JETIR.ORG ISSN: 2349-5162 | ESTD Year : 2014 | Monthly Issue
JOURNAL OF EMERGING TECHNOLOGIES AND INNOVATIVE RESEARCH (JETIR)
An International Scholarly Open Access, Peer-reviewed, Refereed Journal

THE CO-OPERATIVE SOCIETIES ACT OF 1904

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Abstract

This paper explores the intricate relationship between the concept of cooperation and its manifestation within socio-economic movements. It examines how cooperative principles underpin the dynamics and effectiveness of collective actions. It delves into theoretical frameworks emphasizing the role of shared goals, mutual support, and collaborative strategies in achieving movement objectives. The study also addresses challenges that arise in maintaining cooperative efforts, including issues of internal conflict and resource distribution. Through this examination, the paper aims to provide a comprehensive understanding of it has evolved to address a range of issues, including agricultural development, financial inclusion, and rural upliftment. The movement is rooted in the principles of mutual aid and collective effort, aiming to improve the livelihoods of individuals by pooling resources and sharing benefits offering insights into best practices for enhancing collective action. The findings underscore the significance of cooperative practices in shaping successful movements and propose avenues for future research on optimizing collaborative approaches within diverse activist contexts.

Keywords: Co-operation, mutual help, *shahukars*, societies, moneylender, credit, *zamindar*.

Towards Co-operative Societies Act

Co-operation is 'an important factor' in evolution. As society grows, arts and science multiply, the dependence of man upon his fellowmen necessitates co-operation, self- control and mutual aid without which the progress of human race is impossible.[1] It is an association for the purpose of joint trading and ‘to secure economic ends by honest means’.[2] Co-operation is a joint behavior directed towards the same goal with common interest or hope of reward. The co-operative way of doing business takes many forms, ranging from local to centralized and federated organization and from highly specialized to multipurpose societies.[3] There are numerous definitions of co- operation. In Horace Plunkett’s view 'co-operation is self-help made effective by organization'.[4] Hurbert Calvert defined co-operation as 'a form of organization where in persons voluntarily associate together as human beings on the basis of equality for the promotion of the economic interests themselves'.[5] Co-operation implies an association of individuals for the promotion of some common economic object. The pooling of individual activity for social, moral and economic ends, which is envisaged in co-operation, can assume many forms and have many purposes; its chief aim, however, being the pursuit of certain common economic interests. Naturally therefore,the co-operative activity assumed different forms in different countries, as per the needof their communities.[6] The theory of co-operation is that an isolated and powerless individual can by association with others and by moral development and mutual support obtain

material advantages availing to wealthy or powerless individuals. Thus,co-operation implies co-operative society.[7] The co-operative credit society is an association of combination of persons who jointly pledge their credit in order to raise sufficient funds for the purpose of lending out among themselves on cheaper terms.[8] Moreover, the co-operatives are seen as social and economic institutions and organizations formed by a group of persons to promote their own economic and social needs by means of a jointly owned controlled and used enterprise.[9] Indian co-operative movement is historically significant as much as 'India was the first non-Western country to experiment with rural co-operatives'.[10]

In 1901, Lord Curzon, the Viceroy of India, appointed a committee of experienced persons under the Chairmanship of Sir Edward Law with Sir Frederick Nicholson and H. Dupernex Sir B. Fuller, Mr. J. Wilson, Mr. Reginold Murray as its members to report on the measures to be adopted in future to prevent famine and to protect the *ryot.* The Committee laid stress on proper working of agricultural loans and Land Improvement Acts. This system was given a long trial in the years previous to the great famines as well as during the ten years proceeding, the 1899-1900 famine. But the system was a failure. There was lack of cheap capital. The Committee also recommended that principal means of resisting famines was by strengthening themoral backbone of the agriculturist and it expressed its views that the introduction of co-operative societies in rural areas was one of those means.[11] The Committee referred proposals to local governments for criticism.[12] The Famine Commission of India (1901) pointed out that "far from being a help to agriculture, the *Shahukar* had become an incubus upon it'.[13] The Commission recommended the establishment of agricultural banks on the Raiffeisen model. The nationalists suggested that emphasis should be placed not so much on anti-moneylender measures as on the more positive steps which would remove the causes that compelled the *ryot* to go to the usurious andgrasping moneylender. They agitated for starting of a network of agricultural banks.[14]

M.G. Ranade had broadened the question of easy and cheap credit as it did not concern the agriculturists alone. It equally concerned spinners and weavers, carpenters, smiths, dyers, potters, brass and copper, silk and embroidery workers, shopkeepers etc. He vouched for 'reorganization of rural credit in India'.[15] The irrigation Commission (1901-03) showed that in the ten years ending 1901, something like for million pounds had been lent out as *taccavi* loans, which were 'hardly enough to remove distress, improve agriculture'.[16]

The early examples of co-operation in the Punjab may go beyond in a society which was started in village Panjawar of Una *tehsil* in Hoshiarpur district. This societywas formed in 1892. All the land owners of the village fifty-five in numbers joined it. The individual common land belonging to the village consisted of about 1500 acres.Of this, about 90 acres of sandy soil were in danger of being washed away. Inferior crops were raised on parts of it. The rest of the common land was exposed to the attack of hill torrents and was being cultivated in the same improvident manner and was rapidly deteriorating.[17] The only chance of any improvement lay in combined action. It was under these circumstances that *Lambardar* Mian Hira Singh took upon himself the task of organizing the villagers into a co-operative brotherhood. They formulated a scheme by which 27 representatives of different joint families in the village belonging to the proprietary body agreed to organize themselves into *Shamlat* Society which was registered under the Indian Registration Act on 20th February 1892 in managing and improving the common land and for the general improvement of the village.[18] The whole of the undivided common land was therefore handed over for 30 years to committee of six members. The Committee spent most of their fund inplanting grass and trees. In the same way they arrested the attacks of the hill torrents and cut down their damage to an extent not attempted elsewhere and rescued much of the land which was previously worthless. They had planted together 1,00,000 trees. Within 30 years, their value at the lowest computation was to be Rs. 3 lakhs. Besides, the improvements they redeemed all land mortgage to outsiders at a cost of overRs.10, 000 and had about Rs.3,000 out on short loans at 6 per cent.[19] The society also sacrificed large amount of income on gratuitous distribution of seed in bad years and paid government revenue without asking for the repayment. One of the members wasa public spirited *Vakil* who gave his services free of cost. All these results attained an income averaging about Rs.1500 a year. It was mainly through the efforts of a man of poor education though of great organizing ability.[20] The Registrar concluded that the Punjwar type of society was 'the best for villages possessing undivided common land'.He endeavored to start societies of this type in the Hoshiarpur district.[21] By 1905, it was found to be 'the oldest and most prosperous. It had never received any official help.[22] However, the Society carried on very well till 1920. His members received a profit amounting to Rs. 51,000. About Rs. 21,000 were spent on improving the condition of the village in various ways.[23]

In 1898, Captain Crosthwaite and Sir Edward Maclagan started three societies in Multan. The capital of these societies was raised by voluntarily. Grain subscription was credited to members' account, and not returnable for 10 years. The grain subscription was partly kept for seed advances at the next sowing and partly sold in order to provide funds for money advances. In the beginning advances were given only for seed and purchase of cattle. Interest was charged at rates, varying from 5 to16 per cent and was generally payable in grain. The society's profit consisted of interest and in cases of advances for sowing, of the differences in the price of grain at harvest and at sowing time.[24] The societies could be registered only under the ordinary Company Law which was unsuited to both the spirit and aims of co- operation.[25] However, these societies were short lived. The experiment in the Bhakkar sub-division of Mianwali was more successful. Captain Crosthwaite founded five societies in 1900. There were working satisfactorily in 1904.[26] The Britishofficials preferred Muslim villages for the co-operative societies which were thefavourite prey of the Hindu usurer.[27]

With this scenario the Government of India realized the necessity of introducing the co-operative movement.[28] The proposal in its more general form was referred by the Govt. of India to local government for preliminary consideration and suggestions. The opinions of Local Governments were considered in June 1901.[29] Frederick Nicholson's Report, along with his proposals for a draft bill had been sent toHenry Wolff for his comments by the Secretary of State for India. On July 3, 1900, Henry Wolff made some criticism and suggestions which influenced the legislation on co-operation in India.[30] The Committee under the Presidency of Edward Law to report on the action necessary for the establishment of Co-operative societies on a sound footing in the country met at Simla for 40 days from 1st June to 10th July 1901. It suggested the nomenclature of "co-operative credit societies' rather than banks.[31] Moreover, it sought the advice of Henry Wolff, the then best living authority on co- operation in England and received various suggestions on the subject. In December 1903, he submitted his reply. He expressed reservations that the Bill was limited to credit societies. He also had reservations about distinction between "urban" and "rural" societies and so with the state aid.[32] The Committee recommended that the societies might be of two types: (i) On share basis and with limited liability; (ii) without shares and with unlimited liability. The Government would make loans to the societies in the form of advances returnable with interest. The societies could be encouraged by exemption from stamp duty, exemption of the funds of a society from attachment for the individual liability of members recovery of the dues of the society by summary procedure. The money grant of a society should vest in a committee of three members elected by members from among themselves. The Committee further recommended that the moneylenders should be associated with the proposed system oforganized credit.[33]

However, Lord Curzon held second views about the idea of financing the societies from public funds. He wanted the Government the remain in the background.He underlined agriculture to be 'an indispensable feature of the financial operations of the societies'.[34] Moreover, the members of the Committee put forth that the agriculturist must obtain loans for marriages, funerals. A member could not be expected to two accounts- one for economic from the credit societies and other for extravagant expenditure from the moneylender. In case a society did not meet his needs in both cases he would keep away from it.[35] Lord Curzon stressed the indispensability of the moneylender: "there the (moneylender) is and there he will remain. He will not be ousted by the Government endeavoring to take his place".[36] The principal governments were called for views. It was pointed out that expenditure on marriages, festivals was a necessary incident of Indian agricultural life, hence no restrictions should be placed on the objects of the loans to be made by the societies, rural and urban.[37] Denzil Ibbotson doubted the success of co-operative credit societies in India:

"The idea of co-operation for purpose of mutual help is familiar to the people of India, though the whole tendency of our rule has been to discourage such action and in parts of India the capacity for it is said to have disappeared…. However, we are bound to give the experiment every encouragement and afair trial. The whole business is avowedly a very important and also a very difficult experiment, upon which we are entering with very scanty knowledge and no experience to guide us and in which we have to grope our way".[38]

Lord Curzon was 'confident that we shall have to purchase our experience as we proceed, learning, unlearning, adding, adapting, dropping that an argumentative discussion at this stage of what we are to concede, and what to refuse can have noother consequences tan to delay an experiment. The sooner it is made, the better".[39] There emerged a policy for the establishment of co-operative credit societies. It was decided that both rural and urban societies should be established under a Registrar in every province to keep a watch. The Government would advance limited aid without interest initially and on nominal interest after three years. The societies would be exempted from payment of income tax, stamp duties and registration fees. Their funds would to be liable to attachment for the debts of their members. The financial operations of

the societies would be controlled by compulsory official audit.[40] It was put forth that government would initially concentrate its resources on rural societies.[41]

The Committee drafted a Bill and model rules which were circulated for publicopinion. On the recommendation of the Committee, a Bill was introduced in the Imperial Legislative Council on 23rd December 1903 by Denzil Ibbetson. It was much discussed. New legislation was necessary as the old Companies Act of 1882 was unsuited to new type of societies intended to be established.[42] Denzil Ibbetson underlined that one of the most difficult problems with which the small agriculturist is everywhere confronted is to obtain the money which is necessary for his operations ata reasonable rate of interest.[43] The Government kept two cardinal objects in view. The first was simplicity and the second elasticity. The Government of India chose 'a middle path' and proposed limited liability.[44] The Secretary of State for India approved the principles of co-operative credit societies Bill.[45] Daniel Hamilton, a member of the Imperial Legislature Committee that drafted the Bill of 1904 described the active role of the colonial state in co-operation development as linked to the broader colonial ambitions of the British Government: "The British Government is here and the welding hammer in the hand of the government is the co-operative movement'.[46]

The Co-operative Societies Act X of 1904 was enacted on 25th March 1904.[47] Lord Curzon reminded that 'unrestricted Government is dangerous and may be a fatal gift'.[48] In Danzil Ibbetson's prophetic words 'only along the co-operative route will India find the way from poverty to plenty'. The Act was to a great extent based on the English Friendly Societies Act. It was made operative in the whole of British India. The cardinal object of the Act was by the simplicity and elasticity of its provisions to permit a genuine co-operative movement.[49] It was based on European ideas and experiences in the second half of the 19th Century, the principles set by Fredrich Wilhelm Raiffeisen agricultural co-operatives and the Rochdale Pioneers, influenced by the ideas of Robert Owen, for consumer co-operatives.[50] The Raiffeisen model of agricultural credit co-operative was adopted because of rural debt and need for agricultural credit.[51] The objective of the co-operative movement was:

"to deal with stagnation of the poor classes and more especially of theagriculturists who constituted the bulk of the population. It was found that indebtedness was increasing; usury was rampant and agriculturist methods had not improved. The government turned to co-operation asthe most helpful method of dealing with the problem before it.[52]

The Co-operative Credit Societies Act of 1904 laid down:[53]

i. That any ten person living in the same village or town or belonging to the same class might be registered as a co-operative societies for the encouragement a thrift and 'self-help';

ii. That the main objective of a society would be to raise funds by deposits from members and as loans from non- members, government and other co-operative societies, and to distributethe money thus obtained as loans to members or with the special permission of the Registrar of the co-operative credit society;

iii. That the organization and control of co-operative credit societies in each province would be put under charge of a special Government officer called the Registrar of Co- operative Credit Societies;

iv. That the accounts of every society would be audited by the Registrar or by a member of his staff free of charge;

v. That the rural societies would have as their members 4/5agriculturists and urban societies and urban societies 4/5 non-agriculturists;

vi. That the liability of members of rural society would be unlimited except with special sanction by the local government and that liability of urban members might be either limited or unlimited;

vii. That in the urban society no dividend was payable until a quarter of the profits in a given years would be carried forward to the reserve fund;

viii. That loan would only be made to members;

ix. That the interest of any one member in the society's share capital was restricted;

x. That societies formed under the Act would be exempted fromfees and taxes payable under the Stamp Registration and Income Tax Acts.

This Act provided for the registration of credit societies of primary nature. Thesocieties were broadly classified as urban and rural. The rural societies were to have unlimited liability and could not pay any dividends. All profits were to be carried to the Reserve Fund. There was no provision for organization of central institutions. Its purpose was to increase credit facilities, to avoid evils which had sprung from the existence of credit and to foster the spirit of responsibility and self reliance among the people.[54] The main objective of the Act was 'to promote self- help and co-operation among the agriculturists',[55] 'to relieve agricultural indebtedness'.[56] Lord Curzon in a Farewell Address to the Byculla Club in Bombay on November 16th, 1905 underlined that the co-operative credit societies would provide credit at easy rates and the peasant be saved from the usury of moneylender.[57] The Act laid the legal foundation for 'a new system of rural finance in India'.[58]

Co-operative Society was an association of persons who combined together forthe purposes of securing loans on easy terms of interest and repayment. Any ten persons could be registered as a co-operative society in the same town or village.Basic principles were thrift, self-help and mutual help.[59] It was not a mirror of social and economic reality prevailing in India rather 'a development law' meant to serve as an instrument for achieving or encouraging the achievement of an envisaged (planned)result, namely the formation of rural and urban co-operative societies of the Raiffeisentype. Co-operatives were meant to facilitate transition from subsistence farming and barter towards a market and money economy. The model was based on European values like equality and democracy. It gave Government a role in generating social cohesion.[60] The co-operatives were seen as 'the premier institutions for disbursing agricultural credit'.[61]

Broadly three types of societies were recommended: (i) *The Panjawar Society:*The Registrar in his tour in 1905 noticed it in the Una Tehsil of Hoshiarpur district. It was formed in 1892 by Mian Hira Singh. It was replaced by a credit society in 1920. Itwon the confidence of the public; (ii) *The Mianwali Societies:* These were developed by Messrs. Maclagan and Captain CrosthWaite in 1898 in Multan. These societies raised capital by voluntary subscriptions in kind. Rates of interest varied from 5 to 16 per cent and paid in grain. These were registered in 1905; and (iii) *The Money DepositSociety*: It was contemplated by the Act of 1904. Its capital was raised from the members. The Registrar recommended the Panjawar type to such villages wherecommon land or *shamlat* dominated. The *Mianwali* type was considered for poor communities. *The Money Deposit Society* was recommended for more prosperous villages of the Central Punjab.[62]

On September 19, 1904, Mr. M.S.D Butler, a Punjab civilian was appointed the first Registrar, Co-operative Societies, Punjab. However, within a month, he moved the Government of India appointment under the Government of India, Mr. Wilberforce assumed the charge of the newly created Department in the Punjab on October 26, 1904. Thus, he can be considered the true founder of the co-operative Department in the Punjab.[63] However, the Co-operative Credit Societies Act of 1904 did not make any provision for societies other than the supply of credit.[64] In 1905, Mr. Wilberforce, the Registrar of Co-operative Societies visited the Punjab. He found that the people knew nothing about co-operation. The societies were established in the five districts of each division in the Punjab. These were Karnal, Hoshiapur, Montgomery, Mianwali and Rawalpindi. However, the last two districts had to be left out as the local officers were not coming forward. The local officers were rebuked for discouraging the movement.[65] He brought out a short pamphlet describing the typesof societies suited to the conditions in the Punjab besides drawing up model by- laws.[66]

The British officials such as H. Calvert, C.F. Strickland and M.L. Darling considered that the progress of agriculture in the Punjab depended to an ever-increasing extent upon the progress of co-operation.[67] They further reiterated that co- operation offered the peasant the best, perhaps the only, way of escape from poverty.[68] The genesis of co-operative movement is located in the idea of property, capital, and market. With the money economy, factors of production underwent change. The British realized the dangers of indebtedness and poverty. Usury played key role in impoverishment of the peasants. The co-operative societies provided space,though limited one, to organize finance as a solution to money lending. It was projected as a panacea to agrarian crisis.

In conclusion, the Cooperative Societies Act of 1904 was a landmark piece of legislation in India, marking the formal beginning of the cooperative movement in the country. By establishing a structured framework for the formation and management of cooperative societies, the Act empowered individuals to join forces for mutual benefit, fostering economic self-reliance and community development. It provided crucial support for the growth of cooperative enterprises, which have since become vital components of India's economic landscape, particularly in agriculture, finance, and rural development. The Act's emphasis on democratic governance and member participation laid the foundation for a cooperative ethos that continues to influence India's socio-economic policies. Although the legal framework has evolved with time, the principles enshrined in the 1904 Act remain integral to the cooperative movement's success, illustrating its lasting impact on promoting economic equity and social solidarity in India.

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