

Hon. G. K. Gokhale

Bombay Land Revenue Code

Amendment Bill

1901

The Hon. Mr. G. K. Gokhale's
Speech

ON THE:

BOMBAY LAND REVENUE CODE
AMENDMENT BILL.

POONA;

"DNYAN PRAKASH" PRESS.

1901.

THE BOMBAY LAND REVENUE CODE AMENDMENT BILL.

The following speech against the Bombay Land Revenue Code Amendment Bill was delivered by the Hon. Mr. G. K. Gokhale at a meeting of the Bombay Legislative Council, held on 24th August, 1901. The second reading of the Bill had been moved the previous day by the Hon. Mr. Monteath, the member in charge of the Bill, and an amendment had been moved by the Hon. Mr. P. M. Mehta to the effect that the Bill should be referred to various Judicial and Executive officers of Government before it was further proceeded with. In supporting this amendment, the Hon. Mr. Gokhale said:—

“YOUR EXCELLENCY,

I rise to support the amendment, which has been moved by my honourable friend, Mr. Mehta. My lord, it is with a deep sense of responsibility that I do so. I have now been for fifteen years in public life—I mean such public life as we have in this country—and I can sincerely assure your Excellency that I have never seen the public mind so profoundly agitated as over this Bill.

MISAPPREHENSION NOT ALL ON ONE SIDE.

The Hon. Mr. Monteath complained yesterday that the Bill had been widely misunderstood and misrepresented. But has the misapprehension been all on one side? Is it not a fact that Government themselves had to issue a special resolution, shortly after the Bill had been introduced, to correct the misapprehension of one of their own Collectors? But, my Lord, I go further, and I say that the honourable mover of the Bill himself and also the Hon. Mr. Lely have shown by their speeches of yesterday that they are themselves under a great misapprehension as to what the Bill can do and what it cannot. If no misapprehension had existed in their minds, much of what they said yesterday—however

true it might be, as descriptive of the agrarian situation in the Presidency—would have remained unsaid, as irrelevant to the discussion of the present measure. The Hon. Mr. Montearth said that the Bill was intended to bring relief to those who were only nominal occupants of their holdings, *i.e.*, whose lands were in the hands of the *sowcar* and who were practically his serfs. The Hon. Mr. Lely cited a number of instances of families that have been ruined by the unrestricted right of transfer under the survey tenure, and whose lands are now in the hands of the *Bania*. As I sat yesterday listening to these instances—some of them very pathetic, and all of them interesting—while I felt sincere admiration for the patient labour with which my honourable friend had collected his data, I could not help saying to myself: “All this is entirely beside the point.” If the Bill could really bring relief to those who are practically the serfs of their money-lenders, I admit that whatever there might be to be said against the measure, there would also be a good deal to be urged in its favour. But, my Lord, it is absolutely impossible that the Bill can do anything of the kind. What is it that is proposed to be done under the Bill? Its principal provision,

which has exercised the public mind so much, is that Government may re-grant forfeited lands, without the power of free alienation. Government intend to re-grant such lands, as far as possible, to old occupants. This is not in the Bill itself. But I will assume, for my present argument, that they will do so.

THE TRUE SCOPE OF THE BILL.

Now let the Council mark what is the true scope and character of this provision. Before a holding can be brought under the new tenure, it must first be forfeited, which means that the assessment in respect of it must be withheld. The Bill will be simply inoperative in the case of those lands, the assessment of which is paid. Now under the Land Revenue Code the assessment can be paid not only by the occupant, in whose name the holding stands, but by any one interested in the holding, including the mortgagee, *i. e.* the *sowcar*. And under the present Bill Government are bound to give at least fifteen days' notice before forfeiture, so that anyone who is interested in the holding may pay the assessment. The *sowcar*, therefore, can pay the assessment when the occupant does not, and when this happens, the Bill

will be absolutely powerless to help the ryot, however much he may be the serf of his money-lender. Now, my Lord, whatever else the *sowcars* may be, they certainly are not simpletons, and it is inconceivable that they will ever allow any land, which is mortgaged to them, to be forfeited, when they can prevent the forfeiture by simply paying the assessment. Even under existing arrangements the assessment is, in most cases, paid by or realized from them, when the occupant is unable to pay it, though it is true that at present they try to secure, if possible, remissions in the name of the occupant. When the present Bill becomes law, they will no doubt take good care to pay the assessment in all cases, but that only means that the collection of land revenue will be more stringent than at present—it will bring no relief whatever to the ryot who is the *sowcar's* serf. My Lord, “in vain the net is spread in the sight of any bird”. A *sowcar* here and a *sowcar* there may perhaps be caught napping—where, for instance, he is gone on a pilgrimage, or is a minor, and has no one to look after his interest; but such instances will be extremely few. My honourable friend, Mr. Desai, has perhaps seen this point, and that was, I think, why he regretted yesterday the provision, contained

in this Bill, that at least fifteen days' public notice should be given before forfeiture. He would like to give no notice whatever, and thereby he hopes to be able to take a larger number of *sowcars* un-awares. Now, my Lord, whatever results Mr. Desai's method in this particular might achieve, that method is not, I submit, consistent with our notions of the dignity of the British Government or the sense of justice and fair play which we have been accustomed to recognize as forming part of its character, and I am sure the British Government will never come to such a pass, unless men like my honourable friend have more to do with its legislation than they have at present.

THE SOWCAR WILL EXPLOIT THE RYOT'S LABOUR.

But I will ask Mr. Desai this: Supposing you are able to catch a few *sowcars* in this way, do you think that thereby you will be able to free the ryots concerned from their liabilities? When the lands of these ryots are forfeited, and are re-granted to them under the new tenure, the *sowcars* will, no doubt, not be able to get the lands back into their own hands. But the personal liability of the ryots for the old debts remains in full force, and, therefore, the

moment the harvest is gathered and the crops brought home, the *sowcar* can seize them, and thus he will be able to exploit their labour as much as ever. And that is really all that he does even at present, as pointed out by the Hon. Mr. Aston. He does not till the land himself. All he cares for is to exploit the ryot's labour. In the first place, therefore; no *sowcars* will allow the lands in their possession to be forfeited, which means that this Bill will be inoperative. And, secondly, even if a few *sowcars* are caught napping, and the lands in their possession are forfeited and re-granted to the old occupants under the new tenure, the personal liability of these ryots for their old debts will remain in full force, and thus the *sowcars* will be able to exploit their labour as much as ever. Even if these ryots are taken from their old holdings and put on new lands, and Government go so far as to pay them a bounty for cultivating lands, which otherwise would remain uncultivated, the crops on these new lands will be liable to be attached, just the same as the crops raised on the old lands. Unless, therefore, the civil courts are closed to the *sowcars*, and it is enacted that their contracts, whatever their nature, are all invalid and cannot be enforced, you cannot get a ryot who has once got into a *sowcar's*

clutches out of those clutches till the debt is paid off, and the present Bill can bring him absolutely no relief.

A CHALLENGE.

My Lord, the Hon. Mr. Monteath threw down to me yesterday a challenge with reference to the drafting of a certain section. Now challenges, as Burke says in one place, are rather serious things. But, for once, I will set aside Burke's advice and follow the example of my honourable friend, and I will make him this offer. If he will satisfy me—and I hope I am not quite unreasonable—if he will satisfy me that this Bill will bring any the least relief to those ryots, whose lands are already in the hands of the *sowcars*, I will at once abandon all further opposition to this Bill, I will vote for the second reading, and I shall even feel happy when I am pilloried in the columns of the press, for my change of opinion.

COMPLAINTS ABOUT MISAPPREHENSION.

My Lord, I repeat the Bill can bring no relief to the ryot who is indebted. And is it for those who are themselves under a misapprehension in so important a particular to complain of the

misapprehension of others? But I have something more to say on this question of misapprehension, and I will speak freely to-day and even bluntly—for, on an occasion of such gravity, blunt speech is a duty, however much it might be liable to be misconstrued. I admit, my Lord,—I have admitted it in private conversation, and I make the admission openly in this Council to-day—that there has been a certain amount of excited writing in the columns of the press on the subject of this Bill. But may I ask what steps Government took to prevent or check a misapprehension of their intentions beyond the resolution of June 18th, which was intended simply to recall the steps taken by one of their own Collectors? I feel bound to say that in this matter everything which should have been done was left undone and whatever should not have been done has been done. I was once given to understand that the Press Committees, about which so much was said at one time, had been established, not so much for keeping a watch on the conduct of newspapers, as for the purpose of noting the grievances ventilated in their columns and correcting misapprehensions, wherever such correction was necessary. Was this agency of the Press Committees used in the

present instance to prevent or remove misapprehensions? Did Collectors or such other officers arrange anywhere to meet native gentlemen of education and influence and talk the matter over with them with the object of dissipating their fears? Was any attempt made to explain to the ryots the true scope and character of the present Bill? But while none of these things were done, mark what the Government did do. At a time, when the agriculturists of the Presidency had just passed through a period of the greatest privation and suffering, when Government had already done so much for them and so much more had been promised, which had aroused in them feelings of deep gratitude, when, in fact, the relations between the two races were better than they have ever been for years past, and were every day growing more cordial, when your Excellency had won all hearts by your own profound sympathy and, may I add, that of the noble lady, who is your partner in life, with the poor in their distress, this bomb was suddenly thrown into our midst; and because people got scared and began to run about wildly—some shouting perhaps more excitedly than was necessary—the honourable member turns sharply on them and says: “Oh, it was only a

harmless explosive, and you had no business to get so frightened." Then, again, look at the manner in which the Bill is being rushed through the Council. It was first published on 18th May, and it came on for first reading on 30th May, almost before any one had time to grasp its true meaning and character. Even the statutory provision, requiring the publication of the Bill fifteen days before its first reading, was not complied with, and though your Excellency, by suspending the standing orders, legalized what otherwise would have been illegal, that did not increase the time allowed to the members of this Council for studying the measure. The first meeting of the Select Committee was held the very next day after the meeting of the Council, *i. e.* on 31st May. And the second meeting, which was also the last, was held on the 24th June, *i. e.*, before a single memorial from public bodies or anyone else had reached the Council. The deliberations of the Select Committee were thus closed before the public had had any opportunity to submit a single suggestion or a single criticism to that Committee. Now, my Lord, I do not subscribe to the doctrine that the official classes alone understand what is in our interest and what is not. And I think the

public are entitled at least to be heard before a Select Committee, appointed by the Council, makes up its mind as to what it shall recommend. In the present instance, however, all the numerous petitions that have poured in upon the Council have been simply brushed aside. It is true that a few of them were considered by Government in their executive capacity, and a reply too was given to one of them. But that is not the same thing as this Council considering them—the Select Committee alone can act on behalf of the Council; and so far, therefore, as this Council is concerned, the memorials against the Bill have been merely so much waste paper. These petitions—this huge mass of papers—were laid on the table only the day before yesterday, and it was physically impossible for any member of this Council to go through them before the Hon. member rose to move the second reading of the Bill. Can any one seriously maintain that there is not a single suggestion, single hint in all these papers, which this Council might usefully consider? I submit my Lord, this extreme precipitation and this indifference to public petitions is a responsible for any misapprehension of the intentions of Government as any thing else.

MR. CHUNILAL'S CULTIVATORS.

My honourable friend, Mr. Chunilal, told us yesterday that agriculturists, who were in the beginning favourable to the Bill, were now opposing it owing to the misrepresentations of certain people. And he mentioned how he had a talk with two agriculturists, who are heavily indebted to *sowcars*, and who welcomed the measure as beneficial, when he explained its true nature to them. Now I ask my honourable friend, what did he tell the two agriculturists? Did he tell them that the Bill would free them from the power of the *sowcar*—that their lands would get out of his hands after this Bill was passed? If he said this to them, I say he has misrepresented the Bill—I do not say consciously—he has misrepresented the Bill to them. How can this Bill help any one who is already in the hands of the *sowcar*? I would request my honourable friend, when he goes back to Broach, to have another talk with those agriculturists, and I would ask him to tell them that, so far as ryots in their condition were concerned, the Bill was not capable of bringing them any relief. I would then like to know if these two agriculturists would still regard the Bill as likely to prove beneficial to

them. My Lord, I am amazed that members should talk of misapprehension and misrepresentation, who do not yet seem to realize what this Bill will do, and what it cannot do. I will try to make it clear to this Council that this Bill cannot confer the least benefit on agriculturists, but that, on the other hand, it will do large numbers of them great harm. But before I deal with that question, there are one or two other points, on which I wish to say a word.

EDUCATED CLASSES, OFFICIALS AND
THE PEOPLE.

I have with regret seen it suggested by some of the official supporters of the measure that the educated classes are not really in touch with, and do not understand the true wishes and feelings of the great body of agriculturists in this matter, and that their opinion on this Bill is not entitled to any weight. Such a suggestion, I submit with due deference, is inaccurate as a statement of fact and questionable in point of taste. How would these gentlemen like it, if we turned round and said: "What do these Collectors and Assistant Collectors really understand of the true feelings of villagers? When they happen to go to a village in the course of

their official duties, what actually takes place is this. They pitch their tent at some distance from the place, unless there is a Travellers' Bungalow anywhere near, make a few inquiries of the village or taluka officials that are always in attendance, and visit perhaps a few spots in the neighbourhood. Their knowledge of the vernaculars no more qualifies them to enter into a free conversation with the villagers than does the English of Johnson and Macaulay, which we study, enable us to understand without difficulty the vigorous language of a British or Irish soldier. Meanwhile it is the interest of the village officials that as few complaints should reach these officers as possible and that they should go away well pleased; and the termination of the visit of inspection is regarded with feelings of genuine relief." I think such a way of putting the matter has in it just that amount of truth which makes the whole description look plausible. But I feel bound to say it is grossly unfair to a large number of very deserving and very conscientious officers of Government. The truth, my Lord, is that the English officials in this country understand the ryot from one standpoint and we understand him from another, and between the two, our knowledge of him is

certainly not the less deep or instinctive or accurate.

NOT A MONEY-LENDING AGITATION.

Then, again, it has been stated that only the *sowcars* and their champions are opposing this Bill, and to our great regret and astonishment, we find the Secretary of State for India declaring in Parliament that it is all a money-lending agitation. Now all I can say in this matter is that there cannot be a more complete or a more grievous misapprehension of the true facts of the situation, and the circumstance that the Secretary of State should have lent the weight of his authority to this misapprehension shows to my mind how entirely out of touch those, who are responsible for advising him, are with the real sentiments of the agricultural population. My Lord, the agitation against the Bill is emphatically not a money-lending agitation. Why should it be thought that men like the Hon. Mr. Mehta would ever associate themselves with an agitation started in the interests of money-lenders and against those of the ryots? We are not money-lenders ourselves, and there is no earthly reason why we should champion the interests of the

money-lender more than those of the ryot, even if the instinctive sympathy which all human beings feel for the weaker party in any struggle were to be withheld by us from the poor ryot. And speaking for myself, if your Excellency will pardon the egotism of a slight personal reference, I will say this: that it was my privilege to receive my lessons in Indian Economics and Indian Finance at the feet of the late Mr. Justice Ranade, who, as your Excellency so truly observed at the Bombay Memorial meeting, was always a friend of the poor ryot, and who, it is well-known, greatly interested himself in the passing and the subsequent successful administration of the Deccan Agriculturists' Relief Act. It is not, therefore, possible, unless I am prepared to prove false to the teachings of my departed master, that in any agrarian discussion I should range myself against the interests of the ryot or be swayed by a special feeling of partiality for the money-lender. No, my Lord, it is because I believe, and very firmly believe that this Bill will prove disastrous to the best interests of agriculturists, and not because it is likely to do any harm to the money-lender, which, I do not think, it really will, as I will show later on, that I deem it to be my duty to

resist the passing of this measure to the utmost of my power. If it is true, as I have heard it alleged, that the agriculturists themselves do not dislike this Bill, may I ask how it is that while petitions against the Bill have poured in upon the Council in a manner perfectly unprecedented, and many of them are signed by large numbers of agriculturists, there is not a single petition from any agriculturist in favour of the Bill? If it be said that the agriculturists are too ignorant to formally submit an expression of their views to Government, or that they have not yet had time to do so, my answer is that the first contention cannot hold good in view of the numerous petitions, purporting to be in favour of the Khoti Bill, submitted by Khoti tenants in the Ratnagiri district during the last three or four years; and as regards the second contention, it only adds strength to the eloquent appeal, which my honourable friend Mr. Mehta has addressed to this Council, to postpone this measure for six months. This will give the agriculturists time to petition in favour of the Bill, and then the position of Government will be immensely strengthened, for the ground from under the feet of those who are opposed to the Bill will be cut.

OPPOSITION OF AGRICULTURISTS PERFECTLY
NATURAL.

My Lord, to my mind it is the most natural thing in the world that the agriculturists of the Presidency should have received this Bill with feelings of consternation and dismay. How could it be otherwise, when we consider the nature of the Bill, the time selected for its introduction, and the feelings and prepossessions of our agricultural community? I can only regard it as an instance of the malignity of fates that at a time when Government had done so much to save the agriculturists from actual starvation, and when they had been encouraged to expect specially liberal treatment in the matter of suspensions and remissions, and when, in consequence, they were feeling profoundly thankful to Government, this Bill should have come upon the community like a bolt from the blue, undoing, so to say, in a moment, the splendid work of months, if not of years, and substituting distrust and alarm in place of growing attachment and warm gratitude. From a return laid on the Table yesterday, we find that in May last, when the Bill was introduced, the amount of arrears in the Presidency was - about $2\frac{1}{3}$ crores, of

which Government had already decided to suspend or remit $1\frac{1}{4}$ crores. Seeing that these arrears were practically for two famine years, and seeing how extensive had been the crop-failure on both the occasions, I do not think the arrears were at all excessive, especially when we bear in mind that in many places the intended relief had not been definitely announced to the particular individuals concerned, and therefore many more persons were in a state of expectancy than would have been the case if the requisite announcement had been previously made. The extent to which the Bill has frightened the people may be gauged from the fact that out of these arrears forty-five lakhs have been already paid, and probably more would have been realized but for the announcement of Government made in June that no forfeitures would be made before the passing of the Bill, and that even after the Bill became law, reasonable time would be given to the occupants to pay up before forfeitures would be ordered. My Lord, the ordinary Indian peasant is so tenaciously attached to his proprietary rights over his holding, and he finds the full enjoyment of these rights so useful in actual life, that there is nothing he will not do, if it is in his power, to ward off

what he regards as a direct or indirect attack on those rights. And is it difficult to understand that a proposal to take away from him his power of alienating, when necessary, his holding, should appear to him to be a most serious encroachment on his rights? When the Survey Act of 1865 was passed, it was claimed on behalf of Government that the conferring of survey tenure on those, who had been *upari* tenants previously, practically added to the wealth of the agricultural community nearly 35 millions sterling. If this was not a mere idle assertion, it follows that when it is proposed to-day to withdraw from a portion of the land of the Presidency the power of free transfer, it is equivalent to withdrawing a portion of the wealth, that was claimed to have been added to it in 1865, and that has since been enjoyed by the survey occupants. The agriculturist feels that his power of transfer enables him to raise a loan in times of difficulty; when the difficulty passes away, he, in many instances, tries his best to repay the loan. But the struggle is very hard, and he often finds redemption beyond his power. All the same he values his power of transfer, and will not relinquish it, if he can. Suppose Government were to declare to-morrow

that Government Securities were not transferable, and that the holders were entitled only to receive interest from Government. How many of us will like such a restriction? I only mention this illustration to show, how human nature being what it is, no one would like to part with a power, which means a command of resources in times of need. Of course, whether such unwillingness on the part of the ryot to part with his power of free transfer ought to deter Government from a course, which they think to be necessary in his interests, is another question. My present point is that it is not in the nature of things possible that the agriculturists could like this Bill, except perhaps those among them, who under a misapprehension may imagine that it will enable them to get rid of their debts to the *sowcar*.

HOW THE BILL WILL AFFECT AGRICULTURISTS.

I have so far tried to show to the Council that whatever value Government may attach to the present measure as likely to ameliorate the condition of the ryot, the opposition to it is a genuine and spontaneous opposition, and that it is strongest among those, for whose

benefit the Bill is avowedly intended *viz.* the agriculturists themselves. I will now come to the question whether the Bill is really likely to do any good to any body. My Lord, I am strongly of opinion that so far as the agriculturists of the Presidency are concerned, it cannot do them the least good and that it will do large numbers of them great injury. Our agriculturists may be divided into four classes—(1) Those who are yet free or virtually free from debt; I believe these form a small proportion of the total number. (2) Those who have already got into debt but not to such an extent as to be hopelessly involved, and who are making honest efforts to keep their heads above water—these, I believe, constitute a large class. (3) Those who are so heavily indebted as to be hopelessly involved—these also constitute a large class, and they are, I believe, at present practically serfs in the hands of *sowcars*. (4) And lastly those whose lands are so poor and over-assessed that the cost of cultivation and the Government assessment eat up the whole gross produce, if, indeed, it suffices for the purpose, and who, therefore, are unable even now to raise any money on the security of their lands. This class is, like the first, numerically a small one.

RYOTS OF THE FIRST CLASS.

Let us now consider how the Bill will affect the interests of each one of these four different classes. As regards the first class, it is obvious that those agriculturists do not need Government intervention. They have so far used their credit well, and Government themselves have often declared that they have no desire to interfere with the freedom of action of these men. But if the Bill is passed, this class will be very prejudicially affected by it in one respect. These men are at present, like other agriculturists, entitled to the relief of suspensions and remissions in times of famine. But it has been stated on behalf of Government that the proposed legislation will enable Government to determine without difficulty who should get the benefit of suspensions and remissions and who should not; a man's readiness to come under the new tenure being accepted as a test of his deserving the required relief. And as men of this class will never care to part with their power of free transfer for the sake of a year's assessment, it is clear that their position will become worse when the Bill is passed, in that they will not practically get the benefit of suspensions and remissions to which they are

at present entitled. My Lord, I submit it is very hard that a class, which has deserved so well of the Government by reason of the judicious use that it has made so far of its credit, should thus be marked for injury. The assessment of Government, as is well-known, is based, in the Deccan at any rate, on an average of seasons, the standard being that in three years, one is good, one bad, and one indifferent. When, however, there is a succession of bad seasons, as has been the case during the last five or six years, Government are morally bound to remit a portion of the assessment as a matter of course. And it is unfair to make this relief dependent upon the applicant accepting a change in tenure which he does not like.

RYOTS OF THE SECOND CLASS.

As regards the second class, *i. e.* those who have already got into debt, but who are not yet hopelessly involved, their position too will be made much worse by this legislation. A case within my own personal experience will illustrate what I say. Government have appointed me to administer the estate of a minor in Poona. My ward's father, a Sardar of the Deccan,

who used to lend money to agriculturists on the security of their lands, had advanced about seven years ago a sum of Rs. 900 at 10 per cent. to one man, whose holding will fetch, if sold in the market, about Rs. 2,000 in ordinary times. This holding has to pay an assessment of Rs. 108, and deducting that, it brings to the holder a net income of about Rs. 150, out of which, however, he has to pay us Rs. 90 a year as interest. Now, for the last five years, the seasons have been continuously unfavourable, and this man has not been able to pay us anything on account of interest. He managed to pay the Government assessment somehow or other till two or three years ago, and since then he has been in arrears. Now, till June last, this man was under the impression that his arrears would be remitted, when all of a sudden he received a notice that unless he paid up, his holding would be forfeited. The man at once came to me in great fright, and asked me to advance the amount required to pay the arrears. I asked him how I could advance any more money to him, when he had not paid us the interest for the last five years. The man, however, begged hard. He said he would give me a new bond for the original Rs. 900,

plus Rs. 500, the amount of interest unpaid, plus the two hundred and odd rupees required for paying up Government arrears, or altogether for a sum of nearly Rs. 1,700. And as this sum was to bear the same interest as the original amount, *i. e.* 10 per cent., the man's proposal practically meant his utter ruin, as he would, after the new transaction, have to pay Rs. 170 a year as interest, with an income of only about Rs. 150. Fortunately the last Government Resolution on this subject has come to his rescue, and, for the present at any rate, I believe he will have no more trouble. Now this is a typical and not an isolated case. And it will illustrate how agriculturists of the second class mentioned above will be harmed by this Bill. These men will not accept the new tenure if they can help it, and will go on adding to their debts in bad times in order to pay the Government assessment. And even if in a few stray cases they are inclined to take advantage of the new tenure, the *sowcars*, who have already advanced to them money, will not, as I have already shown, allow the lands to be forfeited, but will pay the assessment themselves, and thus add to the liabilities of the occupants.

RYOTS OF THIRD AND FOURTH CLASSES.

The third class is of those who are hopelessly involved, and whose lands are at present in the hands of the *sowcars*. I have already shown that this class will not be touched by this Bill at all, though some members are under a misapprehension that it will bring them relief, and I do not think I need say anything more about these men now. Finally, as regards that class of agriculturists, who cannot raise any money on the security of their lands even at present by reason of the poor character of the soil, and the heaviness of Government assessment, why, my Lord, these lands are inalienable even now, since no money can be raised on their security; and so I do not see how the position of these men will be improved by the passing of this Bill. Thus, then, of the four classes into which the agriculturists of the Presidency may be divided—and it will be admitted that my division is exhaustive—the first two classes, *i. e.* just those who are entitled to the fullest sympathy and protection of Government, will be very prejudicially affected by the Bill. The third class, which requires the special assistance of Government, if it is to be helped out of its present hopeless

condition, and if the question of agricultural indebtedness is to be really faced, will not virtually be touched by this Bill while the position of the last class will remain just what it is at present—only they will feel that their status in life has been lowered. The Bill thus will do absolutely no good, and must, on the other hand, do a great deal of harm to the agricultural community.

THE SOWCARS AND THE BILL.

Then, again, the apprehensions of *sowcars* have now been aroused, and if the Bill is passed into law, a considerable number of them will arm themselves with decrees and compel the sale of the occupancies, at present mortgaged to them, which they will try to buy themselves. And thus the expropriation of the peasantry, so far from being prevented, will in fact actually be hastened by this Bill. As regards the *sowcars* themselves, I think it is quite clear that the proposed measure cannot really injure their interests, except perhaps in so far that where the new tenure comes to be substituted—which, I believe, will now be on an exceedingly small area—they will not be able to engage in loan transactions to the same extent as elsewhere. But this really is

no loss, as in course of time an adjustment is bound to take place, and these men will find other openings for investment.

THE STATE ALONE BENEFITS.

The only party, whose position is improved by the Bill, is the Government itself. I do not mean to say that the framers of the Bill have this object in view. But that cannot alter the fact that this will be the result of the proposed legislation. In the first place, as my honourable friend Mr. Mehta has already pointed out, the Bill constitutes an emphatic assertion of the theory of State-landlordism, and this is bound to have far-reaching consequences. The Bill means a nationalization of forfeited lands, which alters completely the character of the land tenure in the Presidency. The Hon. Mr. Monteth expressed his surprise yesterday that I should call the Government scheme a measure for the nationalization of forfeited lands. I do not know in what sense the honourable member understands the word nationalization. But if he takes it in the sense, in which political economists use the term, I do say, and I say it emphatically, that the Bill constitutes a scheme for the nationalization of forfeited lands. The

honourable member will remember that the Relief Act Commission of 1891 discussed in their Report the question whether Government might not *buy* lands themselves, instead of letting the *sowcars* secure them, and then re-grant them to agriculturists, as tenants of State, without, of course, the power of alienation. They pronounced the proposal a good one, if it could be carried out. But they considered that the cost would be prohibitive, and that there were other difficulties also in the way. What they thus considered was unattainable by reason of its excessive cost, Government now propose to achieve by foregoing merely a year's assessment, when the average price of land, according to the Hon. Mr. Montearth's own testimony, is twenty-five times the assessment. And what is this, my Lord, but nationalization of forfeited lands for a most trifling amount? Then, my Lord, the wide discretionary powers, which Government propose to take under the Bill, will enable them, whenever they like, though this is not desired at present, to grant short leases, or take land for public purposes without any compensation, or allot it to whomsoever they please. This, my Lord, is a real danger, because the tendency of revenue officers generally is to put the widest possible interpretation

on the powers of Government for the purpose of enhancing the government revenue in every possible way. Take, for instance, the question of building fines and assessments. Who would have thought before 1865, when there were neither building fines, nor special assessments for building sites, that in a few years Government would advance their claims from point to point in such a manner as to end by claiming for themselves the entire non agricultural market value of unalienated land ?

WHAT WOULD BE A DESIRABLE EXPERIMENT.

It has been stated that Government intend the Bill to be in the nature of an experiment. But I think there are grave objections to Government embarking upon an experiment, which, it is quite clear, is bound to fail, and which will bring needless discredit on the policy of restricting the power of alienation, which, under certain circumstances, may prove useful. If Government really want to make an experiment, which has reasonable chances of success, let them select at first a small area, take over in that area the debts of the ryots from the *sowcars* to themselves by effecting a settlement of some sort, start agricultural banks to provide for the

ordinary needs of the agriculturists who are thus taken out of the hands of the *sowcars*, and then declare their lands inalienable without their sanction. This would be facing the question in the only manner in which it ought to be faced, and many of my countrymen will support Government in such a policy. Government will then be incurring some risk, and will, therefore, so to say, earn a right to make an experiment in this matter. What the ryot needs is money, or what is nearly the same thing, cheap money. And if you do not reduce what he pays at present to the *sowcar*, or do not advance anything from the coffers of Government for helping him, how can you give any relief to him? It is, I submit, not possible to improve the position of the agriculturist by a mere manipulation of the legislative machine.

REPLY TO CRITICISMS.

My Lord, I have said what I had to say about the Bill. I will now say a few words in reply to certain remarks, which have fallen from the Hon. Mr. Monteath and the Hon. Mr. Lely in the course of this debate. The Hon. Mr. Monteath, if he will pardon my saying so, spoke with somewhat unnecessary warmth about certain observations contained in my minute of dissent. The honourable member told us that I was not

correct in saying that 'in no other Province of British India has the Executive such wide discretionary powers about waste, forfeited, or relinquished lands, as the Bombay Government are seeking to acquire by means of this Bill'; and he went on to say that in every other Province, the Executive already possessed such powers, and that Bombay alone was behind them in this respect. Now, my Lord, I do not know where the honourable member has obtained his law from. The statement in the minute of dissent was not made without a careful inquiry, and I claim that I am right in the view I have taken and the honourable member is quite mistaken. I repeat that in no other Province has the Executive got the power of transferring land from one kind of tenura to another in the exercise of its own discretion. Waste lands, to which the Survey Settlement has been extended as also forfeited and relinquished lands, are at present in this Presidency under the Survey tenure, *i. e.* they can be granted to occupants only in perpetuity and with the full power of alienation. Under this Bill, Government seek to obtain the power to change the tenure of these lands whenever and wherever they please. If the honourable member will be so good

as to show me his authority for his statement, I shall be glad to modify my view of the matter. Then, again, I was amazed yesterday to hear what he said about the present law as to the disposal of forfeited lands. The minute of dissent states that at present forfeited lands are sold to the highest bidder, except in certain exceptional cases, such as a combination not to buy the land at a fair price; and when these sales take place, the proceeds, after deducting the arrears of land-revenue and the expenses of sale, are credited to the defaulting occupant. It is only in those exceptional cases, where sales cannot take place for certain specified reasons, that the Collector has power to dispose of the land in any other way,—of course, without changing the character of the tenure, under which it is held. The honourable member said yesterday that whatever might be the present practice, this was not the present law on the subject. Now, my Lord, it is almost presumptuous on my part to pit myself in this matter against the honourable member, who is well-known for his great abilities, who has been a Revenue officer all his life, and who presides at present over the Revenue Department of the Presidency. Still my authority for my statement is

unimpeachable. Here I hold in my hand the Land Revenue Code of the Presidency; and I make bold to say that a reference to the provisions contained in it on the subject of the disposal of forfeited lands, and especially to Rule 60, will show that my view of the matter is absolutely correct. My honourable friend also challenged me yesterday to draft a section—and he offered to give me a certain amount of time to do it in—so as to limit the discretionary powers of Government, as we desire to limit them, and yet to provide for all those cases, for which, he says, provision is necessary. Now, in the first place I think, this is not a fair challenge to throw down to me. Are the drafting resources at the disposal of Government so inadequate to the work of framing a small section, such as would meet all requirements? Cannot the Advocate-General, who occupies so high a position in the Bombay Bar, or the Legal Remembrancer, who is already recognised to be one of the ablest civilian judges in the Presidency, help the honourable member in this little matter, that he should ask me, who am no lawyer and have only my own plain common sense to guide me, to do this work? However, my Lord, as the honourable member has thrown down the challenge, I make bold

to accept it; and I venture to assure him that with the assistance of my lawyer friends I will produce such a section as he suggests, if he will give me the necessary time that he has already promised. Surely, it cannot be difficult to frame a section, which provides that when land is given for a temporary or a non-agricultural purpose, or is given to wild tribes for agricultural purposes, the perpetuity tenure should not apply. Now that I have accepted his challenge, I hope the honourable member will not proceed further with the Bill to-day. The Hon. Mr. Lely, in the course of his remarks, regretted that men of education and of undoubted patriotism should confine themselves to the work of mere criticism, and should oppose so small a measure, framed in the interests of their poorer brethren. He seemed to think that our energies would be much better employed, if we gave up this negative work of mere criticism, and came forward to initiate measures of reform. Now, my Lord, in the first place, it should be remembered that in all countries, with strong centralised governments, the work of initiating important measures naturally devolves upon the Government. Moreover, what opportunities have we for initiating important measures? Put men like the late Mr. Ranade, or my

honourable friend Mr. Mehta, on your Executive Councils. Place them in a situation of real power and responsibility, and then we undertake to show that we can initiate measures as well as any one else. It is because you have power to carry out your ideas and we have not, that we appear to you to be engaged in unpractical or academic discussions, while you claim for your efforts the character of practical or constructive work. We are not, to use the words which Lord Curzon once applied to the Liberals in speaking of the Cretan question, so "empty of suggestion and full only of denunciation," as some people imagine. But, perhaps, it is not the part of wisdom to talk of what cannot be. Let not the Council misunderstand me. I say this in no spirit of discontent, but merely to repel a charge, which, I think, we do not deserve. I freely recognize, what the late Mr. Ranade so often used to impress upon our minds, that though there may be less field for personal ambition and less scope for the display of individual talent under the present regime, there is ample compensation, and more than that, in the blessings of peace and of order well established, in the larger possibilities of enlightenment and progress secured to the mass of our countrymen, in the higher ideals of civic

and national life to which we have been introduced, and in the rousing of the moral energies of our people.

AN APPEAL TO THE COUNCIL.

And now I come to the concluding portion of my speech. I earnestly implore the Council to accept the amendment of my honourable friend, if not in the form in which it is proposed, in some other form which may be more acceptable. And I base my request on two grounds. In the first place, this voluminous mass of petitions has not been so much as looked at by any one on behalf of the Council. I have already pointed out that the Select Committee's deliberations had come to a close before a single one of these petitions had reached the Council. Of what use, my Lord, is it for the people to petition, if those to whom the petitions are addressed will not even care to look at them? It was not thus that the Hon. Sir Charles Ollivant dealt with the numerous petitions against the District Municipal Bill. It is not my object, my Lord, to praise one member of the Government at the expense of another—that would be an unworthy artifice—but I mention this because it illustrates my idea of how a

measure should be considered by the Select Committee. Sir Charles Ollivant used to go himself through the petitions as far as possible, and if he had no time, he asked us to go through them and bring the principal points to his notice. He was always ready to enter into our feelings, to accept whatever suggestions appeared in the course of the discussion to be good, and always ready to meet us at least half way. He was not wanting in strength. The iron hand; we felt, was always there. But he ever took care to put on the velvet glove. I submit it is not right to strike us with the mailed fist, after the manner of a certain high potentate. My second ground for asking for a postponement is that the reason, which was mentioned by the Hon'ble Mr. Monteath at Mahableswar for rushing the Bill through the Council, no longer exists. The honourable member told us at Mahableswar that it was intended to make the new experiment on a large scale, and it was necessary to pass the Bill before the beginning of the new revenue year, *i. e.* the 1st of August last. Well, the 1st of August is already passed. And as regards the area, on which the experiment can now be tried, the Resolution, recently issued by Government, directing that no forfeitures

should take place for one year, practically settles that question. You will now get only an exceedingly small area—if you get any at all—for trying your experiment on. I submit, therefore, that there is now absolutely no justification for proceeding with this measure so precipitately. My Lord, the late Mr. Rauade, in a lecture which he delivered some years ago at the Deccan College on "Some Aspects of Indian Political Economy," referred to the curious phenomenon of Anglo-Indian administrators, who are strong Conservatives in English politics, developing Radical and even Socialistic tendencies in dealing with certain aspects of the Indian administration. I asked a high officer of Government for an explanation of this phenomenon a few days ago. He said 'it is because we are able to take a more impartial view of things here than in England, having no personal interests to think of'. I think, my Lord, this explanation is true as far as it goes, but it does not state the whole truth. I think it is also because too much power has produced a sense of irresponsibility. Does anybody imagine that a measure of such far-reaching tendencies would have been introduced in England and rushed through Parliament with so

much precipitation, in spite of the unanimous protests of the people? And I submit that the deliberation, which becomes in England a duty of Government owing to the power of the electors, should also be recognized by the British Government in India as a duty under a sense of self-restraint.

OFFICIAL MAJORITY AND ELECTED MINORITY.

My Lord, what is the position here to-day? We, the elected members of this Council, are absolutely unanimous in resisting this Bill, and though our voting power is not large enough, under the constitution of this Council, to prevent the passing of any measure which Government are determined to carry, we represent, when we are unanimous, a moral force, which it is not wise to ignore. For better, for worse, you have introduced the elective element into your Councils, and according to your own English ideas, you must now accept us as speaking, not for ourselves individually, but in the name of those who have sent us here. And if a standing majority has been secured to Government under the constitution, its real purpose, I take it, is not to enable Government to ride roughshod over our unanimous

expressions of opinion, but to prevent the non-official members from combining and overthrowing anything that Government may have done. This, I submit, is the only true interpretation of the present constitution of this Council. My Lord, the Government, with their superiority in votes, can pass this measure here to-day. But let them remember the words of the poet,

“Oh it is excellent to have a giant’s strength,
“But it is tyrannous to use it like a giant.”

Nothing can fill us with greater sadness than this spectacle of Government trying to carry a measure in such haste and without proper deliberation,—a measure that is bitterly resented by the agriculturists, that has roused the apprehensions of the *sowcars*, and that is condemned by the educated classes with one voice and in no uncertain terms. Is it fair, is it wise that Government should reduce us, the elected members, to a position of such utter impotence, of such utter helplessness, that our united appeal should not secure even a brief postponement for a measure of such great importance?

A PERSONAL APPEAL.

My Lord, I appeal to your Excellency personally in the matter. Your Excellency

has come fresh from a land, where political opponents receive greater consideration, and better care is taken of the several conflicting interests, that must be harmonized in every important legislative measure. Your Excellency is free from what the Hon. Sir Charles Ollivant called the other day "deteriorating limitations." I appeal to your Excellency to pause—pause before it is too late, pause in spite of anything your Excellency might have said yesterday. During the brief time your Excellency has been at the head of the administration of this Presidency, you have taught us to look up to you not only with respect—that is due to all Governors—but also with confidence, and, if I be permitted to say so, with feelings of deep attachment. The people of the Presidency look up to your Excellency even at this last moment to come to their assistance, and I fervently hope and trust that they will not look in vain.