the first instance had assumed charge of a portfolio including the Departments of Education, Agriculture and Industries, Registration, Court of Wards, Press and Stationary. As noted earlier, he was responsible to, and dependent on the

confidence of the non-official members of the Legislative Council in respect of these Transferred Departments. But the budget demands of these departments were subject to the scrutiny and vote of the Legislative Council.³⁷

The new constitutional arrangements which the Maharaja Jagaddipendra Narayan had introduced were dyarchical in character. As a matter of fact, the new Member would be a Minister for transferred subjects. It has been pointed out in an Official Gazette of the State that 'in a State, sovereignty vests in the Ruler, in the same manner as the seat of sovereignty in the British Empire vests in His Majesty. The King Emperor normally accepts the advice of his Ministers, so also His Highness the Maharaja does not in practice exercise his sovereign powers in administrative matters without first consulting the Members of His Council : In other words, His Highness is a constitutional monarch'.³⁸

The new Cooch Behar Constitution had been well received in the Indian Press. Only two instances can be cited here. The Statesman had the following comment on the subject : "while some states in India are in turbulence and tribulation about constitutional advance, others are quietly making large changes in their constitution, one of these is Cooch Behar. Now dyarchy has come in, to increase the association of the people with the state administration. The non-officials have elected one of themselves to be a Minister, Mr. Sushil Kumar Chakravarty, a subject of the state. He will from March 1 of this year be in charge of the Departments of Education, Agriculture, Industries, Registration, Court of Wards, Press and Stationary. He will be a full member of the Executive Council but for the administration of his own departments will be responsible to the non-official members of the legislature. In this piece of constitutional advance there is a model for many states."³⁹

'The Federal Law Journal of India' had the following comment on the constitutional reforms in Cooch Behar : "The Maharaja of Cooch Behar and his advisers are to be warmly congratulated on the simply and really substantial reforms that have been introduced in that state, which, commenting on the unreality of the Cochin reforms we had suggested that the proper course to be adopted if there is any real intention to grant responsible government is to appoint elected representatives of the people to the Executive Council. The State of Cooch Behar has followed the straight forward course."⁴⁰

A scheme of direct election providing adequate representation of all classes of interests amongst the people of the State was introduced in 1942 as promulgated in the Cooch Behar Legislative Act (No. III of 1942 - An Act to provide for the better representation of the people of Cooch Behar in the Legislative Council of the State).⁴¹ The framing of election rules, the organisation of electorates, the institution of electoral machinery were accomplished with remarkable speed in the early of 1942. In this way, the constitution of the legislature was fundamentally changed to afford facilities to the people of the State to be increasingly associated with the Government of the State through their accredited representatives.⁴²

Though the Ruler was the source of all authority and power in the State, he had delegated wide powers to the Executive Council, the Legislative Council and Judiciary, reserving to himself the right to decide important question involving policy.⁴³ The constitution of the Executive Council underwent a change with the appointment of Dewan Bahadur R. S. Naidu as Chief Minister of the State with effect from the 15th August, 1940. With this appointment, the designation of the three members of the Council were changed to Ministers, namely, Revenue Minister, Finance Minister and Fourth Minister respectively. The Chief Minister was appointed to be the ex-officio Vice-President of the State Council with effect from the date of his appointment.⁴⁴

Henceforth the Executive Council consisted of His Highness as its President, the Chief Minister of the State as its Vice-President⁴⁵ and three other Ministers as its members, one of whom was elected from the non-official group in the Legislative Council. All the Ministers were responsible to His Highness, the President. Each Minister was in charge of a number of departments in respect of which he exercised clearly defined administrative powers. The entire administration was carried on through well organised departments and these departments addressed their proposals, when necessary, to His Highness the President of the State Council.⁴⁶

On the other hand, the Legislative Council consisted of (a) His Highness as the President, (b) Ex-officio Members viz, the Ministers of the State including the Chief Minister who was the ex-officio Vice-President, (c) elected members viz, (i) two non-official members (one Hindu and one Mohammedan) elected by the Jotedars of the State, (ii) one member elected by the members of the legal profession of the State, (iii) five non-official members elected — one by each of the five sub-divisions of the State, namely, Sadar, Dinhat, Mathabhang, Mekligunj and Tufangunj, (d) nominated members viz, (i) one to represent the Rajgans of the State, (ii) one to represent commerce and industry in the State, (iii) additional members not exceeding five in number appointed by His Highness. The members of the Legislative Council ask questions and move resolutions on matters of public interest subject to certain limitations. All Legislative measures passed by the Council could not have the force of law in the State until and unless they receive the assent of His Highness.⁴⁷

Cooch Behar State Intelligence Branch in its confidential report dated 17th October, 1942 pointed out that 'the constitutional and administrative reforms appear to have been working satisfactorily and effectively. Generally the intelligentsia appear to have been taking interest in the matter and are looking forward for further reforms. The village folks and uncultured sections of the masses do not appear to have understood the changes and reforms.⁴⁸ In its another report the State Intelligence Branch observed that that State Darbar's sincerity in giving effect to the electoral system for election of Members of His Highness' Legislative Council under the new rules at this critical time arising out of the war emergency which, in the ordinary course of events, would have been deferred had been greatly appreciated by the intelligentsia in general. 'But the election of only one member as people's representative in the Executive

Council was much talked about. It seemed they were eagerly looking forward for more representative bodies of the people in the Executive Council on the ground that 'a single elected member has got to agree with the official majority. It is desired by the people that number of official and non-official members should be equal.'⁴⁹

Looking ahead of the future constitutional growth and progress of the legislature, Maharaja Jagaddipendra Narayan in his inaugural speech delivered on the 25th August, 1942 in the Legislative Council spoke as follows : "Gentlemen, you will all agree with me when I say that the object I had in view has now been fully achieved by the reconstitution of the Legislative Council, providing seats for elected representative of the subjects of the State and by the creation of a non-official majority in the legislature and by the transference of the charge of some of the most important departments — Education, Agriculture, Industries, Medicine and Public health to the Elected Minister of the State." "It will not be out of place," the Maharaja announced, "to mention here that the establishment of such a Legislative Council, as I have the satisfaction to declare open this morning, is to be found only in a few Indian States."⁵⁰

As regards the judicial system, the Rajsabha or the King's Council was the highest court in the Koch kingdom before the coming of the British Commissioners.⁵¹ The Cooch Behar High Court (without an original side) was established in 1883 by Maharaja Nripendranarayan. It exercised the same final appellate jurisdiction as was being exercised by the appellate sides of the High Courts in British India. Modelled on the lines obtaining in the Province of Bengal, it was constituted by Benches consisting of two judges, who, in case of disagreement, might refer to a full Bench composed of all the judges and presided over by His Highness.⁵²

Since the assumption of full ruling powers by Maharaja Jagaddipendranarayan in 1936, reorganisation of the High Court had been engaging His Highness' particular attention. The old judicial court which consisted mainly of members of the State Executive Council was unsuited to the times and needed radical alteration. A tentative advance in the direction of separation of the judicial side of the Council from the Executive was made in June, 1939 when the personnel of the Judicial Council was supplemented by appointment of a retired District Sessions Judge of Bengal. The final constitution of the High Court, dissociated from any executive control as envisaged by His Highness, materialised in June, 1941 when His Highness established a High Court of judicature for the whole of Cooch Behar State vesting in it the powers of the final court of appeal, reference and revision, within the State, in matters both civil and criminal, but excluding from its jurisdiction the revenue matters which were left as before to be dealt with by the State Council as a Board of Revenue.⁵³

The Court next to 'Rajsabha' was Upper Adalat or Court of Appeal presided over by the judge and the third court was the Dewani Ahilkar's Court resembling the Sudder Amin's Court of British India of those days. These courts

formed the nucleus of the existing judiciary. In course of time with the reforms and changes introduced in the administration to keep pace with the developments of the judiciary in British India, the Upper Adalat was reconstituted and styled as the Civil and Sessions Judge's Court and vested with the powers both original and appellate almost similar to those of the District Judges in Bengal. Similarly, the Sudder Amin's Court came to be reconstituted and styled as the sub-divisional subordinate courts.⁵⁴

The personnel of the High Court of judicature of Cooch Behar consisted of a Chief Judge and a puisne judge. Additional puisne judges were appointed when it was necessary. The function of the High Court Judges was judicial only designedly dissociated from the executive side of the administration. The administrative control to direct and arrange its business was vested in the Chief Judge with such assistance of the puisne judge as he thought necessary.

The subordinate civil and criminal courts were organised on the same lines as the corresponding courts in the neighbouring British Districts and they administered practically the same codes of law and procedure in Cooch Behar State. There was, however, one distinction in that the functions of the Collectors and District Magistrate in a British Indian District were separated.⁵⁵ There were altogether eleven subordinate courts in the State — four at Sudder, two in each of the sub-divisions of Dinhata and Mathabhanga and one in each of the sub-divisions of Mekligunj and Tugangunj. One Civil Bench Court was started at Haldibari as an experimental measure from the 15th May, 1944.⁵⁶

Fouzdari Ahilkar (District Magistrate) was the head of criminal justice under the control of the Chief Minister of the State who was the controlling authority of the Criminal Department. Each sub-division was under the control of a Naib Ahilkar (Sub-divisional Magistrate) who administered criminal justice within the jurisdiction according to the Cooch Behar Penal Code of Criminal procedure and other laws as adopted in the State. In the sub-divisions of Sadar, Dinhata and Mathabhanga there were (besides the regular court) Honorary Bench of Magistrates who also administered criminal justice and tried the cases transferred to them by the Fouzdari Ahilkar. There was also a Bench Court at Haldibari for the same purpose.⁵⁷ The Chief Minister of the State exercised administrative control over the subordinate judiciary and held charge of the portfolio of the Departments taking within the purview of 'law and order'.⁵⁸ The Maharaja Jagaddipendra Narayan claimed that the personal liberties and property of his subjects were fully guaranteed by a legal system modelled over a century and a half on that prevailing in the Province of Bengal and by the adoption, mutatis mutandis, of all important British Indian Codes of law and procedure.⁵⁹

From the year of 1865-66, the courts of the State conformed to the code of Civil Procedure of the British (Act VIII of 1859). It was formally adopted in 1875, from which year the main principles of the Rent Law of British India (Act X of 1859) were also followed. The Indian Evidence Act was introduced in 1873 and the Limitation Act in 1880. The

Penal Code, the Criminal Procedure Code, the Succession Certificate Act, the Control Act and many other important laws were introduced into the State after the installation of Maharaja Nripendra Narayan.

From 1941 the attention of the Legislative Council was mainly directed to make all Acts already introduced upto date by adopting all amendments of the Government Act and to introduce special legislation to suit the requirement of the times, e.g., Electricity Act, Motor Vehicles Act, Standard of Weight Act etc., Bills such as the Patents Bill, Public Health Bill, Animal Contagious Diseases Bill, the Factories Bill, the Army Bill, the Workmen's Compensation Bill etc. were then within the Select Committee. 'In the matter of Legislation', it had been officially claimed, 'the State has not in any way lagged behind the progressive movement in the Government provinces in law and procedure sanctioned by the highest authorities like the High Courts of British India.'⁶⁰ Finally, at the time of integration (1949) Cooch Behar had a High Court with two judges. The Chief Judge asked for retirement immediately after integration and puisne Judge was still carrying on.⁶¹ An Ordinance (the Cooch Behar High Court Continuation Ordinance, 1949) had been issued to reduce the number of judges in consultation with the Government Advocate and High Court Judge.⁶² A separate report was finally made to the States Ministry of the Government of India in this respect. It was considered that Cooch Behar should be brought under the jurisdiction of the Calcutta High Court.⁶³

(ii) The Municipal Government :

The history of local self-government had begun from the time of Maharaja Nripendra Narayan (1863-1911) in Cooch Behar State.⁶⁴ In 1885 the Cooch Behar Town Committee Act (Act-I of 1885) based on Bengal Municipal Legislation⁶⁵ was passed. A nominated committee of ten members was created under the Act to function as a municipality for the town of Cooch Behar and the Fouzdari Ahilkar was to be the chairman. Later by an amendment of the Act in 1897 the Superintendent of the State was made the ex-officio chairman. Municipal functions performed by the town committee included maintenance of some of the roads made over to the town committee, street lighting, conservancy and drainage and maintenance of the town chowkidari force. The finance was obtained partly by taxation of properties situated in the town and partly by a state grant. In 1897, the Town Committee Act was extended to the sub-divisional towns of Dinhatra and Mathabhanga and to the bunder at Haldibari. In 1901-1902, the town committees were invested with the power of recording births and deaths, and for registration of carts plying within the town committee area and to levy a tax on cart loads of tobacco and jute coming into the town committee area. From 1903-04 the town committees were authorised to keep cattle pounds.⁶⁶

The following statement will show the receipts and expenditure of each of the above town committees during the year 1903-1904 :

Income

	Cooch Behar			Dinhata			Mathabhanga			Haldibari		
	Rs.	A.	P	Rs.	A.	P	Rs.	A.	P	Rs.	A.	P.
Balance of previous year	6,221	10	7	819	4	9	1,019	12	4	230	11	3
State grant	17,210	0	0	1,148	0	0	1,500	0	0	1,500	0	0
Pound Fund	3,600	0	0	200	0	0	500	0	0	-	-	-
Taxes	9,141	8	9	550	3	0	681	5	0	974	13	0
Miscellaneous	2,311	13	6	2,180	9	5	384	5	3	754	14	6
Narendra Narayan Park	600	0	0	-	-	-	-	-	-	-	-	-
Total	39,085	0	10	4,898	1	2	4,085	6	7	3,460	6	9

Expenditure

	Cooch Behar			Dinhata			Mathabhanga			Haldibari		
	Rs.	A.	P	Rs.	A.	P	Rs.	A.	P	Rs.	A.	P.
Office establishment	2,786	1	0	381	0	3	290	11	0	299	15	0
Lighting charges	3,104	11	0	294	3	6	173	3	6	233	12	0
Nardendra Narayan Park	2,030	1	8	-	-	-	-	-	-	-	-	-
Town improvement	12,269	10	2	2,680	11	6	1,126	4	9	592	3	3
Conservancy	6,724	15	3	142	9	6	486	9	6	257	5	0
Chowkidari establishment	2,388	0	0	488	14	6	417	1	9	424	14	3
Miscellaneous	1,483	9	5	341	5	9	82	12	6	319	2	9
Total	30,287	0	6	4,278	13	0	2,576	11	0	2,227	4	3

The foregoing statements would show that the town committees largely depended on the state grants for the functions. While the Koch Behar town committee could raise a sum of little more than half the amount of the state grant, the smaller town committees mainly depended on the state grants for their existence.⁶⁷

The Cooch Behar Town Committee Act (Act of 1885) which governed the conduct of all municipalities of the State was amended on the lines of the Bengal Municipality Act of 1932. The Cooch Behar Town Committee Act was extended to Mekligunj in 1932.⁶⁸ Again, a new municipality, i.e., Tufanganj was inaugurated in 1939, thus making a total of six municipalities in the State.⁶⁹

It had been the endeavour of His Highness' Darbar to stimulate the civil sense of existing municipalities and

to found new municipalities as occasion justified. There were altogether six municipalities working within the territory of the State under the name of 'Town Committees'.⁷⁰ The Cooch Behar Town Committee Act (Act-I of 1885) which governed the conduct of all municipalities in the State had been amended on the lines of the Bengal Municipal Act of 1932 and Cooch Behar Town Committee (Amendment) Act (No. XI of 1942) had been passed in 1942.⁷¹

The following statement would show the area, the number of houses, of males and females and total population of each of the towns of Cooch Behar state according to the census of 1941 :⁷²

Name of towns	Area (sq. mile)	Number of house	Male	Female	Total Population
1. Cooch Behar	2.2	3,082	9,599	6,401	16,000
2. Dinhata	0.5	717	2,338	1,198	3,536
3. Mathabhanga	0.4	543	1,944	1,064	3,008
4. Mekligunj	0.2	186	836	462	1,298
5. Haldibari	0.5	409	1,076	492	1,568
6. Tufangunj	0.3	251	892	520	1,412
Total	4.1	5,180	16,684	10,137	26,821

From the foregoing statement it can be seen that 26 people per thousand live in the towns of the State. Compared with other parts of Bengal, Cooch Behar State is very rural in character. The following statement would show the rate of increase of urban population in the State in the period between 1881 and 1941.⁷³

Urban Population

Year	Number	Increase of population in each decade	Percentage of increase
1881	9,536	—	—
1891	11,491	+1,956	+2.06%
1901	14,060	+2,569	+22.3%
1911	15,794	+1,734	+12.3%
1921	17,261	+1,467	+9.3%
1931	18,030	+769	+4.5%
1941	26,821	+8,791	+48.8%
Total	Increase	17,286	+181.9%

From the foregoing statement it can be noticed that the urban population of Cooch Behar State had increased rapidly during the last sixty years and its number almost tripled during this period. The increase of urban population had thus made considerable impact on the society and consequently, the rural people showed an increasing tendency of upward mobility towards the towns of the State.⁷⁴

As a matter of fact, the rate of municipal taxation was low throughout the State and the income from the municipal sources being inadequate for a satisfactory progress of municipal improvement, substantial grants-in-aid were made from state funds.⁷⁵ In 1944, the Cooch Behar Municipal Act (Act No. III of 1944) was passed.⁷⁶ the Town Committee of Cooch Behar was converted into a municipality.⁷⁶ But its all members were nominated and it began to function from 6th January, 1946.⁷⁷ The previous functions of the town Committee remained and additional functions were allotted like sanctioning of building plans, powers to demolish dangerous buildings, action for food adulteration etc.⁷⁸

Another notable change in the development of local self-government had been effected in 1946. The department of local self-government was placed under the Fourth Minister of the Executive Council who had been elected by the elected members of the State Legislative Council and was responsible to them. Apart from this, His Highness gave his assent to the appointment of a non-official as the Vice-Chairman of the Cooch Behar Municipality.⁷⁹

According to the Annual Administrative Report of the State for the year 1944-1945, there were six municipalities in the State, viz., Cooch Behar, Dinhata, Mathabhanga, Mekligunj, Tugangunj and Haldibari. Their main functions as stated by the above mentioned report were : (a) to look after conservancy of the town, (b) to control epidemic, (c) to do some other public utility calculated to promote health, comfort and convenience of the inhabitants. The moffusil municipalities had got their own qualified mid-wives for the benefit of the public. The general public at Cooch Behar got help of the mid-wife attached to the Medical Department. Their free services were always available.⁸⁰

Another significant development in the history of local self-government was that municipal elections in Cooch Behar Town took place in 1949. An uncontested return took place in one constituency and in eight constituencies contest took place. The State Darbar had nominated the Chairman of the Municipality from among elected numbers. A properly elected municipality had begun to function from 1st July, 1949.⁸¹ Under the Cooch Behar Municipality Act only the tax payers and those having passed the matriculation examination were entitled to voting rights.⁸² The only Municipality in Cooch Behar State was the Cooch Behar Municipality while the Town Committees of Dinhata, Mathabhanga, Mekligunj, Tufangunj, Mekligunj and Haldibari were still functioning as before.⁸³

The following table will show the distribution of rural and urban population of Cooch Behar State from 1921 to 1941 (Number).⁸⁴

1921		1931		1941	
Rural	Urban	Rural	Urban	Rural	Urban
5,75,228	17,261	5,72,856	18,030	6,14,020	26,822

Again the following table would show the percentage of urban population to total population in Cooch Behar State from 1921 to 1941 compared to other North Bengal Districts as well as West Bengal. From this table it can be seen that the growth of urban population in Cooch Behar State and other North Bengal Districts excepting Darjeeling during the above-mentioned period was dismally low, whereas the growth of urban population in West Bengal as a whole was much higher than the former.⁸⁵

Percentage of Urban population to total population : 1921-1941 : Number

Districts or State	1921	1931	1941
Cooch Behar State	2.91	3.05	4.18
Jalpaiguri	2.09	2.53	3.28
Darjeeling	10.63	13.61	15.45
West Dinajpur	—	1.13	1.19
Malda	2.51	2.75	3.22
West Bengal	14.67	16.25	21.25

The following table will show receipts and expenditure of municipalities of Cooch Behar State from 1941-1950. From this table it can be noticed that during this period as a whole the amounts of receipts of the municipalities were bigger than their expenditure, and hence they were financially self-sufficient and did not have to depend on the state grants as they did earlier.⁸⁶

Receipts and Expenditure of Municipalities 1941-50

(In Rupees)

Sl. No.	Name of Municipality	1941-42		1942-43		1943-44		1944-45		1945-46	
		Recpt.	Expen.								
1	2	3	4	5	6	7	8	9	10	11	12
1.	Cooch Behar Municipality	69275	71176	64617	66675	72122	69493	79399	72554	84916	78343
2.	Dinhata Town Committee	8653	8322	8639	8432	9216	8640	11167	9542	15467	14193
3.	Mathabhanga Committee	11711	10950	8729	7396	8509	7007	21875	20002	9531	8577
4.	Mekligunj committee	4376	3666	4195	4195	4786	3526	4486	3511	4,900	7477
5.	Tufangunj Committee	8110	4252	8507	4145	4416	4546	5746	5269	5426	4848
6.	Haldbari Committee	7805	7704	8819	7490	7906	7452	9908	9232	15522	15522

Sl. No.	Name of Municipality	1946-47		1947-48		1948-49		1949-50		1950-51	
		Recpt.	Expen.								
		13	14	15	16	17	18	19	20	21	22
1.	Cooch Behar Municipality	111254	104110	126269	107709	150886	134430	154682	149103	189674	176265
2.	Dinhata Town Committee	14366	12740	17405	14307	20950	16564	24077	19054	25150	27297
3.	Mathabhanga Committee	13075	11951	14962	14113	14486	14376	29276	28895	29040	21518
4.	Mekligunj committee	4378	3955	4593	4562	4484	4482	4904	4803	5876	5512
5.	Tufangunj Committee	6351	5363	6014	6646	8582	5830	8860	8770	10225	6904
6.	Haldibari Committee	17656	17656	18742	18742	21341	21341	19445	19445	19246	19246

(Source : Deputy Commissioner, Cooch Behar)

(iii) The Panchayeti System :

As has been noted earlier, Cooch Behar State was overwhelmingly a rural territory. The following table will show the distribution of rural and urban population and the percentage of rural population to total population of the State from 1901 to 1941 A.D.⁸⁸

Year	Rural	Urban	Number
			Percentage of rural population to total population
1901	5,51,056	14,060	97.51
1911	5,75,218	15,794	97.33
1921	5,75,228	17,261	97.40
1931	5,71,023	18,030	96.94
1941	6,11,882	26,821	95.60

No details are available of the kind of rural administration in Cooch Behar State prior to 1864. There was, however, an institution known as Dewania. These Dewanias were large Jotedars residing on their farms and their tenants resided in the neighbouring areas. There had been no survey or settlement of the State and the tenants were completely under the thumb of the Jotedars or Dewanias.⁸⁹ These Dewanias reigned as civil head of the community, and adjusted disputes among his relatives and dependants.⁹⁰ Much depended upon the personal character and temperament of the individual Dewania, for good or for evil he reigned supreme and the only redress any one had against his vagaries was to appeal to the Rajsabha. After the land revenue settlement operations in the State, the power of the Dewanias was reduced to a great extent and people then had a recorded right in their land which the State acknowledged.⁹¹

As people began to amass money and household property, and as they became more exposed to the depredations of petty malefactors, they began to feel the necessity of some organisation for their security. In 1876, some petitions were sent to the Deputy Commissioner of Cooch Behar State for organizing a village Chowkidary system on the pattern prevailing in the neighbouring districts of Rangpur and Jalpaiguri. The chief inhabitants of the taluks prayed to the State for investing the Chowkidars, to be nominated and paid by them, with police functions and a badge as the symbol of office. This prayer was granted and the body increased until in 1882-83 there were 1,576 chowkidars in the State. As it became increasingly difficult to pay this large body of men regularly by raising subscriptions it was proposed to pass an Act to place the villages under a regular contribution according to the valuation of their holdings. The Cooch Behar Village Chowkidary Act (Act III of 1893) was thus passed in 1893.⁹² This Act provided for Chowkidari Unions and for one Panchayet in each union to be a Collecting Panchayet.⁹³ The main object of the said Cooch Behar Act was to maintain village chowkidars and regularise their duties in distinct village unions formed for the purpose under the management of members of Panchayet appointed for the respective Unions. The members of a Panchayet were residents of the Unions; they were not more than five, nor less than three for each Union and were appointed by the Foujdari Ahilkar (District Magistrate).⁹⁴ The number of Chowkidars in the State came upto 1,577 at the end of 1899-1900.⁹⁵

As the years rolled on, certain maladies began to afflict the workings of the Panchayeti system. Thus after a period of 20 years of introduction of the Panchayeti system in the State, the Fouzdari Ahilkar made the following observation during the year 1912-13, "The Collecting Panchayets with a few exceptions worked tolerably well. It may here be observed, however, that complaints against the Collecting Panchayets for non-payment of chowkidari pay have been increasing year by year. In a few cases, it was found that these Panchayets appropriated the money collected by them from the people to their own use and difficulty was experienced in making these Panchayets disgorge the money so spent. It has now become a matter for consideration, whether the existing procedures should be continued any longer or the rules adopted by the Government for payment to Chowkidars should not with advantage be adopted and enforced in the State. The Sub-divisional Officers are being requested to favour us with an expression of their opinion on the matter and a special report will be submitted when these views are known."⁹⁶

But the efforts initiated by the State Authority had failed to wipe out the evils afflicting the Panchayeti system. It was evident by the following statement by the Vice-President, the Regency Council, in his Annual Administration Report for the year 1925-26, "The work of the collecting members of the Panchayets was not satisfactory. The number of complaints received from Chowkidars of non-payment of their wages in time was large. Steps are being taken to introduce a system of payment to the Chowkidars of their salaries at the thanas once a quarter in the presence of the Gazetted Officers."⁹⁷ Besides, the attendance was unsatisfactory and the work of the Rural Police in

the matter of reporting births and deaths and epidemics was also unsatisfactory.⁹⁸

The total number of Chowkidars was 1,586 ; the total number of the members of Panchayets was 1,914 ; the total number of collecting members of Panchayets was 374 and the total number of villages served was 1209 during the year 1925-26. The maximum and minimum pay of the Chowkidars continued to be Rs. 6 and Rs. 4-8-6 respectively.⁹⁹ The laws as in force in Bengal (Bengal Act VI of 1870, Bengal Act 1 of 1871 and Bengal Act VIII of 1922 with subsequent modifications and rules of Chowkidari Manual in force in Bengal) was introduced with necessary modification in this State by Act III of 1893, Act III of 1894, Act III of 1896, Act II of 1904, Act IV of 1906 and the Regency Council Notification dated the 1st August, 1926.¹⁰⁰

The appointment and duties of Panchayets were determined according to the aforesaid Acts and were substantially the same as in places in Bengal where the Bengal Government Acts mentioned above, were in force. Union Boards including Union Benches and Union Courts as established in Government Districts under Bengal Act V of 1919 (Bengal Village Self- government Act, 1919) were not in existence in Cooch Behar State.¹⁰¹

It is worth remembering the observation of S.C. Majumdar, Superintendent of Police, Cooch Behar State on the Chowkidari system. He pointed out in 1938 that 'the current chowkidari system in this State is very old and out of date as compared to the system that was vogue in the neighbouring districts and elsewhere in Bengal even before the introduction of the Union Board system. The Cooch Behar Chowkidari Act III of 1893 appears to have been compiled on the lines of the Bengal Village Chowkidari Act VI of 1870. But the former was modified only upto 1904 (by Act III of 1894, Act III of 1896, Act VII of 1898 and Act II of 1904) by adopting as far as practicable, the Bengal rules which had been framed upto that year (1904) only, while the Bengal chowkidari Act of VI of 1870 was modified upto the year 1922 and was supplemented by the Bengal Chowkidari Manual of 1923 containing about 243 rules laying down elaborate instructions on the working of the Bengal Chowkidari Act.' Therefore, the Superintendent of Police considered it necessary that with a view to improving the efficiency of the Cooch Behar Rural Police, the present chowkidari system be overhauled and the Bengal Chowkidari Act as amended upto 1922 and the Bengal Chowkidari Manual of 1923 be adopted 'mutatis mutandis.'¹⁰² Apart from this, there were some main drawbacks of the present chowkidari system as pointed out by the Superintendent of Police of Cooch Behar in 1938, which are given below :

(a) Under section I of the Bengal Chowkidari Act every member of the Panchayet was appointed for a terms of three years. This rule was not adopted in Cooch Behar State. This term of three years at a stretch improved the popularity of Panchayeti system and also the interest and efficiency of the members.

(b) Panchayeti was generally unpopular in this State and one of the main causes of this was that the

number of Chowkidars allotted to a collecting Panchayet being in most cases very small, the 10 percent they got out of the total collections of chowkidari tax, very unfavourably compared with the drudgery of collection. The number of defaulting collecting Panchayets who had to be distrained every year in this State, was rather shocking.

(c) Another deplorable fact was that the divisions of Unions in the 'Village Crime Note Book of the State Police' did not tally with the existing Chowkidari Union, whereas in Bengal they were identically the same. This division of Unions in the aforesaid Note Book was made in 1918. It was evident that this was done quite independently of the then existing Chowkidari Unions and the result had been that police work in connection with the aforesaid Note Book now became exceedingly complicated.

(d) In Bengal the normal number of houses that were allotted to each Chowkidar was from 100 to 120. But in this State, except in Kotwali and Tufangunj Thanas scarcely 20% of Chowkidars had got more than 60 houses to their share. Consequently, the average number of Chowkidars in this State was unnecessarily large as compared with those of Bengal.

(e) The main drawback of the chowkidari system in Cooch Behar was the absence of the post of Daffadars. These Daffadars were important factor of the rural police in Bengal. Like the Chowkidars, Daffadars were appointed under the provision of section 35 of the Bengal Chowkidari Act II of 1870, which corresponded with section XV of the Cooch Behar Chowkidari Act III of 1893. In Bengal there was one or two Daffadars to every Union. They not only exercised general supervision over the work of Chowkidars but in point of fact, formed an important link between the Police and the Chowkidars. Ordinarily they were the main source of the Police for the collection of rural intelligence and were of a great help to them in the detection and prevention of crime.

(f) Another drawback was the absence of the President in Panchayet system. In Bengal the Presidents were invested with certain special powers, duties and functions such as powers of arresting persons committing offence in his presence (Section 64 Criminal Procedure Code), of ordering unlawful assemblies to disperse and of compelling them to disperse by the use of civil force (Sections 127, 128, Cr.P.C.), to be the headman for the purpose of section 45(3) Cr.P.C., to be visitor of all Upper and Lower primary schools and all pounds, public ferries and public serais in his Union and to enquire into all cases of unnatural death when there was no suspicion of suicide or foul play. With all the above powers and functions and in addition, revenue and criminal processes other than warrants of arrest, search and distraint were addressed to the Presidents for service through Daffadars and Chowkidars and they were also appointed as local registrars of births and deaths.¹⁰³

The Superintendent of Police finally suggested that "the Cooch Behar Chowkidari Act III of 1893 was

compiled on the lines of the Bengal Village Chowkidari Act II of 1870, but while the latter has been modified from time to time upto the year 1922, the Cooch Behar Chowkidari Act was modified by adopting the Bengal rules as modified only upto 1904. It is therefore necessary that the Cooch Behar Chowkidari Act should be brought up to date through (a) amending the Cooch Behar Chowkidari Act by adopting the rules of the Bengal Village Chowkidari Act as amended upto 1922, and (b) adopting 'mutatis mutandis' the Bengal Chowkidary Manual of 1923."¹⁰⁴

Likewise, the Fauzdari Ahilkar was of the opinion that law and rules regarding Chowkidars in force in this State were very old, though the same was based on Government law and rules, now there was much difference between them and the rules in force in Bengal, for the reason that in Bengal the Village Chowkidari Act had been repealed long ago by Bengal Village Self -Government Act (Bengal Act V of 1912). Therefore, according to him, the law and rules now in force in Bengal regarding Daffadars and Chowkidars as embodied in Bengal Village Self -Government Act (Bengal Act V of 1919) should be introduced in Cooch Behar State and then the State would be on a par with British Indian Districts.¹⁰⁵

It is to be noted here that difficulties in the working of the Chowkidari system as modified by the Bengal Village Self -Government Act, 1919 were felt by the Government of Bengal. Consequently by Government's Resolution No. 2954 PL, dated the 28th July, 1938 a Committee was appointed to enquire into the working of the Chowkidari system throughout the Province of Bengal with Mr. E.N. Blandy, C.I.E., I.C.S. as President to 'examine and advise Government on the policing of rural areas and on matters relating to organisation, efficiency and working of the Chowkidari system in Bengal.'¹⁰⁶

Taking all these factors into consideration the State Government also felt the necessity for reforming the present Chowkidari system obtaining in the State and passed the Cooch Behar Village Chowkidari Amended Act (No. VIII of 1941) in 1941. As regards duties of the Panchayets they were now similar to what were in force in Bengal. Their duties were mainly concerned with speedy communication of information about occurrence of crime (e.g. - murder, rape, dacoity, riot etc.) and other matters mentioned in section 45 of the Criminal Procedure Code to the Police Stations or to the nearest Magistrates, with assistance in maintaining village peace and with moving local authorities for requirements of the villages in respect of roads, sanitation, water supply, education, medical or veterinary assistance and the like matters. In some cases, They were also invested with the work of registration of vital statistics.¹⁰⁷

The following table shows the number of Chowkidars, Panchayets and their collecting members during the year 1944-45 together with number of villages served by them and also the number of President Panchayets appointed in the State under sections 3 of the Cooch Behar Village Chowkidari Amendment Act (No. VIII of 1941) :¹⁰⁸

No of <u>Chowkidars</u>	No of <u>Panchayets</u>	No of collecting Members	No of President <u>Panchayets</u>	No of villages served
1,560	1,618	400	35	1,209

The proportion of Chowkidars to population during the year 1944-45 was 1 to 379 and to area was 1 to 83 of a square mile.¹⁰⁹ Maximum and minimum pay of the Chowkidars was Rs. 6 and Rs. 4 respectively during the year 1942-43.¹¹⁰ The following table shows the demand and realisation of the Chowkidari Fund for the year 1944-45.

		Rs.
1. Total amount of annual fund deduction		6,100
2. Balance of the previous year		3,200
	Total	9,300
3. Amount realised during the year		5,977
4. Amount remained unrealised on the 31st March, 1945		3,323
5. Amount of fine realised		562
6. Amount of penalty		24
7. Miscellaneous		1,727
8. Total of items 3,5,6 and 7		8,290
9. Interest on Government Promissory Notes		547
	Total	8,897

The opening balance by the chowkidari fund during the year 1944-45 was Rs. 20,952-10-1 and the balance carried over at the end of the year was Rs. 23,585-6-10.¹¹¹ The table below shows the number of Extradition Warrants issued from the State and received back after execution as well as the number received and returned after execution by the State during the year 1943-44 and 1944-45.¹¹²

	1943-44	1944-45
Extradition Warrants issued from the State	14	16
Extradition Warrants received back	7	1
Extradition Warrants received back unexecuted	7	1
Extradition Warrants received by the State	8	14
Extradition Warrants returned by the State after execution	5	12
Extradition Warrants returned by the State unexecuted	3	1

The Secretary to the Resident for the Eastern States in a confidential letter dated the 4th April, 1944, to the Chief Minister of Cooch Behar State asked the latter to let him know whether experience showed that Panchayets tended to increase good relations between State officials and the population or merely to make the latter more vocally critical of the former, and the whether in fact they made for collaboration or for irresponsible criticism.¹¹³ In reply the Chief Minister informed him that "experience shows that the system is helpful for the purpose for which it is intended. The members have no much say in influencing good relations or otherwise between State officials and the population ; but it is a fact that they collaborate with the local administration in any work cast upon them. Critical appreciation of the works of State officials is gradually perceptible ; but it's true that the members as they stand now do not make the people more vocally critical of the State officials or that they make for irresponsible criticism." Finally it should be mentioned here that the Chowkidari Panchayets under 'the Cooch Behar Village Chowkidari Amendment Act', 1941 continued to function in Cooch Behar State until the State was merged with the Indian Union in August, 1949.¹¹⁴

In conclusion, it deserves particular mention that the internal administration of the Princely States and their political set up varied greatly. There was a very wide difference in the degree of administrative efficiency by the most advanced and the most backward States. According to the information circulated by the Chamber of Princes in 1946, over 60 States had set up some form of legislative bodies. In several others, schemes for associating people with the governance of their States were under consideration. However, in most of the cases, the development of representative institutions did not approximate to the growth of self-governing institutions in the British Indian Provinces, which were on the threshold of complete freedom. 'But everywhere there was a growing consciousness of the rights and liberties of the people and a new spirit was abroad'.¹¹⁵

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114. In 1957, the West Bengal Panchayet Act was passed in West Bengal and this Act extended to the districts in various stages from June, 1958 to June, 1960. As a result, the old Chowkidari Panchayets under the Cooch Behar Village Chowkidari Amendment Act, 1941 had been abolished and replaced by Gram and Anchal Panchayets. The Panchayet election in Cooch Behar under the new Panchayet Act had begun in 1959. Vide Bandyopadhyay, Bhagabati Charan : Koch Biharer Itihas (in Bengali) edited by Nripendra Nath Pal, Calcutta, 1987, p. 265 and Confer also Majumdar, Durga Das : *op. cit*, p. 168.
115. White Paper on Indian States, Ministry of States, Government of India, New Delhi, Revised Edition, 1950, p. 20. (N.L.)