

# PROCEEDINGS

OF THE

COUNCIL OF THE GOVERNOR OF BOMBAY

ASSEMBLED FOR THE PURPOSE OF

MAKING LAWS AND REGULATIONS,

1901.

VOLUME XXXIX.

Published by the Authority of His Excellency the Governor.

Bombay:

PRINTED AT THE GOVERNMENT CENTRAL PRESS

1902.

[Indian Price—Rs. 3-0-0.]

[English Price—4s. 6d.]

OFFICIAL AGENTS FOR THE SALE OF INDIAN  
OFFICIAL PUBLICATIONS.

*In England.*

E. A. Arnold, 37, Bedford Street, Strand, W.C., London.  
Constable & Co., 2, Whitehall Gardens, S.W., London.  
Sampson, Low, Marston & Co., St Dunstan's House, Fetter Lane, E.C.,  
London.  
P. S. King & Son, 9, Bridge Street, Westminster, S.W., London.  
Luzac & Co., 46, Great Russell Street, W.C., London.  
Kegan Paul, Trench, Trübner & Co., Charing Cross Road,  
W.C., London.  
B. Quaritch, 15, Piccadilly, W., London.  
Williams and Norgate, Oxford.  
Deighton Bell & Co., Cambridge.

*On the Continent.*

Friedlander & Sohn, 11, Carlstrasse, Berlin.  
Otto Harrassowitz, Leipzig.  
Karl W. Hiersemann, Leipzig.  
Ernest Leroux, 28, Rue Bonaparte, Paris.  
Martinus Nijhoff, The Hague.

*In India.*

Higginbotham & Co., Madras.  
Thacker, Spink & Co., and W. Newman & Co., Calcutta.  
Thacker & Co. (Ld.), A. J. Combridge & Co., Mr. Seymour Hale,  
and Curator, Government Central Book Depot, Bombay.  
D. B. Taraporevala (Ld.), Sons & Co., Bombay.

---

**PROCEEDINGS**

**OF THE**

**COUNCIL OF THE GOVERNOR OF BOMBAY**

**ASSEMBLED FOR THE PURPOSE OF**

**MAKING LAWS AND REGULATIONS,**

**1901.**

**VOLUME XXXIX**

**Published by the Authority of His Excellency the Governor.**

---

**Bombay:**

**PRINTED AT THE GOVERNMENT CENTRAL PRESS.**

**1902.**

V231, 31  
P5 D1  
V.39  
~~4, 280~~

## CONTENTS.

	PAGE.
<b>Proceedings of the 12th February 1901.</b>	
Address to the Council by His Excellency the President on the late Queen-Empress.	2
Questions put by the Honourable Mr. Shripad Anant Chhatre ... ..	<i>ib.</i>
Ditto Mr. Bomanji Dinshaw Petit ... ..	5
Ditto Meherban Narayanrao Govind <i>alias</i> Baba Saheb, Chief of Ichalkaranji ... ..	<i>ib.</i>
Ditto Mr. Gopal Krishna Gokhale ... ..	<i>ib.</i>
Ditto Mr. Gokuldas Kahandas Parekh ... ..	11
Ditto Ráo Bahádur Achyut Bahaskar Desai ... ..	12
Papers presented to the Council ... ..	13
The Honourable Mr. Monteath moves the first reading of the Bill to amend the Bombay Salt Act, 1890 ... ..	14
Bill read a first time ... ..	15
Suspension of standing orders ... ..	<i>ib.</i>
Bill read a second time ... ..	<i>ib.</i>
Bill read a third time and passed ... ..	<i>ib.</i>
The Honourable Mr. Monteath moves the first reading of the Bill to amend the Bombay A'bkári Act, 1878 ... ..	<i>ib.</i>
Bill read a first time ... ..	17
Bill referred to a Select Committee ... ..	<i>ib.</i>
The Honourable Sir Charles Ollivant moves the first reading of the Bill to amend the Karáchi Port Trust Act, 1886 ... ..	18
Bill read a first time ... ..	19
Bill referred to a Select Committee ... ..	<i>ib.</i>
The Honourable Sir Charles Ollivant moves the second reading of the Bill to further amend the Bombay Port Trust Act, 1879 ... ..	20
Bill read a second time ... ..	23
Bill considered in detail ... ..	<i>ib.</i>
Suspension of standing orders ... ..	29
Bill read a third time and passed... ..	<i>ib.</i>
The Honourable Sir Charles Ollivant moves the second reading of the Bill for the better management of Municipal affairs in Mofussil Towns and Cities ... ..	<i>ib.</i>
<b>Proceedings of the 13th February 1901.</b>	
Bill read a second time ... ..	52

Proceedings of the 14th February 1901.

The Honourable Sir Charles Ollivant moves for an extension of time for the presentation of the Select Committee's Report on the Bill to amend the Karáchi Port Trust Act, 1886	67
Remarks by the Honourable Sir Charles Ollivant regarding the introduction of the Bill to amend the City of Bombay Improvement Act	68
Consideration in detail of the Bill for the better management of Municipal affairs in Mofussil Towns and Cities	<i>ib.</i>
Suspension of standing orders	90
The Honourable Sir Charles Ollivant moves the first reading of the Bill to amend the City of Bombay Improvement Act, 1898	<i>ib.</i>
Bill read a first time	91
Suspension of standing order	92
Bill read a second time	<i>ib.</i>
Bill read a third time and passed...	<i>ib.</i>

Proceedings of the 16th February 1901.

Papers presented to the Council	93
The Honourable Sir Charles Ollivant moves the third reading of the Bill for the better management of Municipal affairs in Mofussil Towns and Cities	95
Bill read a third time and passed.	96
The Honourable Mr. Gokhale moves for an extension of time for the presentation of the Select Committee's report on the Bill to amend the Bombay A'bkári Act, 1878	<i>ib.</i>
Appendices	18

Proceedings of the 12th March 1901.

Questions put by the Honourable Mr. Gokuldas Kahandas Parekh	145
Ditto	146
Mr. Gopal Krishna Gokhale	146
Papers presented to the Council	149
The Honourable Mr. Monteath moves the second reading of the Bill to amend the Bombay A'bkári Act, 1878	<i>ib.</i>
Bill read a second time	155
Bill considered in detail	<i>ib.</i>
The Honourable Mr. Monteath moves the third reading of the Bill to amend the Bombay A'bkári Act, 1878	158
Bill read a third time and passed	<i>ib.</i>
The Honourable Sir Charles Ollivant moves the withdrawal of the Bill to amend the Mámlatdárs Courts Act, 1876	<i>ib.</i>
Appendices	159

CONTENTS

iii

PAGE.

Proceedings of the 30th May 1901.

Questions put by the Honourable Mr. Shripad Anant Chhatre ... ..	170
Ditto Mr. Gopal Krishna Gokhale ... ..	171
Ditto Mr. Ibrahim Rahimtoola ... ..	173
Ditto Meherban Narayanrao Govind <i>alias</i> Baba Saheb, Chief of Ichalkaranji ... ..	174
Papers presented to the Council ... ..	175
The Honourable Sir Charles Ollivant moves for an extension of time for the presentation of the Report of the Select Committee on the Bill to amend the Karachi Port Trust Act, 1886 ... ..	176
The Honourable Mr. Monteath moves the first reading of the Bill to amend the Bombay Land Revenue Code, 1879 ... ..	<i>ib.</i>
Bill read a first time ... ..	199
Bill referred to a Select Committee ... ..	<i>ib.</i>
Appendix ... ..	200

Proceedings of the 22nd August 1901.

Remarks by His Excellency the President regarding the Questions and Answers placed on the Council Table to be taken as read ... ..	205
Questions put by the Honourable Mr. Pherozechah M. Mehta ... ..	<i>ib.</i>
Ditto Meherban Narayanrao Govind <i>alias</i> Baba Saheb, Chief of Ichalkaranji ... ..	206
Ditto Mr. Gokuldas Kahandas Parekh ... ..	208
Ditto Mr. S. M. Moses ... ..	210
Ditto Sir Bhalchandra K. Bhatawadekar ... ..	211
Ditto Mr. Gopal Krishna Gokhale ... ..	215
Ditto Mr. Daji Abaji Khare ... ..	215
Papers presented to the Council ... ..	<i>ib.</i>
The Honourable Sir Charles Ollivant moves for an extension of time for the presentation of the Report of the Select Committee on the Bill to amend the Karachi Port Trust Act, 1886 ... ..	217
Explanation of the Financial Statement of the Government of Bombay for the year 1901-1902 ... ..	<i>ib.</i>

Proceedings of the 23rd August 1901.

Debate on the Financial Statement ... ..	255
Remarks by His Excellency the President on the Bill to amend the Bombay Land Revenue Code, 1879 ... ..	263
The Honourable Mr. Monteath moves the second reading of the Bill to amend the Bombay Land Revenue Code, 1879 ... ..	265

	PAGE.
Proceedings of the 24th August 1901.	
Debate on the second reading of the Bill to amend the Bombay Land Revenue Code, 1879 ... ..	304
Bill read a second time ... ..	368
Bill considered in detail ... ..	<i>ib.</i>
Bill read a third time and passed... ..	372
Appendices ... ..	373



# INDEX

TO THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY ASSEMBLED  
FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS.

## Volume XXXIX.

### A

PAGE.

#### A'EKARI ACT—

Sale of liquors and intoxicants to minors—

*See Parekh, the Honourable Mr. G. K., Question asked by—*

#### ADVANCES—

To Inámdárs—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb,  
Chief of Ichalkaranji, Question asked by—*

#### ADVOCATE GENERAL—

Bombay District Municipal Bill	...	...	...	79—80
Bombay Land Revenue Code Amendment Bill	...	..		348—349

#### AHMEDNAGAR DISTRICT—

Obstruction to melon cultivation in the alienated villages of the—  
Revenue and arrears in the alienated villages of the—

*See Narayanrao Govind, the Honourable Meherbán, alias Bába Sáheb,  
Chief of Ichalkaranji, Question asked by—*

#### ALIENATED VILLAGES—

Revenue and arrears in the—of the Ahmednagar District—

Obstruction to melon cultivation in the—in the Ahmednagar District—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb,  
Chief of Ichalkaranji, Question asked by—*

#### ALLOWANCE—

• And status of Shetsandis in the Belgaum District—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb,  
Chief of Ichalkaranji, Question asked by—*

#### AMENDMENT OF LAWS—

*See Bombay A'bkári Act Amendment Bill.*

*See Bombay District Municipal Bill.*

*See Bombay Land Revenue Code Amendment Bill.*

*See Bombay Port Trust Act Amendment Bill.*

*See Bombay Salt Act Amendment Bill.*

*See City of Bombay Improvement Act Amendment Bill.*

*See Karachi Port Trust Act Amendment Bill.*

*See Mámlatdárs' Courts Act Amendment Bill.*

## APPOINTMENT—

Of a separate Assistant Judge with Full Powers for the Kolába District—  
*See Chhatre, the Honourable Mr. S. A., Question asked by—*

## ARMS ACT—

Licenses under the—in force, newly granted, renewed, etc., in the Ratnagiri District—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

*See Gokhale, the Honourable Mr. G. K., Question asked by—*

## ARREARS OF LAND REVENUE—

In the alienated village of Sonka in the Sátára District—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb, Chief of Ichalkaranji, Question asked by—*

## ASSESSMENT—

Remissions and suspensions of—in the Belgaum District—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

## ASSISTANCE SUITS—

Delay in the disposal of applications for—in the Poona and Sátára Districts—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb, Chief of Ichalkaranji, Question asked by—*

## ASTON, THE HONOURABLE MR. H. F.—

Bombay District Municipal Bill	...	...	...	...	65
Bombay Land Revenue Code Amendment Bill	...	...	...	304—311	363

## ATTACHMENT—

Of the Hebli Saranjam—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb, Chief of Ichalkaranji, Question asked by—*

## B

## BATTY, THE HONOURABLE MR. H.—

Appointed to the Select Committee on the Karachi Port Trust Act Amendment Bill

Bombay District Municipal Bill	...	...	...	...	...	19
Bombay District Municipal Bill	...	...	...	53—54, 83	...	95

## BHATAWADEKAR, THE HONOURABLE SIR BHALCHANDRA K.—

Bombay Land Revenue Code Amendment Bill	...	...	...	290—296	296
Discussion on the Financial Statement	...	...	...	224—226	226

Questions put by—regarding the recoveries and arrears of land revenue in the different districts of the Presidency...	...	...	...	...	210
---	-----	-----	-----	-----	-----

-regarding the statement made in the <i>Kesari</i> newspaper, dated 6th August 1901, relating to the forfeiture of holdings on non-payment of assessment in the Thána District	...	...	...	...	<i>ib.</i>
--	-----	-----	-----	-----	------------

-regarding the initiation of legislation authorising the tapping of palmyra trees for the preparation of jaggery...	...	...	...	...	<i>ib.</i>
---	-----	-----	-----	-----	------------

-regarding the question of building an over-bridge across the Dádar Station of the G. I. P. Railway	...	...	...	...	211
---	-----	-----	-----	-----	-----

BHATAWADEKAR, THE HONOURABLE SIB BHALCHANDRA K.—*continued.*

Questions put by—asking for a statement showing the number of convictions of juvenile offenders for disorderly behaviour or helplessness brought on by drink during the last five years ... ..	211
—asking for information regarding licenses for the opening of new liquor shops and permits for the transfer of existing liquor shops to new localities ... ..	<i>ib.</i>
—regarding the inclusion in the Annual Police Reports of statistics of the number of juvenile offenders of all classes ... ..	<i>ib.</i>
—regarding the establishment of a railway communication between Bārsi Road and Pandhārpur ... ..	<i>ib.</i>

BILLS—

Bill No. II of 1899: A Bill for the better management of Municipal affairs in Mofussil Towns and Cities—( <i>See Bombay District Municipal Bill.</i> )	
Bill No. III of 1900: A Bill to amend the Karāchi Port Trust Act, 1886—( <i>See Karāchi Port Trust Act Amendment Bill.</i> )	
Bill No. IV of 1900: A Bill to further amend the Bombay Port Trust Act, 1879—( <i>See Bombay Port Trust Act Amendment Bill.</i> )	
Bill No. V of 1900: A Bill to amend the Māmlatdārs' Courts Act, 1876 ( <i>See Māmlatdārs' Courts Act Amendment Bill.</i> )	
Bill No. I of 1901: A Bill to amend the Bombay A'bkāri Act, 1878—( <i>See Bombay A'bkāri Act Amendment Bill.</i> )	
Bill No. II of 1901: A Bill to amend the Bombay Salt Act, 1880—( <i>See Bombay Salt Act Amendment Bill.</i> )	
Bill No. III of 1901: A Bill to amend the City of Bombay Improvement Act, 1898—( <i>See City of Bombay Improvement Act Amendment Bill.</i> )	
Bill No. IV of 1901: A Bill to amend the Bombay Land Revenue Code, 1879—( <i>See Bombay Land Revenue Code Amendment Bill.</i> )	

Bombay A'bkāri Act Amendment Bill—

Motion for the first reading of the Bill ... ..	15
Bill read a first time ... ..	17
Bill referred to a Select Committee... ..	<i>ib.</i>
Motion for the second reading of the Bill ... ..	149
Bill read a second time... ..	155
Motion for the third reading of the Bill ... ..	158
Bill read a third time and passed ... ..	<i>ib.</i>

Bombay District Municipal Bill—

Motion for the second reading of the Bill ... ..	29
Bill read a second time ... ..	52
Bill considered in detail ... ..	<i>ib.</i>
Suspension of the standing orders ... ..	90
Motion for the third reading of the Bill ... ..	95

# INDEX TO THE PROCEEDINGS

PAGE.

**BILLS—continued.**

Bombay District Municipal Bill— <i>Continued</i>	96
Bill read a third time and passed ... ..	96
Bombay Land Revenue Code Amendment Bill—	
Motion for the first reading of the Bill ... ..	176
Bill read a first time ... ..	199
Bill referred to a Select Committee ... ..	<i>ib.</i>
Motion for the second reading of the Bill ... ..	265
Bill read a second time ... ..	368
Bill read a third time and passed ... ..	372
Bombay Port Trust Act Amendment Bill—	
Motion for the second reading of the Bill ... ..	20
Bill read a second time ... ..	28
Bill considered in detail ... ..	<i>ib.</i>
Suspension of standing orders ... ..	29
Bill read a third time and passed ... ..	<i>ib.</i>
Bombay Salt Act Amendment Bill—	
Motion for the first reading of the Bill ... ..	14
Bill read a first time ... ..	15
Suspension of standing orders ... ..	<i>ib.</i>
Bill read a second time ... ..	<i>ib.</i>
Bill read a third time and passed ... ..	<i>ib.</i>

**CATTLE FARM—**

At Gujarat—

*See Moses, the Honourable Mr. S. M., Question asked by—*

**CHEATRE, THE HONOURABLE MR. S. A.—**

Appointed to the Select Committee on the Bombay Land Revenue Code Amendment Bill ... ..	199
Bombay District Municipal Bill ... ..	44—45, 67, 68, 69, 74, 79
Bombay Land Revenue Code Amendment Bill ... ..	...195—196
Question put by—regarding the discomfort and inconvenience caused to Third-class passengers in the Ferry Steamers that run between Bombay and Goa ... ..	
asking for a statement showing the number of licenses under the Arms Act in force, newly granted, renewed, cancelled and suspended in each of the five years from 1896 to 1900, both inclusive, in the Ratnágiri District, and the number of arms confiscated in those years ... ..	<i>ib.</i>
employment of the Mahars in the Ratnágiri and Kolába Districts to fill subordinate appointments in the Forest, Police, Customs and other Departments where it may not be objectionable to employ them ... ..	3

INDEX TO THE PROCEEDINGS.

5

PAGE.

CHHATRE, THE HONOURABLE MR. S. A.—*continued.*

Question put by—regarding the proposed refund to the villagers of Khálápur in the Karjat Táluka of the Kolába District of the charges of the disinfection of houses recovered from them during the epidemic of plague that broke out there in 1899 and in 1900, recovered by the Mahálkari from the villagers .....	3
—regarding the grant of remissions and suspensions of assessment to the cultivators of the Athni Táluka, Belgaum District, on account of the failure of crops .....	<i>ib.</i>
—as to whether there is famine in any parts of the Belgaum, Dhárwár and Bijápur Districts; if so, what measures of relief have been started by Government for the alleviation of the distress of the people .....	4
—regarding the reduction of the grazing fees .....	<i>ib.</i>
—regarding the issue of circulars by the Collector of Belgaum to his subordinate officers for withholding from the public, information regarding famine .....	<i>ib.</i>
—regarding the modification of Rule 141 (a) of the Cantonment Code, 1899... ..	5
—regarding the legal training of Honorary Magistrates in the Presidency, and that of Political officers and their subordinates who exercise civil and criminal powers in the States of the minor Sardárs of the Deccan administered by the Political Agents .....	<i>ib.</i>
—enquiring why the famine test-work in the Athni Táluka in the Belgaum District has not been resorted to by the people in proportion to the severity of distress in that táluka .....	170
—regarding the opening of a railway from Margao on the West of India Portuguese Railway to Kárwár, a distance of about 42 miles .....	<i>ib.</i>
—regarding proposals (1) to make pensionable the services of kárkuns and clerks employed under Sub-Registrars and (2) to discontinue the payment to the Sub-Registrars of the fee percentage allowance and increasing, if necessary, their present salaries from the saving thereby caused... ..	117
—regarding the introduction of the system of annual inspection by the Sessions Judge of the Courts of Magistrates within his jurisdiction .....	<i>ib.</i>
—regarding the appointment of a separate Assistant Judge with Full Powers for the District of Kolába .....	<i>ib.</i>

## CHIDAMBARAO VITHAL—

Application of—Jahagirdar of Hebli—

*See Narayanrao Govind, the Honourable Meherbān, alias Bāba Sāheb,  
Chief of Ichalkaranji, Question asked by—*

## CHUNILAL VENILAL, THE HONOURABLE RA'O BAHADUR—

Appointed to the Select Committee on the Bombay Land Revenue Code

Amendment Bill	...	...	...	...	199
Bombay District Municipal Bill	...	...	...	...	84
Bombay Land Revenue Code Amendment Bill	...	...	...	...	283—285

## CITY OF BOMBAY IMPROVEMENT ACT AMENDMENT BILL—

Motion for the first reading of the Bill	...	...	...	...	90
Bill read a first time	...	...	...	...	91
Suspension of the standing orders	...	...	...	...	92
Bill read a second time	...	...	...	...	<i>ib.</i>
Bill read a third time and passed	...	...	...	...	<i>ib.</i>

## COLLEGE OF SCIENCE, POONA—

Admission of Students to the Engineering Classes at the—

*See Petit, the Honourable Mr. B. D., Question asked by—*

*See Narayanrao Govind, the Honourable Meherbān, alias Bāba Sāheb,  
Chief of Ichalkaranji, Question asked by—*

*See Gokhale, the Honourable Mr. G. K., Question asked by—*

## COMPENSATIONS—

For lands taken up by Government—

*See Gokhale, the Honourable Mr. G. K., Question asked by—*

## CONFESSIONS—

Of accused persons—obtained by the Police—

*See Gokhale, the Honourable Mr. G. K., Question asked by—*

## COTTON (INDIAN)—

Deterioration in the staple of—

*See Petit, the Honourable Mr. B. D., Question asked by—*

## COUNCIL OF THE GOVERNOR OF BOMBAY FOR MAKING LAWS AND REGULATIONS—

Adjournments	...	...	41, 66, 92, 97, 158, 199, 254, 303, 372
Meetings	...	...	... 1, 42, 67, 93, 145, 170, 205, 255, 304

## COUNCILLORS—

Proportion of elected and nominated Municipal—

*See Parekh, the Honourable Mr. G. K., Question asked by—*

COURTS OF MAGISTRATES—

Inspection of—

*See Chhatre, the Honourable Mr. G. K., Question asked by—*

CUMINE, THE HONOURABLE MR. A.—

Appointed to the Select Committee on the Bombay Land Revenue Code

Amendment Bill ... .. 199

Bombay Land Revenue Code Amendment Bill ... .. 321—329

D

DÁDAR STATION—

Over-bridge across the—of the G. I. P. Railway—

*See Bhatwadekar, the Honourable Sir Bhalchandra K., Question asked by—*

DESAI, THE HONOURABLE RA'O BAHÁ'DUR A. B.—

Bombay District Municipal Bill ... .. 35—41, 53, 56, 61, 84, 85

Bombay Land Revenue Code Amendment Bill ... .. 285—290

Question put by—enquiring whether there is any truth in the statement made in the Native Press that the Director of Public Instruction has issued a circular prohibiting officers of the Educational Department from standing as candidates for Municipal elections ... .. 13

DISINFECTION—

Charges of the—of houses in the village of Khálápur in the Karjat Taluka of the Kolába District—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

F

FAMINE—

Measures of relief for the alleviation of the distress of the people in the Belgaum, Dhárwár and Bijápur Districts—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

FAMINE FUND AT SURAT—

*See Parekh, the Honourable Mr. G. K., Question asked by—*

FAMINE RELIEF WORKS—

*See Gokhale, the Honourable Mr. G. K., Question asked by—*

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

FAMINE TEST WORKS—

In the Belgaum District—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

FAMINE WAGES—

*See Gokhale, the Honourable Mr. G. K., Question asked by—*

## FANCY FAIR/FUND—(Surat)—

*See Parekh, the Honourable Mr. G. K., Question asked by—*

## FEES—

Grazing—reduction of—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

## FERRY STEAMERS—

Overcrowding in the—that run between Bombay and Goa—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

## FINES—

Remission of building—

*See Ibrahim Rahimtoola, the Honourable Mr., Question asked by—*

## FINANCIAL STATEMENT—

Explanation of and discussion on— ... .. 217—263

## FORFEITURE OF LANDS—

*See Parekh, the Honourable Mr. G. K., Question asked by—*

## G

GANPATRAO MADHAYRAO, THE HONOURABLE SARDAR, *alias* ABASAHEB VINCHURKAR—

Bombay Land Revenue Code Amendment Bill ... .. 311—312

## GILES, THE HONOURABLE MR. E.—

Bombay District Municipal Bill ... .. 69—70, 71, 78

Discussion on the Financial Statement ... .. 255—258

## GOKHALE, THE HONOURABLE MR. GOPAL KRISHNA—

Appointed to the Select Committee on the Bombay Land Revenue Code

Amendment Bill ... .. 199

Bombay Abkari Act Amendment Bill ... .. 96, 150—155, 156, 157, 158

Bombay District Municipal Bill. 30—35, 52—53, 55—56, 60, 62, 64, 65, 69, 71, 73,  
76, 77, 78, 79, 80, 81, 84, 85, 86, 87, 94, 96

Bombay Land Revenue Code Amendment Bill ... .. 188—190, 335—348, 368

Discussion on the Financial Statement ... .. 243—251

Question put by—regarding the conduct of the Mámlatdár in raising the

Income-Tax assessment in the Nevása Táluka of the  
Ahmednagar District ... .. 8, 171

— regarding the hardship caused to students and their  
guardians by a numerical limit having been placed  
upon admissions to the Poona College of Science ... .. 8

— asking for certain information in connection with the  
prevailing famine, the outturn of crops, etc., etc. ... .. 9

— asking for information as to (1) the total area irrigated  
under the Mulla Mutha and the Nira Canals, respect-  
ively, in the Poona District during the last famine  
year 1899-1900, (2) the area irrigated under food-  
grain crops and other crops, (3) the failure of the  
sugarcane crop ... .. 10



INDEX TO THE PROCEEDINGS.

79

PAGE,

GOKHALE, THE HONOURABLE MR. GOPAL KRISHNA—*continued.*

Question put by—asking for a list of the talukas in the Central Division in which revision settlements will be put off for three years in view of the continuance of famine conditions and the desirability of extending similar relief to Indapur and other talukas ... ..	11
—regarding the reduction in the number of fire-arms in the Ratnágiri District ... ..	<i>ib.</i>
—enquiring what amounts of land revenue due for 1899-1900 were uncollected at the end of that year in the several districts of the Northern and Central Divisions, and what sums out of these have since been (a) collected, (b) remitted, and (c) still allowed to stand over ...	146
—regarding the general dissatisfaction among villagers in the Khándesh District on account of the forcible seizure of private carts for the use of officials ...	<i>ib.</i>
—regarding the correct reporting of the number of distraints in the Central Division ... ..	147
—regarding the enhancement of ground-rent for leased and unleased plots in Mátherán ... ..	<i>ib.</i>
—calling for certain information in connection with the amount of fines inflicted on the residents by the Superintendents of Mátherán and Maháleshwar ...	148, 172
—regarding the expulsion from Mátherán of certain permanent residents by an order of the Superintendent ...	147
—regarding an order of the Superintendent of Mátherán to certain horse-owners, who have been plying horses for hire on the hill for over 15 years, to sell their horses and not ply them for hire any more ... ..	148
—enquiring how much of the land revenue for the several districts of the Northern and Central Divisions, that remained uncollected at the end of 1899-1900, has since been (a) collected, (b) remitted and (c) still allowed to stand over ... ..	172
—asking for certain information in connection with the collection, remission and suspension of land revenue for the year 1901 for the several districts of the Northern, Central and Southern Divisions ...	<i>ib.</i>
—regarding the cost, recruitment, duties and distribution of the additional establishments entertained under the revised scheme of the Police Department ...	173
—regarding the recovery, arrears, remission and suspension of land revenue in the three Divisions ... ..	212

	PAGE.
<b>GOKHALE, THE HONOURABLE MR. GOPAL KRISHNA—continued.</b>	
Question put by—regarding the forfeiture of land in consequence of the non-payment and arrears of the Government demand.	212
—regarding the petitions of certain residents of Mátherán against the enhancement of ground-rents ...	<i>ib.</i>
—regarding the question of compensations awarded by the Mámlatdár for certain lands taken up by Government temporarily and permanently in the Ahmednagar District ...	<i>ib.</i>
<b>GRAIN DEALERS—</b>	
Complaints by the Police against the families of—in the Kaira District— <i>See Parekh, the Honourable Mr. G. K., Question asked by—</i>	
<b>GRAZING FEES—</b>	
Reduction of— <i>See Chhambre, the Honourable Mr. S. A., Question asked by—</i>	
<b>GREAVES, THE HONOURABLE MR. WILLIAM—</b>	
Appointed to the Select Committee on the Karáchi Port Trust Act Amendment Bill ...	19
Bombay District Municipal Bill ...	64, 65, 75
Bombay Port Trust Act Amendment Bill ...	...22—23
<b>GROUND-RENTS—</b>	
At Mátherán— <i>See Gokhale, the Honourable Mr. G. K., Question asked by—</i>	
<b>G. I. P. RAILWAY—</b>	
Over-bridge across the Dádar Station of the— <i>See Bhatwadekar, the Honourable Sir Bhalchandra K., Question asked by—</i>	
<b>H</b>	
<b>HEBLI SARANJA'M—</b>	
<i>See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb, Chief of Ichalkaranji, Question asked by—</i>	
<b>HIS EXCELLENCY THE PRESIDENT (LORD NORTHCOTE)—</b>	
Bombay A'bkári Act Amendment Bill ...	17, 97, 155, 158
Bombay District Municipal Bill ...	41, 52, 64, 66, 75, 87, 88, 89, 90, 94, 95, 96
Bombay Land Revenue Code Amendment Bill ...	198, 199, 263—265, 367, 368, 372
Bombay Port Trust Act Amendment Bill ...	28
Bombay Salt Act Amendment Bill ...	15
City of Bombay Improvement Act Amendment Bill ...	91, 92
Discussion of the Financial Statement ...	263
Karáchi Port Trust Act Amendment Bill ...	19—176
Mámlatdárs' Courts Act Amendment Bill ...	158
The late Queen-Empress ...	2

**HOLDINGS—**

In surveyed rayatwári villages of the Broach District—

*See Parekh, the Honourable Mr. G. K., Question asked by—*

**HONORARY MAGISTRATES—**

Legal training of—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

**I**

**IBRAHIM RAHIMTOOLA, THE HONOURABLE, M.E.—**

Appointed to the Select Committee on the Bombay A'bkári Act Amendment Bill	...	...	...	...	...	17
Appointed to the Select Committee on the Karáchi Port Trust Act Amendment Bill	...	...	...	...	...	217
Bombay District Municipal Bill	...	...	...	56—58, 62—63, 74	84	
Bombay Land Revenue Code Amendment Bill	...	...	...	...	280—283	
Bombay Port Trust Act Amendment Bill	...	...	...	...	...23—25	
Discussion on the Financial Statement	...	...	...	...	217—222	
Question put by—regarding the remission, on certain conditions, of the building fine levied at present on buildings in the suburbs of Bombay	...	...	...	...	...	173

**INA'MDÁRS—**

Advances to—

And Sardárs in the Deccan—indebtedness of—

Application of Naro Bhaskar Deodhar and other—of Poona and Sátára—

Arrears of land revenue from—

Investiture with powers under Section 88 of the Land Revenue Code—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb, Chief of Ichalkaranji, Question asked by—*

**INCOME TAX—**

Assessment in the Nevása Táluka, Ahmednagar District—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb, Chief of Ichalkaranji, Question asked by—*

Levy of—

*See Parekh, the Honourable Mr. G. K., Question asked by—*

**INDEBTEDNESS—**

Of Sardárs and Inámdárs in the Deccan—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb, Chief of Ichalkaranji, Question asked by—*

**INDIAN COTTON—**

Deterioration in the staple of—

*See Petit, the Honourable Mr. B. D., Question asked by—*

**INSPECTION—**

Of the Courts of Magistrates by Sessions Judges.

*See Chhatre, the Honourable Mr. G. K., Question asked by—*

J

JAHAGIRDAR OF HEBLI—

Application of Chidambarao Vithal—

See Narayanrao Govind, the Honourable Meherbhai alias Baba Sahab, Chief of Ichalkaranji, Question asked by—

JUVENILE OFFENDERS—

Convictions of—for disorderly behaviour or helplessness brought on by drinking—

See Bhatawadekar, the Honourable Sir Bhalchandra K., Question asked by—

K

KARACHI PORT TRUST ACT AMENDMENT BILL—

Motion for the first reading of the Bill ... .. 18

Bill read a first time ... .. 19

Bill referred to a Select Committee ... .. ib.

Motion for an extension of time for presenting the report of the Select Committee on the— ... .. 67, 176, 217

KARAKUNNS AND CLERKS—

Grant of pension to—employed under Sub-Registrars—

See Chhatre, the Honourable Mr. S. A., Question asked by—

Kesari—

Statement published in—regarding forfeiture of holdings on non-payment of assessment—

See Bhatawadekar, the Honourable Sir Bhalchandra K., Questions asked by—

KHABE, THE HONOURABLE MR. DAJI. ABAJI—

Bombay Land Revenue Code Amendment Bill ... .. 319—328

Discussion on the Financial Statement ... .. 239—242

Question put by—regarding the forfeiture of lands for arrears of land revenue ... .. 213

L

LANDS—

Compensations for—taken up by Government—

See Gokhale, the Honourable Mr. G. K., Question asked by—

Forfeiture of—

See Parekh, the Honourable Mr. G. K., Question asked by—

LAND ASSESSMENT—

See Chhatre, the Honourable Mr. S. A., Question asked by—

See Parekh, the Honourable Mr. G. K., Question asked by—

LAND REVENUE—

See Bhatawadekar, the Honourable Sir Bhalchandra K., Question asked by—

See Gokhale, the Honourable Mr. G. K., Question asked by—

See Khare, the Honourable Mr. D. A., Question asked by—

LAND REVENUE—*continued.*

*See Mehta, the Honourable Mr. P. M., Question asked by—*

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb, Chief of Ichalkaranji, Question asked by—*

*See Parekh, the Honourable Mr. G. K., Question asked by—*

LELY, THE HONOURABLE MR. F. S. P.—

Bombay District Municipal Bill ... .. 58—59, 84

Bombay Land Revenue Code Amendment Bill ... .. 296—303

LICENSES—

For liquor Shops—

*See Bhatawadekar, the Honourable Sir Bhalchandra K., Question asked by—*

Under the Arms Act—in force, newly granted, renewed, &c., in the Ratnágiri District—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

*See Gokhale, the Honourable Mr. G. K., Question asked by—*

LOANS—

Advance of — to Inámdárs—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb, Chief of Ichalkaranji, Question asked by—*

M

MAHARS—

Employment of — in the Forest, Police, Customs and other Departments in the Ratnágiri and Kolába Districts—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

MA'MLATDA'RS—

Test of efficiency of—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb, Chief of Ichalkaranji, Question asked by—*

MA'MLATDA'RS' COURTS ACT AMENDMENT BILL—

Motion for the withdrawal of the Bill ... .. 158

MCIVER, THE HONOURABLE MR. D.—

Appointed to the Select Committee on the Karáchi Port Trust Act Amendment Bill ... .. 19

Bombay District Municipal Bill ... .. 65

Karáchi Port Trust Act Amendment Bill ... .. 19

MEHTA, THE HONOURABLE MR. P. M.—

Bombay District Municipal Bill ... 41, 45—49, 53, 54, 58, 60, 61, 62, 64, 65, 71, 73, 76, 77, 79, 87, 89

Bombay Land Revenue Code Amendment Bill ... 273—280, 303, 309, 349, 356—362, 363—367

	PAGE
<b>MEHTA, THE HONOURABLE MR. P. M.—continued.</b>	
Bombay Port Trust Act Amendment Bill ... ..	222-224
City of Bombay Improvement Act Amendment Bill ... ..	91
Discussion of the Financial Statement ... ..	222-224
Question put by—regarding the collection and arrear in land revenue in each district of the Northern, Central and Southern Divisions before the date of the publication of the Land Revenue Code Amendment Bill in May 1901 ... ..	205
<b>MELONS—</b>	
Obstruction to the cultivation of—in the alienated villages in the Ahmednagar District—	
<i>See Narayanrao Govind, the Honourable Meherbān alias Bāba Saheb, Chief of Ichalkaranji. Question asked by—</i>	
<b>MODI HANDWRITING—</b>	
<i>See Narayanrao Govind, the Honourable Meherbān alias Bāba Saheb, Chief of Ichalkaranji. Question asked by—</i>	
<b>MONTEATH, THE HONOURABLE MR. J.—</b>	
Appointed to the Select Committee on the Bombay A'bkāri Act Amendment Bill ... ..	17
Appointed to the Select Committee on the Bombay Land Revenue Code Amendment Bill ... ..	199
Bombay A'bkāri Act Amendment Bill ...15-17, 97, 149, 153, 155, 158	158
Bombay District Municipal Bill ... ..	5, 76
Bombay Land Revenue Code Amendment Bill 176-187, 197-198, 199, 265-273, 354-356, 369, 370, 371, 372	372
Bombay Salt Act Amendment Bill ... ..	4, 15
Discussion on the Financial Statement ... ..	217, 258, 262
<b>MOSES, THE HONOURABLE MR. S. M.—</b>	
Appointed to the Select Committee on the Bombay A'bkāri Act Amendment Bill ... ..	17
Bombay District Municipal Bill ... ..	64, 74, 86
Bombay Land Revenue Code Amendment Bill ... ..	329-331
Bombay Port Trust Act Amendment Bill ... ..	20-22, 28
Discussion on the Financial Statement ... ..	242-243
Question put by—regarding the progress of the Cattle Farm which was started in 1900 in Gujarāt ... ..	210
<b>MUIR-MACKENZIE, THE HONOURABLE MR. J. W. P.—</b>	
Appointed to the Select Committee on the Bombay A'bkāri Act Amendment Bill ... ..	17
Appointed to the Select Committee on the Bombay Land Revenue Code Amendment Bill ... ..	199
Bombay Land Revenue Code Amendment Bill ... ..	349-354, 356

MULA-MUTHA CANAL—

See Gokhale, the Honourable Mr. G. K., Question asked by—

MUNICIPAL ELECTIONS—

See Desai, the Honourable Ráo Bahádur A. B., Question asked by—

MUNICIPALITIES—

Proportion of elected and nominated councillors—

See Parekh, the Honourable Mr. G. K., Question asked by—

N

NAHAYANRAO GOVIND, THE HONOURABLE MEHERBA'N *alias* BA'BA SA'HEB, CHIEF OF ICHALKARANJI—

Bombay District Municipal Bill ... .. 88, 89, 94

Bombay Land Revenue Code Amendment Bill ... 190—191, 331—335,  
363, 369, 370, 371

Discussion on the Financial Statement ... .. 251—254

Question put by—whether Government propose to introduce a Bill to amend Bombay Act V of 1879 (the Land Revenue Code), and if so, about what time the Bill is likely to be introduced ... .. 6

—regarding the total yearly revenue and the arrears in the alienated villages of the Nevása Táluka of the Ahmednagar District for the years 1890 and 1900 ... 6, 7, 207

—whether the Principal of the Engineering College at Poona has issued a Notification restricting the number of students to be admitted to forty; and if so, whether Government will remove the restriction ... .. 7

—regarding the attachment of a portion of the Hebli Saranjám on account of the death of Pandurangrao, and the provision made for the maintenance of the members of the family during the term of attachment ... .. *ib.*

—regarding the payment of nemnuks to Gopal Narayan Tambavekar and others, *Kadim Hakdárs* in Bahe, Bhirgaon and other villages in the Válva Táluka of the Sátára District... .. 8

—regarding the best method of enabling advances to be made by Government to Inámdárs with the object of enabling them to advance tagai to their tenants ... .. 174

—regarding the working of the rules in force for regulating admission to the subordinate branches of the public service ... .. *ib.*

	PAGE
NARAYANRAO GOVIND, THE HONOURABLE MEHERBA'N, <i>alias</i> BABA SA'HEB, CHIEF OF ICHALKARANJI— <i>continued.</i>	
Question put by—regarding the large arrears of revenue in the alienated village of Sonka in the Koregaon Táluka of the Sátára District and the advisability of adopting measures for their recovery ... ..	174, 203
—regarding large arrears of the Inámdar's dues in the alie- nated village of Arala in the Sátára Táluka of that district ... ..	<i>ib.</i>
—regarding large arrears in the disposal of applications for assistance suits for the recovery of rent in the Sátára and Poona Collectorates ... ..	174, 204, 206
—regarding the application, dated the 11th April 1900, of Chidambarrao Vithal, Jághirdár of Hebli ... ..	175
—regarding the deterioration of the Modi handwriting of the successful candidates in the Third Grade Public Ser- vice Examination, and the steps taken by Government to remedy the evil ... ..	<i>ib.</i>
—regarding the robberies committed on the roads in the Belgaum District thereby making it unsafe to travel at night ... ..	<i>ib.</i>
—regarding the pay, allowance and status of Shetsandis in the Belgaum District ... ..	206
—regarding the advisability of undertaking some legislative measure on the lines of the Sind Incumbered Estates Act, to better the condition of indebted Sardárs and Inámdárs in the Deccan ... ..	<i>ib.</i>
—enquiring how many applications for powers under Section 88 of the Land Revenue Code have been received since the beginning of the year 1900, and how many Inámdárs have been invested with powers ... ..	207
—enquiring what action has been taken to remove the obstruction to melon cultivation in the alienated villages in the Ahmednagar District ... ..	<i>ib.</i>
—regarding the work of execution of Mámlatdár's decrees in assistance suits and decrees of Civil Courts in the Sátára District ... ..	<i>ib.</i>
—regarding the application of Naro Bhaskar Devdhar and other Inámdárs of Poona and Sátára, of the 13th May 1901 ... ..	<i>ib.</i>
—regarding the test of efficiency of Mámlatdárs and other Revenue officers in the prompt collection of Inámdárs revenue ... ..	208



NARAYANRAO GOVIND, THE HONOURABLE MEHERBAN, alias BA'BA SA'HEB, CHIEF OF ICHALKARANJI— <i>continued.</i>		
Question put by—regarding the resumption and regrant of the share of the Hebli Saranjám held by the deceased Saranjámdár Pandurangrao Krishnarao ... ..	208	
NARO BHASKAR DRYDHAR—		
Application of—and other Inámdárs of Poona and Sátára—		
<i>See Narayanrao Govind, the Honourable Meherbán alias Baba Sáheb, Chief of Ichalkaranji, Question asked by—</i>		
NEMBUKS—		
<i>See Narayanrao Govind, the Honourable Meherbán alias Baba Sáheb, Chief of Ichalkaranji, Question asked by—</i>		
NIRA CANAL—		
<i>See Gokhale, the Honourable Mr. G. K., Question asked by—</i>		

O

OLLIVANT, THE HONOURABLE SIR CHARLES—		
Appointed to the Select Committee on the Karáchi Port Trust Act Amendment Bill ... ..	19	
Bombay District Municipal Bill 29—30, 49—51, 53, 55, 59, 60, 61—62, 63, 64, 65, 68, 69, 71, 72, 73, 75, 77, 78, 79, 80, 81, 82, 83, 85, 86, 87, 89, 93, 94, 95		
Bombay Land Revenue Code Amendment Bill ... ..	196—197	
Bombay Port Trust Act Amendment Bill ... ..	20, 28	
City of Bombay Improvement Act Amendment Bill ... ..	63, 90—92	
Karáchi Port Trust Act Amendment Bill ... ..	18—19, 67, 176, 217	
Mánpátárs' Courts Act Amendment Bill ... ..	158	
OLPÁD TALUKA—		
Expiry of the 30 years' survey settlement—		
<i>See Parekh, the Honourable Mr. G. K., Question asked by—</i>		
OVER-BRIDGE—		
Across the Dádar Station of the G. I. P. Railway—		
<i>See Bhatawadekar, the Honourable Sir Bhalchandra K., Question asked by—</i>		

P

PALMYRA TREES—		
Juice of—for making jaggery—		
<i>See Bhatawadekar, the Honourable Sir Bhalchandra K., Question asked by—</i>		
PAREKH, THE HONOURABLE MR. G. K.—		
Appointed to the Select Committee on the Bombay A'bkári Act Amendment Bill ... ..	17	
Bombay District Municipal Bill ... ..	42—44, 53, 54, 70, 71, 81, 82, 83, 86	
Bombay Land Revenue Code Amendment Bill ... ..	191—195, 312—319	
Discussion on the Financial Statement ... ..	226—239	

	PAGE
PAREKH, THE HONOURABLE MR. G. K.— <i>continued.</i>	
Question put by—asking for certain information in connection with the reduction of assessment at the last survey settlement of the Olpád Táluka in the Surat Collectorate ...	11—12
—————asking for certain information in connection with the levy of Income Tax in each of the Collectorates of the Northern Division ... ..	12
—————regarding the insertion of a condition in the licenses issued under the A'bkári Act for the retail sale of liquors and intoxicant drugs, to the effect that the licensee is not permitted to sell them to persons who have not attained the age of majority ... ..	<i>ib.</i>
—————regarding licenses granted to Govind Sudkoji and the members of his family for liquor shops in the City of Bombay ... ..	145
—————regarding the amount of land revenue recovered from the different districts of the Presidency during the months of June and July 1901 ... ..	208
—————regarding the extent and assessment of lands relinquished in each of the tálukas of Gujarát during the year ending 31st March 1901 ... ..	<i>ib.</i>
—————regarding the extent and assessment of lands in each of the tálukas of Gujarát in respect of which orders of forfeiture were passed during the year ending 31st March 1901 and from 1st April to 31st July 1901 ...	<i>ib.</i>
—————regarding the practice in some parts of Gujarát and the Thána District of refusing to receive the assessment on lands, the occupancy rights in which, though forfeited, have not been sold ... ..	<i>ib.</i>
—————regarding a representation from the official President of the Surat Municipality, with reference to the rate of exchange to be charged on remittances to England for the materials for their water-works ... ..	209
—————regarding the proportion between the elected and the nominated members of certain Municipalities in the Northern Division ... ..	<i>ib.</i>
—————regarding the judgment of the Third Class Magistrate of Mátar in the Kaira District in the case of Emperor <i>vs.</i> Bai Sada, and the conduct of the Police ... ..	<i>ib.</i>
—————regarding the distribution of charitable relief at Surat and the inspection of the accounts of expenditure of the Surat Fancy Fair Fund ... ..	<i>ib.</i>
—————regarding the number of holdings of over 5 acres and up to 10 acres on surveyed rayatwári villages of the Broach District ... ..	210

# INDEX TO THE PROCEEDINGS.

19

PAGE.

## PENSION—

Grant of—to karkuns and clerks employed under Sub-Registrars—  
*See Chhatre, the Honourable Mr. S. A., Question asked by—*

## PETIT, THE HONOURABLE MR. B. D.—

Appointed to the Select Committee on the Karáchi Port Trust Act Amend- ment Bill ... ..	19
Bombay District Municipal Bill ... ..	68—69, 72
Karáchi Port Trust Act Amendment Bill ... ..	19
Question put by—regarding the deterioration in the staple of Indian cotton caused by sewing the seeds of short-staple varieties with those of long-staple varieties in districts which have been hitherto well noted for long-staple varieties only ... ..	5
—————, regarding a restriction in the number of students of the Poona College of Science who desire to attend its Engineering Classes ... ..	6

## PLAGUE—

Charges for the disinfection of houses in the village of Khálápur in the Karjat  
Táluka of the Kolába District during the epidemic of—  
*See Chhatre, the Honourable Mr. S. A., Question asked by—*

## POTTINGER, THE HONOURABLE MR. J. C.—

Appointed to the Select Committee on the Karáchi Port Trust Act Amend- ment Bill ... ..	217
--	-----

## POWERS—

Inámdárs who have been invested with—under Section 88 of the Land Revenue  
Code—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb,  
Chief of Ichalkaranji, Question asked by—*

## PUBLIC SERVICE—

Rules for regulating admission to the subordinate branches of the—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb,  
Chief of Ichalkaranji Question asked by—*

## R

## RAILWAY—

Communication between Bársi Road and Pandharpur—

*See Bhatawadekar, the Honourable Sir Bhalchandra Krishna, Question  
asked by—*

Opening of a—From Marmagao to Kárwár—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

## RATNÁGIRI—

Licenses under the Arms Act—

*See Chhatre, the Honourable Mr. S. A., Question asked by—**See Gokhale, the Honourable Mr. G. K., Question asked by—*

## RAYATWA'RI VILLAGES—

Holdings in surveyed—of the Broach District—

*See Parekh, the Honourable Mr. G. K., Question asked by—*

## REMISSIONS—

And suspensions of assessment in the Belgaum District—

*See Chhatre, the Honourable Mr. S. A., Question asked by—*

## ROBBERIES—

On roads in the Belgaum District—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb,**Chief of Ichalkaranji, Question asked by—*

## S

## SARANJA'M, HEBLI—

Attachment of—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb,**Chief of Ichalkaranji, Question asked by—*

## SARDA'RS—

And Inámdárs in the Deccan—indebtedness of—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb,**Chief of Ichalkaranji, Question asked by—*

## SÁTA'RA DISTRICT—

Payment of nemnuks to certain *Kádim Hákdárs* of the—*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb,**Chief of Ichalkaranji, Question asked by—*

## SHETSANDIS—

Status and allowance of—in the Belgaum District—

*See Narayanrao Govind, the Honourable Meherbán ali**Chief of Ichalkaranji, Question asked by—*

## SUB-REGISTRARS—

Increase of salaries of—

*See Gokhale the Honourable Mr. G. K., Question asked by—*

## SUGARCANE CROPS—

In the Poona District—

*See Gokhale, the Honourable Mr. G. K., Question asked by—*

## SCRAT—

Expiry of the 30 years' survey settlement of the Olpád Táluka in the—  
Collectorate—*See Gokhale, the Honourable Mr. G. K., Question asked by—*

**SURAT MUNICIPALITY—**

Rate of exchange to be charged on remittances to England for materials for their water-works—

*See Parekh, the Honourable Mr. G. K., Question asked by—*

**T**

**TAMBAVEKAR, GOPAL NARAYAN, AND OTHERS—**

Payment of nemnuks to—of the Sátára District—

*See Narayanrao Govind, the Honourable Meherbán alias Bába Sáheb, Chief of Ichalkaranji, Question asked by—*

**TATE, THE HONOURABLE MR. J.—**

Appointed to the Select Committee on the Karáchi Port Trust Act Amendment Bill ... .. 19

**W**

**WATER-WORKS—**

Rate of exchange to be charged on remittances to England for materials for the—of the Surat Municipality—

*See Parekh, the Honourable Mr. G. K., Question asked by—*

PROCEEDINGS  
OF THE  
COUNCIL OF THE GOVERNOR OF BOMBAY  
FOR THE  
PURPOSE OF MAKING LAWS AND  
REGULATIONS.

*Abstract of the Proceedings of the Council of the Governor of Bombay, assembled  
for the purpose of making Laws and Regulations, under the provisions of  
"THE INDIAN COUNCILS ACTS, 1861 and 1892."*

The Council met at Bombay on Tuesday the 12th February 1901, at noon.

*P R E S E N T:*

His Excellency the Right Honourable Lord NORTHCOTE, G.C.I.E., C.B., Governor  
of Bombay, *Presiding.*

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. MONTEATH, C.S.I., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. F. S. P. LELY, C.S.I., I. C. S.

The Honourable Mr. SHRIPAD ANANT CHHATRE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. TATE, M.Inst.C.E.

The Honourable Mr. H. F. ASTON, I. C. S., Bar-at-Law.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.R.A.C., I. C. S.

The Honourable Mr. BOMANJI DINSHAW PETIT.

The Honourable Meherbáb NARAYANRAO GOVIND *alias* BABÁ SAHEB, Chief of  
Ichalkaranji.

The Honourable Mr. IBRAHIM RAHIMTOOLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

The Honourable Mr. H. BATTY, M.A., I. C. S.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. SILAS MEYER MOSES.

The Honourable Mr. WILLIAM GREAVES.

The Honourable Mr. D. McIVER.

The Honourable Ráo Bahádur CHUNILAL VENILAL, C.I.E.

The Honourable Mr. E. GILES, M.A. (Oxon).

The Honourable Ráo Bahádur ACHYUT BHASKAR DESAI.

## THE LATE QUEEN-EMPRESS.

His Excellency the PRESIDENT said—Before we enter upon the consideration of the business which calls us together to-day, I am confident that every member of the Council will feel that I am but discharging a plain and obvious duty in expressing on our behalf our deep sorrow at the loss the whole world, and the British Empire in particular, has recently sustained.

More or less adequate tributes have been paid in every quarter of the globe to the memory of our late Queen-Empress; and assuredly members of such a constitutional body as are the gentlemen who have the honour to sit on the Bombay Legislative Council should be forward to express their grief at the death of one of the most illustrious Constitutional Monarchs who ever sat upon a Throne.

Whilst I am far from suggesting that there can ever be such a word as finality in the history of local self-government, since the problems of social and municipal life grow yearly more and more complex and diverse, every student of history will acknowledge that under no Sovereign has greater progress been made towards intrusting the people with a large measure of control over their own affairs through the medium of their own representatives than under our late honoured and beloved Queen-Empress; and from the interest and sympathy with which she watched and aided the development of constitutional progress, we must all feel how kindly she would have continued to appreciate and encourage every indication of her subjects' interest in and capacity to promote the welfare of their countrymen by such wise local legislation as that in which we all hope to see the Bombay Legislative Council long continue to play an honourable and conspicuous part.

---

### QUESTIONS AND ANSWERS.

The Honourable Mr. SHRIPAD ANANT CHHATRE put question No. 1 standing in his name—

*Are Government aware that, owing to the increase of passenger traffic in the Ferry Steamers that run between Bombay and Goa, no sufficient regard is paid to the comfort and convenience of Third Class passengers, who are, without distinction of sex and age, so huddled up promiscuously on the deck that the overcrowding is often a source of much uneasiness to the passengers?*

*Will Government be pleased to take such steps as may be necessary to reduce the misery to which passengers are now being subjected?*

His Excellency the PRESIDENT in reply said—

Messrs. Shepherd and Company's steamers plying between Bombay and Goa are subject to the Native Passenger Ships Act. The space to be allowed for each passenger and the number of passengers which may be carried are determined by the provisions of that Act. Due precautions are taken to prevent the carrying of excess passengers, but as long as Messrs. Shepherd and Company abide by the law, interference on the part of Government, in the direction suggested by the honourable member, is impossible.

The Honourable Mr. CHHATRE then put question No. 2—

*Will Government be pleased to place on the Council Table a statement showing the number of licenses under the Arms Act in force, newly granted, renewed, cancelled and*

*suspended in each of the five years from 1896 to 1900, both inclusive, in the Ratnágiri District, and the number of arms confiscated in those years?*

The Honourable Sir CHARLES OLLIVANT in reply said—

Full details are not at present available, but the subject is receiving attention and a reply will be given subsequently to the honourable member's question.

The Honourable Mr. CHHATRE then put question No. 3—

*Considering the number and poverty of the Mahars in the Ratnágiri and Kolába Districts, will Government be pleased to reserve for that class alone a sufficiently large portion of subordinate appointments in the Forest, Police, Customs and other Departments, where it may not be objectionable to employ them?*

The Honourable Mr. MONTEATH in reply said—

Government cannot promise to reserve appointments in any branch of the Public Service for any caste or class on account of its poverty. But the desirability of giving Mahars their due share of posts which they are qualified to fill is fully recognized.

The Honourable Mr. CHHATRE then put questions Nos. 4, 5 and 6—

4. *Will Government be pleased to state if it is true that the charges of the disinfection of houses in the village of Khálápur in the Karjat Táluka of the Kolába District during the epidemic of plague that broke out there in 1899 and in 1900 were recovered by the Mahádkari from the villagers by resorting to various measures of recovery, while similar charges in the other villages of the said district similarly affected were borne by the Local Boards?*

5. *Will Government be pleased to order a refund of the charges recovered?*

6. *Will Government be pleased to state if one Trimbak Narayan Sathe of the said village has been refused the details of the disinfection charges recovered from him?*

The Honourable Mr. MONTEATH in reply said—

4. Under the orders of the Government of India charges on account of disinfection of houses are recoverable from Local Bodies. Inquiry is being made regarding the charges in the case of Khálápur. But there was no epidemic of plague in Khálápur in 1899-1900, the total number of cases and deaths which occurred there from January 1899 to December 1900 being 5 and 4, respectively.

5. Until the result of the enquiry is known question No. 5 cannot be answered.

6. Government have no information on the point, but enquiry is being made.

The Honourable Mr. CHHATRE then put question No. 7—

*Will Government be pleased to state if they will be kind enough to grant remissions and suspensions of assessment to the cultivators of the Athni Táluka, Belgaum District, on account of the failure of crops this year and during the past three years?*

The Honourable Mr. MONTEATH in reply said—

The grant of suspensions and remissions of revenue in the Athni Táluka will be governed by the general orders on the subject which were published for general information in the Notifications specified below:—

“No. P.—1871, dated the 9th September 1900, Famine Department (paragraph 7).

No. 274, dated the 21st January 1901, Famine Department (paragraph 4).”



The Honourable Mr. CHHATRE then put questions Nos. 8 and 9—

8. *Will Government be pleased to state if there is famine this year in any parts of the Belgaum, Dhárwár and Bijápur Districts?*

9. *If there is, will Government be pleased to state what measures of relief have been started by Government for the alleviation of the distress of the people?*

The Honourable Mr. MONTEATH in reply said—

Parts of Athni, Gokák and Parasgad Tálukas and Murgod Mahál of the Belgaum District are likely to be affected by famine. Continuation of relief measures will probably be necessary in about three-fifths of the Bijápur District. In Dhárwár portions of Navaigund, Hubli, Kalghatgi and Bankápur Tálukas have not fared well, but in view of the reported estimate of outturn of crops, Government do not at present anticipate that there will be any need for relief in this district.

2. Relief measures are at present carried on only in one out of the three districts named above, *viz.*, Bijápur. According to the latest returns there are a daily average of 5,297 relief workers with 766 dependants; there are open 17 poor-houses relieving a daily average of 1,193 persons; and gratuitous village relief is given in 709 villages to 1,944 persons daily. Test works have been started in the affected parts of Belgaum to gauge the existence of distress and the Collector of that district has been authorized to institute the grant of gratuitous relief when he considers it necessary to do so. Similar measures will be undertaken in Dhárwár if the necessity for them is established. Large grants for takávi and the improvement of water-supply have lately been sanctioned for all the three districts.

3. The honourable member is reminded that such information as he requires is published regularly in the *Government Gazette* week by week.

The Honourable Mr. CHHATRE then put question No. 10—

*Will Government be pleased to state if they will be kind enough to reduce the grazing fees that are in force now?*

The Honourable Mr. MONTEATH in reply said—

The grazing fees have been recently resettled after exhaustive examination of their suitability and are exceedingly low. Government cannot undertake to reduce them. As the honourable member is, no doubt, aware, in districts affected by scarcity grazing fees are generally foregone during the continuance of the calamity.

The Honourable Mr. CHHATRE put then question No. 11—

*Will Government be pleased to state if it is true that the Collector of Belgaum has issued circulars to his subordinate officers for withholding from the public information regarding famine?*

The Honourable Mr. MONTEATH in reply said—

The Collector of Belgaum issued a circular in May 1900, directing village officers not to reply to inquiries which were made from them by means of post cards and otherwise on matters connected with famine, and which were calculated to elicit information of which the village accountants became possessed in their official capacity and which they were not justified in communicating without the knowledge and consent of superior authority.

The Honourable Mr. CHHATRE then put question No. 12—

*Are Government aware of a case (Queen-Empress versus Mahomed Ayub) reported in the Bombay Law Reporter,\* Volume II, page 918, under Rule 141 (a) of the Cantonment Code, 1899, in which two Judges of the Bombay High Court and a District Judge have found that the rule, as it now stands, causes hardship to persons living in Cantonments? Considering that there are many Cantonments in the Bombay Presidency, would Government be pleased to bring the case to the notice of the Government of India with a view to modify the rule?*

\* November No.

His Excellency the PRESIDENT in reply said—

The matter is under the consideration of Government.

The Honourable Mr. CHHATRE then put question No. 13—

*Will Government be pleased to state how many of the Honorary Magistrates in the Presidency have gone through a course of some legal training?*

- (a) *In appointing such Magistrates hereafter, will Government be pleased to make a rule that they must pass some test of rudimentary Law and Procedure?*
- (b) *Will Government be pleased to state if they will see that Political officers and their subordinates, who have to exercise civil and criminal powers in the States of the minor Sardárs of the Deccan administered by the Political Agents, pass a similar test?*

The Honourable Sir CHARLES OLLIVANT in reply said—

Government are unable without disproportionate labour to state how many Honorary Magistrates in the Presidency have gone through a course of legal training. They are satisfied with the average work performed by such Magistrates and see no reason for any modification of the present mode of selection either for those officers or for the posts alluded to in the third portion of the honourable member's question.

The Honourable Mr. BOMANJI DINSHAW PÉTTIT then put questions Nos. 1, 2, 3 and 4 standing in his name—

1. *Is the Government aware of the serious and increasing deterioration in the staple of Indian cotton caused by sowing the seeds of short-staple varieties with those of long-staple varieties in districts which have been hitherto well noted for long-staple varieties only?*

2. *Is the Government aware of the detriment caused by such sowings to the export trade and to the Indian spinning and weaving concerns?*

3. *Will the Government be pleased to adopt such measures as it may deem expedient for the prevention of the continuation of such fraudulent sowings?*

4. *Will the Government consider the advisability of importing varieties of seeds of the best American long-staple varieties of cotton for distribution on easy terms to the cultivators in order to improve staples?*

The Honourable Mr. MONTEATH in reply said—

1. Government have been for some years aware that the superior and long-staple varieties of cotton were being replaced by varieties of short-staple in districts which used to produce more or less exclusively the long-staple varieties, and that long and short-staple varieties are sometimes grown together.

2. But it has been represented by the leading Associations interested in the trade, that the principal reason for the change was that the grower found that the short-staple variety or a mixture of long and short-staple varieties was the more profitable, owing to the demand for it in Indian Mills and on the Continent of Europe.

3. Until the demand for the inferior varieties so diminishes as to render the growth of them less profitable to the cultivator, it is doubtful whether any measures which Government could take would be effectual in preventing the sowing of the short-staple variety, and Government cannot admit that the sowings to which the honourable member refers are fraudulent or such as it would be justifiable to prohibit.

4. The result of experiments in introducing exotic varieties into the country is not sufficiently encouraging to justify Government in existing circumstances in importing American cotton as proposed. Should a demand arise for the long-staple varieties on terms profitable to the cultivator, Government will readily give all legitimate assistance to him to procure the seed of these varieties.

The Honourable Mr. PETIT then put questions Nos. 5, 6 and 7—

5. *Will the Government be pleased to enquire into the circumstances leading to a recent limitation in the number of students of the Poona College of Science who, having passed the Previous Examination of the Bombay University, as required by the College regulations, desire to attend its Engineering Classes?*

6. *Will the Government be pleased to state whether the said examination hitherto qualifying for entry to the Engineering Classes is no longer considered sufficient?*

7. *In order to meet the increasing number of students for admission to the said Engineering Classes, will the Government be pleased to consider the advisability of providing class-room accommodation for all duly qualified candidates seeking admission to those classes?*

His Excellency the PRESIDENT in reply said—

I refer the honourable member to a memorandum \* drawn up by the Director of Public Instruction, which is placed on the Table.

\* *Vide* Appendix B.

The Honourable Meherbān NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji, then put question No. 1 standing in his name—

*Is it a fact that Government propose to introduce a Bill to amend Bombay Act V of 1879 (the Land Revenue Code)? If so, about what time is the Bill likely to be introduced?*

The Honourable Mr. MONTEATH in reply said—

The first part of the question is answered in the affirmative. It is hoped that the Bill will be introduced at the Poona Session of the Council.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 2—

*Will Government be pleased to place on the Council Table a statement showing the total yearly revenue and the arrears in the alienated villages of the Nevāsa Tāluka of the Ahmednagar District for the year 1890 and for the year 1900?*

The Honourable Mr. MONTEATH in reply said—

The statement has been called for from the Collector of Ahmednagar

The Honourable the CHIEF OF ICHALKARANJI then put question No. 3—

*What action has the Collector of Ahmednagar taken on the quarterly statement of arrears in alienated villages in that district?*

The Honourable Mr. MONTEATH in reply said—

A report has been called for from the Collector.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 4—

*What are the total arrears of revenue in the alienated villages in the Ahmednagar District for the year 1899-1900?*

The Honourable Mr. MONTEATH in reply said—

The information required by the honourable member has been called for from the Collector.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 5—

*Is it a fact that the Principal of the Engineering College at Poona has issued a notification restricting the number of students to be admitted to forty? If so, will Government be pleased to cancel the notification and remove the restriction?*

His Excellency the PRESIDENT in reply said—

I refer the honourable member to the reply given to questions Nos. 5, 6 and 7 put by the Honourable Mr. Bomanji Dinshaw Petit.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 6—

*Have the suggestions referred to in reply to question No. 4 put by me in Council meeting of the 24th January 1900 been received from the Commissioners? If so, what action do Government intend to take on them?*

The Honourable Mr. MONTEATH in reply said—

The reports of the Commissioners in reply to the inquiry mentioned in the latter portion of the reply to question No. 4 put by the honourable member at the Council meeting of the 24th January 1900 were received. Substance of the orders passed by Government on a consideration of those reports was published in the *Bombay Government Gazette* for general information in paragraph 4 of Government Notification, Famine Department, No. 1285-P., dated the 15th July 1900, to which the honourable member is referred.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 7—

*Is it a fact that a portion of the Hebli Saranjám has been attached on the 24th of February, 1899 on account of the death of Pandurangrao? Was this portion attached when it was decided to continue it to Pandurangrao? Has any provision been made for the maintenance of the members of the family during the term of attachment?*

His Excellency the PRESIDENT in reply said—

A portion of the Hebli Saranjám was attached in March 1899. It has not been ascertained whether this portion was under attachment previously. Only one request for maintenance pending the settlement of the succession has been received by Government on behalf of the widow of Govindrao, son of Pandurangrao, and provision has accordingly been made for her. Enquiries are being made as to the claims of other members of the family to receive allowances.

The Honourable the CHIEF OF ICHALKABANJI then put question No. 8—

*Is it a fact that Gopal Narayan Tambavekar and others, kadim hakdárs in Bahe Shirgaon and other villages in the Válva Táluka of the Sátára District, have not been paid their nemnuks since the year 1897-98, that is, since the passing of Government Resolution No. 4168, dated the 3rd June 1897? Is it also a fact that these nemnuks have not been received into the táluka treasury?*

The Honourable Mr. MONTEATH in reply said:—

Government have no information. No complaint from the *hakdárs* has reached Government.

The Honourable Mr. GOPAL KRISHNA GOKHALE then put question No. 1 standing in his name—

(a) *Are Government aware that the Income Tax assessment in Táluka Nevása district Ahmednagar, stood at Rs. 5,083 for the year 1899-1900 and that it was suddenly raised by the acting Mámlatdár to over Rs. 8,300 for the year 1900-1901?*

(b) *Is it true that among the persons taxed for the first time by the Mámlatdár there were several bonâ fide agriculturists, a few petty village carpenters and oilmen and about ten persons who had been labourers on famine relief works during last famine?*

(c) *Is it true that the new assessment was appealed against by nearly four-fifths of the assessees and that the officer hearing appeals has already remitted or reduced the tax in several instances? Will Government state what is the total amount of the reduction thus directed to be made in the assessment fixed by the Mámlatdár?*

(d) *Will Government be pleased to make an inquiry into the matter, and if satisfied that the Mámlatdár's zeal has caused needless hardship to the people, will they be pleased to issue orders which will in future prevent such excess of zeal on the part of subordinate officers?*

The Honourable Mr. MONTEATH in reply said—

It is true that the Income Tax assessment of the Nevása Táluka stood at Rs. 5,083 for the year 1899-1900, and that the original demand for the year 1900-1901 was fixed at Rs. 8,361.

The Collector of Ahmednagar has been called upon for a report upon the other matters mentioned in the question.

The Honourable Mr. GOKHALE then put question No. 2—

(a) *Are Government aware that a large number of students who wanted to join the Poona College of Science were refused admission there this year?*

(b) *Are Government aware that the notification issued by the Principal of the College placing a numerical limit upon this year's admissions was issued only a short time before the date of admission?*

(c) *Are Government aware that many of the students who were refused admission had studied for the Previous Examination in Arts with the sole object of prosecuting their studies at the College of Science after passing their P. E., and that this sudden closing of the door against them is felt by them and their guardians as a great hardship? Will Government be pleased to consider the desirability of withdrawing the notification for this year so as to remove this hardship?*

(d) *Is it the case that this limit on admissions has been placed in consequence of the accommodation available for Drawing and other studies being found insufficient? If so, will Government be pleased to take steps to increase the accommodation, making temporary arrangements till a permanent addition is made?*

His Excellency the PRESIDENT in reply said—

I refer the honourable member to the reply given to questions Nos. 5, 6 and 7 put by the Honourable Mr. Bomanji Dinshaw Petit.

The Honourable Mr. GOKHALE then put question No. 3—

Will Government be pleased to state—

(a) *What districts and talukas are suffering, or are expected to suffer, from famine in an acute form during the current year?*

(b) *To what extent are the areas and outturn under kharif and rabi harvests estimated to fall below the normal?*

(c) *What is the total amount of land revenue due under the first instalment in each one of these talukas? What amount out of this has been already collected, and how much has been ordered to be suspended or remitted?*

(d) *What percentages of relief workers in these tracts were employed (in the first week of January last or in any subsequent week for which information may most readily be forthcoming) on (i) breaking road-metal, (ii) irrigation works, and (iii) village works, respectively?*

(e) *What percentages during the same week received, respectively, the maximum the minimum and the penal wage?*

(f) *What opinions, if any, have been expressed by district officers and by the medical advisers of Government on the sufficiency or otherwise of the reduced minimum wage adopted during last famine to maintain the recipient in a condition of normal health? Will Government be pleased to place a summary of these opinions on the Table?*

The Honourable Mr. MONTEATH in reply said—

(a) and (b)—A note\* containing all the information Government have on these points is laid on the Table.

\* Vide Appendix C.

(c) Information regarding the total amount of land revenue due under the first instalment and of the amount already collected in each of the talukas severely affected or likely to be severely affected during the current year has been called for. It has not yet been received. The amount estimated to be suspended or remitted of this year's land revenue in the affected districts is shown below.

					Rs.
Khândesh	...	...	...	...	16,67,000
Násik	...	...	...	...	4,00,000
Ahmednagar	...	...	...	...	9,00,000
Poona	...	...	...	...	4,50,000
Sholápur	...	...	...	...	5,00,000
Sátára	...	...	...	...	6,50,000
Bijápur	...	...	..	...	7,00,000
Belgaum	...	...	...	...	1,73,000
			Total	...	54,40,000

The estimates for Gujarát have not yet been received.

(d) A statement\* containing the information required is laid on the Table.

\* *Vide* Appendix C.

(e) The information required by the honourable member has been called for. It has not yet been received.

(f) Three Resolutions† (No. 2109, dated the 26th April, No. 2180, dated the 5th May, and No. 3321, dated the 14th September 1900) with accompaniments showing the opinions of Government

† *Vide* Appendix C.

and of district and medical officers as to the effect of the application of the penal wage are placed on the Table. It is to be observed, however, that Government have never expressed the view that the reduced minimum wage is by itself sufficient to maintain the recipient in a condition of normal health, or asked for opinion on that point. That wage has been prescribed as a penal wage, and no effort has been spared to restrict its application to the wilfully idle so as to induce them to work if they are in need of relief or to go away if they are not

The Honourable Mr. GOKHALE then put question No. 4—

(a) *Will Government be pleased to state (i) what was the total area irrigated under the Mula-Mutha and the Nira Canals, respectively, in the Poona District during the last famine year 1899-1900, and (ii) what was the area irrigated under food-grain crops and other crops, respectively?*

(b) *Are Government aware that the cultivators around the Mula-Mutha Canal generally complained that they did not receive during last year the normal supply of water for the proper growth of their sugarcane crop, that their applications to be supplied with water for raising food-grains were generally rejected and that they were thus put to a double loss?*

(c) *Have any remissions of water rate been granted owing to the water-supply being short and irregular and the sugarcane crop having in consequence largely suffered?*

(d) *Will Government be pleased to issue instructions that a demand for water from the Mula-Mutha Canal for raising food crops, which ordinarily require only two or three waterings, should be met to the fullest extent possible during a famine year, and that a much larger area should thus be put under irrigation under this canal as is done in the case of the Nira Canal, thereby securing a greater benefit to individual cultivators and to the general public?*

His Excellency the PRESIDENT in reply said—

(a) The areas irrigated from the Mutha and Nira Canals during 1899-1900 are 8,725 and 27,200 acres, respectively, of which 3,977 and 22,917 acres were under food crops and 4,748 acres and 4,283 acres under other crops.

(b) Government are aware that certain cultivators on the Mutha Canal have made complaints regarding the supply of water they received in 1899-1900, and these are being enquired into.

(c) The reply to this part of the honourable member's question is in the negative, so far as the actual year 1899-1900 is concerned, but remissions of over 1,300 rupees were sanctioned in 1900-1901 on account of the previous year, and applications affecting some 700 rupees are still under inquiry.

II

(d) The honourable member is informed that Government have no reason to believe that water is not given from the Mutha Canal for raising food crops to the fullest extent possible, considering that it is a "Productive" work. The Nira Canal is a "Protective" work and is managed on a different system.

The Honourable Mr. GOKHALE then put question No. 5—

(a) *Will Government be pleased to furnish a list of the talukas in the Central Division in which revision settlements will be put off for three years under the recent orders of Government in view of the continuance of famine conditions?*

(b) *Will Government be pleased to consider the desirability of extending similar relief to Indapur and other talukas in which revised rates have been recently introduced, but their levy postponed on account of the prevalence of famine?*

The Honourable Mr. MONTEATH in reply said—

(a) A list of the talukas is given below.

Name of District.	Name of Taluka.
Násik	Chándor
"	Niphád.
Sholápur	Mádha.
"	Sholápur.
"	Bársi.
"	Karmála.
Poona	Bhimthadi.
"	Sirur.
"	Purandhar.
"	Háveli.

(b) The reply to the second part of the question is in the affirmative.

The Honourable Mr. GOKHALE then put question No. 6—

(a) *Are Government aware that since 1897 the Collector of Ratnágiri has declined to renew licenses for fire-arms in a large number of cases in his district? Will Government state what has necessitated such wholesale reduction in the licenses granted? Will Government be pleased to place on the Table of the Council a return showing the number of licenses for fire-arms held in each taluka of the Ratnágiri District during the six years from 1895 to 1900, both inclusive?*

(b) *Are Government aware that the refusal to renew licenses held in some instances for thirty years and even longer has caused considerable pecuniary loss to individuals, has weakened their powers of protection against wild animals and has given rise to great dissatisfaction in the district? Will Government be pleased to enquire into the matter with a view to removing all cause for reasonable complaint?*

The Honourable Sir CHARLES OLLIVANT, in reply, said—

Full details are not at present available, but the subject is receiving attention, and reply will be given subsequently to the honourable member's question.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH then put question No. 1 standing in his name—

Will Government be pleased to state—

(a) *Whether or not the term of the 30 years' survey settlement of the Olpád Taluka in the Surat Collectorate expired at the close of 1898-1899?*



(b) *Whether at the last revision survey reduction of assessment was made with respect to a large area of the taluka?*

(c) *Whether the rayats were given the benefit of these reductions in the year 1899-1900?*

(d) *Whether in the case of holdings of which assessment has been reduced and State demand for 1899-1900 was recovered according to the original and not according to the revision survey rates they will be pleased to direct a return of the difference between such rates?*

The Honourable Mr. MONTEATH in reply said—

The answer to questions (a) and (b) is in the affirmative.

The answer to questions (c) and (d) is as follows :

The revised settlement was introduced at the close of the year 1899-1900, by which time the revenue due according to the original settlement had in most cases been levied, but Government have decided that it is desirable to give the occupants the benefit of reduction for that year, and this will be done by deduction from the revenue due in the current year.

The Honourable Mr. PAREKH then put question No. 2—

*Will Government be pleased to furnish the following information in connection with the levy of Income Tax on incomes other than those arising from salaries, pensions, annuities and gratuities, profits of companies and interest on securities, for the years 1898-1899 and 1899-1900 in each of the Collectorates of the Northern Division:—*

(a) *Number of assesses.*

(b) *Amount of original demand.*

(c) *Amount of final demand.*

The Honourable Mr. MONTEATH in reply said—

\* *Vide Appendix D.* A statement\* furnishing the information required is laid on the Table.

The Honourable Mr. PAREKH then put question No. 3—

*Will Government be pleased to direct that in the licenses issued under the A'bkári Act for the retail sale of liquors and intoxicant drugs a condition be inserted to the effect that the licensee is not permitted to sell them to persons who have not attained the age of majority?*

The Honourable Mr. MONTEATH in reply said—

As regards the sale of liquor the honourable member is referred to the answer given to the question No. 3 put by the Honourable Sir Bhalchandra Krishna at a meeting of the Legislative Council on the 28th March 1898, respecting a restriction of the kind in the case of persons not exceeding 15 years of age. The form of license which it is proposed to legalise by means of the Hemp Drugs Bill about to be introduced contains provisions for the restriction of the sale of intoxicating drugs to children.

The Honourable Ráo Bahádur ACHYUT BAHASKAR DESAI then requested the permission of His Excellency the President, under Rule 11 of the Rules for asking questions, to put the following question :

*Will Government kindly say whether there is any truth in the statement made in the Native Press that the Director of Public Instruction has issued a Circular prohibiting officers of the Educational Department from standing as candidates for Municipal elections?*

His Excellency the President granted the permission asked for, and in reply said—

The Circular,\* which was issued in 1898, is laid on the Council Table. The circumstances which led to its issue are stated therein. It will be

\* *Vide Appendix E.* seen that the Circular is not prohibitive, but merely provides that Educational officers who seek election on a Municipal Board must obtain permission beforehand.

#### PAPERS PRESENTED TO THE COUNCIL.

1. Letter from the Government of India, Legislative Department, No. 1387, dated the 18th September 1900—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to further amend the City of Bombay Municipal Act, 1888.

2. Letter from the Government of India, Legislative Department, No. 1460, dated the 4th October 1900—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Bombay City Land Revenue Act, 1876.

3. Replies† to questions Nos. 11, 12 and 13 put by the Honourable Mr. Pheroze-shah Merwanji Mehta at the Meeting of the Legislative Council held on the 24th August 1900.

† *Vide Appendix A.*

4. Memorandum‡ drawn up by the Director of Public Instruction, referred to in the reply to questions Nos. 5, 6 and 7 put by the Honourable Mr. Bomanji Dinshaw Petit.

‡ *Vide Appendix B.*

5. Note,§ Statement§ and Government Resolutions§ referred to in the reply to question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale.

§ *Vide Appendix C.*

6. Statement|| referred to in the reply to question No. 2 put by the Honourable Mr. Gekuldas Kahandas Parekh.

|| *Vide Appendix D.*

7. Circular¶ referred to in the reply to the question put by the Honourable Ráo Bahádur Achyut Bhaskar Desai.

¶ *Vide Appendix E.*

8. Report of the Select Committee appointed to consider Bill No. IV of 1900 : a Bill to further amend the Bombay Port Trust Act, 1879.

9. Report of the Select Committee appointed to consider Bill No. II of 1899 : a Bill for the better management of Municipal affairs in Mofussil Towns and Cities.

10. Letter from the Secretary, Bombay Port Trust, No. 3474, dated the 16th August 1900—Submitting a representation regarding Bill No. IV of 1900 : a Bill to further amend the Bombay Port Trust Act, 1879.

11. Representation from the Bombay Chamber of Commerce, dated the 5th September 1900, regarding Bill No. IV of 1900 : a Bill to further amend the Bombay Port Trust Act, 1879.

12. Representation from the Municipal Corporation of the City of Bombay, No. 9655, dated the 4th December 1900, regarding Bill No. IV of 1900: a Bill to further amend the Bombay Port Trust Act, 1879.

13. Letter from Mr. Nagindas Brijabhukhandas Kaji, President of a public meeting held at Surat on 12th August 1900—Forwarding a copy of the Resolutions passed at the meeting regarding Bill No. II of 1899: a Bill for the better management of Municipal affairs in Mofussil Towns and Cities.

14. Letter from the Collector of Surat, No. 775, dated the 17th December 1900—Submitting a representation from the Surat Municipality regarding Bill No. II of 1899: a Bill for the better management of Municipal affairs in Mofussil Towns and Cities.

15. Letter from the Honorary Secretaries, Deccan Sabha, No. 14, dated the 29th January 1901—Submitting certain observations of the Sabha on Bill No. II of 1899: a Bill for the better management of Municipal affairs in Mofussil Towns and Cities (as revised by the Select Committee).

16. Substance of a petition from Pandu Naru Mohite and 68 others, rayats of Chikhalgaon and 20 other villages in the Dápoli Táluka of the Ratnágiri District, dated the 20th September 1900, regarding Bill No. IV of 1898: a Bill to amend the Khoti Settlement Act, 1880.

17. Letter from Mr. K. M. Jhaveri, Joint Secretary, Pleaders' Association of Western India, dated the 27th August 1900—Submitting a representation regarding Bill No. V of 1900: a Bill to amend the Mamlatdars' Courts Act, 1876.

18. Letter from G. G. Desai, late Mamlatdar of Murbád, dated the 5th September 1900, regarding Bill No. V of 1900: a Bill to amend the Mamlatdars' Courts Act, 1876.

19. Further letter from Mr. G. G. Desai, late Mamlatdar of Murbád, dated the 14th September 1900, regarding Bill No. V of 1900: a Bill to amend the Mamlatdars' Courts Act, 1876.

#### **BILL No. II OF 1901: A BILL TO AMEND THE BOMBAY SALT ACT, 1890.**

The Honourable Mr. MONTEATH, in moving the first reading of a Bill to amend the Bombay Salt Act, 1890, said—The purpose of the short

The Honourable Mr. Monteath moves the first reading of the Bill to amend the Bombay Salt Act, 1890.

Bill, of which I have the honour to propose the first reading, is perhaps sufficiently explained in the Statement of Objects and Reasons. It is to remedy one of those flaws which, from time to time, are discovered by legal ingenuity.

The Indian Salt Act, some of the provisions of which are in force in this Presidency, provides that the importation of salt without the payment of duty is an offence, and it has hitherto been supposed that salt imported or smuggled from foreign territory without payment of duty is transported or had in possession in contravention of that Act, which is an Act relating to Salt Revenue, and therefore comes under the head of "Contraband Salt," as defined in the Bombay Salt Act. But we are informed that "transported" does not include "imported," and that although the importation of salt from foreign territory without payment of duty is in contravention of the Indian Salt Act, the possession of salt so im-

ported is not. We propose to amend the definition of "Contraband Salt" so as to make it include salt which is imported from foreign territory without paying duty. Most people, I think, would suppose this is more or less the meaning of the term. The addition to the definition will cover salt imported by sea. That also is desirable, although smuggling by sea is pretty effectually prevented under the Customs law. We could effect the object we have in view by extending to the Bombay Presidency the provisions of the Indian Salt Act which are not of a general nature, but that would involve an entire alteration in our machinery. I think the honourable members will see that we are not in any way extending the intention of the law and that it is absolutely necessary for the protection of the revenue that we should adopt one of the alternatives which I have mentioned. We propose adopting the simpler. I cannot suppose that a measure of this kind will elicit any objection, and therefore, without any further remarks, I beg to propose the first reading of the Bill.

His Excellency the PRESIDENT then put the motion that the Bill be read a first time.

Bill read a first time.

The motion was carried and the Bill was read a first time.

The Honourable Mr. MONTEATH—I would now ask your Excellency to suspend the Standing Orders so as to allow the Bill, which I am sure the Council will recognize as one of great urgency, to proceed.

Suspension of Standing Orders.

Bill read a second time.

Bill read a third time and passed.

The Standing Orders were accordingly suspended and the second and subsequently the third readings of the Bill were carried and the Bill was passed.

---

#### BILL NO. I OF 1901: A BILL TO AMEND THE BOMBAY A'BKA'RI ACT, 1878.

The Honourable Mr. MONTEATH, in moving the first reading of the Bill to amend the Bombay Abkari Act, 1878, said—The honourable members of this Council are aware that some years ago a Commission was appointed to investigate the cultivation of the hemp plant, the preparation of drugs from it, the trade in them, the effect of the consumption of those drugs on the moral and physical conditions of the people, and the desirability of prohibiting their manufacture and sale. There prevailed at that time a somewhat exaggerated idea of the deleterious effects of the drugs, and in particular it was supposed that a large proportion of the insanity in this country was due to the consumption of them. There were, both in England and here, advocates of total prohibition, and, indeed, even after the evidence was taken, two of the Native members of the Commission were of opinion that the sale of "gánja" and "charas" should not be allowed, but on the other hand they thought that "bháng" should not even be taxed. The other members of the Commission, a very large majority, came to the clear conclusion that while the excessive consumption of these drugs, especially smoking of "gánja" and "charas," is no doubt harmful, moderate consumption does little or no injury, at least in many cases. "Bháng" forms the principal ingredient of a drink which is often found, I believe, refreshing and stimulating, and is used on various festive and religious occasions. I may perhaps explain that "gánja" is made from the flowers of the female plant, "bháng" is made from the leaves of the

male plant, while "charas" is the juice. In this Presidency the refuse of "ganja" is generally called "bháng," but in one or two villages in Sind, and occasionally in Surat, the plant is grown with precautions against fertilization for the production of "bháng" proper. "Charas" is not made at all in this Presidency, but some is imported for consumption in Bombay and a little is imported for consumption in Ahmedabad. I believe that the Commission effectively laid the ghost of prohibition. So far as I am aware, that measure has not again been urged since the report was published, and as I do not anticipate that it will be advocated here, I will not use any arguments against it. Briefly the conclusion to which the Commission came is that these intoxicating drugs stand on the same footing as intoxicating liquor. They are capable of abuse, but there is also a legitimate use for them. At the same time they are in their most innocent form a luxury and therefore a most suitable subject for taxation. Although it would be unjustifiable to prohibit their consumption, it is a distinct benefit to the community to discourage a large consumption of them, and this end will be attained by putting on them as high a duty as can be levied without giving an irresistible stimulus to illicit production or illicit importation. That is the policy we adopt in regard to intoxicating liquor, and I have no doubt that the honourable members of this Council approve of it, although it is sometimes misrepresented,—some people not being able to comprehend that an increase of revenue results from the checking of illicit consumption and does not prove that any encouragement is given to drinking. Under the existing law a duty, but a very low duty, is levied on the import, export and transport of these drugs, and a duty could be levied on their manufacture; while our main revenue is derived from licenses to sell, which are given to those people who offer the highest prices for the privilege. We do not purpose abandoning the practice of giving these licenses to the highest bidders, but it is contemplated that they generally should be given for separate shops instead of for large tracts, as is the practice now. But for the purpose of imposing a quantitative duty upon the production, it is necessary that we should have power to effectively control the growth of the plant and the manufacture of the drugs, and for this purpose legislation is needed. We propose to amend the Abkari Act in the manner which is shown in the Bill. Honourable members will, I think, recognise that every effort has been made to avoid any hardship, either to producers or to consumers. The hemp plant from which the drugs can be manufactured does not grow naturally in any part of the Presidency. There is very little cultivation of it, and, indeed, the consumption of it is not very extensive; but under the present system it is scarcely possible to ascertain exactly what the extent is. It is believed that all the drugs which are needed in the Presidency could be produced in Ahmednagar and Sátára, and in those districts alone has there been any considerable cultivation of the plant. But if it is found that cultivation in Sind or Surat is required to meet a legitimate demand, that production will not be prevented. We only propose to exercise complete supervision and control over the cultivation, and, indeed, in that respect there will be little more interference than is permissible under the present law, for the cultivator cannot now dispose of his produce without a permit. The only effect will be that we shall secure that object more effectually. The establishment of warehouses in which the cultivators will be able to deposit their produce without payment will relieve them of all inconvenience. These warehouses will also be of great service to persons who are licensed to deal in the drugs. If they have to go outside the Presidency for the supplies they need, they will be able to bring them to these warehouses and the duty will not be levied until the drugs are removed for consumption and in this way

we shall get in this Presidency the duty on all the drugs consumed within it, although some of them may not be produced here. It is true we take power to impose also export duty, and similar power has been taken in other provinces; but it is not proposed to exercise that power in the case of the drugs which are transported from one part of British India to another. We do not, however, propose to forego the duty on the drugs we export to foreign territory, except where agreement for the administration of this part of the revenue may be made with Native States. We consider that in case of an article of this kind the export duty is a perfectly legitimate source of revenue. I hope this explanation will show honourable members the reasons for the several amendments in the Abkari Act which we propose. They are generally, as will be seen, designed to put these intoxicating drugs on the same footing as alcohol, and, for the reasons I have given, I think this will be admitted to be a very proper object, but necessarily much is left to be done by rules and executive orders. But in regard to that, also, the principles which apply in regard to alcohol will be followed as far as possible. I have only to add a word of explanation of the delay which has occurred in introducing this Bill. Much time was necessarily spent in discussing the report of the Commission and the best method of giving effect to such of its recommendations as were accepted. Further time was occupied in getting the Bill into shape and obtaining sanction for the introduction of it. Some of the honourable members present will recollect that the Bill was put down for first reading at the beginning of 1899. But then proposals for amending the Abkari Act for other purposes were made and at that time it was thought that it would be a convenient course to deal at once with all the proposals made for the amendment of the Act. But Abkari is found to be a regular hydra. No sooner has one head been disposed of than another presents itself, and we eventually came to the conclusion that it would be best to deal separately with the proposals made regarding the hemp drugs, and in due course to undertake a general revision of the Abkari Act, which, however, continues to be fairly effective for the administration of the revenue from intoxicating liquors. In the meantime we have got rather behind the rest of India in the adoption of measures for the control of these intoxicating drugs, and if the Council unani- mously approve of the Bill, as I hope they will, we should like to pass it into law as soon now as possible. I beg to propose the first reading of the Bill.

His Excellency the PRESIDENT then put the motion that the Bill be read a first  
 Bill read a first time. time. This was agreed to and the Bill was read a first  
 time.

The Honourable Mr. MONTEATH said—Although the Bill has hung a long time and  
 it is desirable for the reasons I have stated that it should  
 Bill referred to a Select Committee. be passed into law as soon as possible, still it must be  
 recognised as a Bill of some importance, and therefore I propose that it be referred to a  
 Select Committee of the Council consisting of the Honourable Mr. Muir-Mackenzie,  
 the Honourable Mr. Parekh, the Honourable Mr. Ibrahim Rahimtoola, the Honourable  
 Mr. S. M. Moses and the Mover, with the request that they will report within two  
 weeks.

The motion was put by His Excellency the PRESIDENT and agreed to.

**BILL No. III OF 1900: A BILL TO AMEND THE KARACHI  
PORT TRUST ACT, 1886.**

In moving the first reading of the Bill to amend the Karáchi Port Trust Act, 1886, the Honourable Sir CHARLES OLLIVANT said—I apprehend there will be no difference of opinion as to the first reading of this Bill. There must be several members of the Council who were on the Council in 1896, when a Bill to amend the Karáchi Port Trust Act was brought forward, and who are aware that that Bill passed through a Select Committee and was on the point of being brought before the Council for the second reading, when it was found that certain other conditions were desired by local bodies in Karáchi, and, secondly, that there were various other provisions being contemplated for amending other local Acts, such as the Bombay Port Trust Act, and the Bombay City Municipal Act, which it was thought desirable to incorporate in the Karáchi Port Trust Amendment Act. And as it was considered undesirable that there again should be amending Acts, by common consent the Bill was postponed and formally withdrawn. It is on that account that I now bring this measure before this Council. I have no intention, either on this or on any other occasion, of merely repeating here what is said in the Statement of Objects and Reasons, but if honourable members will do me the favour of referring to the Statement of Objects and Reasons which is now before them, I think I can group several clauses together so that the object of this measure may be readily understood. I will ask you to turn to the second paragraph of the Statement of Objects and Reasons. In that you will see there are 18 sub-paragraphs, and I desire to point out that sub-paragraphs 2, 8, 9, 11, 13, 17 and 18 merely reproduce the proposals that were accepted in the Select Committee on the previous occasion. There is in this, I think, no difference of opinion. Further, sub-paragraphs 3, 4, 6, 10, 12, 14 and 15 merely embody provisions which have since been passed into law either in the Bombay Port Trust Act or the Bombay Municipal Act. There remain sub-paragraphs 1, 5 and 7, and of those paragraph 1 deals with the subject which was very carefully considered on a previous occasion, but as to which there was some difference of opinion. I believe that the clause as now presented to you embodies the opinion which was the result of the Select Committee's deliberations, and is in the terms of an amendment which stood, if I remember rightly, in the name of the Honourable Mr. Mehta at this Council. You will see that this has the effect of giving the Chamber of Commerce a larger representation without diminishing the representation of the local Municipality. As to sub-paragraph 5, which I look upon personally as one of the most debatable amendments of the Bill, you will see that it is proposed to give the Executive Engineer the power of entering into contracts up to Rs. 1,000, and I particularly mention that, because in this respect the Bill does not follow the lines of the Bombay Port Trust Act, but in Bombay the Chairman is always resident and therefore the same difficulty does not arise. From my own association with Karáchi I know that the question of the appointment of Chairman and the question of the delegation of his executive powers has for some time been a subject of discussion, and I have no hesitation in saying that I do not believe any person, considering the peculiar circumstances of Karáchi, can be so appropriate a Chairman of the Port Trust as the Collector of Karáchi. But at the same time I fully enter into the difficulties which merchants may experience owing to the Chairman in his executive capacity being away from Karáchi, and therefore it occurred

The Honourable Sir Charles Ollivant moves the first reading of the Bill to amend the Karáchi Port Trust Act, 1886.

to me in Karáchi, and I am still of the same opinion, that perhaps the best way of getting rid of these difficulties would be by having a member of the Board in the position of Managing Director, to whom the executive functions of the Chairman can be delegated, such a Managing Director, for instance, as is to be found on the Board of Directors of the G. I. P. Railway in England. But until such an officer exists, I think it is absolutely necessary that there should be somebody on the spot to enter into contracts without delay, and therefore it is proposed that the Executive Engineer should have this power. The details of this question can best be considered in Select Committee. The only remaining matter of importance, and it is one of the chief reasons for the Bill having been postponed on the previous occasion, is the necessity of providing in the Act the means of settling the vexed question of Municipal assessment, and you will find that in principle the Act follows the provisions which have been adopted for settling the rateability of Port Trust property in Bombay. With these remarks I formally move the first reading of this Bill.

The Honourable Mr. BOMANJI DINSHAW PETIT said—Your Excellency,—With the main provisions of this Bill I am in accord. With regard to the disqualifications for the office of Trustee, I would delete or modify sub-clause (a) of clause 2 of Section 7. In Section 14 there should be some limit fixed for the area over which the proposed boats and vessels should ply for the purpose of saving life and property. In Section 15, clause (c) and clause (d), I would substitute Rs. 300 and 24 hours for Rs. 500 and 12 hours in the respective clauses. There are one or two matters which will need the attention of the Select Committee, among which I may mention the proposal to confer on the Port Engineer the power to enter into contracts. With these exceptions the Bill has my approval.

The Honourable Mr. D. McIVER said—Your Excellency,—I contemplate putting forward an amendment to Section 7, which affects the elective rights of the Chamber of Commerce, that instead of electing three members, as provided for in the amended Bill, the elective representation of the Chamber should be increased to four. I shall also have a further amendment to the proviso clause of Section 88 of the original Act, but upon which at the present moment I am not prepared to speak, but shall have an opportunity to do so hereafter.

His Excellency the PRESIDENT then put the motion  
 Bill read a first time. that the Bill be read a first time. This was agreed to and  
 the Bill was read a first time.

The Honourable Sir CHARLES OLLIVANT said—In moving the appointment of the following members of Council to serve on the Select Committee, I would suggest the instruction that the Select Committee should report during the present session of the Council. I do not wish to press it if there is any objection on the part of those who represent Karáchi, but my reason for making the suggestion is that we have them present and probably if we gave a longer period we should not be in any better position. The Committee I propose is as follows :—The Honourable Mr. Tate, the Honourable Mr. Bomanji Petit, the Honourable Mr. Batty, the Honourable Mr. Greaves, the Honourable Mr. McIver and myself.

The motion was put by His Excellency the PRESIDENT and agreed to.

---



**BILL NO. IV OF 1900: A BILL TO FURTHER AMEND THE BOMBAY  
PORT TRUST ACT, 1879.**

In moving the second reading of the Bill to further amend the Bombay Port Trust Act, 1879, the Honourable Sir CHARLES OLLIVANT said—

The Honourable Sir Charles Ollivant moves the second reading of the Bill to further amend the Bombay Port Trust Act, 1879.

As on the first reading I said all that I had to say on the subject and the Council has now everything before it, I content myself with proposing the second reading of the Bill.

The Honourable Mr. S. M. MOSES said—Your Excellency,—When the question of contributing to the plague expenditure of the Municipality came before the Trustees of the Port, I had an opportunity of hearing the discussion which then took place, and I can say that it was in no spirit of niggardliness that the Trustees declined to render assistance. Their reason for so doing was that the appropriation of harbour revenue to such purposes was not only illegal, but contrary to the principles laid down for the good management of a port. The Trustees have stated their views to Government at some length, and unless their arguments can be proved to be unsound, the present proposal to enforce the payment of a contribution from them seems to me objectionable. It implies that, whenever the Municipal revenue may need assistance, the harbour revenues may be drawn upon for the relief of the rate-payers. It is not so much the amount of the tax to which the commercial community would object, although the imposition of an annual recurrent tax, which may be indefinitely increased as the Trust expands, is in itself objectionable, as the introduction of what may be termed the thin end of the wedge in a policy which, from the experience of large ports in Britain, has been long since condemned as unfair to commerce. The rebate was fixed by Government at 10 per cent. after a careful examination of the relative positions of the Municipality and the Port Trust. It was an acknowledgment of the fact that the Port Trust, as the Trustees have said, “is a public body whose operations are beneficial to the City beyond those of a private owner.” Government have admitted this distinction between the Trust and a private owner. The question is whether the rebate of 10 per cent. is more than the Trustees may justly claim. The payment of the taxes on the Port Trust properties in one sum is admittedly a large saving to the Municipality as compared with the trouble and cost of collection from private owners. The saving, when the question was discussed in the Council in 1888, was admitted to be considerable, and taking it to be 5 per cent., can the remaining 5 per cent. be considered as an excessive allowance made to the Trust on account of the public usefulness of its works? Some of them, as for instance, the provision of free landing places for passengers, such as the Ballard Pier, which cost about Rupees four lakhs, are unremunerative. Government evidently did not think so when 10 per cent. was fixed, and I maintain that no changes have since occurred which justify any reduction. On the contrary, the value of the ownership of an important part of the City by the Trust is brought into stronger prominence when, as at present, the improvement of other parts has to be taken in hand. To the cost of these improvements and of the plague operations the Trustees contribute in the same proportion as private owners and local industries, and notwithstanding that the latter derive more benefit from the Municipal and City Trust expenditure, it is now proposed that the Port Trust should not only bear the same enhancement of taxes as they do, but should also, by the reduction of the rebate, be practically made to pay a further and special tax,

The Trustees, it must be pointed out, have not a free hand in respect to taxes that they may levy on the trade of the port. The margin of profit, and more especially in the exports of the products of India, have been forced down by competition with the markets of other parts of the world, and a very small addition to the local charges may check trade. In support of my contention I will, with your Lordship's permission, quote from the speech recently delivered by His Excellency the Viceroy at Karachi on the subject of terminal charges. His Lordship said:—"That the terminal charges are transit dues no one denies; they are indefensible in principle, and they ought to be abolished. If allowed in one case, it sets a most alluring but 'pernicious' example to others. Whenever municipal burdens are heavy and the means of relieving them sparse, there the municipal conscience would have been unequal to resisting the temptation, and from lack of courage to interfere with a false step at the beginning, we should have been committed to a course of unsound and mischievous finance." It is quite evident that his Lordship is opposed to trade being hampered by irregular taxation and he is a staunch supporter of the principles of free trade. I therefore contend that it would be highly impolitic to take any step which might force our Port Trustees to raise their dues to the detriment of commerce. The diversion of the harbour revenues to other purposes moreover retards the execution of works required to cheapen the method of dealing with the trade and the provision of accommodation for expansion, and the trade expects that the Trust will not curtail its resources. The Statement of Objects and Reasons of the proposed Bill would seem to convey the impression that the Trust has been very liberally treated in the matter of assessment for the Municipal General Tax. The fact is that, except as to the rebate, the properties of the Trust are assessed on the ordinary principles of rating, on the quinquennial assessments having for the most part been made in years when bounteous harvests and good trade resulted in large surpluses to the Trust. The Municipality has in the past had the best of the bargain and will have the same good fortune as regards the fourth settlement, which will be based on the surplus year of 1898-99. I admit that the visitation of plague has involved the Municipality in extraordinary expenditure. It has almost exhausted its cash balance. Of course this is a very regrettable fact, but the Municipality is not in a singular position in this respect, for the Port Trust, and, I may say, every merchant in Bombay has been placed in the same predicament, for who can estimate the heavy losses sustained by those people, both directly and indirectly, owing to the prevalence of such a terrible epidemic as the plague? The Port Trustees, apart from losing a great portion of their revenue, have practically relieved the Municipality of the care of the employes of the Trust and Dock labourers. They have maintained their own Plague Hospitals and Camps; opened a dispensary and instituted a system for the supply of medical aid, and have since the first outbreak erected a large permanent block of buildings at a cost of 2 lakhs of rupees, where nearly 1,000 of their labourers and families, who formerly lived under the most insanitary conditions in the City, are now comfortably lodged. In addition to this, the Trustees have to share with the Government the cost of inspection of passengers, ships, crews, &c., as required by the Venice Convention; and this is done with the view of facilitating the export trade and passage of travellers, &c., through Bombay, which by its natural geographical position is acknowledged to be the gate of India. Such being the case, I maintain that the whole of India is benefited by their endeavours to keep Bombay in as sanitary a condition as possible under such trying and almost unprecedented circumstances. I therefore think it is but fair that the Imperial Government should bear the whole of the

plague expenditure and thus relieve our Municipality from its present embarrassment; and obviate the necessity of the introduction of the Bill under discussion by making what I consider to be an unfair change in regard to the Port Trust contributions. Of course the assistance which the Imperial Government might be pleased to accord, would only be of a temporary nature, for we all hope that this plague epidemic will lose its virulence as time goes on, and soon will disappear from our midst. I am aware that this Council is vested with full powers to make any alteration in the Act to suit the requirements of the Municipality, still, I think, we should at the same time hold the scale evenly between the two public bodies, and it is our bounden duty to see that no undue pressure is placed upon one or the other. I regret very much having to dissent from the majority of the members of the Select Committee. I might mention that I have an equal share in the well-being of the Municipality and Port Trust, still I honestly say that I fail to see the necessity or justice of the proposed changes. However, since I find the feeling of this Council is to pass this Bill, I venture to suggest by way of compromise, which I trust will meet with your approval, viz., to limit the operation of the amended clauses to 5 years from the 1st April 1900 so that we might see what the next 5 years may bring forth. I sincerely trust that we may be blessed with prosperity, so that our Municipality will no longer be so seriously burdened as it is now, and thus enable it to revert to the existing system of allowing 10 per cent. rebate to the Port Trust, a system which was arrived at after careful deliberation by our Government and has worked satisfactorily so far. It would be, in my humble opinion, a great pity to set it aside and disturb the relations at present existing between the Port Trust and the Municipality. I therefore, with Your Excellency's permission, beg to propose the following amendment to the Bill IV of 1900:—(1) In clause 2, line 1, for the word "in" to *substitute* the word "to", and in lines 4 to 6 to *delete* all the words from "for" to "nineteen-twentieths" and *substitute* therefor the following words:—

"add the following proviso:—

'Provided that the sum payable annually under this clause shall be nineteen-twentieths for five years beginning from the 1st April 1900 to the 31st March 1905.'

The Honourable Mr. WILLIAM GREAVES said—One of the objects and reasons given for the proposed amendment now before this Council is that "Government consider that the rebate (10 per cent.) is excessive." This 10 per cent. rebate was fixed by Government in 1883, and in their resolution they said: "That the Legislature intended the Port Trust as a great public institution, which has always done much and will do more towards promoting the welfare of the City of Bombay, should be treated with some favour and consideration in Municipal duties." Again in 1887, when the present Bombay Municipal Act was under discussion in this Council, the Honourable Sir Raymond West said: "Though the Port Trust realises very great sums they have quasi-beneficial occupation. It may be called on to contribute to the General Fund of the Municipality not so much as the private property owner, but something more than Government."

I contend that the rebate was allowed, not only because of the saving which the Municipality makes by collecting the tax in a large sum, but because of the public duties which the Port Trust perform, and it therefore should not be reduced without it being shown that the Port Trust's duties to the public have been modified or that the duties of the Municipality to the Port Trust have been proportionately increased. It should be

borne in mind that the Municipal revenues have been enormously increased through the enterprise of the Port Trust. In fact the property on the Apollo Reclamation alone gives a rateable value of about 7 lakhs, so the Port Trust deserve encouragement and ought not to be thwarted with unnecessary taxation. It has been argued that the exporters and importers should pay for the benefit they have derived from the plague measures carried out by the Municipality, but it seems to me that the fact of the Port Trust having paid the increase in the Municipal Taxes, levied because of the expense incurred by the plague measures, has been lost sight of, and that if the present 10 per cent. rebate be reduced to 5 per cent., the trade of the port will be bearing heavier taxation in connection with the measures taken for the suppression of plague than the manufacturers and property owners, who have, at the least, equally benefited. I may mention that the Port Trust have not only paid increased Municipal taxes, but they have had to subscribe to the plague expenses in various indirect ways, one being the remission of about Rs. 1,85,000 in rent to the Municipality.

I, of course, contend that the amount which the reduction which the proposed amendment will entail on the trade is very small and cannot cause any serious effect, but the acceptance of this amendment to my mind means that the Port Trust will be paying for carrying out functions which legitimately belong to the Municipality, a principle which, if once admitted, will render the trade of the port liable to further calls in the future, which may interfere with the development of trade, which would not only be serious to the Port Trust but to the Municipality. We must not forget that ere long the Port Trust will be called upon to provide large sums of money to carry out not only their railway scheme, but to build a new wet dock; it is, therefore, important that they be allowed to husband their resources to meet these undertakings. This proposed amendment is apparently the outcome of a requisition made by the Municipality for the Port Trust to pay a portion of the plague expenses, which the Port Trust were debarred from meeting under the conditions of their Act. The requisition which I refer to, I think, must have emanated from a fear that the Municipality's debt had become larger than it could provide for; but it is now apparent that such is not the case, and the Municipality is now able to reduce its taxes, so there is now no necessity to reduce the rebate allowed to the Port Trust.

The Honourable Mr. IBRAHIM RAHIMTOOLA said—When the Honourable Mr. Moses brought forward such strong arguments, I thought he had altered his position in regard to the notice which he had given and that he was now going to propose that no contribution should be paid to the Municipality and that the present rebate should be maintained at ten per cent. But I find that he has suggested a compromise, and I should like to know on what grounds that compromise is suggested. Does the Honourable Mr. Moses admit the liability of the Port Trust to contribute towards plague expenditure or the resources of the Municipality, or I would put it—does he acknowledge the principle that the Municipality is entitled to something on that ground? If he acknowledges the principle that a contribution from the Port Trustees is due to the Municipality, then I should very much like to know the basis on which he fixes that contribution. According to his amendment such contribution would amount to about Rs. 50,000. The Honourable Mr. Greaves has also stated at some length the reasons why he thinks the proposed Bill should be abandoned and the present rebate of ten per cent. be maintained. In the course of his observations the Honourable Mr. Moses said that if the present Bill is carried and becomes law, it will be a great injustice to the Port Trustees and it would

be an undue pressure upon the Port Trust. Now, Sir, the question as it occurs to me is one to be viewed from the standard of bare justice. Do Government propose to reduce the rebate of ten per cent. to five per cent. on the ground of plague contribution, or is it merely an act of tardy justice towards the Municipality, and to which the Municipality is entitled? In the course of his observations the Honourable Sir Charles Ollivant, in introducing the Bill, pointed out that the reason why Government in the first instance fixed the rebate at ten per cent., was as a matter of favour in the infancy of the Port Trust, and the quotation which the Trustees made in their representation and which the Honourable Mr. Greaves also quoted distinctly bears out that fact. The quotation is to the effect that Government then thought that the Port Trust should be treated with some favour and consideration, and later on, it says that in these circumstances the Governor in Council considers that it would not be an undue measure of favour and consideration if a rebate of ten per cent. was given. Now, Sir, it distinctly follows from this quotation that at the time the ten per cent. rebate was granted, it was granted on the ground of favour and consideration to the Port Trustees. Have not the times changed; has not the time arrived when that consideration and favour should be discontinued, and the financial justice to which the Municipality is entitled should be given to it apart from contributions on account of plague? When the matter was discussed by the Select Committee at a meeting at which both the Honourable Mr. Moses and the Honourable Mr. Greaves were present, reference was made to the fact that the Harbour Trusts in England have been separated from the Municipality; but the Harbour contributes to the Municipal revenue by Municipal rates and taxes, and it was pointed out that the Harbour Trusts did not get any rebate at all. If the Harbour Trusts in England pay the full taxes without any rebate whatsoever, I should like to know, Sir, why the Bombay Municipality should be expected to pay this five per cent? The finances of the Port Trust are in a very flourishing condition, and that being so, why should not the Municipality now get their legitimate dues from the Port Trustees in the matter of Municipal taxes just as Municipalities in England get them from the Harbour Trusts? The arguments that have been advanced, that the trade will suffer and that this will be a tax on trade, do not hold water in my opinion, because are not the Port Trustees bound to pay their legitimate taxes for services rendered? It is pointed out in the representation that the services rendered to the Port Trustees do not cost near so much as the Trustees contribute. But if every large landed or house proprietor in the City were to urge the same ground for a rebate, where is the matter to end? In certain localities in the City, where land is valuable, the houses have a rateable value of Rs. 2,000, while in other localities the rateable value is from Rs. 200 to Rs. 400 for a house of the same dimensions. If a property owner considered that the services rendered to his house in a particular locality did not cost the amount of the tax he contributed and, therefore, required a rebate, would he get that rebate? The Municipality was worked, as Government were anxious it should work, for the general good of the whole City; and on the principles of taxation that have been laid down, it must inevitably follow that some people pay less than the amount of the service they get and others pay a little more. But that argument cannot possibly be advanced by anybody as a ground for a rebate. Apart from that, what occurs to me is this: If in England the Harbour Trusts contribute full taxes, why should not the Port Trust in Bombay so contribute, and why should not Government do away with the rebate? When we go into the question of plague contribution, however, it occurs to me that the arguments that have been advanced have not been sufficiently listened to. I do not think I need take up the

time of the Council to call to mind the time when plague first broke out, the panic that seized the people, the exodus from the City and the feeling of alarm that prevailed on the Continent of Europe. The anxiety that was felt by every Continental Government, the pressure that was brought to bear on the authorities in England and in India to take every possible measure for preventing the spread of plague from Bombay to the Continent of Europe, led to the Government taking the matter into their hands. They lavishly spent the rate-payers' money in combating plague, in trying to suppress it and in preventing its spread to Europe. Supposing that Government had not been so active and had not taken these measures at that time and had not so extravagantly spent the money of the Municipality, what would have been the effect? The effect would have inevitably been that quarantine would have been imposed all over the Continent and then what would have become of the trade of Bombay? What would have been the financial condition of the trade and of the Port Trust if quarantine had been imposed against exports from India to the Continent of Europe? That quarantine was not imposed because of the active measures that Government took and the money they spent there can be no doubt. If any Corporate body has benefited by such expenditure it is the Port Trust, because I venture to submit that the present prosperous financial condition of that body is due to the non-imposition of quarantine consequent upon such measures. These reasons have been urged for the consideration of Government, and I take it that Government will in the near future take that matter into serious consideration and ask the Port Trustees to bear a legitimate share of the large total of plague expenditure the Municipality has incurred. I quite admit that the Municipality must bear a large portion of that expenditure, but I submit that if the Imperial Government, as has been suggested by the Honourable Mr. Moses, does not feel inclined to undertake the whole liability, the liability must be divided between the Bombay Port Trustees, the Bombay Municipality and the Government. It is these three bodies that have been mainly benefited by the measures that have been adopted and should in my opinion bear their respective shares of the burden. I do not wish to go into the results of those measures, but I simply wish to point out what would have been the effect if these measures had not been taken. I do not think that the arguments advanced against the measure now before the Council should be taken into serious consideration, for the simple fact that the only thing this Council is called upon to do is to pass a measure of justice to the Municipality—a measure of justice to which the Municipality is entitled. Even in 1833 and 1837, when the Bill was first considered and the rebate of ten per cent. fixed, the Honourable Mr. Mehta, as representing the Municipal view, pointed out that five per cent. was more than adequate to cover the cost of collection and was the maximum that the Port Trustees should get. But Government were on that occasion inclined to favour the Port Trustees, because the Board was then an infant institution, just starting into life, and on those considerations the Honourable Mr. Mehta's objections were overruled and the ten per cent. rebate was fixed. It does not necessarily follow that because Government then fixed the ten per cent. rebate it should be perpetuated and that in different circumstances financial justice should not be done to the Municipality.

The Honourable Mr. PHEROZESHA M. MEHTA said—After the remarks of the Honourable Mr. Moses and the Honourable Mr. Greaves, I am bound to make some observations, although I am sorry to inflict my voice upon the Council. My Lord, I entirely concur with the Honourable Mr. Moses and the Honourable Mr. Greaves when they say that trade and commerce should not be hampered or unduly weighted. I quite concur with them that in the prosperity of the trade and commerce of the City lies the

prosperity and welfare of the City itself, and that nothing should be done to impede its legitimate development and progress. But this Bill does not aim at doing anything of that mischievous character at all. What is the object of this Bill? The Council will remember that in the first place it owes its origin, as the Honourable Mr. Moses rightly said, to the request of the Corporation that the three important bodies in Bombay should contribute towards the expenditure which had been necessitated by the visitation of plague; these three bodies being Government, the Corporation and the Port Trust. It is not necessary now to deal with the matter so far as the Government are concerned. The Municipality, of course, bears the larger share, but surely, my Lord, if a large portion of the plague expenditure was necessitated by the position of the trade and commerce of the City—if it was in the interests of the City that a large part of it was incurred, surely it is only right and legitimate that the body for which it was incurred should contribute towards it. As has been pointed out by my friend the Honourable Mr. Ibrahim and as is perfectly well known, if money had not been lavishly spent, whether it were effective or not, and if it had not been shown that everything that was possible to be done was being done to check plague, the trade and commerce of the City would have been in a most deplorable condition. Bombay would have been shut against Europe and perhaps the whole world. Then what would have been the state of the finances of the Port Trust? I wish the Honourable Mr. Greaves and the Honourable Mr. Moses had devoted themselves somewhat to that question. That the case would have been as I have indicated is borne out by no less a person than the gentleman who has presided so ably and with such distinction over the Port Trust for several years—the Honourable Mr. Hughes. When the City Improvement Trust Bill was before this Council, it was pointed out that one of the greatest reasons for hurrying it forward was that the confidence of the traders might be restored. On the first reading of that Bill Mr. Hughes in one passage of his speech said—“I have only to add that I was quite recently asked if this was only a paper scheme, or does it really mean business. Being as it is no mere paper scheme, but one of very real intentions, it has been impressed upon me that no time should be lost in making a start with the improvements, as I am told such a step would go a long way to increase confidence on the part at least of foreign traders. I earnestly hope, therefore, that the Bill will pass the several stages with as little delay as is compatible with its due consideration.” Well, my Lord, it was to restore the confidence of foreign traders and in the interests of trade and commerce in Bombay that a large proportion of the plague expenditure in Bombay was incurred. It is quite right, my Lord, that it should have been done, but I don't think the Port Trust should now come forward and say that “We in whose interests it was that a large proportion of that expenditure was incurred should not be asked to defray any portion of that expenditure.” I think, my Lord, Government would have been perfectly justified in bringing forward a Bill directly making the Port Trust responsible for a portion of this large plague expenditure, but they have not done anything of the sort. Even with this very powerful argument before them, Government have not come forward, as the Honourable Mr. Greaves and the Honourable Mr. Moses apprehend, to put in the thin end of the wedge. All that Government has done is to alter the position in regard to the Port Trust that was taken up in 1888 as only a rough and ready way of settling a somewhat difficult question. When the Municipal Act of 1888 was before the Council, the question arose of how the Port Trust were to be treated in regard to rates and taxes. Even then my honourable friends have forgotten they were treated with great consideration undoubtedly in reference to the question of

rebate. Of course it is said that they pay rates and taxes on the assessable value of the property, but how is the assessable value of the property fixed? Not as in the case of the ordinary rate-payers, but in an entirely different way. It is left to the arbitration of Government, and we all know that Government have shown the very greatest consideration to the interests of the Port Trust in the mode they have adopted in arriving at that assessable value. I shall never forget, my Lord, an exceedingly valuable memorandum which your Lordship's colleague on the right, who was then Municipal Commissioner of Bombay, drew up on the right principles which ought to be followed in fixing the assessable value of the Trust property. There were strong representations and attempts made to show that the memorandum was not quite right, but every test that was applied to it showed the admirable and perfect manner in which Sir Charles Ollivant had gone into the whole question, had carefully considered and had found out these principles. Government have not acted up to those principles, but have shown the greatest consideration to the Port Trust, so that when it is said that the Port Trust pays the ordinary rates and taxes upon its property it must be taken with a modification. That body does pay rates and taxes, but on an assessable value fixed by Government after showing great consideration to the interests of the Port Trust. Legislation on that former occasion gave them a rebate of ten per cent. I ventured on that occasion to point out that the only reason for which a rebate could be properly granted was that being a large body the Port Trust would save the Municipality a certain amount in the collection of rates and taxes. But, my Lord, I made calculations at that time and I pointed out, what was never disputed, that the cost of collection would amount to three per cent. I moved, therefore, on that occasion that though the cost of collection was three per cent., let the Port Trust be treated liberally and be allowed five per cent. But as the Honourable Sir Charles Ollivant pointed out in the speech on the first reading, it was at that time thought desirable that the Port Trust should be treated as leniently as possible. But no principle was established then such as was contended for by the Port Trustees and the Chamber of Commerce that the rebate of the assessment should be kept at ten per cent. Considering the circumstances of the City and that, as has been admitted, that a large portion of the plague expenditure distinctly benefited the Port Trust, I think your Lordship's Government have done well in reconsidering the whole question of rebate and in saying that now the Port Trust is firmly established in the City and has been placed upon a sound footing, the time has come when if any extra rebate is given it should be more in accordance with the amount which it has been enabled the Municipality to save in the cost of collection. We are not asking for a contribution to the plague expenditure, and if we were, it would be for a very much larger amount than will be secured to the Municipality by means of the reduced rebate, but seeing the position in which the Trust is placed, the time has come when the whole question should be reconsidered and a more just rebate fixed. It is perfectly right that trade and commerce should not be hampered, but I feel confident the Council will see the justice of the proposal which Government are now prepared to place before the Legislature. My honourable friends, Mr. Greaves and Mr. Moses, perhaps, are not aware that the Port Trust in the matter of assessment will still be treated with very great consideration. They are not aware of the old vexed question, because it is pretty well forgotten now, and I suppose the only member of this Council who knows anything about it is my honourable friend Sir Charles Ollivant. It is that under the Municipal Act the Municipality are entitled to levy rates and taxes upon the harbour—the water in the harbour. Harbour in that Act is not defined, but in



the definition of the City of Bombay land under water is included. That contingency was not lost sight of when the Bill of 1888 was before the Council that the Municipality could proceed not only to have an assessable value fixed on the property of the Port Trust, as has been done, but to ask that the vessels and various other things in the harbour should be assessed. But of course the Council knows that in the interests of the prosperity of the Harbour the Municipality will do nothing of the sort, for the Municipality has always been willing that the Port Trust should be treated with consideration and leniency.

The Honourable Sir CHARLES OLLIVANT, in replying on the debate, said—The honourable members, who have loyally championed the supposed cause of the Port Trust, base their protest upon four grounds. The first is that they appeal to the sympathy of Government, and that I need hardly say that they have it to the fullest extent. I ask them not to forget that this Government resisted considerable pressure when they were asked to legislate for a direct subvention from Port Trust funds to the assistance of the Municipality. Secondly, they object to taxation to the detriment of commerce and invoke the powerful assistance of the Viceroy's utterances at Karachi. But I particularly observed that the honourable member in referring to those utterances was obliged to say "irregular" taxation to the detriment of commerce, and I say that the proof of any irregularity on this occasion is conspicuous by its absence. Thirdly, they fear that the present proposal is merely the thin end of the wedge and they dread the effects of elasticity and point out what a good bargain the Municipality has had with the Trust in the past. The very object and the very effect of this proposal will be to put matters on a business-like basis once for all between the Municipality and the Port Trust. Whether that arrangement will be ultimately to the advantage of the Municipality, I have considerable doubts. Fourthly, they urge that the present rebate of ten per cent. is not excessive in view of the fact that the Municipality are saved the expense of collection. I remember that when I was Municipal Commissioner the Port Trustees undertook the collection of the municipal tolls in consideration of a rebate of 3 per cent., and I never heard that such rebate did not leave a slight margin for the benefit of the Trust. Also I remember that the total percentage cost to the Municipality of collecting the taxes of this City was about 4 per cent. I make the members of the Select Committee who have shortly to consider the Karachi Port Trust Bill a present of the information that no rebate whatever is proposed in the case of the Karachi Port Trust. For the reasons I have given Government are unable to accept the honourable member's amendment, and I ask you to proceed with the second reading of the Bill.

Bill read a second time.

His Excellency the PRÉSIDENT then put the motion that the Bill be read a second time. This was agreed to, and the Bill was read a second time.

Consideration of the Bill in detail.

The Council then proceeded to consider the Bill in detail.

The Honourable Mr. MOSES, on the clauses of the Bill being taken *seriatim* for consideration in detail, said—After the expression of opinion given by the honourable mover and other honourable members, I don't think I will press my amendment.

The amendment was accordingly withdrawn.

The Honourable Sir CHARLES OLLIVANT said—In that case, Sir, I ask you to suspend the Standing Orders and allow the Bill to be read a third time.

Suspension of standing orders.  
Bill read a third time and passed.

The Standing Orders were accordingly suspended and  
the Bill was then read a third time and passed.

**BILL No. II OF 1899: A BILL FOR THE BETTER MANAGEMENT OF  
MUNICIPAL AFFAIRS IN MOFUSSIL TOWNS AND CITIES.**

In moving the second reading of the Bill for the better management of municipal affairs in Mofussil Towns and Cities, the Honourable Sir CHARLES OLLIVANT said—Your Excellency and the Council are aware that this Bill was introduced for the first reading by the Honourable Mr. (now Sir) Evan James. And in mentioning his name, I may be allowed to express the gratification of his many friends in Bombay at the well-deserved recognition which his zealous services in this country have recently received. The honourable mover in his introductory speech dealt at considerable length with the subject and included in his remarks a retrospect of municipal legislation. The path before me, therefore, is comparatively simple. He foresaw indeed, as his speech shows, that many important matters included in the Bill were tentative and would require the most careful consideration in Select Committee. I only regret that circumstances have not allowed the further progress of the measure to be left to his capable guidance. He is entitled to the credit of being the architect who had the principal hand in the design of the Bill presented to you. My position corresponds with the humbler office of Clerk of the Works. It has been my business to endeavour to see that the materials were properly fitted together, omissions supplied, rough surfaces polished, and the work harmoniously completed with as little delay as possible.

Unfortunately, in one respect at least, I have failed in my charge, for where as the Select Committee were enjoined to report within a period of four months, it is now sixteen months since the instruction was given. On behalf of the Committee I have to express our regret for the delay, but I venture to plead that the difficulties which we had to encounter were insurmountable. Owing to the stress of famine it was long before meetings could be held; some of the members who were first appointed were never able to attend, and others could only attend at long intervals: changes in the constitution of the Committee were unavoidable, and even of those members who finally subscribed to the report some, I regret to say, have since ceased to be members of this Council. I specially regret the absence of the Honourable Mr. Chandavarkar, one of our most valued and constant colleagues in Committee. Moreover, the labours involved were more arduous even than Sir Evan James had anticipated, and I must own that I should have found the work somewhat tedious, for the actual sittings alone occupied more than 150 hours, but for the companions with whom I was associated and the reasonableness which always characterized the discussions.

As the Council are aware the criticisms received were numerous, and all were carefully considered. I only regret that the public did not devote as much attention to the executive provisions of the Bill, which are really those that most affect the public welfare, as they did to the constitutional machinery. The Council, however, could not have been better served than by the intimate practical experience which Messrs. Chunilal and Gokhale brought to bear on the subject, and I am in hopes that by the time another District Municipal Bill has to be considered by the Council, the measure on which we are

now engaged may have had the effect of affording administrative experience to a much wider circle.

I think the Council will allow that the Report of the Select Committee is fairly unanimous. We believe that we have succeeded in removing some possible asperities without any detriment to efficiency. The reasons for the changes we have made are given in our Report in considerable detail, and though I see from the agenda paper that some amendments are to be proposed, I believe I am right in saying that no important principle is at stake, and therefore it is unnecessary for me at this stage to address the Council at any length.

I have observed that all proposals for municipal legislation run the risk of being confronted by two and very opposite sets of antagonists—the one who wish the members of the Boards to be treated as mere marionettes, pulled by an unconstitutional hand behind the scenes: the other who view local self-government as an opportunity merely for the display of rhetoric or for the advancement of personal interests, and who contemplate a maximum of autonomy with a minimum of responsibility. But power and responsibility must go hand in hand: we have done our best to make the Bill an effective measure of local self-government, being, however, fully aware that experience in working its provisions will bring to light many imperfections and omissions: we desire the Boards constituted under it to have the fullest latitude and the fullest authority for the municipal administration of the areas committed to them: we contemplate no interference except that which a default in the discharge of responsible duties must entail; but we recognize that a power of supervision, and of intervention in case of such default, must be reserved to the Central Government, who cannot, without an abandonment of their functions, escape from the accountability which attaches to them.

And now, Sir, before concluding these brief remarks, I wish to express, on behalf of Sir Evan James, the Committee and myself, our great obligations to the Honourable Mr. Batty for his long labours in drafting and adjusting the various proposals, and in the last stage of our deliberations to the assistance which we received from his successors. Whatever else I may have to say on the subject, can probably be said to better purpose when I am called upon to reply to the speeches of other members, or when we arrive at the stage of considering the Bill clause by clause. I now formally move the second reading of the Bill.

The Honourable Mr. GOPAL KRISHNA GOKHALE said—Your Excellency,—The Bill, as originally drafted, contained so many provisions of a distinctly retrograde character and bore on its face such evident impress of a desire on the part of the framers to recede from the position of 1884, that few of us, I confess, had any hopes that it would emerge from the Select Committee in the form which it has now taken. It is true that the Honourable Sir Evan James, who was then in charge of the Bill, introduced the measure in a speech which, for breadth of view and for a generous appreciation of the work and difficulties of municipal bodies, was a notable utterance, and which, if it had stood alone, would have been a source of sincere satisfaction to the people. Unfortunately the speech was accompanied by a Bill so much at variance with the sentiments expressed by the mover, that the Honourable Mr. Justice Chandavarkar could not help exclaiming on that occasion how he wished that the Bill had been as good as its author. Those, however, were perhaps peculiar times. At any rate, on going through the proceedings on that occasion, I could not repress a smile of amusement at the boldness of some of the claims advanced. Thus the mover of the Bill, in replying to the debate on the first reading, said

that he was not at all dissatisfied with the reception the Bill had met with, in spite of the fact that the measure had evoked a perfect storm of protest both in the Council and outside it. Why, Sir, even my honourable friend Mr. Desai, whose mental eye appeared at that time to range over free fights among Municipal Councillors, their want of capacity and want of principle, was all the while imagining that he was speaking as an ardent advocate of local self-government. All this, however, is now a matter of history, and if I recall the circumstance to your Excellency's mind on this occasion, it is only to show what great reason the people of this Presidency have to feel grateful to the Honourable Sir Charles Ollivant for the conciliatory manner in which he has led the Select Committee in its deliberations on this Bill and for striving to meet the public wishes at least half way. Every one of us who served on the Select Committee was impressed not only with his great knowledge of municipal affairs,—that, of course, was well-known,—but with the enormous industry which he bestowed upon the Bill, drafting, re-drafting and drafting again so many of its provisions, and with the anxious solicitude which he throughout evinced to enter into the spirit of non-official criticisms and objections and remove, as far as he could, the causes for reasonable apprehensions. Happily his view of local self-government coincides largely with that held by many thoughtful persons in this country, both Natives and Europeans, as to the scope and purpose of municipal institutions. There are, as many here are no doubt aware, two ways of looking at this question of local self-government. One view is that, while the work of deliberation requires the assistance of many minds, all executive work must be entrusted to a single officer with large statutory powers. The other view is that not only the work of deliberation but also executive work ought to be entrusted to Municipal Councillors, who should do the latter by means of small sub-committees, thereby enabling the chosen representatives of the people to acquire direct experience of executive work and of a proper performance of civic responsibilities. The first view is finding increased favour in the United States and has largely influenced the Municipal legislation of our Presidency towns. The second view is strongly held in England and on the Continent of Europe and it has supplied the lines on which municipal legislation in mofussil towns in India is based. Now, my Lord, I am willing to admit that the first scheme is perhaps better suited to the Presidency towns by reason of the largeness of their areas and the diversity of their populations on the score of race, colour and creed, and the magnitude of the interests involved. But there is no justification for extending such legislation to mofussil towns, which greatly appreciate the lines on which their present municipal constitution is based. It seems to me, my Lord, that in this matter of local self-government, Government sometimes manage to do, by almost an irony of fate, just the thing which the people do not care for. Thus in 1888, when the Bombay Municipal Act was revised, Government sought to assimilate the constitution of the Bombay Corporation to that obtaining in the mofussil, when the citizens of Bombay did not require such a change; and it was only after a strong protest on the part of the Bombay Corporation, which was ably voiced by the Honourable Mr. Mehta and the late Mr. Justice Telang, that Government abandoned their proposals. Here, on the other hand, when people in the mofussil are satisfied with their existing constitution, Government proposed to change that constitution into something analogous to that of Bombay. Fortunately under the direction of the Honourable Sir Charles Ollivant that attempt has now been abandoned. Having made these few general observations, I will now, with your Excellency's permission, proceed to say a few words on the Bill before us. I wish to state at the outset that, although the public feel deeply grateful to

the honourable member in charge of the Bill for several important modifications which, under his guidance, the Select Committee has introduced, some of these modifications do not go far enough, and if we have proposed no amendments in regard to them, it is because those of us, who represented the other side of the question in the Select Committee, accepted the modifications there in a spirit of compromise on the principle that half a loaf is better than no bread. Moreover, there are even in this revised Bill some provisions which it is impossible for us to approve, and, of course, in regard to them we have given notice of the amendments which we intend to move. My Lord, the Bill before us may be considered under five heads: (1) Constitution; (2) Administrative procedure; (3) Duties and obligations; (4) Municipal powers; (5) Government control. With reference to the first of these divisions, *viz.*, 'Constitution', I beg leave to observe that while the revised Bill is a great improvement on the original draft, there are one or two points under this head which are open to serious objection. I refer specially to the proposed provision for conferring the elective franchise on sections of inhabitants. I think, my Lord, when the history of this question of the introduction of the elective franchise into the constitution of Municipalities comes to be considered, it will be admitted that those among us who believe—and believe sincerely—that the right policy in such matters is that of a steady, though cautious advance, have behaved with great moderation in not moving amendments suggesting an extension of the present franchise. When the Act of 1884 was under consideration and when the Government of that day proposed to fix the minimum of elected members at one-half, it was contended by some of the non-official members that the minimum was low in the case of the more advanced Municipalities at least and that in their case a more extended franchise was essential. Sir James Peile, who was in charge of that Bill, thereupon gave the assurance, and he repeated it again and again in the course of the debate, that though the Bill prescribed a minimum of one-half, there was nothing to prevent Government from prescribing a higher proportion for individual Municipalities in consideration of their fitness as determined by the level of intelligence and growth of civic spirit among them. Sir James Fergusson, who was then Governor, also stated that it was his hope that, if not during his time, at any rate during the time of his successor, it might be possible for Government to allow a higher proportion of elected to nominated members in the case of the leading Municipalities at least. Nothing, however, was done during the last fifteen years by Government to carry out this undertaking except in the case of Poona, where the proportion of two-thirds to one-third was granted during Lord Reay's time; but this special privilege has recently been, for all practical purposes, withdrawn. Though, therefore, we might have been justified in proposing that the Legislature should now prescribe a higher minimum in the case of the more advanced Municipalities at least, we have refrained from adopting this course with the object of minimising the points of difference between the official and the non-official members; and yet Government have thought it right to adhere to this retrograde provision for conferring the elective franchise on sections of inhabitants. My Lord, in 1884 Sir James Peile, as representing the Bombay Government, stated in distinct terms that Government wanted to retain in their own hands the power of nominating members up to a maximum of one-half, because it might happen that sections of the community, or certain minorities, might not be able to obtain adequate representation by means of the rate-payers' election, and in that case it would be desirable for Government to have this reserve of power in their hands to supply the deficiency. The representation of sections and minorities was thus provided for in 1884 by

reserving to Government the right of nominating up to a maximum of one-half members of Municipal Corporations. In the present Bill, however, Government retain this power of nominating up to a maximum of one-half, and propose in addition that sections and minorities should have seats specially assigned to them out of the minimum of one-half thrown open to election. I strongly feel, my Lord, it is most undesirable that Government should go back now upon what they distinctly guaranteed in 1884. My Lord, in this matter of the elective franchise our Presidency is already behind the other provinces of India. I have been looking up the Municipal Administration Reports of other provinces, and I find that in Madras there are 19 Municipalities which are allowed to elect three-fourths of their members. In the North-West Provinces all the Municipalities to which the elective franchise is extended are allowed to elect three-fourths of the members. In the Central Provinces it is the same. In Bengal and Punjab most of the Municipalities consist of two-thirds elected and one-third nominated members. Here alone, in the Bombay Presidency, the proportion of elected members is rigidly kept down at half and even that, so far as the general ratepayers are concerned, the Legislature now proposes to reduce. The Bombay Government have often claimed that we in this Presidency are far ahead of other provinces in matters of Municipal administration. Such a boast, however justified on other grounds, is certainly not justified on the ground of the proportion of elected to nominated members on Municipal Boards. I quite admit that it is possible that some sections or minorities might like to be represented by elected instead of by nominated members. In their case, however, all that the Government have got to do is to set aside a certain number of seats which are at Government's own disposal, for election by such sections or minorities. Another provision coming under the head of 'Constitution' is in connection with the creation of 'Notified areas'. The original proposal to turn villages or groups of villages into 'Notified areas' has now been abandoned in favour of another adopted by the Select Committee, which restricts the provision on this subject to towns, which are the headquarters of talukas, and to hamlets that spring up in the vicinity of railway stations. In assenting to this new proposal, I am not without apprehension that even in this new form it is capable of being worked in a manner which will cause hardship, and I earnestly trust that Government will be very sparing in the use of the powers which this provision confers upon them and as a result of which people in rural areas will have to bear municipal taxation without corresponding municipal privileges. The analogy of the Punjab has been quoted, but it should not be forgotten that in that province there are at present only 31 'Notified areas' in existence, whereas the Honourable Sir Evan James, in his detailed Statement of Objects and Reasons, has mentioned more than 150 places in this Presidency as fit to be turned into 'Notified areas'. The third point under 'Constitution' about which I desire to say a word, is the position of the Chief Officer, whom City Municipalities will in certain cases have to appoint. I admit that under the revised provisions the Chief Officer will no longer be master of City Municipalities, as the original Bill practically proposed, and that the powers now conferred upon him by statute are such as may safely be entrusted to an Executive Officer acting under the full control and supervision of a City Municipality. The provisions about his appointment and removal are, however, in my opinion not quite satisfactory, and if some of us have accepted them in Select Committee, it was done, as I have already observed, only in a spirit of reasonable compromise. Coming next to the question of 'Administrative Procedure' provided, I may state at once that I have nothing but praise to give to this portion of the Bill. I am fully persuaded that the provisions on this subject are a great improvement on the

Act of 1884, and I have no doubt that Municipal Corporations will feel grateful to the Legislature for this part of the Bill. Coming now to the question of 'Duties and Obligations' I think it necessary, my Lord, to enter my respectful but emphatic protest against the proposal to impose additional obligations under this Bill on Municipal Corporations. The list of 'Obligatory Duties' as set forth in Section 54 of this Bill is already so long and covers such a vast variety of functions, that if the obligations which that clause imposes upon Municipalities were to be literally construed, it would be impossible for the richest Municipality in the world to discharge those obligations satisfactorily, and yet the Legislature now proposes to make additions, on very inconclusive grounds, to that fearfully long list. It is now proposed, in addition to the obligatory duties already recognised, to call upon Municipalities to bear the cost of combating plague and famine, and to make contributions to the Provincial exchequer for Provincial roads passing through their limits, and for leper asylums and lunatic asylums which Government may establish outside the Municipal limits. Now in regard to the first of these additions, *viz.*, about plague and famine, I submit to your Excellency that the proposal in the original draft was much worse than the proposal now before us. In the original draft it was proposed to include this duty among the obligatory duties of a Municipality without any qualification whatsoever, but in the Select Committee the honourable member in charge of the Bill advanced so far in the direction of meeting popular objections, as to provide that the obligatory duties mentioned in Clause 54 should take precedence of the duties in regard to plague and famine, and that the Municipalities should not provide for the latter until after making reasonable provision for the former. I confess I am not satisfied even with this modification made in the Select Committee, and if I assented to the modified proposal, it was only because I felt convinced that that was the only way to get rid of the original proposal. I believe the Local Government are acting in this matter under instructions from the Government of India and we had to make our choice between the proposal as originally drafted and the proposal now contained in this Bill. With reference to the provisions for levying contributions from Municipalities in connection with provincial roads and leper and lunatic asylums, I respectfully submit, my Lord, that the proposal is inequitable and ought to be abandoned by Government. In the first place the contributions by themselves will be very small, and I ask if it is worth the while of Government to cause needless irritation for such small amounts? Secondly, as I have before observed, the list of obligatory duties is already so long; that any addition to them, however small, ought in my opinion to be deprecated unless Government are prepared to surrender to Municipal bodies corresponding revenues. This was the spirit of the policy enunciated by the Government of India in 1882. But while the list of obligatory duties has grown enormously, I regret to say that there is not a single instance in which Government have transferred to Municipal bodies any of their receipts, and I submit that if new obligations continue to be imposed on the shoulders of Municipalities in this manner, such legislation will come to be regarded by the public not as a scheme of local self-government but as a scheme of local exactions. Next, with regard to the powers conferred on Municipal bodies, I cordially welcome the proposal to extend these powers in several important directions. I think this extension will make Municipal Administration more efficient and Municipal bodies will be able to deal with various difficulties, which crop up in the work of administration, in a simpler and more effective manner than at present. I am aware that there is some difference of opinion among non-official critics of the present Bill as to the advisability of conferring drastic powers on Municipal bodies to deal with epidemics such as plague. But I beg leave to point out that on this

point we had to choose between conferring these powers on Municipalities and leaving these powers under the Epidemic Diseases Act in the hands of Plague Committees, appointed by Government and acting with no sense of responsibility to the public; and I believe that when this question comes to be looked at from that standpoint, the proposal contained in the Bill to confer these powers on Municipal bodies will meet with general approval. Lastly, coming to the question of 'Government Control' I confess, my Lord, that my mind is not free from anxiety and apprehension that these powers of control might prove a source of unnecessary trouble in the hands of unsympathetic officers. I am free to admit that some such powers must be lodged in the hands of Government to make Municipal bodies feel that if they do not realise their responsibilities properly, there is a speedy and effective method provided to call them to account. At the same time there is the obvious risk of Government officers sometimes not understanding properly the difficulties of Municipalities or not making allowances in a generous spirit for small shortcomings, and in such cases it would be open to them to suggest to Government the enforcement of the bludgeon-clauses to the humiliation of Municipal bodies and to the prejudice of the cause of local self-government; and this, my Lord, brings me to the concluding portion of my remarks. My Lord, what little practical experience of Municipal administration I possess has taught me one thing clearly, and it is that the District Officers have it in their power to make local self-government a greater success than it is at present, by taking steady and continuous interest in Municipal administration and regarding the work and difficulties of Municipal bodies with greater sympathy than so many of them do at present. I regret to say, my Lord, that in some instances District Officers are found to regard the work of Municipalities with indifference till matters assume a serious aspect and then they suddenly come down upon them with the bludgeon-clauses in their hand. In other cases these officers interfere so constantly and in such a tone of authority that they appear more like dictators than like sympathetic guides, such as, in my humble opinion, they ought always to strive to be. I need hardly say that neither the one attitude nor the other on the part of District Officers is desirable in the interests of local self-government, and I earnestly appeal to them from this place to realise, in a spirit of generosity and even forbearance, the difficulties and shortcomings of our Municipal Corporations, always remembering that while it is easy to discredit work done by men who are new to their responsibilities, it is not equally easy to stimulate public-spirited citizens to greater exertions when once their ardour is damped by what they might regard as harsh and unsympathetic criticism or judgment. Mr. John Stewart Mill has stated in his book on 'Representative Government' that the object of Municipal institutions is not merely to get local work efficiently done, but also to develop civic spirit and raise the level of general intelligence among the people. I respectfully submit that in judging the work of Municipal bodies both these objects, and not only the first, should be steadily kept in view. A higher public life has only just begun in the land, and it behoves those who represent the power that has introduced this life into this country to give whatever guidance might be needed with great tact and in a spirit of sympathy, encouraging those who need encouragement and steadying the footsteps of the weak. It is only by such cordial co-operation between District Officers and Municipal Corporations that the success of local self-government would be ensured, and it is necessary to ensure this success, because in it are involved the best interests of both the rulers and the ruled.

The Honourable Mr. अच्युत भस्कर देसाई said—My Lord,—Having listened to the speech of the honourable member in charge of the Bill, I think I have scarcely to add



any remarks of importance. Certain it is that within recent memory no legislative measure has been more freely criticized, both in public and private, than the Municipal Bill presented to this Council in September 1899. It has since been thoroughly overhauled in the Select Committee. Some part of it has been rearranged. Some portion has been better thought out and better expressed. With due regard to the criticism received, a few of its provisions, such as those relating to the constitution of the Managing Committees, notified areas, the appointment of Chief Officer, power of Government to require Municipalities to impose taxes, the grant of relief in time of famine and the taking of measures for the prevention and suppression of dangerous diseases, have been modified without violating the principle involved. Provisions have been made for the regulation of buildings and drainage, for the prevention of over-crowding and the abatement of nuisances. In various matters of detail, powers have been conferred on Municipalities to enable them to administer their affairs more efficiently than they are able to do under the present Act.

But to judge from the newspaper criticism to be met with here and there, this has not been sufficient to satisfy some of the critics of the present measure. As was appropriately remarked the other day in a leader of the *Times of India*, the numerous bodies that have memorialized Government have shown small concern with regard to any provision which had no direct bearing on the enlargement of the proportion of elective members or the reduction of the control vesting in Government. For instance, in their memorial the Bombay Presidency Association remark—

“The time has arrived when the present minimum of half could, in the case of City Municipalities at least, be safely raised to two-thirds of the total number of Councillors.”

They further observe—

“That the policy of Lord Ripon’s Government has been run a little too hard and has suffered in execution in this Presidency through want of preponderance of the elective element in the mofussil Municipalities.”

The Deccan Sabha in their memorial observe—

“Local self-government as introduced in 1884 is no longer an experiment. Its working, so far, has been a distinct and unqualified success, as is evidenced by the appreciative observations of various District Officers contained in successive annual reports upon Municipal taxation and expenditure submitted to Government.”

Thus while the Deccan Sabha would be content to rest its claim to a larger proportion of the elective seats on the statements made in official publications, the Bombay Presidency Association go further and say “we have done satisfactorily during the last 16 years, but if we have failed, it is because Government have not given us a majority of the elected members.”

There are other memorials which more or less echo the same demand. They all take their stand on what Sir James Peile observed in February 1884, exactly 17 years this month, when the Bill No. 4 of 1883 was read a second time. He then stated that the proportion of nominees was subjected to a maximum limit and that the power of nomination might be exercised less and less as Government thought proper and finally disused when representation attained more perfect development.

The first question to reply is how have the Municipalities worked during the last 17 years? That their work is on the whole spoken of in favourable terms is true, but when we look into the circumstances in which the praise was bestowed, we shall find that it was intended more as an encouragement than as an unqualified statement of fact. Just as a child in its infancy makes efforts to walk and in spite of its frequent tumbles receives an encouraging word, so although each and all these Municipal Boards now and then give considerable trouble by persistently neglecting their duties in serious matters, the officers concerned, aware of the experimental stage of the life of the defaulters and the difficulties they have to struggle with, cheer them on with words of encouragement. In order to see whether Lord Ripon's scheme has taken root in the soil, the proper tests to apply would be—Has that scheme aroused in the minds of the Municipal population a sense of citizenship and responsibility and widened their conception of the powers and duties of each individual elector? Has it generated in them corporate zeal and spirit of local improvement and brought home to them the fact that on their choice of their representatives depends chiefly the well-being, comfort, nay, in times of epidemic disease, the very lives of the inhabitants? To all these questions I can give a negative reply and say that not even two per cent. of the voters are able to understand their duties. But perhaps these tests are too severe to apply just at present. But do the electors go to the poll and take pleasure in exercising the franchise conferred on them?

On this point the results of the elections will furnish some evidence. The last elections were held in 1898-99, when the plague was prevailing in many parts and consequently the attendance at the polls had in many places fallen very low. We must therefore take the figures of a normal period. The last Municipal elections during the ante-plague period was held in 1894-95.

The attendance at the polls of voters was satisfactory in the Southern Division.

In Gujarát we find that at page 5 of the Annual Report for 1894-95 the Commissioner, N. D., remarks—

“This election was the fourth held since the elective franchise was conferred on mofussil Municipalities and generally speaking the interest evinced by the electors appears to be on the wane.”

In the Central Division the results were much less satisfactory. In 24 Municipalities the attendance was less than half, in 9 less than one-third, in 5 less than one-fourth, and in some so low as one-sixth, one-seventh and one-tenth

Taking the city of Poona itself, we find the attendance of voters at the general elections was good, but that at the ward elections very poor. This affords conclusive evidence of the fact that the elective system will not work satisfactorily unless the electorate is sufficiently advanced to appreciate the value of the power conferred on them. The voters who voted at the general election were Graduates, Pleaders, Honorary Magistrates, &c., while those who voted at the ward elections were rate-payers. Out of the 16 wards, in 10 the attendance was indifferent. If this is the interest displayed by the ordinary rate-paying electors in the leading Municipality in the Deccan, it is hardly worth while to go further into the question.

But it is to be remembered that even in the most advanced country in the matter of local self-government, the electorate is considerably influenced by the candidates for election. Let us, therefore, have a glance at the work done by the elected Commissioners.

Take any Municipality at random and you will find that its administration is suffering from factions. That its roads remain unmetalled, not for want of metal wherewith to repair them, but for want of decision on the part of the members as to which road should begin first. Its sanitation, health and even education suffer for want of pecuniary assistance, not because the Municipality have no resources, but because there is no member who will look after the punctual collection of the arrears.

On this subject I would refer to the opinion of one of the most popular Commissioners of the Northern Division, whose experience of that division extends over 20 years and whose liberal views in the matters of local self-government are well known. In the report for 1896-97 he observes—

“The most satisfactory Municipalities in the division are Ahmedabad, Nadiád and Broach. Some others, such as Dákor, have worked well, but the moving spirit has been official and, therefore, they fall short of the municipal ideal in one point. It is disappointing that so little capacity for public business is shown even in most of the larger towns.”

In November 1892 Sir Evan James observes generally of the Municipalities in Sind in the following terms:—

“After the trial of eight years, local self-government in Municipalities (though still nearly everywhere in leading strings) is doing good work”;

and in the same report he observes as regards Karáchi as follows:—

“Progress is hampered, whether in reform of taxation or improvement in sanitation, by the opposition of a variety of cliques, including some of those who would style themselves the most enlightened and educated.”

We shall now refer to remarks of November 1899, which were recorded in the time of Sir Evan James by the Collectors of the districts concerned and endorsed by Sir Evan James when he forwarded the reports to Government.

*Karáchi.*—Excepting Karáchi the state of efficiency depends on the Vice-President, who is usually a Muktyárkar of the táluka.

*Hyderabad.*—Generally speaking, unofficial members leave everything to the official members. In Hyderabad itself I have observed signs of a desire to put off consideration of important and responsible matters and to subordinate the interests of the Municipality to that of private individuals.

I have referred to these in detail in order that honourable members might put their own interpretation on the statement made by Sir Evan James when he introduced the Municipal Bill in September 1899. His latest experience was in Sind and the remarks recorded in the report on the Municipalities after the Bill was introduced show what he meant by Lord Ripon's scheme having worked with success.

As regards the Central Division, excepting the larger Municipalities, there is the same tale going round. In regard to such an important Municipality as that of Sátára the late Mr. Dodgson observes—

“Energy and promptness and public spirit are almost unknown qualities among the elected members: as long as they occupy half the seats, things are not likely to improve.”

The Collector of Násik makes similar remarks as regards Yeola, while in the other districts the Municipalities are classified into good, middling and fair.

As regards the Southern Division, I have only to remark that in 4 Municipalities the non-official Commissioners fled from the town on account of the plague. In one, the non-official Chairman of the Managing Committee was himself concerned in concealing the existence of plague for days altogether. These are some of the latest exhibitions on the part of the Municipalities of their sense of their duties towards the citizens. In referring to these instances of failure, my intention is not to show that the people in this Presidency have shown any special inaptitude for local self-government. That they have been doing what they could, is not disputed. It is not the fault of the people if they have not given better results. It is rather the fault of those who expect too much from the privileges which were not acquired by the people, but which were conferred on them unsought in 1884. Any legislation in advance of the actual requirements must remain for a time a dead letter. The Act XV of 1856, for instance, removed the legal obstacles to the marriage of the Hindu widows, but it did not bring about a single widow marriage. The demand must come from within. The mere grant of larger number of elective seats and the removal of the checks of the central Government would no more conduce to the development of the self-governing capacity of the people than would the mere multiplication of school buildings promote their education. There is a sufficient amount of talent here and there for destructive criticism, but the country has not yet produced men of means with plenty of time at their disposal and the will to devote their energies to the public good.

Whether in these circumstances it would have been prudent to make obligatory a large majority of elective members, needs no reply. In a Bill such as that before this Council affecting the whole Presidency you have to deal with backward and advanced Municipalities altogether. A larger elective proportion might perhaps a few years hence suit a few well administered Municipalities, but it will not suit the rest. What is wanted, therefore, is that the provisions on the subject should be elastic and this is what has been done.

It is, however, desirable to go into the question whether the indifferent success which has attended the working of the local self-government scheme is in any way due to the adverse attitude of Government or the excess of zeal or interference on the part of the officers concerned. The Bombay Presidency Association and the Deccan Sabha refer to the old charge that Lord Ripon's scheme of local self-government was received by the Government of Sir James Fergusson in a spirit of hesitation and distrust. They are not unaware, however, that amongst three distinguished Governors who succeeded Sir James Fergusson between the date of Act II of 1884 and the introduction of the present Municipal Bill, there were two who belonged to the same party to which Lord Ripon belonged, and the fact that during their time only one Municipality was singled out for the bestowal of a larger number of elective seats shows that there were no others deserving a similar gift.

It is also worth pointing out that Government and their subordinates have always shown the greatest reluctance in resorting to compulsory measures whenever the Municipalities have committed defaults. They have not acted as if they were watching for an opportunity to interfere. In the Southern Division, during the last 17 years, only one Municipality was suspended, and this was done not only after repeated warnings were given, but when the hands of the authorities were forced, the non-official Commissioners having left the town on account of the plague. It must be remembered that this paucity of suspensions was due not to paucity of offenders, but to the special indulgence shown towards the defaulting bodies. When the Collector loses patience the Commissioner

gives a further trial, and so does Government when the Commissioner's patience is exhausted. So important a Municipality as that of Shikárpur was once recommended to Government for suspension by the Commissioner in Sind. But even when the recommendations came from so high an officer, Government, instead of sanctioning the proposal, ordered a further trial. The result of this was reported by Sir Evan James in the following words:—

“Your Excellency in Council decided that the Municipality of Shikárpur should be given a *locus penitentia*. The Municipality, I am glad to say, has set about vigorously putting its taxation and sanitation in order.”

This will show that the principle on which Government acted is that intervention is not to be exercised until a repeated appeal to the Municipality has failed. In some cases indulgence is shown towards the defaulting bodies in order that, even at the cost of mismanaging its affairs to a certain extent, they might acquire experience and learn the necessary lessons. Government do not, however, stop at holding back the rod to the last moment. They actually encourage the Commissioners nominated or elected by offering them inducements of titles. Any Commissioner who has honestly served his apprenticeship to the active work of the Municipality and has taken a prominent part in the advocacy, promotion and execution of local measures of importance, is invariably rewarded by the bestowal of titles. Any elected member who has done good work is found on the list of nomination if he loses his seat at the election.

I have so far dealt with only one point, *i.e.*, why the proportion of elective seats has not been raised by a hard-and-fast provision in the Bill. The clause as it now stands will enable Government to reward the deserving Municipalities with a larger number of such seats without resorting to fresh legislation.

There are more than a dozen points on which the Select Committee was not unanimous. In regard to all of them, except one, amendments have been brought forward, and in regard to them I reserve my remarks until they come in for consideration in detail.

The one clause in regard to which no amendment is brought forward, and in regard to which the present is the only occasion for offering any remark, is that relating to notified areas. I have certainly not been able to understand the position taken up with regard to this clause by the several memorialists as well as some of the non-official members. If there was any provision calculated to extend the sphere of local self-government, affording the people of less advanced areas an opportunity to acquire experience in governing themselves, it was the provision as regards notified areas as it stood in the original Bill. The opposition seems to have originated in the prejudice that the object of Government in introducing the clause in question was to rid themselves of some of the pecuniary burdens. The Bombay Presidency Association remark on this point—

“The Council venture to observe that this seems to be only an attempt to throw on rural areas additional burdens which ought to be borne by the Provincial Government.”

The past experience does not justify this remark. Whether as regards educational and medical charges, or even the extraordinary expenditure on account of the plague, Government have always contributed liberally. On this subject Sir James Peile made the following remark:—

“I have observed a misunderstanding, which it may be well to remove, as to the intention of Government in regard to grants from Provincial funds to local bodies. It has never been proposed that services now maintained at the cost of Gov-

ernment should be transferred to Municipalities or Local Boards without a grant from Provincial revenue."

"In every civilized country people, who are given a share in administering their own affairs, tax themselves, as they are expected to do, in order to provide for their needs in regard to health, sanitation and education, their local revenue being supplemented by subventions from the State. Those who desire to have a share in administering their own affairs and who wish to provide for themselves better sanitation, education, &c., than their neighbours enjoy, must certainly be prepared to pay for their luxuries so far as they can. For these reasons, I wish the provisions as regards notified areas were retained in their original form."

I will now say a word as regards the work done in the Select Committee meetings, all of which I was able to attend. The non-official members, with whom I lived on terms of the closest intimacy, went to the meeting with an open mind, and it was not unfrequent that they were found on opposing sides when a question was put to the vote. The same thing occurred at Poona when the Select Committee was fully attended and when the Honourable Messrs. Lely and Woodburn voted on the non-official side. In fact, the Select Committee members did not meet with pre-formed opinions to maintain, but with the object of coming to the most reasonable decision on a point in dispute. This was chiefly due to the honourable member who presided at the meeting. Through his intimate acquaintance with the general requirements of municipal towns and his admirable mastery of municipal details, he stood head-and-shoulders above the rest. We native members always spoke of our meeting room at Mahábaleshvar as the school-room, when our schoolmaster sent us back every evening with something new added to our information. The inexhaustable patience and unvarying courtesy which characterised the conduct of the President throughout the long sittings, and which did not leave him for a moment even on one of the most longing days in life at Poona, made the work in the Committee a work of pleasure. There always prevailed a spirit of candour and conciliation. I think the work as is manifest in the Bill, whether as regards comprehensiveness, system and symmetry, is chiefly and substantially the work of the Honourable Sir Charles Ollivant. It is a work of such magnitude and labour as to make any Government feel proud of it. It is a sort of codification, and I am sure that it will be many long years before material alterations are found necessary. With these remarks, I give my vote in favour of the second reading of the Bill.

His Excellency the PRESIDENT said—I just wish to say that if any other honourable member desires to speak on the principle of the Bill, I think we had better adjourn until to-morrow; but if no other member wishes to speak on the principle, then my honourable colleague will reply, and we will proceed afterwards with the clauses of the Bill.

The Honourable Mr. MEHTA said—After the Honourable Mr. Desai's remarks, I am bound to make a few remarks, but I think it will be better to do so to-morrow.

His Excellency the PRESIDENT—Then we had better adjourn until 12 o'clock noon to-morrow.

*By order of His Excellency the Right Honourable the Governor in Council,*

R. J. C. LORD,

Secretary to the Council of the Governor of Bombay  
for making Laws and Regulations.

*Bombay, 12th February 1901.*

*Abstract of the Proceedings of an adjourned Meeting of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACTS, 1861 and 1892."*

The Council met at Bombay on Wednesday the 13th February 1901, at 12 o'clock noon.

**P R E S E N T :**

His Excellency the Right Honourable Lord NORTHCOTE, G.C.I.E., O.B., Governor of Bombay, *Presiding.*

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. MONTEATH, C.S.I., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. F. S. P. LELY, C.S.I., I. C. S.

The Honourable Mr. SHRIPAD ANANT CHHATRE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. TATE, M.Inst.C.E.

The Honourable Mr. H. F. ASTON, I. C. S., Bar.-at-law.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.R.A.C., I. C. S.

The Honourable Mr. BOMANJI DINSHAW PETIT.

The Honourable Meherbān NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. IBRAHIM RAHIMTOOLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

The Honourable Mr. H. BATTY, M.A., I. C. S.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. SILAS MEYER MOSES.

The Honourable Mr. WILLIAM GREAVES.

The Honourable Mr. D. McIVER.

The Honourable Rāo Bahādūr CHUNILAL VENILAL, C.I.E.

The Honourable Mr. E. GILES, M.A. (Oxon).

The Honourable Rāo Bahādūr ACHYŪT BHASKAR DESAI.

**BILL No. II OF 1899: A BILL FOR THE BETTER MANAGEMENT OF MUNICIPAL AFFAIRS IN MOFUSSIL TOWNS AND CITIES.**

The Honourable Mr. PAREKH, in resuming the debate on the second reading of the District Municipal Bill, said—Your Excellency,—The Bill now returns to this Council much altered from what it was at its first reading, and the credit of the improvement is due to the vast experience, reasonableness, tact and industry of the honourable mover.

I agree with my honourable friend Mr. Gokhale in thinking that the public had ground for disappointment, after what was openly stated by members of Government in connection with the passing of Act II of 1884, that during the last 16 years Government, except in one case, did not see fit to give a larger number of elective members than the bare minimum provided by law, and that in preparing the new measure the minimum which was fixed experimentally in 1884, was not increased. My honourable friend Mr. Desai has attempted to justify the unwillingness of Government to make any increase in the

popular element in the Municipalities. The effect of his argument, if I understand him correctly, is that it is a mistake to allow local self-government in this country. After 16 years' experiment the attempt has failed, and there is no fitness in the people of this country to manage their own local affairs. If this view be correct we cannot stop here; it means that this Bill is a huge farce and the proceedings are a farce. If there is no improvement, the earlier the curtain is removed the better. The Municipalities should hereafter be managed by Government officers as a department of Government.

Fortunately I think that there are few people who share in the extreme views of Mr. Desai. Mr. Desai is an officer of Government and probably he draws his inferences from what came to his knowledge as the President or Vice-President of some Municipalities; but as in the case of school boys, so in the case of Municipalities, love, kindness and sympathy are necessary for imparting education; if you dislike them, if you shew aversion to them, if you give them to understand that nothing could be made out of them, you will not be able to teach them anything. It seems to me that Mr. Desai's experiences show a greater necessity of increasing and strengthening the popular element.

I do not think that there is such an essential difference between the people of Ahmedabad, Broach and Nadiád and those of other places, as to warrant a conclusion that what succeeds in one place will not succeed in another. The Ahmedabad Municipality, guided by the late Ráo Bahádúr Ranchhodlal, was regarded as a model Municipality. The Broach Municipality, under the presidency of my honourable friend Mr. Chunilal, has been known to do its work most efficiently. I think Municipalities fail less from want of attention and ability on the part of Councillors, and more from want of tact and sympathy on the part of the heads.

I think Mr. Desai was somewhat unjust to a late member of this Government in insinuating that he solemnly stated to this Council, things that he did not believe to be true. If one read his speech, I do not think there can be any doubt that what Mr. James said about success was not a mere compliment, but was true. In one place he says: "I may take this opportunity of saying that personally I think that Lord Ripon's policy is working out, if slowly and steadily, still most satisfactorily, both in the direction of improvement of municipal administration and in training citizens to manage their local affairs." Further on he says: "I for one think we may congratulate ourselves that it is taking deep root, though it may not in every place bear the same amount of fruit." After saying this Mr. James proceeds to speak in terms of the highest praise of the work of the Ahmedabad Municipality and the excellent work of the non-official Presidents of the Karáchi and Hyderabad Municipalities. Who can deny that the members of Municipalities now are more intelligent, more capable, more attentive and have a higher sense of their responsibility than before.

Mr. Desai speaks of want of interest in the elections; but from the reports it appears that the elections are getting keener and larger numbers are appearing at elections. As regards the attendance, the large number of meetings in some places accounts for the apparent smallness of percentage; in one year there were 119 meetings in Ahmedabad. I do not mean that everything is what it ought to be in every place. There are defects and there is considerable room for improvement; but I do believe that the concessions that were made in 1884 have worked in a way to justify their giving, and that there would be a further benefit if they are enlarged.



In another matter I submit that the provision of this Bill is somewhat retrograde. The present measure will alter the existing law in legalising sectional elections. Now the success of municipal government requires that people should be educated to forget sectional feelings, and to strive to work for the general weal of the community. When there are sectional elections the elected man would think, when there is a conflict between the interests of the whole community and the section that he represents, that he should subordinate the interest of the community to that of the section he represents, and that would rather emphasize and perpetuate the differences, that ought to vanish in the public interests. It may happen that at the election, a particular community which may deserve to be represented on the Council, is unable to obtain the election of one of its members; this, however, is easily remedied, because one of the reasons why Government reserves to itself the powers of nominating a certain number is to enable such section to be represented. It has been sometimes urged that nomination does not secure the best man; if Government, however, think this way, the remedy is easy. They may ask the community to elect some person for the nomination, and nominate the person so elected. By allowing sectional representation of any community, the popular strength will be diminished, inasmuch as those members whose representation is now secured by the nomination would hereafter be able to come in by another way.

Another point in the Bill on which I wish to say something is with reference to liability between Government and Municipalities. It is not consistent with the magnanimity of Government that they should call upon a Municipality to pay for the extra expenses of the up-keep of a portion of a trunk road which passes through municipal limits, because for the additional wear of the road in such limits, or that it should charge a Municipality to pay contribution for the treatment of lunatics and lepers at Government institutions; while this measure provides that Government should be able to charge a Municipality for these services, there is a provision to exempt Government properties from paying their contributions towards the general expenses of the Municipality.

Another matter on which it would be proper to say something is in connection with the duty thrown on Municipalities about providing special medical aid during an outbreak of a dangerous epidemic and providing for famine relief. Though there is some improvement now over the provisions of the original measure, I do not think the alteration meets the difficulty. The costs of discharging these duties are large and indefinite; most of the Municipalities have been exceedingly poor, and these provisions are likely to create complications between Government and the Municipalities, and disable them from discharging their other duties satisfactorily. With these observations I support the second reading of the Bill.

The Honourable Mr. SHRIPAD ANANT CHEATRE said—Your Excellency,—Considering the observations made by my honourable friend Mr. Desai regarding Municipalities in the Southern Division I feel bound to make a few remarks. In the first place I must admit that great labour and sound judgment has been bestowed on the reconstruction of the Bill. In the original Bill where a deliberate attempt of depriving Municipalities of their independent powers of action was observable, there now is to be seen the cautious and far-reaching hand of a statesman. The utterances that fell from the honourable member in charge of the Bill, and the agreeable form in which the Bill has been moulded and shaped, and all irregularities have been removed, afford an assurance to the people that according to the progress they would make in the direction of local self-government,

according to the sense of responsibilities to which they would awaken, and according to the competency and capacity of working which they would show, Government would always be willing to expand their rights. It is my impression, perhaps it may not be incorrect, that people are aware of the responsibilities they have to look to in managing their own affairs. They know that on the satisfactory administration of local affairs depends the whole welfare of the country. I hold a different view from that held by my friend Mr. Desai. He says that in the matter of local self-government people have not realized their responsibilities, and thus Municipalities are a failure. I say that my friend Mr. Desai is entirely wrong. I do not think that he will be supported by any authorities for the observations made by him. Official reports and my own experience force me to say that Municipalities have been a success. People have been understanding the responsibilities that are on their shoulders, people have been taking part in the administration of their affairs, people have been showing instincts for full development, and people have been showing that they have a good many things to perform, and if these things are performed in a satisfactory manner, then only the welfare of the country at large will be realized. Mr. Desai has singled out isolated cases of indifference shown by people towards municipal administration, and on these cases he bases his opinion. But it is not fair to pass an opinion on the strength of such cases. We have to see the general tone of the administration, and one can at once see that the administration has been very satisfactory. There may be mistakes in some cases, but they are not such instances as will enable one to come to the conclusion that the whole of the municipal administration is a failure. I was also a Municipal Commissioner, and I had to perform in a responsible capacity—more than one—duties as Municipal Commissioner, and I can safely say that in the Southern Division, besides the Municipality in which I served, there are other Municipalities which have done very satisfactory work, and not only a dozen, but a large number of persons have been prepared to take up the work of municipal administration. With these few remarks I support the second reading of the Bill.

The Honourable Mr. PHEROZESHAH M. MEHTA said—I really did not intend speaking on the second reading of the Bill after the excellent speech in which my honourable friend Sir Charles Ollivant proposed the second reading, a speech full of that liberal conciliation for which he is always so well known, and after the sober and temperate criticism to which the Bill has been subjected by my honourable friend Mr. Gokhale. But, my Lord, the remarks which fell from Mr. Desai made it impossible for any member of this Council, who takes a different view from him, not to offer a few observations on what fell from him. If my friend Mr. Desai will pardon me for saying so, I venture to say that his observations on a subject of the very greatest importance are of a somewhat official and one-sided character. When he was speaking yesterday I could not help thinking that if no other native of this country was capable of realising a full sense of civic responsibility, there was still one who realised it to the fullest and completest extent. I was very glad to see that that was so, and while Mr. Desai was holding forth to us and the people of this Presidency on their shortcomings in the matter of civic responsibility, I wondered whether he put to himself the question whether the class from which he and all of us, who take part in municipal affairs in the City and Presidency come, can only produce one man capable of realising a sense of civic responsibility? It seems to me that if Mr. Desai had put that question to himself, he would have treated

this question of local self-government in a far more serious and responsible manner than he did. This question is of the very greatest and most serious importance to the welfare of the Presidency. The importance of it consists not only in the sense of efficient administration, but in the sense of political responsibility. There is no measure, in a country situated like India, to which we can look for the preservation of order, prosperity and safety more than to a right and proper development of local self-government. I am perfectly sure that if my honourable friend Mr. Desai will run his mind over the history of almost every country in the world, ancient and modern, he will find that it has always been recognised that no measure has been fraught with better results to peace and public order than a large measure of independent local self-government. Rome taught us that lesson. Coming to modern times, Prussia, from the fallen state in which it once existed, was raised to the high position it afterwards reached by its great statesmen giving, among other measures, a large measure of independent local self-government to the Municipalities. The same lesson was taught by Russia. A more autocratic Government than that of Russia it is difficult to conceive, but there also it has been recognised that nothing is more statesmanlike than to give independent powers to Municipalities. The history of France teaches us again the same lesson in more ways than one. It was found that when the French Kings interfered with the independence and feeling of the local communes and local bodies, nothing but mischief resulted, not only to themselves but to the State; but wherever they were accorded a large measure of free and independent local self-government, the results were excellent and in the interests of peace and order. No statesman would show greater sagacity than he who would try to cultivate a spirit of local self-government among the people of this country. There is always a substratum of public spirit latent in every individual and a statesman could not be more usefully employed than in trying to set that public spirit in the direction of local administration. If the severe indictment which Mr. Desai brought against local self-government in this country were correct; if the sneer—I admit it was a very mild sneer—that he made at Lord Ripon's great Resolution on local self-government—that it was given to people who were not prepared for it;—if the sneer and indictment were correct, what is the logical consequence of Mr. Desai's position? It is this: undo all the legislation that has been passed since 1884 and revert to the previous state of things when the existing Municipalities were in leading strings and under official control and management. Supposing we reverted to that state of things, what would be the result. Did Mr. Desai, in framing this indictment of local self-government since 1884, try to realise what was the state of municipal administration and what were the results in that golden age of leading strings and official control? I have often asked myself that question when this subject has been mooted, and at one time I drew up a list of mofussil cities in which this sort of administration prevailed, to show what were the results of that administration. Has Mr. Desai realised what was the state of things in those golden times, when there was not even that moiety of elected members which he despises and deprecates so much. The history of mofussil towns tells us that in that golden time there was absolutely nothing done for municipal improvement. Surely that is not a state of things to which my honourable friend Mr. Desai wishes us to revert. This teaches us this lesson: that imperfect and unsatisfactory as has been the state of municipal administration since 1884, it has done far better work than was done in the times previous to 1884 when there was only official control and nothing but leading strings. Since 1884 most of the large cities in the mofussil

have undertaken water works, drainage works, improved their roads and set forth improvements in various directions as far as circumstances permitted. So that even if we look at the efficiency of that administration, the state of things brought into existence since 1884 has worked far more satisfactorily and given far better results than was the case before that time. But I quite admit with Mr. Desai that the state of things is not as it should be. He attributes all that unsatisfactoriness and imperfection to the want of public spirit among the people, the want of interest among the electors, and the want of a sense of civic responsibility among the representatives of the electors. What I have said shows that that cannot be the true explanation. I venture to submit that the full explanation is different. I am not one of those who on every occasion say that the Municipalities of the mofussil should be left to do what they like, that there should be no Government control or supervision over them; but on the contrary, my Lord, as you have heard from my honourable friend Mr. Gokhale, as men who have had something to do with the municipal affairs of Bombay, we are not so carried away by the words local self-government. We actually went to the extent of resisting the introduction in Bombay of the system which prevails in the mofussil, under which a large body—the Corporation—would be entrusted with executive functions. We modestly said we should be quite satisfied with a modicum of executive power, that the executive power should be entrusted to a body under the control of the Corporation. Any one who knows anything of the history of the Municipalities in the most civilised countries of the world, knows that some Government control is necessary. Even in England the Local Government Board exercises control over all the civic bodies throughout the country. That control is especially necessary in a country like India, but where I find fault with the legislation which existed even in 1884, is in regard to a matter which is not sought to be abolished by the present Amendment Act. By all means have control, but do not keep your control on every side of the administrative machinery. All these bodies have a moiety of their number elected and the rest are nominated members, among them being a large number of officials, with mostly an official President. What is the power which in these circumstances remains with the elected members? I was surprised when Mr. Desai was speaking of the true value of these bodies, that he did not realise that he was not bringing an indictment against the elected members, but against the official and nominated members of Municipalities. With the Chairman with his casting vote, and the officials of the Taluka or District on the Board, and with a full half of the numbers of members nominated by Government, where does the majority lie? Where does the power lie? Surely the nominated members, the official members, must have great influence and that influence and power of nomination gives them such a preponderance in the deliberations of these municipal bodies, that it is impossible to conceive what measure which they could not pass if they wanted and knew how to set about it in the right manner. How is it that these responsible officials, with fully half the number their own nominees, have not been able to do what Mr. Desai admits the municipal bodies have failed to do in regard to carrying out works of public improvement? On the one hand you have absolutely taken away every reality of power from the elected members. When the Bill of 1884 was before this Council, it was subjected to very severe criticism—and was admitted by the President, then, I believe, Sir James Fergusson—by my friend, who is now a Justice of the High Court, the Honourable Mr. Justice Budrudin Tyabji. He put forward one prophecy and that prophecy has come true. He says in fixing the nominees at one-half it is well to understand what you are, and I think these words are memorable and it is important to

remember them. He says, my Lord: "Unless a decisive majority is given to the elective members I fear that the Bill will be practically worse than useless, it will be mischievous. The real power will still continue to belong to the local authorities, and the present measure will merely continue and practically perpetuate the present system under the high-sounding name of local self-government. It seems to me that the people will have gained little more than a bare responsibility for the administration of funds and of affairs over which they will have no real control." My Lord, that has been the mischievous part of the whole affair. By all means, as I say, have the fullest control, but leave them something which would give control as emanating from themselves. But they have been given nothing which the official majority cannot have in their own way. Having given them merely the barest responsibility without any real power, you can put upon them, the Collector, the Commissioner and Government, who can undo anything which they may possibly have succeeded in doing and reversing every one of their decisions. We know that the highest authorities on the subject—Herbert Spencer and John Stuart Mill—have pointed out that you must have external or internal checks on the working of these municipal bodies, but you must not have both. Lord Ripon, in his famous memorandum, pointed out that there must be external control vested in the Government, but it was also pointed out that you must give these bodies some power of control as well as responsibility. To me it is a great disappointment that this policy is not recognized by Government. As I said before, I am not one who goes in for independence free from all control, but you must give these bodies some sense of responsibility—some real possession of power before you can really apply to them the principles of municipal administration. That brings me to the conclusion that the imperfect and unsatisfactory character of the working of these municipal bodies arises not from a want of the sense of civic responsibility, but from the sense of their utter impotency which the elected members feel in the present circumstances. You can never acquire a sense of responsibility if you feel that there is nothing for which you can be held responsible—nothing that you can do for which your responsibility can be called to account. Unless we have that sense of power and that sense of active responsibility, public spirit cannot be created; and it is no wonder, therefore, that public spirit to the extent which my friend Mr. Desai wants to see developed, has not been developed. But that is not the fault of the people, because the representatives of the rate-payers are very much men who can rise to their responsibilities, as my friend Mr. Desai has shown in his speech that he would rise. The defect lies in the character of the system which has unfortunately been legislated for. I have made these remarks, one would have said, almost in despair, because by this Act we are not going to get a larger measure of local self-government. But I have still one hope, and it is in that hope that I have made these remarks. The Act fixes the minimum of elected members at one-half; but, my Lord, from the liberal and sagacious statesmanship such as we may well expect from the indication which your Lordship has given of the liberal sympathy which you mean to extend to all administrations in this Presidency, the hope arises that it will be possible for Government to see their way to giving a more efficient and a more real power to the more prominent of the municipal cities and towns of the Presidency. It seems to me that this is an experiment worth trying. If that experiment fails, we will hold down our heads. But until that sense of responsibility is created and some sense of power is given, I do not think it is right to indulge in such criticism as my honourable friend Mr. Desai has indulged in.

My Lord, I do not want to make any lengthened observations on the second reading, but one remark I would like to make, occasioned by some observations that fell from my honourable friend Mr. Gokhale. I would have been in favour, very much, of extending to the Mofussil Municipalities the system of administration which prevails in Bombay. My honourable friend Mr. Gokhale is of opinion that the same system prevails in other capital towns. The only place in which that system prevails is Bombay, and I am surprised that my honourable friend Mr. Gokhale should have forgotten the fate of Calcutta with a system which is like that which exists in the mofussil. But the Bombay system is, I venture to think, the most suitable for the circumstances of a country like India, where the body should be of a deliberative character, and the work of an executive character should be entrusted to one responsible executive officer. I should certainly be in favour of applying that system to the mofussil but for one thing: that system would only succeed if the finances of the mofussil town would provide for the engagement of an officer of high standing, whom they would have to pay in a way commensurate with his high standing and position. If the towns in the mofussil could afford a responsible executive officer whom they would pay Rs. 1,000 per month, then the very best thing that could happen to the mofussil Municipalities would be for that system to be extended to them. I have had a large experience of the working of a good many towns in the mofussil, and know how the system has worked in Bombay, and I certainly favour the extension of that system to the mofussil, but the difficulty is in regard to the finances. I should have heartily supported the section put into the Bill under which Municipalities can be called upon to appoint Chief Executive Officers; but I do not think my friend the Honourable Sir Charles Ollivant has realized that in the financial circumstances of these bodies there is not the remotest likelihood of their being able to come forward with the funds that alone would justify such an experiment as that. There are other parts of the Bill which to my mind are of a somewhat dangerous and mischievous character, but I do not think this is the proper time to speak on them. There are amendments proposed to be moved in regard to them, and that will be the proper time to make a few observations on those important portions of the Bill. I make these remarks, not as going to vote against the second reading of the Bill; I am going to vote for the second reading because I fully realize that this is a matter for compromise, and I consider that in this the Presidency is fortunate; for with the liberal sympathy that your Lordship has enunciated in speeches made from time to time, and the liberal sympathy extended to it, as we might well expect, by the Honourable Sir Charles Ollivant, the Bill has emerged from Committee shorn of its most mischievous provisions, and now we may well accept it as a sort of reasonable compromise between classes representing different views.

The Honourable SIR CHARLES OLLIVANT, in replying on the debate, said—After the many kind words which have been said about my labours in connection with the Bill, it seems to me almost ungracious to demur to the few criticisms I have heard expressed in the course of the debate. I could not but think, however, that the Honourable Mr. Gokhale was hardly doing himself justice. I felt during part of his speech that perhaps he himself thought he had rather a weak case and he did not quite like to admit it. I also regretted to see in such skilful hands obsolete weapons of debate that were more suited for a museum of antiquities. I allude specially to his argument that though possibly the present Government might be trusted, who knew what their successors might do? We have often been confronted in the past with arguments of that kind—“Do not give such powers, for Government will be sure to abuse them,” or if powers

are being repeated which formerly existed, "why continue them any longer when Government hitherto never thought of using them?" As a matter of fact, all we ask is that we should be treated as reasonable men, just as we are ready to treat honourable members who do not belong to the Government as reasonable men. The honourable member, in the course of his remarks said, quoting John Stuart Mill, that the object of local self-government was, firstly, to be efficient and, secondly, to be educational. That is precisely the view Government hold. He went on to say that he regretted the proportion of nominated to elected members, and I think he quoted the case of the North-West Provinces and probably some other Provinces, as showing we were somewhat behindhand in that respect. But as, according to his own showing, efficiency is the first of the two desiderata, I should have expected to hear that municipal government in the North-West Provinces was more efficient than the municipal government in this Presidency, or else that it was clear that by increasing the minimum number of elective members we could rely on securing more efficient municipal government in this Presidency. However, it has been admitted by him and other speakers that though the Act does prescribe a minimum, it is open to Government, if they think fit, to declare that all the members in any Municipality shall be elective. But honourable members are fully aware that we are legislating not for one Municipality, but for a great many Municipalities, all of which may differ very considerably, and although Government might in one case consider that a large majority might be elective, it would be perfectly impossible to say that in all Municipalities there should be a majority of elective members as a matter of course. The honourable member said that in some cases the district officers were too careless and in other cases too interfering, that their attitude should be that of careful gardeners to tender plants. But that is an admission, I take it, that you must not expect tender plants to bear the full burden that stalwart oaks might be expected to do. The Honourable Mr. Parekh, when he said that if the elective principle is a farce these institutions had better be departmentalised at once, argued that if experiments have worked successfully, as they have in some cities, there is no reason why they may not be expected to work successfully in others. That in itself is an admission that some Municipalities, at any rate, are at present in an experimental stage, and therefore must be dealt with cautiously. Then as to the representation apart from the question of the minimum number of elective members, some objection was taken to what I may call sectional representation. It was said if there was any fear of minorities not being represented, the Government had the remedy in their own hands because of their power of nomination. But it must be remembered that Government often have to think not only of minorities, but have very often to supply experts to the Municipalities, and also it must be remembered by honourable members that Government have the power of declaring that the whole of the constitution shall be elected. If that power should be exercised, what becomes of the other power of Government to represent minorities by nomination? Is it not desirable to reserve to Government a power of declaring that certain classes or certain communities should be invested with the privilege of returning members? Is there any such particular virtue in a cross-road or such particular sanctity in a water-course that they alone should form the demarcation of an electoral compartment? Are honourable members so sure, even looking to the instance of the City of Bombay alone, that we should not have representatives with more knowledge and of better judgment, and with a greater sense of responsibility, if some of them were returned by their own particular communities? From my own experience in Bombay I am not at all certain that we should not have got better

representatives in that way than those who owe their election (for such there are) to the machinations of a wire-puller. But limiting for the moment the sense of the word "section" to that of the honourable member's interpretation of it, I ask, even if we take the case of Sind alone, if there is not a justification for the representation of communities, although such representation has not yet been adopted, and I don't know that it ever will be? I may tell the Council that in the four largest Municipalities in Sind the population of Hindus and Mahomedans is  $53\frac{1}{2}$  and  $46\frac{1}{2}$  per cent., respectively, while the representation is Hindus  $90\frac{1}{2}$  per cent. and Mahomedans  $9\frac{1}{2}$  per cent. The Honourable Mr. Mehta in his remarks alluded to the great desirability of giving to these bodies a greater sense of responsibility, and, as my speech in moving the second reading showed, I entirely concur with him in that view, and I ask honourable members to consider what a great advance in this Bill has been made in giving the local bodies the opportunity for exercising responsibility by the new provisions relating to executive committees. Some remarks were made as to the extension of liability and the limited resources of the Municipality. That allusion to limited resources especially appeals to my sympathies, but the Honourable Mr. Gokhale is well aware that this Government are not in a position to surrender any portion of their resources. What we can do is to bear in mind the limited nature of the municipal resources, and therefore be reasonable in our demands upon the Municipalities. But, after all, the measure of liability which it is proposed to extend is a very small measure indeed, and I understood one of the speakers to say that it was not the actual increase of pecuniary liability, but the principle to which he objected. When we come to consider the Bill in clauses, it may be found that Government are not unreasonable as to that clause relating to provincial roads, but I think we must see what arguments are to be adduced for and against the proposal. It is, after all, an infinitesimal burden. We do not call upon the Municipalities to pay for the provincial roads in their limits. We say that those roads will be kept up by the Executive Department of Government, and we don't ask the Municipalities to pay all the cost of the maintenance of those roads within their limits, but merely the difference of the cost of maintenance between that mileage and the mileage outside the limits. Still, as I say, when the clauses come to be considered, Government are perfectly prepared to weigh the arguments that may be advanced. Then as regards what I may call the counter-exemption of Government buildings: all that Government desire to do is to put the law on precisely the same footing as the law in England and to avoid any misunderstanding; when we come to the clause we will take care to make it clear that buildings beneficially occupied shall not be exempt from local burdens. I have now dealt with the several points which have been raised in the course of the discussion, and in conclusion I will only observe that, when I heard the Honourable Mr. Gokhale say he approached this subject in a spirit of compromise and on the principle of "half a loaf is better than no bread," it occurred to me that he must have mistaken the proverb he intended to use. That volume, putting the case materially, represents the summary of the objections when we began to consider this Bill. That piece of paper represents the objections as they are now, and I think very fairly, summarised by the Deccan Sabha. I think that the Honourable Mr. Gokhale must admit the proportion of objections unsatisfied is certainly far from being a moiety. I think what he really intended to say was "Enough is as good as a feast," and that instead of a spirit of compromise, he felt that pleasing sensation of contentment which one experiences when one rises from a well found repast, bearing in mind the sound advice that it is always well to rise from a meal feeling a little hungry.



Bill read a second time.

His Excellency the PRESIDENT then put the motion that the Bill be read a second time. This was agreed to, and the Bill was read a second time.

The Council then proceeded to consider the Bill in detail.

The Honourable Mr. GOKHALE—Your Excellency,—I beg to move that in clause 2, after sub-clause (2), the following be added: “(3) Of the District Police Act of 1890, sub-sections (2) and (3) of Section 77 are hereby repealed.”

The honourable member said—These sub-sections provide that municipal bodies should furnish accommodation for the Police force within their limits, whenever they are called upon by Government to do so. My Lord, this question has a history of its own, and with Your Excellency's permission I will state the principal facts connected with it in a few words. Before 1832 charges for the Police were borne either wholly or in part by municipal bodies. In 1881, however, the Government of India suggested to the Bombay Government that the charge for the Police should thereafter be borne by Government and that in its stead expenditure on education, medical charity and local public works should be transferred to Municipalities. I will, with Your Excellency's permission, read a paragraph from the letter of the Government of India which set forth this proposal: “His Excellency in Council observes that at present the total annual amount spent on Police by Municipalities in British India amounts to about twenty-seven and a half lakhs of rupees. The only function which Municipalities discharge in regard to Police is the provision of funds for the purpose of meeting the whole or a portion of the cost of Municipal Police force. They practically exercise no control over the Police and cannot, therefore, be expected to take any special interest in the efficiency of the force or to look with sympathy on the provisions of the law which treats them as machinery for raising taxes to be spent on a department over which they have no control and in the efficiency and economical expenditure of which they have but little direct interest and no immediate responsibility. The Governor-General in Council would, therefore, be glad to see municipal bodies relieved altogether of the charges for Police, an equal amount of expenditure for education, medical charity and, if possible, public works of local interest, being transferred to them with as full control as may be practically expedient over the details of such expenditure.” In accordance with this suggestion the municipal bodies were relieved of the entire cost of Police charges and charges under education and sanitation to the extent of two and a half lakhs were transferred to them. The Municipalities have continued to meet these charges from that time. Not only this but the charges have been greatly increased: the Municipal Corporations in the mofussil having now to spend about sixteen lakhs of rupees on education and sanitation in place of two and a half lakhs at which the figure then stood. In spite of this clear understanding, however, when the District Police Act of 1890 came to be revised, Government introduced therein a provision to the effect that Municipalities should be liable for the housing of the Police. Sir Raymond West, who was then in charge of the Bill, observed that such accommodation was provided by large towns in England and there was no reason why Indian towns should be exempted from a similar charge. It is unfortunate that the matter did not at that time attract any attention. Municipal Corporations were not consulted and they did not notice this provision, which was somewhat quietly introduced, not into the municipal law of the Presidency, but into the Police Bill. The non-official members of the Council also, I am sorry to say, did not notice that the proposed provision was in viola-

tion of the undertaking given in 1882. But because the action of Government was not challenged in 1890, that is no reason why we should to-day endorse it by our silence on the point. I submit, my Lord, that the step taken by Government in 1890 was clearly indefensible and I would venture to say that such a transaction between private persons would be characterised by some strong language. I propose, therefore, that sub-sections (2) and (3) of Section 77 be repealed. //

The Honourable, Sir CHARLES OLLIVANT—This matter, Sir, was considered in Select Committee and we came to the conclusion that it would be desirable that this Municipal Bill should make no changes in the existing arrangements under the Police Act. Of course it is understood that the charge for Police is not that charge that Government would bear in any case for Police throughout the district, but certain special extra charges necessary in the case of large towns, such as the cost of building chowkeys at cross-roads, and such as are not required to the same extent in rural areas. The cost of building accommodation in such areas is comparatively light. The matter was threshed out when the District Police Act was passed, and Government see no reason why the arrangement then come to should now be disturbed.

The amendment was then put to the vote and lost. //

The Honourable Mr. PAREKH then moved the following amendment: In clause 3, sub-clause 9, lines 72 to 75, to delete the words after the word "pension".

He said—There may arise matters of conflict between Government and the Municipalities and to guard against any injury to Municipal interests it is provided by clause 10 that the number of nominated members who are salaried servants of Government shall not exceed a specified proportion. Government Pleaders and like officers who, though they may not be in full time service, have all the sympathies of the service ought, for the purposes of this proportion, be regarded as salaried servants of Government. Government have already a right of putting in a large number of salaried servants, and that proportion ought not to be increased by excluding half time officers from the category of Government servants.

The Honourable Mr. MEHTA—The position is this: the present Act does not include these words and what reason is there to show for disturbing the proposals seen in the present Act? It seems to me that one-half of the members to be official is quite enough. No case is made out for the addition of these new words to the present Act..

The Honourable Ráo Bahádúr ACHYUT BHASKAR DESAI—Your Excellency,—This clause was fully considered in the Select Committee. I think the position of the Government Pleader is on a small scale analogous to that of the Advocate General. The salary both of them receive is a sort of retaining fee. The condition that the whole of the time of a Government servant is at their disposal does not apply to either the Advocate General or the Government Pleader. They are both at liberty to take up any cases which are not against Government. Besides in filling up the seats assigned to non-official members of the Legislative Council, the Advocate General is excluded from officials when the proportion of non-officials is determined. For this reason the provision laid down in the Bill seems necessary.

The Honourable Mr. BATTY—The opinion generally expressed in Select Committee was that words should be inserted at the end of clause 3, sub-clause (9), to make it perfectly clear that a Government Pleader would not be regarded within the meaning of clause 10 as a salaried servant of Government. This was not clear in the Bill of 1884.

A Government Pleader cannot be regarded as a salaried servant of Government, because in the first place a very large proportion of the Government Pleaders receive no salary at all, and those who do receive them, receive them in the form of retainers to prevent them taking up a case where Government may possibly require their services for the prosecution. I think under the Act of 1884, a Government Pleader would not come within the definition of a salaried servant of Government at all, and it is only to make that perfectly clear that these words are put in the present Bill. Government Pleaders have always been exceedingly useful members of Municipalities, and it seems the irony of fate that their position should be attacked by two members of their own profession. Government Pleaders are no more the servants of Government than of the general public. In one Municipality, that of Shikárpur, which was referred to by the Honourable Mr. Desai yesterday as having been threatened with suspension, the Municipality was rescued from impending insolvency by the Government Pleader, who has restored it to a great state of prosperity. Having come from the Shikárpur District, I can speak of the excellent municipal administration there. The people are especially content and their contribution to expenses incurred for plague amounted to Rs. 60,000. In that case, the Municipality got into the hands of men of business accustomed to dealing with large matters and hearing both sides of the question. Then there are rules and by-laws to be framed, and it is a very important thing to have a member who can draft and help the Municipality in all their consultations in drawing up rules and by-laws. I therefore think that the Government Pleader is one of the most useful members that can be possibly either elected, or nominated by Government, and I should be very sorry to see him placed under any disability.

The Honourable Mr. MEHTA—He will not be disabled by the omission of these words.

The Honourable Mr. BATTY—He would be withdrawn from the number of members who might be nominated by Government as unsalaried servants of Government. There may also be a possible case where doctors are appointed on salaries which do not require them to give their full time to the service of Government; they also might prove exceedingly useful to the Municipality, and it would be a pity if in all such cases the valuable aid of such disinterested persons had to be discarded for fear of disturbing the proportion.

The amendment was rejected.

Clauses 4, 5 and 6 were passed without discussion.

The Honourable Mr. PAREKH then moved the following amendments:—

In clause 7, line 26, between the words "area" and "of which" to insert the word "which includes a town which is the head-quarters of a taluka or which is within a distance of a mile from a railway station"; and in line 27 after the word "thousand" to add the words "and in case of other areas of which the population is less than four thousand."

He said—The object of this amendment is this. Except taluka towns and the townships that arise about railway stations, other places having under 4,000 inhabitants contain only agricultural population. They would hardly contain population of any other class. The agricultural population is already very heavily taxed, and I do not think that any increase should be made in burdens which fall on their heads. By accepting the

amendment, a large portion of the agricultural population would be saved from the burden of having to bear municipal taxation.

The Honourable Sir CHARLES OLLIVANT—The subject was considered in Select Committee in a slightly different form. Some of the suggestions which we received placed before us a proposal that the word "two" should be altered to the word "five," but after careful consideration we found that if the word "five" were substituted a considerable number of existing Municipalities would be disfranchised, and therefore we preferred to keep the clause as it stands. For the same reason that in the Select Committee we could not accept the suggestion of "five thousand" I am unable to accept the modified proposal now put forward.

The amendment was rejected.

Clauses 8, 9 and 10 were passed without discussion.

The Honourable Mr. GOKHALE then moved that in clause 11 (c) (ii), lines 19 and 20, to delete the words "or by sections of the inhabitants."

He said—Your Excellency,—This question of sectional representation has been so fully dealt with by various honourable members in the debate on the second reading that I will not take up the time of the Council by making any lengthy remarks on this subject to-day. My first objection to the inclusion of these words is that they are an attempt to go back clearly on what was expressly guaranteed to the general rate-payers of the mofussil by Sir James Peile, speaking in the name of the Bombay Government. As was pointed out yesterday, Sir James Peile in 1884 stated in distinct and unequivocal terms that a minimum of one-half of the total number of seats was to be filled by means of election by municipal rate-payers without distinction of race, class or creed, and that the other half or any smaller proportion, whichever it might be, would be filled by Government by nomination in order to secure adequate representation of special interests, including those of sections or minorities. My second point is that if it is thought that these sections or minorities may wish to be represented by elected, instead of by nominated members, there is nothing to prevent Government from setting aside a few of the seats which are at their free disposal for election by such sections. The honourable member in charge of the Bill stated, in winding-up the debate on the second reading, that the half retained by Government in their own hands was required for putting experts in certain matters on Municipal Corporations. From such experience of Mofussil Municipalities as I have, I am in a position to say that even in the largest Municipalities there are no more than two or three nominated members who may, in any way, be called experts in any branch, and that in some Municipalities there are no such persons appointed at all. Therefore there would always be a large margin of reserve in the hands of Government even after making adequate provision for the appointment of experts. My next objection to this provision is that it tends to defeat the most important object of local self-government. We value local self-government not only for the fact that local work thereby is better done, but also for the fact that it teaches men of different castes and creeds, who have long been kept more or less apart, to work together for a common purpose. There are in all conscience causes for differences enough among the different sections in this land, and I submit, my Lord, that the Legislature should not, in the best interests of the country, without the very strongest reasons, give any statutory recognition to these differences. There is nothing in the nature of local self-government which implies any conflict between the interests of one section and another. If the Council will turn to the list of 'Obligatory duties' and optional duties

it will be seen that, except perhaps on the question of slaughter-houses, there is no chance of a conflict of interest arising between the different communities. And on that particular question, if the Hindu Councillors anywhere neglected to construct slaughter-houses for the benefit of Mahomedans and other inhabitants, Government have it in their power, under the provisions of the 'Control Chapter,' to require recalcitrant Municipalities to perform that duty. Then, my Lord, if different sections are to be represented, why talk of the Hindu community as a whole by itself. There are so many castes and sections of this community, and some of them stand so wide apart from one another, that it will be necessary to recognise their differences, and then where are Government going to stop? The honourable member in charge of the Bill just asked what special merit there was in a road or water-course that it should supply a standard to divide a municipal district into wards, and why the inhabitants of a city would be better divided for municipal purposes into wards than into sections. I think the answer to that is somewhat simple. You divide your presidency for administrative purposes into districts, your districts into talukas, your talukas into towns and villages; for a similar reason a municipal district has got to be divided into wards. If it was possible for all the electors to assemble and vote together and elect all their representatives, I for one would not attach any importance to election by wards. Then there is another reason why it is convenient to divide municipal districts into wards for election purposes. Men residing in the same ward have certain interests in common; those, for instance, connected with roads, lighting and the valuation of properties for the purpose of assessment and conservancy and so forth; and from this standpoint, therefore, election by wards is perfectly intelligible. For these reasons, my Lord, I propose that the words pointed out in my amendment should be omitted from this clause. Before sitting down, I may mention that I have no objection to Government providing for sectional representation by means of election, provided they guarantee to the general rate-payers a minimum of half the seats.

The Honourable RAO BAHÁDUR ACHYUT BHASKAR DESAI said—Your Excellency,—All the arguments that are now brought forward by the Honourable Mr. Gokhale were considered by the Select Committee and this clause was retained. The first question is whether there is anything in the history of local self-government which would warrant the retention of the clause under discussion. I know of, at least, two instances having a bearing on the clause in question. In one Municipality all the seats were monopolised by one caste, while in another Municipality the whole municipal power was monopolised by one community. It is necessary that communities which are in minorities should be given an opportunity of sending their representatives on Municipal Boards. It was with this intention the present clause was inserted in the Bill. Mr. Gokhale says that there is nothing in the administration of municipal affairs which would afford an opportunity for partiality being shown towards any particular section; but there have been cases reported in which partiality was shown in laying the distribution-pipes, in the improvement of streets as well as in the lighting of them. Of course, this is a remedial power which will be used by Government only on rare occasions. I think the clause should stand as it is.

The Honourable Mr. IBRAHIM BAHIMTOOLA said—I don't think it would be proper or wise of Government to agree to the omission of the words as proposed by Mr. Gokhale, because I take it that the power which Government propose to take is to be used in exceptional circumstances and on rare occasions. It may have to be exercised in the cases

pointed out by the Honourable Sir Charles Ollivant in Sind, where the population of one section of the community is large and its representation small, while another community has a preponderatingly large number of Councillors on the Municipal Boards. The reason why, I take it, that there is this disproportion in the representation in Sind, is that the election is confined to the rate-payers and graduates and certain other qualified electors, and any community that may not possess a large number of electors would not get adequate representation. I was glad to notice that the Honourable Mr. Gokhale admitted that the representation of these minorities was essential and that Government had always recognised that it was desirable to give representation to these minorities; the question at issue, therefore, is whether such representation should be by nomination or election. The discussion that previously took place here clearly established that it is eminently desirable that such representation should be by election, and I don't think there will be any considerable difference of opinion in the matter of nomination *versus* election. If it is generally conceded that election is the best form of representation for representative institutions, would it not be desirable to have such election by sections of the inhabitants or Associations rather than by nomination? The best representatives of large communities, as it is often said, are obtained by election. Let therefore communities, wherever so desirable, elect their own representatives. I would not object to the saving clause that Government might utilise the power of nomination on occasions that may arise; but there is one thing which may do away with the necessity of Government availing themselves of this power. I have made inquiries in regard to the principal cities of the Presidency, and I find that the election is carried on upon the principle of one seat for one ward. Under that system the minority could never get representation. I think it would be eminently desirable that all these elections should take place as they do in the several wards in Bombay. Irrespective of racial considerations it frequently happens that the very large majority of electors in one ward belongs to a particular section and a representative of that section is returned. I would suggest, if it is possible to do so, that these large cities and municipal districts should be grouped into fewer wards and that more representatives be given to each ward. That practice has worked admirably in Bombay. The City is divided into several wards and they have got from two to eight representatives according to the population, and in consequence minorities get representation by election. I am not intimately conversant with the state of election in Mofussil towns, but if it is possible to group together three or four divisions and allot to each of them four or six seats, then I think it would be possible under the present arrangement to give representation to the minorities without calling upon different sections to elect their own representatives. There is another point to which I would refer and in regard to that also I shall have to mention the Bombay Municipal Act. The Council must be aware that under the Municipal Act, 1878, the number of Municipal Councillors on the Bombay Corporation was 64, and half of that number, 32, were elected by the rate-payers, 16 by the Justices and 16 were nominated by Government itself. Subsequently, when the Act of 1888 was under consideration, Government thought it would be desirable to give direct representation by election to the Chamber of Commerce and the University of Bombay and they decided that the Chamber of Commerce should have two representatives on the Municipal Corporation and the University should also have two representatives. That raised the number of Councillors to 68, but Government did not confine themselves to this number, but fixed it at 72, giving the ratepayers four more seats to secure to them the same proportion of representation. Would it not be desirable in the present

circumstances, also, to retain the present clause and to accept the principle of giving the rate-payers of the different municipal districts direct representation to the extent of half the number of total Councillors as was done in Bombay? As that is the principle which underlies this Bill, would it not be advisable that in clause 10 a slight verbal alteration were made? Because if that were done I take it that the Council would gladly pass clause 11 as it stands. In clause 10, sub-section (1), lines 16 to 20, the provision at present is—"Provided that the number of elected Councillors shall not be less than half of the whole." If that is altered to "Provided that the number of Councillors elected by the rate-payers shall not be less than half of the whole number," that will meet the objections raised and would secure to the rate-payers the right of electing half the total number of members of each Municipal Board. With this suggestion I support Section 11 as it now stands.

The Honourable Mr. MEHTA—I confess I very much deprecate the introduction of these new words into the old Act. The reason why I do so is that I deprecate the introduction of anything of a disintegrating character. There are enough things in this country for the purpose of perpetuating sectional differences and I do not think Government ought to help these disintegrating forces. On the other hand, they ought to encourage and support as much as possible methods by which the people, instead of being kept apart by sectional differences, should be bound together as if they were one set of people having in view a common object. This provision seems to me to be preposterous, unless it can be shown that the difficulties for which it is intended cannot be obviated in any other way. Although there is nothing to indicate, either in this Bill or in the Act of 1884, that towns may be divided into wards for the purposes of election, there are rules made by Government for that purpose, and I find that in 1891 they have taken power to make those rules, and wherever the population is over 6,000 they divide the area of election into wards. I find that in most of these towns populations group themselves into localities—one section may be found in a part where another section may preponderate, but generally you can divide the town in such a way that a large section can be found to preponderate in one or other of the divisions. The words of the District Municipal Election Rules are that where a population of a municipal district is not less than 6,000, the Collector may divide the district into two or more wards for the purposes of election. Then, again, there is another method which my honourable friend Mr. Ibrahim Rahimtoola has pointed out. As we have seen in Bombay, the difficulty can be avoided by giving two or three members for each ward, and although the majority can elect the first and second candidates, the minority can elect the third. That is a very common incident of the elections in Bombay. The way that is now proposed is to bring into prominence the differences of the various sections of the community. I have had a very long experience of the working of Mofussil towns, and I have come to the conclusion that there is nothing more demoralising than that sort of thing. I think Government ought to try to develop the spirit of co-operation for common purposes. That is the reason why I strongly support the omission of those words, and if necessary to favour the insertion of words by which the powers of Government to make rules for the division of towns into electoral wards, so as to bring into operation the influence of minor communities, may be carried out.

The Honourable Mr. LELY said—Theoretically it seems to me that election by communities is the very best method of getting due representation of all interests. In local

areas, at any rate, people who are bound together by common religious and social laws, and common interests in commerce and business, and so on, must be more likely to want the same thing even than people who are thrown together in one locality. But it appears to me—I may be wrong—that the real root of this amendment has been indicated by the Honourable Mr. Mehta, and it is the fear that election by communities may accentuate race and caste differences, and perhaps embitter them. It was my fortune a short while ago to spend a little time in the neighbouring island of Ceylon. There are many things in that vigorous colony which might move the envy of us here in India. But one thing I especially noticed was that in the election for members of the Governor's Legislative Council the principle of election by communities was carried to its fullest extreme. You have there the representatives of the merchants and the planters and the general European community. You have there the member for the Moorish or Mahomedan community, the member for the Tamil, the member for the Burgher or Dutch community, the member for the low-country Singalese and the member for the up-country Singalese. The point I wish to notice is that throughout the island there is none of that feeling which honourable members are apt to apprehend, for the whole atmosphere, so far as an outsider could judge, was one of prosperous harmony. The member for the Tamils, Mahomedans or Burghers is present in Council to promote the interests of his constituency, it is true, but he also feels that their credit rests upon him to show that they are really good citizens. On the whole it seems to me that the necessity for this provision is not likely to occur often—perhaps very seldom—but it is still less likely to occur if the Governor in Council has a weapon in reserve in view of it. Even if it does occur, and the provision has to be enforced, it would probably do more good than harm and be a means of improving the representation, which is essential to all municipal life.

The Honourable Sir CHARLES OLLIVANT said—Without any offence to my opponents, I must remark that on this occasion it is I who stand for liberty and they for unnecessary restrictions. I have never attempted to read into the word "sectional" the word "racial" exclusively, but as several honourable members in the course of the debate referred to that possible interpretation, I met that by giving them the figures of the present representation in Sind. The Honourable Mr. Mehta alluded to a subject that I also was going to touch on, namely, that of wards, and I ask honourable members to remember, when they tell us that we wish to introduce a new principle into the Bill, that there is nothing whatever in the present Act which would specifically justify election by wards. I am not going to attempt to offer anything in the nature of a legal opinion, for which I am not competent, but it is quite possible that the present rules as they stand might be contested, and therefore we thought it advisable to make it clear that there could be election by sections. Those sections may be geographical, or they may be racial, or they may be guilds and so on: we are not dealing with one town or one section, but with many towns and many varying circumstances. I wish, in reference to a remark that fell from the Honourable Mr. Gokhale, to free myself from any possible misconstruction as to what I said earlier. I said it was possible that Government under their power of nomination might wish to appoint experts to assist the Municipalities. I never meant to assert, or thought for one moment, that Government might wish to reserve all their nominations for experts. I merely desired to say that Government cannot undertake to give up all their nominations for the benefit of "minority representation," and that if Government *did* give up all their nominations, so that all the seats would be filled



by election, we should consider it essential that minorities should be represented in such election.

The Honourable Mr. MEHTA—After what has fallen from the Honourable Sir Charles Ollivant, may I suggest there may be some definition of the word section? May I suggest that the amendment may stand over until to-morrow?

The Honourable Sir CHARLES OLLIVANT—I do not think there will be any gain in that. We are advised that the wording of the section does provide for election by wards.

The amendment was then put to the vote and lost.

The Honourable Sir CHARLES OLLIVANT then moved the following amendments:—In clause 12, line 12, before the word “every” to *insert* the words “every Advocate of the High Court and,” and in line 23, after the word “taxes” to *insert* the words “other than octroi or toll”.

He said—This has been suggested to me by some of the local bodies since the Committee stage, and is merely intended to preserve the original meaning of the clause.

The amendment was agreed to.

Clauses 13 and 14 stood part of the Bill.

∕ The Honourable Mr. GOKHALE then moved that in clause 15 (1) (a) (i), line 6, for the word “an” to *substitute* the words “a non-compoundable.”

The Honourable Sir CHARLES OLLIVANT said—Before the honourable member rises I wish to call attention to what is really a clerical error in that clause. We went carefully into this in the Select Committee, and we found that if a person has been elected to a Municipality, and he incurs one of the disqualifications mentioned in the clause, he will be disabled from continuing; but, on the other hand, there are certain other conditions which will disable him from continuing, such as non-attendance, and we carefully discriminated between the words “disability” and “disqualification”, but unfortunately when the proofs came from the Press they were not carefully corrected. I ask that this alteration may be made in line 44, namely, that for the word “disability” the word “disqualification” should be substituted. That, in fact, is the only alteration in the clause. The other two are merely consequent alterations. The marginal heading should in the first sub-clause read “General disqualifications for becoming a Councillor,” and in the second should read “Disabilities from continuing a Councillor.”

∕ The Honourable Mr. GOKHALE, in moving his amendment to clause 15, said—Your Excellency,—I beg to move that in sub-clause 1 of clause 15 the word “a non-compoundable” be substituted for the word “an”. This clause as it stands provides that whoever has been guilty of an offence punishable with six months’ imprisonment or upwards shall be disqualified from becoming a member of the Municipal Corporation. I submit, my Lord, that it is not clear on what grounds the limit of six months is selected. It appears to me to be entirely arbitrary. I think the more intelligible principle to adopt would be to restrict the disqualification to persons guilty of non-compoundable offences. The distinction between compoundable and non-compoundable offences is sufficiently broad: at any rate it may be said that the Legislature, by allowing offenders guilty of compoundable offences to compound, takes a comparatively lenient view of their conduct, and to that extent recognises that the same amount of moral turpitude does not attach to their conduct as attaches to the conduct of those who are guilty of non-compoundable offences.

I therefore move that the word "non-compoundable" be substituted in place of the word "an".

The Honourable RAO Bahádur ACHYUT BHASKAR DESAI—Your Excellency,—The present section as it stands retains the old limit of six months. I am not aware on what grounds this limit was laid down. My honourable friend Mr. Gokhale proposes to limit the disqualification to non-compoundable offences; but a reference to the schedule attached to the Criminal Procedure Code will show that while offences punishable with one or two years' imprisonment are not compoundable, there are some offences, such as house-trespass, enticing away a married woman, &c., which, though punishable with imprisonment of one or two years, are compoundable. Again, no offence under a special or local law is compoundable, although it is punishable with fine only. In fact the classification between compoundable and non-compoundable offences is more arbitrary than the condition already laid down in the present section. I am therefore in favour of retaining the present clause as it is.

The Honourable Sir CHARLES OLLIVANT—On the principle of *quieta non movere*, I think we must adhere to the principle as it stands. Precisely the same clause stands in other Acts, such as the Bombay Port Trust Act, City Improvement Act and Karachi Port Trust Act, and it has not been put there without deliberation, because I find that in 1883, when the present Municipal Act was under discussion, the Honourable Mr. Badrudin Tyabji urged the very same considerations which are now urged by Mr. Gokhale, but for reasons which will appear in the Council proceedings, a copy of which is not now in my hands, the proposed alteration was not made. There are many compoundable offences which involve a moral stigma. Honourable members will see that a way of escape is provided later on in the clause in which the Governor in Council is empowered to make an order, if he should think fit in this behalf, to relieve a person from disqualification.

The Honourable Mr. MEHTA—Something of the same sort was attempted to be introduced into the Municipal Act of 1888, but after a long discussion it was thought undesirable to have these vague words. People have very different notions as to what is very disgraceful conduct, and I would ask the Honourable Sir Charles Ollivant whether it is right to have these very vague words, which cannot be defined and upon which different interpretations may be put, should be retained. I think the Honourable Sir Charles Ollivant should say what is disgraceful conduct.

The Honourable Sir CHARLES OLLIVANT—With reference to the honourable member's remarks I can only say that the opinion as to what is sufficiently disgraceful conduct for action to be taken must be given by the Municipality that makes the proposal to the Governor in Council. These are the precise words which we find in the Bengal Act III of 1884, which the Select Committee has substituted for what was previously in the Bill. I do not remember the discussion to which the honourable member refers on the Bombay City Municipal Bill.

The amendment on being put to the vote was rejected. U

Clause 16 stood part of the Bill.

The Honourable Sir CHARLES OLLIVANT—In clause 17 a verbal amendment is necessary. For the reasons which I have already given in line 6, the word "disqualified" should be *deleted* and the word "disabled" *substituted*.

This was carried.

Clauses 18, 19, 20 and 21 stood part of the Bill.

✓ The Honourable Mr. GOKHALE then moved the following amendment:—In clause 22, sub-clause (6), lines 116 to 118, for the words “of years not exceeding seven, and the Judge’s decision shall be conclusive,” to *substitute* the words “not exceeding seven years” and to add a new paragraph containing the following words :

“An appeal against such decision shall lie to the High Court.”

He said—The first part of the amendment is only verbal and needs no explanation. The second part, however, involves a matter of principle, and it is necessary for me to offer a few remarks in connection with it. This clause, as it stands at present in this Bill, empowers the District Judge to disqualify a candidate who, in his opinion, is guilty of a corrupt practice, from offering himself for election for a period up to seven years, and it provides that the Judge’s decision in such cases shall be final. Now, I submit, my Lord, that to disqualify a person for such a period as seven years is to cast a great stigma on his character, and I think it is only fair that he should have a right of appeal against such a decision. When this clause was under discussion in the Select Committee, some of us first proposed that an appeal on points of law should be provided for in all election suits. The honourable member in charge of the Bill, however, contended and, I admit, with great force, that feelings in connection with these elections are sometimes so much embittered that in a large number of cases men would be only too willing to take advantage of every possible provision to give trouble to their opponents and an enormous amount of litigation would, as a consequence, ensue. We thereupon dropped our first proposal and urged that at least one appeal should be provided for in the case of those who were declared disqualified for any particular period under the last sub-clause of this clause. The honourable member in charge of the Bill then observed that he had an open mind, but it was desirable to look up the English law and other precedents on the subject. I would point out that under this clause a corrupt practice is committed by a candidate, not only when it is committed by himself, but also when it is committed by any persons acting under his general authority. This means that sometimes the responsibility of a candidate for a corrupt practice may be merely technical, and in such a case it would be a great hardship to disqualify him for any particular period without giving him the right of appeal. I therefore move the amendment standing in my name. ✓

The Honourable Mr. MEHTA—If a stigma is put upon a man’s character I think he ought to have one chance of appealing, and it would be a very great thing, indeed, if he were allowed some relief of that character.

The Honourable Mr. IBRAHIM RAHINTOOLA—I also support the amendment which has been moved by Mr. Gokhale. I think it is essential for the success of local self-government that candidates offering themselves for election should have a right of appeal to the High Court against the proposed disqualification, which would decidedly be a stigma. The sections in this Act regarding corrupt practices are stringent, and it is essential, in the interests of the purity of elections, that they should be stringent. At the same time, to make local self-government a success, it is eminently desirable that the best men should be encouraged to come forward as candidates. If this provision remains, and the decision of the Judge is to be final and a man is to be debarred for seven years or a period not exceeding seven years from seeking election to any Municipal Board,

a large number of really capable and respectable persons would be discouraged from offering themselves for election. Municipal Boards recruited under such circumstances could hardly be expected to prove successful and the result would be that the public would be treated, as we were yesterday by the Honourable Mr. Desai, to an indictment of Mofussil Municipalities. It is a corrupt practice under the Act for any person to give a bribe. There is also personation, and the section may be rightly applied to a father voting for his son or a son voting for his father. Many people in India do not recognize that the right of voting has to be exercised by the person mentioned in the list of voters and by no one else; and the consequence may be a corrupt practice. It would not be impossible for one of the agents generally employed at these elections to be bought over by the candidates who find they have no chance of success. This agent might be induced to get certain votes recorded in favour of the candidate by whom he was employed, and through the proposed provision the defeated candidate could bring forward a charge of corruption against the successful candidate, who would then be found to have a certain number of fraudulent votes recorded in his favour and recorded by the agent, who, though ostensibly in the employ of the candidate, had been bought over by the other side. The result under the proposed law would then be that the election of the successful candidate would be set aside and further he might be disqualified from seeking election to any Municipal Board for a period not exceeding seven years. Your Excellency could easily judge whether under such law, without there being any appeal to the High Court, any self-respecting person would offer himself as a candidate. For these reasons I consider it is essential that in such cases an appeal should lie to the High Court and that thereby all candidates should have the assurance of feeling that ultimately in the highest Court in the land they would be able to justify their actions.

The Honourable Mr. CHHATRE said—Your Excellency,—I support that part of the amendment suggested by the Honourable Mr. Gokhale which relates to the granting of the right of appeal from the Judge's declaration disqualifying a candidate for a certain term. The effect of such declaration must be to lower him in society and in the estimation of his friends and that of Government officers. The provision embodied in sub-clause 6 of the section is new. Taking that into consideration and also the harm likely to be caused to a man's reputation by an erroneous decision, it appears to me just and reasonable that there should be an appeal and that to the High Court.

The Honourable Sir CHARLES OLLIVANT said—All I have to say in regard to this amendment is that I have no insuperable objection to the course proposed, provided it is understood that it shall only apply to future disqualification and not to the election under the consideration of the Judge. Another difficulty has however been pointed out to me, and it is whether we have the statutory power to provide for an appeal to the High Court. If His Excellency will permit the Council to put off the consideration of this amendment, we will ascertain whether such a provision would be in order. If not, the clause can be amended so as to give to the Governor in Council power to set aside the disqualification. If that meets the view of honourable members, then, with His Excellency's consent, I propose that the further consideration of the clause may be postponed until to-morrow.

Consideration of the amendment was accordingly postponed.

Clauses 23, 24, 25 and 26 stood part of the Bill.

The Honourable Mr. GOKHALE then moved the following amendment:—In clause 27, sub-clause (1), lines 11 to 13, for the words “such Chamber shall, if the Governor in Council so directs, be entitled to elect one Councillor” to substitute the words “the Governor in Council may, on the recommendation of such Chamber, appoint one Councillor.”

He said—The amendment is one merely of form and I trust that the honourable member in charge of the Bill will see his way to accepting it. I beg to point out, my Lord, that nowhere in this country is an outside body like the Chamber of Commerce allowed to elect members to the Managing Committee direct. The Chambers of Commerce no doubt send representatives to the Corporations themselves, but the function to elect members of the Managing Committee is either confined to the Corporations or it is divided between the Councillors and Government. Thus in Bombay, where there are twelve members of the Standing Committee, the Corporation elects eight and Government nominates four; in Calcutta the ratepayers’ representatives elect four, the representatives of special interests and Government nominees elect four and Government itself appoints the remaining four. In Madras there is no complex provision whatsoever. It will thus be seen that not even in presidency towns is an outside body allowed to appoint a member directly to the Managing Committee. I do not wish to deprive the Chamber of Commerce at Karáchi of the right to nominate one member to the Managing Committee, which this clause, as it stands, seeks to confer upon it; but I submit that the form in which this right is conferred should be the one that I have suggested in my amendment, *viz.*, that Government may appoint one member on the recommendation of the Chamber of Commerce instead of the Chamber itself appointing that member.

His Excellency the PRESIDENT—In connection with this amendment I desire to say that Government have more or less an open mind on the subject, and they will be very glad to be favoured with the views of those gentlemen specially connected with Chambers of Commerce.

The Honourable Mr. MOSES—I heard the objection raised by the Honourable Mr. Gokhale, but I fail to see what arguments he has brought forward to take away the power of the Chamber of Commerce to appoint nominees. If they have that power in Bombay, I do not see why they should not have it in other parts of India.

The Honourable Mr. MEHTA—In Bombay they have not the power to appoint to the Standing Committee but to the Corporation.

The Honourable Mr. MOSES—I support the clause as it is.

The Honourable Mr. GREAVES said—I think that, considering the Chambers of Commerce are formed of men of business, who are very much interested in the welfare of the Municipalities, it is a very good thing to give them an opportunity to elect a member. I think that in many cases, unless they have the opportunity of electing a special man, the members will prefer not to trouble themselves about a Municipality. In fact, taking Bombay as an instance, if a member offered himself in a ward, probably he would not have much chance of getting in, because he would not have the time to work up the constituency.

The Honourable Sir CHARLES OLLIVANT—May I point out that in this case it is a question apart from the constitution of the Corporation? It is one of allowing some other body to elect a member of the Corporation to the Managing Committee, and the

question now is whether Chambers of Commerce should have that specific right as expressed in the Bill, or whether they should have it as expressed in the amendment of the Honourable Mr. Gokhale. There is very slight difference between the two.

The Honourable Mr. GREAVES—I think the difference is very slight, but there is no doubt that a mercantile man is a suitable man for the post.

The Honourable Mr. MACIVER said—It appears to me that the difference is practically this—that in one case the Governor in Council may make the appointment, and that in the other the Chamber may have the power of election permanently. The result is the same in either case, and I think, on the whole, the Bill should stand as originally drawn.

The Honourable Mr. MEHTA—The Honourable Mr. McIver is perfectly right—the result is in either case perfectly the same. The only question is in what form it should be done; and it does seem to me that the form proposed by Mr. Gokhale is more in harmony of what has been the precedent and the principle followed in this matter. There are exceptional cases in which it is necessary to infuse a new element into the body; and the more acceptable principle would be that the body themselves should elect.

The Honourable Sir CHARLES OLLIVANT said—So far as I can see there is no great difference of opinion about it; but it seems to me that there is this distinction between the two courses. In the Bill as it stands at present the procedure would be for the Governor in Council to direct the Chamber of Commerce to elect one of the Councillors to the Managing Committee, and that direction would hold good permanently unless it is cancelled by the Governor in Council; whereas if the Honourable Mr. Gokhale's amendment is accepted, the procedure will be, on each occasion that there is a new Managing Committee or the Chamber's representative ceases to be a member for the Chamber, to apply again to the Governor in Council to be allowed to elect a member to fill the vacancy.

The Honourable Mr. GOKHALE—I wish to point out that if my amendment is accepted, the Corporation will elect the total number of members to the Managing Committee minus one; so that I do not see how this would have a different result from what the original wording of the section would have. I quite see that under the original wording the power is conferred on the Chamber direct and once for all, but on the other hand you are introducing for the first time the principle of allowing an outside body to make an appointment to the Managing Committee. I think it will be more convenient if Government nominate on the recommendation of the Chamber; the slight inconvenience will be less objectionable than the introduction of a novel principle.

The Honourable Mr. ASTON—I think there is some misapprehension. I think the honourable member in charge of the Bill said the only difference the proposed amendment would make, would be that instead of a general sanction from the Government to elect one member of the Managing Committee, the Chamber of Commerce would need special sanction of the Government to elect when each occasion arises for filling the one vacancy. But the proposed amendment would introduce two changes in the clause already drafted. First an intervention of Government would be necessary on each occasion of a vacancy occurring in the seat of the Chamber's nominee, and secondly the Government would make the appointment on the recommendation of the Chamber instead of the Chamber directly electing a Councillor to fill the vacancy.

His Excellency the PRESIDENT—I think the only practical way will be that we should take a vote on this subject, with the understanding that so far as Government are concerned they have an entirely open mind upon it.

~~The amendment was then put to the vote and lost.~~

His Excellency the PRESIDENT then adjourned the Council until 12 o'clock noon the following day.

*By order of His Excellency the Right Honourable the Governor in Council,*

R. J. C. LORD,

Secretary to the Council of the Governor of Bombay  
for making Laws and Regulations.

*Bombay, 13th February 1901.*

V 231, 31

p5 DI

v. 39

41380

*Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACTS, 1861 and 1892."*

The Council met at Bombay on Thursday the 14th February 1901, at 12 noon.

*P R E S E N T.*

His Excellency the Right Honourable Lord NORTHCOTE, G.C.I.E., C.B., Governor of Bombay, *Presiding.*

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. MONTEATH, C.S.I., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. F. S. P. LELY, C.S.I., I. C. S.

The Honourable Mr. SHRIPAD ANANT CHHATRE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. TATE, M.Inst.C.E.

The Honourable Mr. H. F. ASTON, I. C. S., Bar.-at-Law.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.R.A.C., I. C. S.

The Honourable Mr. BOMANJI DINSHAW PETIT.

The Honourable Meherban NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. IBRAHIM RAHIMTOOLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

The Honourable Mr. H. BATTY, M.A., I. C. S.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. SILAS MEYER MOSES.

The Honourable Mr. WILLIAM GREAVES.

The Honourable Mr. D. McIVER.

The Honourable Ráo Bahádur CHUNILAL VENILAL, C.I.E.

The Honourable Mr. E. GILES, M.A. (Oxon).

The Honourable Ráo Bahádur ACHYUT BHASKAR DESAI.

**BILL No. III OF 1900: A BILL TO AMEND THE KARACHI PORT TRUST ACT, 1886.**

The Honourable Sir CHARLES OLLIVANT said—Your Excellency,—Before the Council proceeds with the consideration of the clauses of the District Municipalities Bill, I ask permission to make a statement on two subjects. The first relates to the Karachi Port Trust Bill. That Bill has now been considered in Committee and the Committee are ready with their report as to all the clauses except two, namely, the clause relating to the question of rating and the clause which relates to the delegation of power to some other



person than the chairman to sign contracts. On these two subjects it is the opinion of those members of the Committee who are chiefly concerned in the matter, that a further local inquiry is desirable, especially as the new Municipal Bill may make some difference in the subject of liability to municipal taxes other than property tax. Therefore I ask that the instruction "that the report be submitted during the present session" be altered to "the report be submitted in three months."

This was agreed to.

The Honourable Sir CHARLES OLLIVANT, continuing, said—The other subject relates to a short and absolutely non-contentious Bill now laid on the table. I propose when the District Municipalities Bill has passed its second reading, to ask Your Excellency to allow the Standing Orders to be suspended in order that I may introduce this Bill to amend the Bombay City Improvement Act, and also, if no objection be offered, that the Bill may be passed through the three readings at this sitting. It is hardly necessary for me to give reasons for that now. I can bring them forward immediately after the Municipal Bill has been disposed of.

---

**CONSIDERATION IN DETAIL OF THE BILL FOR THE BETTER MANAGEMENT  
OF MUNICIPAL AFFAIRS IN MOFUSSIL TOWNS AND CITIES.**

The Honourable Mr. CHHATRE rose to move an amendment to clause 28, when the Honourable Sir Charles Ollivant said—I do not want to interrupt Mr. Chhatre, but it will be more convenient if discussion on this particular clause is deferred until clauses 54 and 57 are considered. They relate to the powers of expenditure under which the Municipality will provide funds for schools, and in reference to schools the Honourable Mr. Giles has an amendment to make, and it will be more convenient to Mr. Chhatre and to Mr. Giles if this clause be deferred until the subsequent amendment comes up for consideration.

The amendment was accordingly postponed.

Clauses 29 to 36 inclusive stood part of the Bill.

The Honourable Sir CHARLES OLLIVANT then moved the following amendment:—In clause 37, lines 1 to 6, for the words "Any of the powers and executive functions to be exercised and performed by or on behalf of the Municipality under this Act may be delegated" to *substitute* the words "Any powers or duties or executive functions which may be exercised or performed by or on behalf of the Municipality may be delegated;" and in line 18 between the words "any" and "function" to insert the words "duty or."

He said—The point is that this clause should provide not only for the delegation of powers or functions but also of duties.

The amendments were agreed to and clause 37 as amended stood part of the Bill.

Clauses 38 to 53 inclusive stood part of the Bill.

The Honourable Mr. BOMONJEE DINSHAW PETIT said—I beg to propose an amendment. It is as follows: that in clause 54, line 3, *for* the word "reasonable" to *substitute* the words "so far as its funds will admit." The word "reasonable" is somewhat vague and somewhat too general and if allowed to remain will, I am afraid, lead to useless and frequent friction between Municipalities and the Government; whereas the words I suggest would narrow the question down to one of

lack of funds only and would then give the Government the option of relieving Municipalities of any functions imposed upon them under this section or of declaring them under default. The question of funds is, so far as I am aware, the chief cause which should prevent any Municipality from making all the provisions imposed by this section.

// The Honourable Mr. GOKHALE—I oppose this amendment. The words that are already in the Bill, namely, that reasonable provision has to be made, are sufficiently intelligible. If in place of these words, those now proposed were substituted, that would lead to Government exercising their powers of control on every possible occasion whenever they thought that provision was not made by any Municipality to raise sufficient funds for properly performing its obligatory duties. So I, for one, favour the wording of the Bill as it stands.

The Honourable Mr. CHHATRE—I am for supporting the amendment as suggested by the Honourable Mr. Petit. The word “reasonable” seems to be very vague and is open to various interpretations. The expression which is now proposed by the Honourable Mr. Petit is a clear expression and there should be no difficulty in their interpretation as there would be in regard to the interpretation of the word “reasonable.”

The Honourable Sir CHARLES OLLIVANT—I think it is pretty clear that this amendment cannot be accepted by Government. It seems to me that if the words suggested were accepted, we might as well cut out all obligatory duties whatever and all control. The Select Committee have substituted the word “reasonable” for the word “adequate.” I think that this is the best expression we can use in the circumstances.

The amendment was then put to the vote and lost.

The Honourable Mr. GILES then moved that in clause 54, sub-clause (p), line 60, to *delete* the words “middle class and.” He said—In the Bombay District Municipal Act, 1884, Section 24, the duty is laid on the boards to make adequate provision for middle class and primary education, and in the Bill now under discussion the same term middle class is used, and the obligation laid on the board is that of making a reasonable provision for middle class and primary education. Now I wish to point out in the first place that there is not in educational phraseology any such term as “middle class.” I do not think the term middle class school will be found in the whole of the long report of the Education Commission of 1883. But the Commission did attempt to define what was called the “middle school.” Its definition of middle school is roughly that Anglo-Vernacular school which is not quite a high school. I think the Education Commission said the middle school might be defined as that which taught five standards out of the seven of the high school course. The term middle school is used in the Bombay Presidency much in the sense the Commission gave to it when it spoke of middle schools in the report, which are schools not yet developed into high schools or which are, as in the case of the Elphinstone Middle School in Bombay, teaching the first three standards and are feeders to the high school proper. However that may be, the term middle is a very vague one for this reason—that it is a step in our progressive system of education, that the middle school should develop into the high school, and in any case the word middle class is a word not understood. So far as I am aware there is no special meaning for it. I cannot say exactly what led the framers of the Bill of 1884 to put the term middle class into the Bill. But I can say this, if by middle class was meant middle school, we may take that term “middle” to be a part of a considerable section of secondary education. We have three classes of education—primary, secondary and higher

education. Middle may be called a sub-division of secondary education. Now, Sir, when we come to see the application of this obligatory clause of the Act of 1884 in reference to District Municipal Boards, we find no attempt was made by Government to enforce the obligatory clause that Boards should support middle class or, as I take it to mean, middle education, that is to say, education above primary. As a matter of fact, it was not necessary for the Government to enforce this obligation upon the Boards, because already in the vast majority of the towns and cities of the Presidency provision existed for middle education, such provision being made by Government itself or by missionary or educational societies, or by private enterprise. When, in 1885, the primary schools which existed in municipal areas were transferred from the different Local boards to Municipal Boards, Government gave a contract grant for the assistance of the Board, but did not include in that contract grant middle schools. It preferred to leave these middle schools as schools outside the contract and confine the contract to primary education. As a matter of fact, from that day to this Government has aided middle schools by a separate grant to the municipal fund, and it has not included that in the contract grant which is given for the support of primary schools. Therefore, whatever the object of the provisions of the Act of 1884 may have been, I may fairly say this object has not been attained so far as regards middle education. Neither have the boards desired that this obligation should be enforced upon them, nor has Government considered it necessary to attempt to enforce it. The burden of primary education has been quite sufficient for the vast majority of the Boards. And here I may note in the Bombay Municipal Act of 1888, I think, it is expressly stated that the Municipality should provide for primary education, and the word "middle" disappeared altogether. I think it is not the intention of Government to impose on the smaller boards of the mofussil an obligation they have not ventured to impose on the great and wealthy city of Bombay. I therefore propose that the words "middle class and" be taken out from this clause. I think if this amendment commends itself to this Council, the Bill will be relieved of a doubtful phraseology and the Boards will be rid of an obligation which they neither desire, which it is not necessary to impose and which, if it was imposed, the great majority could not possibly support. If these words are taken out the obligation remaining on the Boards will be to make reasonable provision for primary education, which has been declared by a resolution of the Education Commission, accepted by this Government and the Government of India, to be that part of the whole system of public instruction which possesses almost exclusive claims on the local funds set apart for education. With these words I move that the words "middle class and" be deleted from the section.

The Honourable Mr. PAREKH—I think the amendment ought not to be accepted. The expression middle class schools may not appear in official educational reports; but its meaning is not capable of being misunderstood; the expression applies to institutions that impart education between primary and higher. The Honourable Mr. Giles does not fight about words, because he does not propose to substitute another expression for middle class schools. He wants the removal of the expression middle class schools. For many years the Municipalities have recognized the maintenance of middle class schools as a part of their duty, and the objection to their inclusion does not come from the rate-payers who have to pay or the Municipalities that have to provide funds. They are quite prepared to bear this liability. The objection comes from a quarter that is not affected by the liability.

The Honourable Mr. GILES—I did not explain in speaking to this clause that under clause 57—I thought it would have been clear to everybody—full discretionary power is given to the Board to assist any kind of education they think proper. My object was merely to relieve the Boards of a burden by giving them full liberty under *discretionary*, which, I think, would be better than placing this matter under *obligatory*.

The Honourable Mr. PAREKH—As regards the objection that if the sub-clause remained even the smallest Municipalities would be bound to maintain middle class schools, it is met by the expression reasonable provision; it would not be reasonable for them to provide for such schools, and they are thus saved from providing for them. The removal of the words may lead to the closing of several schools that have been provided by the Municipalities for many years.

The Honourable Mr. MEHTA said—I think my honourable friend Mr. Parekh does not quite understand the principle of the amendment as proposed by the Honourable Mr. Giles. I find I am in entire agreement with this amendment and the reasons put forward in support of it. Looking at the second amendment which is going to be proposed, what is asked is that the duty of providing for middle class schools should be transferred from the obligatory duties to the discretionary duties. It seems to me that this is a perfectly reasonable proposal to make. Although, of course, my honourable friend Mr. Giles sits here as a Member of Council, he is Director of Public Instruction, and I think he has quite clearly laid down in the past that the duty of providing for middle instruction has been discharged by Government and various missionary and other private bodies. I do not see why that obligation should be laid on municipal accounts. Mr. Giles pointed out that the obligation laid on the Bombay Municipality is to provide for primary education; the reason why the other obligation was not laid on them was because of the necessity of adjusting the burden. Therefore, in the case of Mofussil Municipalities who have only limited exchequers, the duty in respect of education should be confined to primary education. At the same time none of the boards will be precluded, if they think it right to do so, from making a grant for the support or assistance of middle schools, or, as Mr. Giles put it, for other educational objects. I think the amendment is one of an eminently reasonable and just character, and I certainly shall vote for it.

The Honourable Mr. GOKHALE said—My Lord,—I may mention that in the Select Committee I had moved an amendment similar to that which the Honourable Mr. Giles has moved now; but it was pointed out that the words objected to were in the old Act and that no sufficiently strong reasons were advanced for taking them out of the clause. It was also urged, I think by the Honourable Mr. Parekh, that if you allow these words “middle class and” to remain, it will be open to Municipalities to spend money on middle class schools or middle schools even if they ignored some of the other objects under Section 54; and Government could not come down upon them and ask them to close these schools and spend money on those other objects. But if you take out the words other objects would take precedence of middle class education, and in that respect the hands of the Municipality would be tied. In deference to the wishes of the majority therefore I withdrew my amendment; but I confess I am in cordial sympathy with the amendment of the Honourable Mr. Giles, as I welcome every attempt at a curtailment of the enormous list of obligatory duties.

The Honourable Sir CHARLES OLLIVANT—I accept the amendment. I think it is a very necessary one; and I may say in advance that I accept the corollary of it which will appear in clause 57 later on.

The amendment was agreed to.

The Honourable Sir CHARLES OLLIVANT said—The following are three separate amendments to this clause standing in my name, but they all hang upon one issue, and that again is merely a formal one :—

The first is that in clause 54, lines 3 and 4, between the words “provision” and “for” the figure “(1)” be inserted; the second is that in sub-clause (r), line 73, between the words “aforesaid” and “for” the figure “(2)” be inserted; and the third is that in sub-clause (r) the following words be added: “and providing such accommodation as may be required by Government under Section 77 of the Bombay District Police Act, 1890.”

Honourable members will recollect that yesterday the Honourable Mr. Gokhale proposed an amendment to the effect that henceforth Municipalities should not be under the obligation to provide accommodation or any part of the accommodation for police employed in their areas, and although there was a great deal to be said for the contention, yet it was negatived and I need not raise the same issue. The majority of the Select Committee took the same view as the majority of the Council now take. It did not occur to the Select Committee that even if the provisions of the Police Act were not repealed, still the effect of sub-clause “r” might be interpreted to mean that the section of the Police Act no longer applied. We therefore have been advised that we ought to insert the words after sub-clause “r” “and providing such accommodation as may be required by Government under Section 77 of the Bombay District Police Act, 1890”; so that my present proposal is practically giving effect to what was decided yesterday. To make the matter clear I therefore propose that this clause 54 should be subdivided into two clauses, namely, 1 and 2, and the figure (1) should be entered in line 4 before the words “for the following,” that the figure (2) be entered in line 73 after the word “aforesaid,” so that the whole runs “and subject to such reasonable provision as aforesaid (2), for the following special matters, namely”. Further, I have to ask that the lettering of sub-clause “p,” line 75, be changed to “a” and the letter “q” in line 81 be changed to “b,” because this will be a sub-clause, or rather they will be paragraphs in a new sub-clause. I ask that these amendments may be accepted.

The amendments were agreed to.

The Honourable Mr. B. D. PERRI then moved that lines 72 to 83 inclusive be deleted from clause 54. He said—The duties imposed upon Municipalities by these sub-sections are such that not even the larger Municipalities will be able to carry them out with anything approaching success. The charges are not, in the majority of cases, likely to be continuous and, as they recur, they would necessitate the employment of a specially trained body of servants, notably in the case of plague. Is every Municipality to permanently retain such a body of servants, or is it, on the sudden outbreak of plague, to trust to chance to get this body of trained servants as best it can? In one case I beg to submit that the charge would be one quite beyond the resources of even the largest Municipalities; the smaller ones are quite out of the question: in the other case I am afraid that a body of trained servants would not be forthcoming on an emergency and the results would be disastrous. On the other hand the Imperial Government could retain such servants and send them wherever they would be required. The question is one primarily of finance apart from all other considerations which can be brought against such functions. If Bombay, with its practically unlimited resources, has proved itself

quite unable to cope with the plague only, what can be expected in the cases of the smallest Municipalities; take Ankola for example, with its 2,842 inhabitants, can we expect it to cope with not only famine but with plague also? There may arise in the minds of some honourable members the idea that the duties of a small place would be light in comparison with a large place like Bombay and the charges also proportionately light. I am not of that opinion. I beg to submit that for a small place the charges would be disproportionately heavy. It is as easy to provide for ten plague cases as to provide for one case. Whilst admitting the general excellences of this Bill and giving unstinted praise to the framers of it and to the labours of the Select Committee, I submit, with the fullest conviction, that these clauses should be deleted. The labours and charges imposed are beyond the powers of Municipalities, and I am honestly of opinion that they should fall to the care of the Imperial Government. Why, I ask, should Government theoretically impose duties which practically cannot be performed by the bodies upon whom this Bill would seek to impose them?

The Honourable Mr. MEHTA—I would suggest that the amendment be divided into two sections.

The Honourable Sir CHARLES OLLIVANT—I have no objection to that course.

The Honourable Mr. MEHTA—I am not quite certain about the first clause as I am in regard to the second, because provision for serious disease might include plague and other dangerous diseases. The work of providing for ordinary epidemics should fall upon the Municipality and I am not disposed to oppose that. But I am very certain in regard to the second portion of the clause which refers to the provision of relief and the establishing and maintaining relief works in time of famine and scarcity. I don't see why municipal towns should provide for immigrants in times of famine. That is a duty which falls upon the Provincial or Imperial Government and it does not seem just to impose on the Municipalities a burden of this character. We know that the finances of the Municipalities are at the best of a limited character and if this burden is thrown upon them some of the most necessary duties in regard to conservancy cannot be carried out. I hope your Lordship's Government may be in a position to consider whether a burden of that character should be placed upon municipal funds.

∕ The Honourable Mr. GOKHALE—Your Excellency,—I confess I strongly sympathise with the amendment proposed by the Honourable Mr. Petit. It is true that some of us have agreed to the inclusion of the paragraphs, which the honourable member proposes to omit, in the Select Committee, but we had to do it by way of choosing the lesser of two evils. My Lord, this, I understand, is an instance of what is called legislation by mandate, and I believe if the honourable member in charge of the Bill had had his way, these two paragraphs would not have found a place in this Bill at all. We therefore had to choose between accepting the utmost that he could offer to meet our objections and the provisions contained in the original draft, which were certainly much worse than what we have now in the revised Bill. What was proposed in the original draft was to include famine and plague charges in the obligatory expenditure of municipal bodies, placing famine and plague on a level with other obligations set forth in Section 54. The modification made by the Select Committee in that proposal is that the obligatory duties set forth in Section 54 will take precedence of plague and famine, and that it is only after making reasonable provision for those duties that municipal bodies will be liable to

spend money on famine relief or plague. Now, my Lord, the list of obligatory duties is so long, that one may say in a somewhat cynical manner that if a Municipality has funds to spend on plague and famine, when it has got to make reasonable provision for so many obligatory duties, it will have only to thank itself for being called upon to bear this new burden. But while we have thus agreed to the modified form in which the proposal now stands, I confess I should be much better pleased if these paragraphs were omitted altogether. Specially in the case of famine, my Lord, when Government have imposed special taxation for the purpose of famine relief, it does appear to me unfair that Government should now try to transfer a portion of their own burden to the shoulders of municipal bodies.

The Honourable Mr. IBRAHIM RAHIMTOOLA—I feel that it is desirable that one if not both of these clauses should be deleted. We have to remember that no limits are placed on the maximum amount of taxation that is to be imposed and under Section 178 Government have the power of calling upon the Municipality, if they think that default has been made in the discharge of any duties imposed on them by or under this Act, to impose taxation with a view to discharging those duties. It follows that even the subordination of these two clauses would not save the interests of the Municipality to the extent that one would desire. These are duties that should fall on the Provincial Government. If it is not the intention of Government to compel the Municipalities to levy heavy taxation on the people; if it is not their intention that any funds of the Municipality should be devoted to these two objects without in any way impairing the efficiency of other obligatory duties imposed under Section 54, then I think they would do well to accept the amendment, as I feel certain it will not be possible to find any funds whatever for the discharge of these duties. If reasonable provision is made for the obligatory duties imposed under Section 54 other than those mentioned in sub-sections (s) and (t), and it is not the intention of Government to compel Municipalities to impose heavy taxation under Section 178, I don't see what practical use there is in having the provisions which the Honourable Mr. Petit proposes should be deleted. If the Municipalities could be made to provide reasonable provision for the obligatory duties imposed under Section 54 apart from these two, it would be a matter of great satisfaction. With these remarks I support the amendment.

The Honourable Mr. MOSES—I have listened to the speeches of my honourable friends and I quite agree with them that there is no object to be gained by keeping these two clauses in the Bill. The Mofussil Municipalities have barely funds to perform their ordinary duties and it is absurd to think that they could possibly have funds to provide for plague and famine. Sometimes the Municipalities are in want of funds and wish to go to the market to borrow money, but the people who are willing to buy their bonds will be very chary of applying for them while these obligations are hanging over them. That is an additional ground for objecting to the retention of these clauses, and therefore I vote for their deletion.

The Honourable Mr. S. A. CHHATRE said—Your Excellency,—In the interest of Municipalities I feel myself inclined to support the amendment of the Honourable Mr. Petit for deleting altogether the sub-clauses (s) and (t) from Section 54. Respecting (s) I have to say that the framers of the clause must have had 'plague' in view when they used the expression 'dangerous disease.' The expression cannot be said to mean and include only ordinary diseases. We all know how expensive it is to cope with plague,

and it is impossible to expect Municipalities to undergo the tremendously large expenditure on that account. The plague should distinctly be made a concern of Government, which must pay all costs on that account. The sub-clause should be omitted altogether or the words 'except the plague and the like' be added after the words 'dangerous disease.'

As for sub-clause (t) I beg to say it is a great hardship upon Municipalities to require them to make provision against famine and scarcity. Famines have become incessant. How can Municipalities be expected to cope with them? It is the duty of Government to bear the expenditure on account of these calamities. The wording in the clause is very wide. It means that Municipalities have to give relief even to people not habitually residing within their limits. In times of famine, when no relief works are started by Government in time, famine-stricken people go to towns and cities for relief. There they throng in large numbers, and it is unjust to ask Municipalities to support those outsiders. If the clause is to be retained at all, some limitation has to be put on the clause to restrict its meaning.

The Honourable Mr. GREAVES—I am in favour of the omission of this clause (t).

His Excellency the PRESIDENT—Perhaps I may just interrupt the honourable member. By desire of the Honourable Mr. Mehta I have divided this amendment. I am going first to put the question that the words down to line 80 stand part of the question and then Section (t) will come on as a separate motion.

The Honourable Sir CHARLES OLLIVANT—I must disavow the idea that the Honourable Mr. Gokhale has given expression to. It must be remembered that in this Bill we have to provide not only for likely contingencies, but for imaginable contingencies. Yesterday the honourable member suggested to us such an imaginable contingency as that Government might be unreasonable—and it is also an imaginable contingency that there should be a Municipality with an overflowing treasury (laughter). But I am certainly of this opinion, that the burden of extraordinary expenditure should not be put upon the Municipalities to the prejudice of their ordinary and necessary duties. That is the view we have held throughout and that is the intention of the clause as now drafted.

On the question being put, sub-section (s) stood part of the Bill, the first part of the amendment being rejected.

His Excellency the PRESIDENT—I put the other question, that sub-section (t) stand part of the Bill?

The Honourable Mr. GREAVES—I favour the omission of this clause, because famine is such a serious matter it requires prompt and very vigorous action being taken, and I fear that if it is left to Municipalities it will not be efficiently taken up by reason of their very limited funds. That being so, the difficulty will be to get people to assist them, and the result may be serious; it will therefore be better to leave Government to act.

The Honourable Mr. MONTEATH said—I think that so far as principle goes the same reason applies in this case as in the case of the previous clause. It is not for a moment supposed that Municipalities can adequately deal with famines, but it is the primary duty of Municipalities to give relief to their poor, and all that is desired is that, so far as they reasonably can, they should do that in the first place and Government will come to their aid afterwards, on exactly the same principle as the Government of India deals with us—



the Provincial Government. We have to devote Provincial Funds as far as we can for the relief of famine and when can go no further then the Government of India takes over the responsibility. The section should, I think, therefore stand as it is. Some of the Municipalities cannot do anything and they will not be expected to do anything, but it is right that such as have the means should give relief to the famine-stricken within their jurisdiction and the liability should be shown in the law.

The Honourable Mr. MEHTA—If people come from outside the town will this clause require the Municipality to provide for them?

The Honourable Mr. MONTEATH—I should think not.

The amendment was then put to the vote and lost.

Clause 54 as amended was then passed.

The Honourable Mr. GOKHALE said—Your Excellency,—The next amendment of which I have given notice is that the whole of clause 55 be deleted. This clause provides that municipal bodies should be liable to pay contributions for the greater wear and tear to which Provincial roads passing through their limits are subjected by the inhabitants residing within those limits. The amount of the contribution is to be determined by Government, and it will represent the excess of the cost of repairing the roads within municipal limits over the cost of repairing Provincial roads outside municipal limits. Now my first point in this connection is that in no other Province in India are such contributions levied and I don't see why in Bombay alone municipal bodies should be treated worse than elsewhere in this respect. My second point is that the taxation of Mofussil Municipalities per head in the Bombay Presidency is higher than similar taxation in other provinces. Taking the year 1895-96 as a normal year for all provinces, I find that in Bengal this taxation was 14 annas 1 pie per head, in Madras it was 14 annas 3 pies, in the North-West Provinces Rs. 1-9-0, in Central Provinces Rs. 1-6-9, in the Punjab Rs. 1-8-6, and in Bombay it was Rs. 1-11-7. Our taxation is thus considerably higher than elsewhere, and if our Municipalities deserve any special treatment, it should be in the direction of relieving them of some of the existing burdens and not of imposing new ones. Then, my Lord, residents within municipal limits pay taxes to the Provincial exchequer also, and therefore if they use Provincial roads it is in virtue of their position as taxpayers of the province. Then, again, Government propose to exempt their own vehicles from the Municipal Wheel Tax and other taxes, and I fail to understand how Government who do not want to pay anything for the use of municipal roads can, in fairness, claim a contribution from municipal bodies for the use of Provincial roads by the residents within municipal areas. I think, my Lord, that this is a wholly one-sided arrangement and that it lacks that fairness and that reciprocity to which municipal bodies are clearly entitled. I must also protest, my Lord, against these repeated attempts to add to the already long list of the obligatory duties of Municipalities. In 1882, a definite promise was given by the Bombay Government in a Resolution signed by your Excellency's honourable colleague on the left, that if additional duties were thrown on Municipalities, additional sources of revenue, such as a portion of the assessed taxes, would also be transferred to them. This undertaking has never been carried out, while frequent attempts have been made to add to the list of our obligatory and optional duties. It may be said that after all these contributions would not be large, but in that case I ask, my Lord, is it worth the while of Government to cause needless irritation for such trifling

sums of money? Moreover, though the contributions themselves may be small, there is a principle involved in them which I think is radically wrong. I therefore propose that the whole of this clause should be omitted.

The Honourable Mr. MEHTA—I support the amendment. I well remember when the Act of 1884 was before the Council Sir James Peile distinctly said that he wanted to remove the impression that burdens would be cast on the Municipalities without giving adequate resources to meet them. Now it seems to me that that policy is being entirely reversed and burdens are cast without any adequate resources being given to meet them. I also agree with Mr. Gokhale that if all the rest of India is treated in a different way in this matter, it is most unjust that the Bombay Presidency should be treated in this particular way. The Bombay Presidency contributes to the general rates and taxes as much as the other parts of India, and it is unjust that the Municipalities should be treated in a way different from the general ratepayers of the rest of India. The Bombay Presidency in its municipal taxation is much more heavily weighted than any other province in India.

The Honourable Sir CHARLES OLLIVANT—I am permitted by His Excellency to say that Government will concede this point and strike out this clause.

Clause 55 was accordingly deleted.

The Honourable Sir CHARLES OLLIVANT—I wish to make an observation with reference to what passed before the division was taken in regard to relief works. I think a doubt was expressed as to the obligation of the Municipality to provide for people outside their boundaries. That was not the intention, and therefore before the third reading, words will be added to make it clear that the relief works are to be used for destitute persons within the limits of the municipal area.

The Honourable Mr. GOKHALE moved to delete the whole clause 56. He said—This clause empowers Government to call upon municipal bodies to contribute towards the cost of maintaining leper and lunatic asylums outside their limits. I propose that this clause should be deleted on much the same grounds on which I moved my last amendment. Leprosy and lunacy are not local diseases and I do not think any municipal body can in fairness be held responsible for providing special accommodation for such as happen to be unhappily afflicted with these diseases. Government may well spend money out of the Provincial exchequer, to which the people contribute, for the special benefit of the lepers and lunatics of the whole province. I think, my Lord, that as in matters of education Government require Municipalities to make provision for primary education and leave it to their discretion to provide or not, as they deem best, for secondary and other kinds of education, so in this matter of medical charity, Municipalities should be required to provide dispensaries where patients may be treated for ordinary diseases, and that it should be left to their option to contribute or not as their means permit for such special objects as leper and lunatic asylums outside their limits. I therefore move the amendment which stands in my name.

The Honourable Sir CHARLES OLLIVANT—I cannot assent to the amendment. In the United Kingdom lunatic asylums are paid for out of the local rates, and surely it must be to the advantage of the local body if it is able to contribute to a central institution instead of having to provide one for itself.

The Honourable Mr. GOKHALE—It is quite true that in the United Kingdom local bodies contribute to lunatic asylums, but in the United Kingdom Government does a great many things for the people which are not done in India. For instance, the Government of the United Kingdom spent last year thirteen millions sterling on primary education, which means more than 10 per cent. of its total revenue. If the Government of India will spend a corresponding proportion of their revenue on the primary education of our people, I would be quite willing that local bodies should be called upon to contribute to leper and lunatic asylums.

The amendment was rejected and clause 56 stood part of the Bill. //

The Honourable Sir CHARLES OLLIVANT said—I propose merely a verbal amendment in clause 57, sub-clause (b), line 12: that for the word “erecting” to *substitute* the words “constructing, establishing”. This was agreed to.

The Honourable Mr. GILES then proposed the following amendments:—

(1) In clause 57, sub-clause (b), lines 13 to 15, to *delete* the words “colleges, schools other than middle-class or primary schools.”

(2) In the same clause, between sub-clauses (b) and (c), to *insert* the following sub-clause (c), the lettering of the present sub-clauses which follow being altered accordingly:—

“(c) Furthering educational objects other than those set forth in sub-clause (p) of clause 54.”

He said—I confess I did not anticipate my friend the Honourable Mr. Parekh taking objection to my effort to relieve the District Municipal Boards of one of their obligations. Had I anticipated the objection, I should have at the time pointed out that in the further amendment I proposed to give the Boards full discretionary powers to assist education of every kind. But, Sir, it may be asked why I propose to take out from sub-clause (b) the words “colleges, schools other than middle-class or primary schools,” and to add a fresh sub-clause. I had the privilege of consulting the honourable member in charge of the Bill, and it was thought that possibly the sub-clause (b) might be taken as referring more definitely to the erection of buildings than to the general assistance to be given to this kind and that kind of school. I confess that I had also perhaps a sentimental objection to sandwiching educational institutions between museums and lunatic asylums (laughter). Therefore I thought it might make the matter clearer if a sub-clause were added; and I think everybody will see that it gives the Municipal Boards as much discretionary power as they can possibly wish for. I say “educational objects,” and therefore they will be enabled to assist a technical school, give grants to colleges, provide scholarships in an Institute of Research or in any way to further educational advancement or progress that they might consider to be desirable for the benefit of the district.

The amendments were agreed to and clause 57 as amended stood part of the Bill.

The Honourable Mr. GILES having received permission under Rule 49 of the Rules for the Conduct of Business, said—I propose to *substitute* for the term “middle-class” in clause 28 the word “other”. I don’t think it is necessary for me to explain this at length. Obviously “middle-class” is not a correct term and obviously the term “other” includes every kind of school.

The amendment was agreed to.

Mr. S. A. CHHATRE said—Your Excellency,—My amendment is for substituting the word “shall” in the place of “may” in the first line and for omitting the words “or any” in the eighth line. The object of the amendments is to provide a safeguard against neglect or want of proper supervision of the educational branch of the municipal business by making it incumbent on a Municipality, small or large, to appoint a small committee called a ‘School Committee’ for looking after the management of all educational institutions which it may be either obligatory or discretionary with it to maintain. The education of children is the most important item transferred to the Municipalities and has to be watched with scrupulous attention. To secure that end it is necessary to make a small body of persons in every Municipality responsible for the management of schools entrusted to its care. Just as the appointment of a Managing Committee is made compulsory under section 27, the appointment of a School Committee too should be made compulsory.

The Honourable Mr. GOKHALE—The Select Committee, if I remember right, was of the same opinion as the Honourable Mr. Chhatre. I do not know whether this is a clerical error, or that the word “may” has been used in the sense of “shall.”

The Honourable Sir CHARLES OLLIVANT—As to the word itself, what I urged in Select Committee was that the Municipalities should have power to appoint such committees, and although I have no strong feelings on the question whether the exercise of the power should be optional or obligatory, it seems to me that, considering the very diverse circumstances of the Municipalities of this Presidency, there should be some discretion.

The Honourable Mr. MEHTA—I think the word “may” is preferable. Circumstances differ so much that it is desirable to have elasticity.

The amendment was rejected, and clause 28 as previously amended stood part of the Bill.

Clause 59 stood part of the Bill.

The Honourable Sir CHARLES OLLIVANT said—Before the Honourable Mr. Gokhale rises I will ask leave for the Honourable the Advocate General to move an amendment to the terms of proviso clause (a) in order that the clause may clearly express the intention of Government as I intimated to the Council yesterday.

Leave being granted, the Honourable the ADVOCATE GENERAL said—I have to propose that in the proviso which commences at line 67 of clause 60 after the word tax, the words “imposed as aforesaid” shall be inserted, so that it will run up to that point “no tax imposed as aforesaid.” Then after the words “other than a special sanitary cess or a water-rate shall.” it is proposed to insert the words “without the express consent of Government,” and after the words “public purposes” to insert “and not used or intended to be used for purposes of profit”. The object of this proposed amendment is that if the State should acquire railways, they should not be excluded from municipal taxation, railways being used almost exclusively for profit. In certain Municipalities, I believe, a large revenue is derived from taxation of Government buildings which are not used for purposes of profit, and therefore it is proposed that Government should have the power of consenting to the taxation of Government buildings in such cases, and

for that purpose it is proposed that the words "without the express consent of Government" should be inserted. It will be observed that in the first part of the section the sanction of Government is necessary for the imposition of any taxes. This proviso refers entirely to the levying and recovery of those taxes; for that reason it is necessary that the words "without the express consent of Government" should be inserted in the proviso.

The Honourable Mr. GOKHALE—I quite admit that the amendment which has just now been suggested by the Honourable the Advocate General removes to a certain extent the objection I feel to this proviso, but it does not remove the whole objection. It is a new provision and I move that the whole of the proviso (a) of clause 60 be omitted. The proviso is intended to exempt Government buildings and Government vehicles from municipal taxation. Under the existing law they are liable to be so taxed, and, as a matter of fact, the Karachi Municipality is deriving an income of about Rs. 10,000 a year from this source. In the City of Bombay, also, Government buildings pay 80 per cent. of the municipal taxes, and there is no reason why in the Mofussil alone Government should seek to escape this very legitimate payment. I propose, therefore, that the whole of proviso (a) be omitted.

The Honourable the ADVOCATE GENERAL—I do not know if the Honourable Mr. Gokhale is aware of what the consequence, if his proposal were agreed to, would be? I believe I am correct in stating that no Municipality would be able to levy any tax in respect of any Government building, because unless it is specially mentioned Government is under the ordinary rules of construction exempt from the operation of the Act.

The Honourable Mr. GOKHALE—But under the existing law we are actually levying these taxes at present in some places.

The Honourable Mr. Gokhale's amendment was rejected, and clause 60 as amended by the proposal of the Advocate General stood part of the Bill.

Clauses 61 to 69 inclusive stood part of the Bill.

The Honourable Sir CHARLES OLLIVANT—I have to propose a verbal amendment in clause 70, line 18, where "or" has been printed by mistake for "and." There is another amendment to this clause which also has to be proposed.

The alteration of "or" to "and" was agreed to.

The Honourable Sir CHARLES OLLIVANT—After the labours of the Select Committee were practically over, it occurred to us that there might be a difficulty as to the use of the words "remit" and "remission" in this clause; because under the Bombay City Municipal Act there is a distinction between "remission" and "refund." I think it was understood by the members of the Select Committee that "remission" should include "refund"; but we made a reference to the Commissioners of Divisions, and the result is that we find it is desirable where the word "remit" or "remission" occurs to add the word "refund". Therefore the clause will read in line 11 "the Municipality shall remit or refund"; and in line 19 "that no remission or refund" and in line 35 "the Municipality may remit or refund."

This amendment was adopted and clause 70 as amended stood part of the Bill.

Clauses 71 to 73 inclusive stood part of the Bill.

The Honourable Mr. GOKHALE moved that in clause 74 (2), lines 25 and 26, to delete the words " when any tax is suspended under sub-section (1) of "

He said—In the original draft of this Bill it was proposed that whenever it appeared to Government that the level of taxation in a Municipality was not sufficiently high, Government might of their own motion direct the imposition of additional taxation so as to bring up the level to the desired height. A proposal so drastic in its nature naturally led to much animated discussion in the Select Committee, and the honourable member in charge of the Bill ultimately agreed to modify it so far as to limit its operation to cases of default only. When the Select Committee re-assembled in Poona, we found, however, that in addition to the provision for cases of default, to which the non-official members had assented, there were also these words, to which I take exception, introduced into the clause. Now, my Lord, what would be the effect of these words if they are allowed to stand as part of the clause? A Municipality may propose an addition of 20 per cent. in its water-rate and may send up the proposal to Government for sanction. Government might, if the words which I want to be omitted are allowed to stand, say in reply: "No, we don't sanction an increase of 20 per cent. in the water-rate, but instead of that we direct you to make an increase of 50 per cent. in the house-tax." Under these circumstances a Municipality will naturally be most reluctant to send up any proposal for additional taxation to Government and for all practical purposes Government will be able to dictate what taxes should be imposed and municipal bodies will be reduced to the position of mere instruments for enforcing and collecting the taxes. I submit, my Lord, that the position which Government have taken in this matter is a very illogical one. I can quite understand Government interfering where a Municipality persistently commits a default; but where it is a mere matter of difference of opinion, where a Municipality thinks that one tax should be imposed and Government thinks that another tax would be more suitable, the proper course for Government is to send the whole correspondence back to the Municipality with the intimation that the proposed tax cannot be sanctioned, but that the Municipality was at liberty to make other proposals. For these reasons I beg to move that the word which I have already read out should be deleted.

The Honourable Sir CHARLES OLLIVANT—I am prepared to accept this on behalf of Government. Practically if we exclude these two first lines of the sub-clause Government will still have the power to require the Municipality to impose taxation whenever it makes default in its duties and that is all that is really required.

Clause 74 as amended stood part of the Bill.

Clauses 75 to 78 inclusive stood part of the Bill.

On clause 79 the Honourable Mr. PAREKH had given notice of an amendment.

The Honourable Sir CHARLES OLLIVANT—Before Mr. Parekh rises I may point out that there are two misprints in this clause. In line 6 the words "collect it" should be "collect such octroi or toll" and in line 12 instead of "thereafter" should be printed "thereupon."

The Honourable Mr. PAREKH moved that in clause 79, sub-clause (2), line 22, for the word "seizure" to substitute the words "the issue of such notice."

He said—I shall state the reason of the amendment of which I have given notice. The section provides for the issuing of notice after seizure and before sale. It is not

reasonable that the time should run from the date of seizure. The Municipality may take time in issuing the notice, or there may be an omission to serve it. There will be no harm if the notice is delivered at the time of the seizure, but the person entitled to notice may not be present; it would not be right that the owner should know nothing about the seizure and yet his property should be sold away. The necessity of the amendment arises from the fact of the notice, and I believe it will be accepted as being necessary to carry out the intention of the section.

The Honourable Sir CHARLES OLLIVANT—As honourable members will see, sub-clause (2) of clause 79 stood part of the original Bill, but the latter part of sub-clause (1) did not. When, therefore, we considered this Bill in Select Committee, in deference, I think, to the suggestion of the Honourable Mr. Parekh, we put in sub-clause (2) "five days" in order that there might be plenty of notice. But after that we considered the recovery clause—sub-clause (c) in clause 83, page 69. The clause we are now considering refers to octroi not being paid; the other, which I have now mentioned, refers to direct taxes not being paid, and there the procedure is that the officer seizing the property shall, before removing it, give to the person at the time of seizure a written notice. When we came to that we thought the same procedure would be desirable under octroi and therefore put in the addition to the first clause. That being so, I think we ought logically to cut out sub-clause (2). If we do that, when we come to Schedule D we will take care that words are put in to show that goods are not to be sold if payment is made within five days.

Mr. PAREKH's amendment was rejected.

The Honourable Sir CHARLES OLLIVANT—Perhaps, Your Excellency, it would be desirable now to revert to sub-clause (6) of clause 22, which was postponed for consideration as to there being an appeal from the Judge's decision regarding corrupt practices. The matter has been considered by the Law officers of the Government, and we find there are practical difficulties in the way of permitting an appeal to the High Court. Therefore I propose that in line 111 the word "person" be substituted for "candidate" and the following words be added to the sub-clause: "Provided, however, that such person may, by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in that behalf, be at any time relieved from such disqualification." My reason for putting "person" instead of "candidate" is this. It has been mentioned that the candidate himself, though constructively guilty, may really be not morally guilty, inasmuch as the agent authorised by him may be the person really guilty. If an agent is guilty of corrupt practices, then surely that agent should not be allowed to stand for election as a Municipal Councillor, and therefore I consider it desirable to put "person" instead of "candidate".

Clause 22 as thus amended stood part of the Bill.

Clauses 80 to 89 inclusive stood part of the Bill.

The Honourable Mr. PAREKH then moved the following amendments:—

At the end of clause 90, sub-clause (3), to *add* the following:

"The owners of lands or buildings as aforesaid shall within ten days from the receipt of such notice intimate to the Municipality that they agree to the Municipality declaring the street a public street or they shall carry out the work in the

manner and within the time specified. If they give intimation as above of their agreement to the street being declared public, they shall not be liable to carry out the work."

And for clause 90, sub-clause 4, to *substitute* the following :

"After intimation of the agreement of such owners to the street being declared public or after the joint requisition of a majority of the said owners after the work has been carried out by the owners as provided in the last preceding clause, or in Section 160 by the Municipality at the expense of such owners, the street or part of the street in which such work is done or ordered to be done shall be declared by a public notice put up therein by the Municipality to be a public street."

He said—I shall try to show the desirability of the amendments that I propose in this section. Sub-clause 3 authorises a Municipality to require that the owners of private streets shall level, pave, metal, flag, channel, drain, light and clean them when called upon to do so. Sub-clause 5 authorises a Municipality to make a private street public when the sole owner, or a majority of owners if several, have no objection to their doing so. Sub-clause 4 authorises a Municipality to make a private street that has been improved at the expense of the owners public, whether they object or do not object. If a Municipality cannot in the face of the owner's objection make a private street public when the owners have not expended anything for its improvement, it would be unreasonable if the Municipality can make it public, when they have spent money after it with the object of retaining ownership in it. It would be fair to the private owners that if the Municipality desires to make a street public that they should not be required to spend anything on it; and if the Municipality requires private parties to spend money in improving a street, it ought not to have the option of making the street municipal property, when the persons incurring the expenses object. In the marginal note to sub-clause (3) the Bombay Municipal Act, Sections 305 and 306 have been referred to, but these sections disable the Municipality from making private streets public when the owners object, whether they have incurred expenditure or not. Therefore if we are even following the line of the Bombay Act, the amendment ought to be allowed.

The Honourable Sir CHARLES OLLIVANT—I cannot accept the amendment proposed by the honourable member. The clause as it stands gives the fullest latitude. A Municipality can always declare a street to be a public street. While considering this clause I wish to point out that there is a verbal mistake on page 73, lines 48 and 49. The clause reads at present:—"After such work has been carried out by such owners or as provided in the last preceding clause." There is no provision in the last preceding clause. It should therefore read as follows:—

"After the work has been carried out by such owners or, as provided in section 156, by the Municipality."

The Honourable Mr. Parekh withdrew his amendment and the clause, with the verbal alteration proposed by the Honourable Sir Charles Ollivant, stood part of the Bill.

Clauses 91 to 102 inclusive stood part of the Bill.

The Honourable Mr. BATTY—There is a clerical error in clause 104, line 2, relating to work under section 103. The word "as" should be inserted before "little."

The amendment was agreed to.



Clauses 103 to 112 inclusive stood part of the Bill.

//The Honourable Mr. GOKHALE then moved the following amendment :

In clause 113, sub-clause (1), lines 7 and 8, for the words "at a height of not less than 12 feet from the surface of the street" to *substitute* the words "at such height from the surface of the street as the Municipality may fix by by-laws from time to time."

He said—The next amendment of which I have given notice is in reference to the provision that no verandah, balcony or other projection shall project from any building at a height of less than twelve feet. I quite agree that in large cities like Poona, Karáchi and Ahmedabad the provision is very desirable, but in small Municipalities a statutory limit of 12 feet will sometimes be a source of needless hardship. I therefore propose that the question of height should be left to be dealt with by by-laws in the case of each Municipality. Of course these by-laws will require the sanction of Government, and so Government will still have the power of preventing too low a limit from being prescribed anywhere. //

The Honourable Ráo Bahádur CHUNILAL VENILAL said—Your Excellency—The extent of the height was inserted by the Select Committee at my suggestion. As the minimum width was prescribed by law I thought that minimum height should also be prescribed by law, otherwise the projections of four feet on each side of the public streets at unlimited height would cause obstructions. There are many houses in existence, the height of the upper storeys of which is about six to nine feet. Even in Broach and Ahmedabad cities there are houses on the main roads, the upper storeys of which have the height of nine to ten feet. If such houses are allowed to put up a balcony four feet wide, I think an Australian horse could not pass through such parts of the streets. It is therefore necessary that the height of projections should be limited. I support that the height of twelve feet be allowed to remain in this section.

The Honourable Ráo Bahádur ACHYUT BHASKAR DESAI—Your Excellency—I am inclined to support the amendment brought forward by the Honourable Mr. Gokhale. The Honourable Mr. Chunilal would have the height fixed simply because the width is laid down. I know there are several towns where the standard of twelve feet would create difficulties. There is already a provision in sub-clause (m) of clause 12 of the Bill which will enable Municipalities to make the necessary by-law prescribing the minimum height suited to the circumstances of the town.

The Honourable Mr. IBRAHIM RAHIMTOOLA said—The arguments that have been advanced by the Honourable Mr. Chunilal go to support Mr. Gokhale, because Mr. Gokhale does not want the height to be fixed, but to be fixed by each Municipality by by-laws which will be subject to sanction by Government. Government will have full power of limiting the height to whatever figure they think the Municipality requires. I think it would be desirable, on the arguments advanced by the Honourable Mr. Gokhale, not to fix it at twelve feet, but to leave it open to the Municipality to fix the height that may be requisite for the circumstances of the case, subject to the sanction of Government.

The Honourable Mr. LELY—It seems to me to be essentially a question of locality. A rule that may be reasonable in one town may be very productive of hardship in another, and it seems to me that as a general principle we should abstain from prescribing unduly the measure and height of projections and should leave this to be dealt with under rules

according to the particular town and locality. I think there is a great deal in the argument that if the minimum breadth is prescribed by law so should the minimum height, and I think the reply to that should be that both provisions should be struck out from the sections and they should be left to be prescribed by rule.

The Honourable Sir CHARLES OLLIVANT—After the expression of opinion which has fallen from honourable members, and especially from Mr. Lely, we will accept the amendment, and although logically we might go further and cut out the provision regarding the width, there is this to be said for it : that provision forms part of the existing law, whereas the provision regarding the height does not. Therefore we are content to accept the Honourable Mr. Gokhale's amendment as it stands.

//The amendment was agreed to and clause 113 as amended stood part of the Bill.

Clauses 114 to 142 inclusive stood part of the Bill.

The Honourable Sir CHARLES OLLIVANT moved that in clause 143, line 1, for the words "The Municipality or any", to substitute the words "The President, Vice-President, or any Councillor, or" be substituted; and in line 2 for the word "them" to substitute the words "the Municipality". He said—The amendment that I propose to clause 143 is merely a verbal one; instead of the words "the Municipality" the words should be as in the preceding clause; and instead of "authorised by them," in the second line the words should be "authorised by the Municipality".

The amendment was agreed to.

The Honourable Sir CHARLES OLLIVANT then moved that in clause 144, sub-clause (2) (g) (ii), line 91, for the words "all or" the words "in all" be substituted, so that the sub-clause would read "when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and".

This was agreed to and clause 144 as amended stood part of the Bill.

Clauses 145 to 180 inclusive stood part of the Bill.

//The Honourable Mr. GOKHALE moved that in clause 181 (1), line 5, the word "twenty-five" be substituted for the word "fifteen". He said—The proposal as it stands in the Bill is that the minimum limit of population for a Municipality to be constituted a City Municipality should be 15,000. I submit that this limit is too low and that it should be raised at least to 25,000. It should be borne in mind that when a Municipality is made a City Municipality, Government can, in cases of mismanagement, call upon that Municipality to employ a Chief Officer, also if necessary a Health Officer and an Engineer. Now these men will require to be highly paid if they are to be worth anything, and I submit, my Lord, that these appointments may be, in all probability will be, beyond the capacity of small towns with a population of 15,000 or so. I have already quoted to this Council a few figures indicating the level of taxation per head in this Presidency and elsewhere. Our taxation, which is the highest of all provinces, is a little under Rs. 1-12-0 per head, which gives, comparatively speaking, a very small revenue to a town of 15,000. I believe there is no special merit in the figure 15, and I shall be satisfied if the limit is raised to 25,000.

The Honourable RAO BAHADUR ACHYUT BHASKAR DESAI—Your Excellency,—The proposal of my honourable friend Mr. Gokhale, if carried out, would permanently incapacitate

several Municipalities which once were City Municipalities. The ground on which the amendment is urged is that Government would not use their discretion properly in calling upon the City Municipalities to appoint Chief Officers, Health Officers and Engineers. Government are not bound to call upon every City Municipality to have such officers. In the Konkan, at least, there are Municipalities which, in point of population, are very small, but which are comparatively well administered and which, in course of time, may become fit to be raised to City Municipalities. It is therefore desirable that these Municipalities should be in a position to enjoy the power and privileges to which City Municipalities alone are eligible. It would not be justifiable to raise the limit to so high a figure as 25,000 simply on mere hypothesis that Government are not likely to use their discretion properly.

The Honourable Mr. PAREKH—I submit that the amendment proposed should be allowed. The main difference between City Municipalities and others is that the City Municipalities may be called upon to appoint Chief Officers, Health Officers and Executive Engineers, but not the other Municipalities. Now if these officers, and particularly the Chief Officers, are really to be worthy of the responsibility that they are expected to undertake, they should have to be paid very large salaries; and there is no Municipality with a population under 25,000 that would be able to pay such heavy salaries. If Municipalities with smaller population are made City Municipalities, the result would be either that they would be obliged to levy taxes that are unbearable or that they would have to employ in high offices persons who are not at all equal to their responsibilities.

The Honourable Mr. MOSES—I would suggest by way of a compromise that the limit be fixed at 20,000.

The Honourable Mr. GOKHALE—I am prepared to accept the suggestion if it has a better chance of being considered favourably by Government than my own proposal.

The Honourable Sir CHARLES OLLIVANT—The Council are aware that as the Bill first stood the number was 10,000. The Select Committee considered it desirable to substitute 15,000; the Honourable Mr. Gokhale now proposes 25,000 and withdraws that proposal in favour of 20,000. Honourable members must remember that this clause will not make it necessary that every town of 20,000 or 25,000 must be a City Municipality: it merely gives a town with the prescribed minimum population the possibility of becoming a City Municipality. I know of no reason why Thána, if it wished to be constituted a City Municipality—and Government thought it was right that Thána should aspire to be such a Municipality—should not be so constituted. The result of Mr. Moses' amendment would be that Bársi and Dhulia might be constituted City Municipalities, but they could not be according to Mr. Gokhale's amendment, while Bijapur and Pandharpur could not be City Municipalities in either case. On the whole I prefer to retain the clause as it stands.

The amendment was rejected and clause 181 stood part of the Bill, as also did clauses 182 and 183.

The Honourable Sir CHARLES OLLIVANT then moved that for clause 184 the following be substituted:—

“184. The Chief Officer shall have, independently of such powers as may be delegated to him by the Municipality in this behalf, power—

(a) to appoint—

(i) without the previous sanction of the Municipality, to any post the monthly salary for which as fixed by rules made under clause (b) of section 46 does not exceed Rs. 20, and

(ii) with such previous sanction, in each case, to any post under the Municipality other than that of the Health Officer, Engineer or Chief Accountant, and

(b) to fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed Rs. 20, and, subject to the provisions of the rules for the time being in force, any other municipal officer or servant not being the Health Officer, Engineer or Chief Accountant, provided that in respect of any punishment other than a fine not exceeding one week's salary his order shall be subject to an appeal to the Municipality."

He said—The amendment which I have to propose is merely an alteration of terms which has been suggested by the Remembrancer of Legal Affairs, and I presume nobody has any objection to it. It makes it clear that these powers referred to in Section 184 are those which any Chief Officer, *ipso facto*, will enjoy, independently of any that may be delegated to him by the Municipality. I propose this amendment subject to whatever may be decided in regard to Mr. Gokhale's amendment as to the salary limit being Rs. 20 or Rs. 15.

His Excellency the PRESIDENT—If the Honourable Mr. Gokhale wishes to move his amendment it will be much better to do so now.

The Honourable Mr. GOKHALE said—The amendment that I desire to move in connection with this clause is that the Chief Officer should be empowered to make appointments without the sanction of the Municipality to posts with a salary of Rs. 15 and under, and not Rs. 20. If the limit of Rs. 20 is retained, I fear that, except in the case of Karachi, all appointments lower than those of officers will be practically in the exclusive gift of the Chief Officer. This, I submit, is not desirable for several reasons, and a limit of Rs. 15 would, I think, be fairer and would, moreover, be sufficient for all practical purposes. I therefore move the amendment which stands in my name. //

The Honourable Sir CHARLES OLLIVANT—I think I may be allowed to say that on this point Government have an open mind and we waited to see what fell from other honourable members. Whenever a Chief Officer is appointed he will, *ipso facto*, enjoy the right of appointing or dismissing an official on a salary up to that margin, but there is nothing to debar him from having greater powers if they are delegated to him. I don't feel very strongly on this subject, but from the silence all round the table it seems to me that the general opinion is rather against the amendment.

The Honourable Mr. MEHTA—In that case I may say a few words. Probably all appointments will be put into the hands of the officer, and that being so, it is just as well that the executive bodies should feel that some little power can be exercised by them.

The Honourable Sir CHARLES OLLIVANT—If that is the feeling of the Council I am quite willing to accept the amendment.

This being agreed to, the clause, as amended by the propositions of the Honourable Sir Charles Ollivant and the Honourable Mr. Gokhale, stood part of the Bill.

His Excellency the PRESIDENT put the question that clauses 185 to 191 inclusive stand part of the Bill.

The Honourable MEHERBAN NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji, then moved the following amendment with the permission of His Excellency the President:—In clause 187 after the words “the Governor in Council may” to *add* the words “after observing, as far as may be, the procedure required by section 8”. In clause 188 (a) after the words “the Governor in Council may” to *add* the words “after observing, as far as may be, the procedure required by sub-section 2 of section 48”. In clause 188 (b) before the word “impose” to *add* the words “after observing the preliminary procedure required by C of section 61.”

He said—The principle underlying all the amendments is one and the same, and so I would take them all together. I observed in my speech on the first reading of the Bill that some of the sections about the Municipalities should be selected and applied to the notified areas. But as the matter now stands, I think these clauses are intended to invest Government with powers to introduce into certain areas a sort of municipal administration. Under these clauses Government cannot only declare certain localities as notified areas, but can impose taxes and make rules for the administration of the municipal conservancy of that place. It is said in the Statement of Objects and Reasons that these rules are intended to allow people who are not advanced enough to enjoy the benefit of a Municipality, to have some organisation which shall serve the purpose of a Municipality. But the people have no voice in either the creation, the taxation or the administration of the notified areas. What, however, is sought now to be done by the introduction of these amendments is only to make a provision for reasonable notice of the intentions of Government to the inhabitants of the place which is to be declared as a notified area, and give them an opportunity to represent what they have to say about those measures. Such procedure is prescribed by this very Act in the case of areas intended to be declared as municipal districts by clause 8. A similar provision is also made as regards the introduction of new rules and taxation into such districts by clauses 48 and 61, respectively. It is but proper that those who are to benefit or to suffer by a measure must know what is going to be done for them and must also get an opportunity of representing their views to Government. Even though these amendments are accepted, Government still have the power of determining what weight should be given to the views of the people. I therefore submit that without any curtailment of Government's power people get the right, which they undoubtedly have, of representing to Government what they have to say about any measure affecting them: The only difference is that according to the amended clause they shall get that opportunity before Government finally decide upon the course to be taken. This, for many reasons, is better and more convenient to both sides than that people should send complaints after the orders of Government are passed. I hope this Council will therefore admit the desirability of amending the clauses as suggested. Even in cases when revision survey is to be introduced the rayats are asked by a written notice to state their reasons, if any, as to why revised rates should not be introduced. If Government does this by departmental orders in cases of enhancements of land revenue, there is no reason why, when new taxes are proposed to be levied, people should not be given an opportunity of stating their view of the question before final orders are passed.

The Honourable Sir CHARLES OLLIVANT—Well, Sir, of course unless your Excellency chooses to suspend the Standing Orders, the amendments cannot be admitted. The Council fully realises the irregularity of having amendments of this kind thrust upon us on the spur of the moment; still I recognise the reasonableness of what the honourable member has said, and if he will not press his amendment, I will undertake that a provision shall be put into the Bill to make the matter clear. I understand that what the honourable member desires is that the persons affected shall have an opportunity of stating their objections and that those objections should be considered. Therefore I will see, before the third reading, that the necessary words are inserted.

The Honourable Mr. MEHTA—I hope the provision will be made as liberal as possible in the direction that the Chief of Ichalkaranji has suggested; so that any possible objection that the people may have to make may reach the ears of Government.

The Chief of Ichalkaranji withdrew his amendments and clauses 185 and 191 inclusive stood part of the Bill subject to amendments to be admitted later by the Honourable Sir Charles Ollivant.

Schedules A, B and C stood part of the Bill.

The Honourable Sir CHARLES OLLIVANT moved that in Schedule D the word “five” be inserted between the words “within” and “days” to give effect to the object the Honourable Mr. Parekh had in view. He said—Perhaps you will allow me to mention in connection with this amendment that it will be necessary on the third reading to add the following new sub-clause (2) to clause 79:—“When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll be forthwith paid.” In all other cases five days will be allowed.

The amendment to Schedule D was agreed to.

His Excellency the PRESIDENT—It is necessary to fix the time when the Act shall come into force.

The Honourable Sir CHARLES OLLIVANT said—This is really a question which affects the determination of the period which should elapse between this second reading of the Bill and the third reading of the Bill. As there are strong administrative reasons for desiring that this measure, which is now practically approved in its entirety, subject to the amendments which have been adopted, should come into force at the earliest possible date, it will be an obvious convenience if it can be made to come into operation at the beginning of the financial year. I have just consulted the Honourable Mr. Lely, who has given me his opinion on the subject, and it is that, if possible, it should become law on the 1st April. If it is to become law on the 1st April, it is perfectly clear that we should take the third reading almost immediately. I therefore have to ask your Excellency to suspend the Standing Orders in order to enable us to do so. But for that fact I have no desire to press on the third reading. Many of the Municipalities are in arrears with the collection of their taxes, and there are hundreds of cases in arrears in the Magistrates' Courts. Therefore we should lose no time in proceeding with this measure in order that the machinery may be provided to meet the exigencies of the case. I therefore, *pro forma*, propose that the words “1st April, 1901,” be inserted in the Bill. In doing so, I wish honourable .

members to understand what the consequences will be if we put off the third reading till March. It would then be quite impossible to get the sanction of the Governor General in time.

The PRESIDENT—Unless I hear any objection from the Council, I propose to suspend the Standing Order and fix the third reading of this Bill for Saturday next at noon.

The preamble was adopted.

---

**BILL No. III OF 1901: A BILL TO AMEND THE CITY OF BOMBAY  
IMPROVEMENT ACT, 1898.**

In moving the first reading of the Bill to amend the City of Bombay Improvement Act, 1898, the Honourable Sir CHARLES OLLIVANT said—

The Honourable Sir Charles Ollivant moves the first reading of the Bill to amend the City of Bombay Improvement Act, 1898.

Now, your Excellency, I have to refer to the subject to which I alluded before we proceeded to the consideration of the District Municipal Bill to-day, *viz.*, I asked to be allowed to introduce a Bill to amend the City of Bombay Improvement Act in a few technical points. The principal object of this Bill is to do away with the disability which attaches to the Chief Judge of the Small Cause Court, and to any other barrister of like standing, who is not actually practising at the time, and debars them from being President of the tribunal under that Act. The conditions which would qualify a person for the appointment were very carefully considered when the Bill, which is now the City Improvement Act, was before the Council. It was determined that there should be no appeal from that tribunal, but, on the other hand, that there should be a guarantee that the person presiding over the tribunal should be a person of some considerable standing and experience. When that Act was before the Council, I, in conference with the Honourable the Advocate General and the Honourable Mr. Mehta, proposed a clause, the first sub-clause of which provided that only judicial officers of a certain standing should be qualified, and after that came the sub-clause regarding the qualification of barristers, advocates and pleaders. We particularly desired to exclude those who were only, I might say, "*pro forma*" barristers, persons who had been called to the bar but had never really practised, and so we put in the words "practising barrister". But that has hampered us in an unexpected way, because we find that it has been taken to mean that a person to be qualified must be actually practising at the time he is selected. We propose to substitute the following words:—"a Barrister, Advocate or Pleader of not less than eight years' standing, who has practised as an Advocate or Pleader in the Bombay High Court." That is really the essence of the Bill, but as we are introducing the Bill we thought it desirable to get rid of one or two inconveniences, purely of a formal character, which have been found to exist in the Act as it stands. One relates to a rather cumbersome process regarding the execution of contracts, for clause 2 of section 19 of the Act provides that a contract shall be signed by the Chairman and two other Trustees, and sealed with the common seal of the Board; and clause 3 subsequently again provides that the common seal of the Board, which will remain in the custody of the Secretary, shall not be attached except in the presence

of two Trustees. This was found to involve unnecessary labour, especially in signing debentures, and the amendment will avoid the possibility of two superfluous signatures being required. The effect of clause 4 of the Bill is to enable the Trustees, in carrying out street schemes under section 31 of the Act, to make specific provision for open spaces, in addition to the powers previously conferred by the section. The next is an almost formal matter, in which it is proposed to follow the wording of the City Municipal Act of Bombay in order to enable the signature of the Chairman to be fixed by means of a stamp. There are two remaining matters: one of them is that after section 41 there shall be inserted a new section, namely, 41 A. This section is desired both by the Corporation and by the Improvement Trust. The reason of it is this, that at present under the provisions of the Municipal Act the improvement of streets is gradually effected with by what is known as the set-back procedure. In making these valuable additions to street spaces the Corporation are put to very great expense and naturally the Corporation would be slow to exercise their powers to effect improvements if they knew that immediately, or very shortly afterwards, the whole property was going to be taken over by the Improvement Trust and they would not be reimbursed their expenditure. What the Corporation wants is that if a set-back is part of what will be an improved area under the Trust Act, they shall be assured beforehand that they will be reimbursed this money by the Trust. Lastly, as the City Improvement Trust Act stands, the Trust have power in regard to two plots known as the Cooperage plot and the Secretariat plot to permanently treat the whole or any part of the said lands as open spaces, but they have not the same power in regard to the Marine Lines Estate, and it is proposed to insert the words "the Marine Lines Estate" in section 60 in order to give them that power. I believe I am right in saying that this is an absolutely non-contentious measure and the importance of passing it early is that at present the officer charged with determining the amount of compensation to be paid to proprietors is carrying on his work and I believe so far most of the settlements are of an amicable nature, but at any moment parties may not come to terms and then there must be an appeal to the Court. The first step is that money must be deposited with the Court, and as at present there is no Court it is necessary to constitute one at the earliest possible date.

The Honourable Mr. PHEROZESHAH M. MEHTA said—I quite agree with the Honourable Sir Charles Ollivant that this Bill contains no contentious matter whatever. Some of the clauses to which he has referred are entirely of a formal character, and others have been settled between the parties interested in the matter. With regard to the important clause about set-backs, the matter was discussed between the Corporation and the Improvement Trust, and they both came to an understanding that what is embodied in the clause is the proper course to be taken. Then, in regard to the slight change in the definition of the qualifications of the President, the Honourable Sir Charles Ollivant pointed out why that should be carried out. I should like to add one word in conclusion: that when that tribunal comes to be constituted, I hope Government will remember that the officer to be appointed as President shall be one of the status which was contemplated when the Act was passed.

His Excellency the PRESIDENT then put the motion, that the Bill be read a first time.

Bill read a first time.

The motion was carried and the Bill was read a first time.



The Honourable Sir CHARLES OLLIVANT said—I will now ask your Excellency to suspend the Standing Orders so as to allow the third reading of the Bill to be proceeded with.

<p>Suspension of Standing Orders.          Bill read a second time          Bill read a third time and passed.</p>	<p>The Standing Orders were accordingly suspended, and the second and the third readings of the Bill were carried, and the Bill was passed.</p>
--	---

His Excellency the PRESIDENT then adjourned the Council until 12 o'clock noon on Saturday the 16th February 1901.

*By order of His Excellency the Right Honourable the Governor in Council,*

R. J. C. LORD,

Secretary to the Council of the Governor of Bombay  
 for making Laws and Regulations.

*Bombay, 14th February 1901.*

*Abstract of the Proceedings of an adjourned meeting of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations under the provisions of "THE INDIAN COUNCILS ACTS, 1861 and 1892."*

The Council met at Bombay on Saturday the 16th February 1901, at noon.

**P R E S E N T :**

His Excellency the Right Honourable Lord NORTHCOTE, G.C.I.E., C.B., Governor of Bombay, *Presiding*.

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. MONTEATH, C. S. I., I. C. S.

The Honourable Mr. F. S. P. LELY, C. S. I., I. C. S.

The Honourable Mr. SHRIPAD ANANT CHHATRE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. TATE, M.Inst.C.E.

The Honourable Mr. H. F. ASTON, I. C. S., Bar.-at-Law.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.R.A.C., I. C. S.

The Honourable Mr. BOMANJI DINSHAW PETIT.

The Honourable Meherban NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. IBRAHIM RAHIMTOOLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

The Honourable Mr. H. BATTY, M.A., I. C. S.

The Honourable Mr. WILLIAM GREAVES.

The Honourable Ráo Bahádur ACHYUT BHASKAR DESAI.

**PAPERS PRESENTED TO THE COUNCIL.**

1. Report of the Select Committee appointed to consider Bill No. I of 1901 : Bill to amend the Bombay A'bkári Act, 1878.

**BILL No. II OF 1899 : A BILL FOR THE BETTER MANAGEMENT OF MUNICIPAL AFFAIRS IN MOFUSSIL TOWNS AND CITIES.**

The Honourable Sir Charles Ollivant rose to move the following amendments in the Bill for the better management of Municipal affairs in Mofussil Towns and Cities :—

- (1) That throughout the Bill the words "His Majesty" be substituted for the words "Her Majesty" wherever they occur.
- (2) That to sub-clause 2 (b) of clause 54 the following words be added :—"to or for destitute persons within the limits of the Municipal District."
- (3) That to clause 79 the following new sub-clause 2 be added :—

“(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.”

(4) That in clause 188 (1) the words “by notification” be inserted after “the Governor in Council may.”

(5) That clause 190 be altered so as to run as follows:—

(1) Before issuing any notification under sub-section (1) of section 187 or under clauses (a) and (b) of sub-section (1) of section 188, the Governor in Council shall so far as may be follow the procedure prescribed in section 8.

(2) The Governor in Council may at any time cancel any notification under section 187 or 188.

The Honourable SIR CHARLES OLLIVANT said—Before we proceed with the third reading of the District Municipal Bill, I ask leave formally to move the adoption of the amendments which I have already intimated to the Council and which are now in print on the paper before you. The first is:—That throughout the Bill the words “His Majesty” be substituted for the words “Her Majesty” wherever they occur, and the second—That to sub-clause 2 (b) of clause 54 the following words be added:—“to or for destitute persons within the limits of the Municipal District.” The third is to make provision for the immediate sale of articles liable to octroi duty and seized for non-payment of octroi duty, which are of a perishable nature, and the other is to give effect to the suggestions made by the Chief of Ichalkaranji in regard to the chapter on notified areas.

His Excellency the PRESIDENT—I do not know whether any honourable member desires to speak on any particular amendment; whether it would be convenient that I should put them all formally, or whether I should put them separately.

// The Honourable Mr. GOKHALE—With reference to the second amendment I beg to point out that we understood the other day that provision would be made for confining famine relief only to destitute persons ordinarily resident within the limits of Municipalities. The wording of the amendment is wider than that. It provides for relief of destitute persons within the limits of the municipal district. Poor persons may crowd into a city and the responsibility for relieving them may, if the words stand as they are, be thrown on the Municipality. It is only a matter of ordinary experience that private charities in cities are generally more attractive than the provision that is made on relief works, and beggars often run away from relief works and get into towns in order to beg at will and subsist on private charity. If the responsibility is thrown on Municipalities to provide for such persons, I think it will be a serious matter for such bodies. I think the utmost the Legislature can reasonably do is to call upon Municipalities to provide for their own poor. //

The Honourable the CHIEF OF ICHALKARANJI—I fully agree with the Honourable Mr. Gokhale that the burden thrown upon Municipalities should be confined to providing for destitute persons who live in the town.

The Honourable SIR CHARLES OLLIVANT—With reference to these observations, I can only say that the words as they appear in print are precisely the words I read out to the Council on the second reading. The fear was that if the clause stood as printed in the Bill on the second reading it might be thought that Municipalities were called upon to provide relief works for the area all round about them. The object is to call upon them, if called upon at all, merely to provide for persons within their limits; but it is quite impossible in a moment to distinguish between persons who are there always and persons who have come for a few days. There is no intention to cast any burden upon the Municipalities which does not belong to them, but who can determine the comings and goings of beggars? As a matter of fact, it will be quite impossible to provide any words I can think of to meet the case the honourable member has mentioned. I, therefore, think that the Council must trust to a reasonable interpretation of the words I have already suggested.

The amendments substituting the words "His Majesty" for "Her Majesty" throughout the Bill and the addition to sub-clause 2 (b) of clause 54, the addition of a new sub-clause 2 to clause 79 and the amendment of clause 185 by the insertion of the words "by notification" after the words "Governor in Council may" were agreed to.

The Honourable Mr. BATTY in reference to the amendment of clause 190 said—There is a verbal correction to be made in section 190 as altered. I think it should be "under clause (a) or (b)" and not "clauses (a) and (b)." The marginal note will also require correction. "Discontinuance of notified areas" should be deleted and some such note as "Preliminaries to notification" may be substituted, and in clause 2 "power to cancel notification" should be substituted for "continuance of notified areas."

His Excellency the PRESIDENT—The Secretary has, I understand, the power to make these verbal alterations.

Clause 190 as amended stood part of the Bill.

In moving the third reading of the Bill for the better management of municipal affairs in Mofussil Towns and Cities the Honourable Sir CHARLES

The Honourable Sir Charles Ollivant moves the third reading of the Bill for the better management of municipal affairs in Mofussil Towns and Cities.

OLLIVANT said—I may be allowed to congratulate the Council on the prompt and, as we believe, satisfactory disposal of the most important legislative measure that has been before it for some years. As it undoubtedly removes some impediments to good municipal government and introduces new provisions which give greater scope for the exercise of responsible authority, we hope that it may both tend to greater efficiency of administration and, by diffusing acquaintance with the duties of practical administration, have a real educational value. Our best justification for being sanguine in this hope may be derived from the tone of the discussion of the measure in this Council, and in the great assistance which in the Committee stage, and for which I again express my acknowledgments, was received from the non-official members, who have been themselves taking an active part in the municipal affairs of the cities to which they belong.

His Excellency the PRESIDENT said—In putting the motion that the Bill be now read for the third time, I feel I shall be doing no more than expressing the views of those non-official members of the Council and others associated with my honourable colleague

in the consideration of this measure in detail, in saying I am sure they must appreciate, as highly as his honourable colleagues do, the great ability, the courtesy and the conciliatory spirit in which this measure has been conducted by my honourable colleague Sir Charles Ollivant. I need not say how grateful his colleagues in the Government are for the admirable work he has done in connection with this Bill, and I have no doubt some Members of Council will endorse the tribute of praise I am anxious to pay to my honourable colleague.

The Honourable Mr. GOKHALE—I respectfully beg leave to join in the words of appreciation which Your Excellency has just now uttered in regard to the labours of the Honourable Sir Charles Ollivant in connection with this Bill. Those members of this Council who took part in the debate on the second reading have already borne testimony to the fact that, but for the honourable member, this Bill would have continued to give occasion for great anxiety and apprehension throughout the Presidency. I am sure the whole Presidency in general, and the municipal bodies in particular, will greatly appreciate this measure when it comes into force. So far as the administrative provisions are concerned, we all feel that they are distinctly very much better than the old provisions, and in regard to the constitutional portions, though here and there there is still some ground for dissatisfaction, we are on the whole satisfied with what we have now got in this Bill. On behalf of the non-official members who were associated with the honourable member in the consideration of the Bill, I once more express our cordial acknowledgments for the admirable manner in which he has guided our deliberations on this Bill. //

His Excellency the PRESIDENT then put the motion that the Bill be read a third time and passed.

Bill read a third time and passed.

This was agreed to, and the Bill was read a third time and passed.

#### BILL No. I OF 1901: A BILL TO AMEND THE BOMBAY A'BKA'RI ACT, 1878.

The Honourable Mr. GOKHALE said—Before Your Excellency passes on to the next item on the Agenda paper, may I respectfully ask Your Excellency to reconsider the permission which has been given to suspend the Standing Orders. It was understood the other day that the Select Committee would take two weeks to consider this matter, and we, therefore, thought that this question would not be brought before the Council in less than two weeks. There are one or two important points in connection with this Bill with reference to which some of us are making inquiries and upon which it may be necessary for us to say something. I am not at present in a position to express a definite opinion because my inquiries are not yet completed. It is just possible that as a result of those inquiries I may not have anything to suggest and may be able to support the Bill as it is. But there are important matters involved, for instance, the question of cultivation and the assessment of these lands. The prohibition of any particular kind of cultivation cannot have been contemplated when the assessment was fixed. Then, again, there are some who think that the Government might distinguish between *bháng* and *gánja* in the restrictions which are sought to be imposed by this Bill. I beg, my Lord, to point out that the power to suspend rules is intended only for cases where

public interests are liable to be damaged by delay, and it appears to me that this Bill might, without injury to the public interest, be taken on a future day.

The Honourable Mr. MONTEATH—The only object of the suggestion that the Bill might be carried through at once was the convenience of the Council. It appeared unlikely that there would be any other business to necessitate a meeting of the Council in the course of the next month. That being so, and as it seemed that this Bill was likely to be absolutely non-contentious, it was thought it would perhaps be for the convenience of the Council if the Bill were passed at once. But inasmuch as the Honourable Mr. Gokhale wishes to consider certain points, I will not ask that the Bill should be at once proceeded with. There is no wish that it should be passed without the fullest consideration that may be needed.

His Excellency the PRESIDENT said—I have no wish to press any legislation on the Council to which they might very reasonably take exception. With regard to what the Honourable Mr. Gokhale said, I believe we might have got over one of his difficulties by undertaking that, on behalf of Government, remission of assessment should be given in the event of the first contingency taking place. But he has called attention to another matter on which he assures the Council he and some of his colleagues wish to make inquiries. Therefore, we will not proceed with this Bill to-day. It is necessary for revenue purposes that it should be passed before our meeting in the summer at Poona and, therefore, it will be necessary to hold another meeting of the Council next month. Of that, of course, due notice will be given. Therefore, we will conclude our business for the present.

His Excellency the PRESIDENT then adjourned the Council *sine die*.

*By order of His Excellency the Right Honourable the Governor in Council,*

R. J. C. LORD,

Secretary to the Council of the Governor of Bombay  
for making Laws and Regulations.

*Bombay, 16th February 1901.*

## APPENDICES

TO THE

PROCEEDINGS OF THE COUNCIL OF HIS EXCELLENCY THE GOVERNOR OF BOMBAY ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS ON THE 12TH FEBRUARY 1901.

## APPENDIX A.

QUESTIONS NOS 11, 12 AND 13 PUT BY THE HONOURABLE MR. PHEROZESHAH MERWANJI MEHTA, C.I.E., AT THE MEETING OF THE LEGISLATIVE COUNCIL HELD ON THE 24TH AUGUST 1900.

REPLIES TO QUESTIONS NOS. 11, 12 AND 13 PUT BY THE HONOURABLE MR. PHEROZESHAH MERWANJI MEHTA, C.I.E.

- |   |   |
|---|---|
| <p>11. Will Government be pleased to say what measures they adopt for examination of Improvement and Street Schemes, presented for their sanction by the Board of Trustees under the City of Bombay Improvement Act, 1898, before sanction is given?</p> <p>12. Will Government be pleased to state whether the estimates of the cost of executing a scheme accompanying the Improvement and Street Schemes submitted for their sanction under the said Act are gross or detailed?</p> <p>13. Will Government be pleased to say whether such estimates include only gross estimates of the valuation of property included in the schemes, or whether they are detailed and embrace valuations of individual properties?</p> | <p>11. Government adopt the only measures possible, namely, a careful scrutiny of the schemes submitted, including such references as they deem necessary to their expert advisers.</p> <p>12 and 13. The estimates are based on a detailed valuation of each individual property included in the scheme.</p> |
|---|---|

## APPENDIX B.

*Memorandum referred to in the reply to Questions Nos. 5, 6 and 7 put by the Honourable Mr. B. D. Petit.*

It appears advisable to answer these numerous questions by a statement showing exactly what has taken place in this connection and the reasons for the action taken.

2. In the College of Science Calendar there are no regulations under which any person can claim admission as a matter of right because he has passed a certain University examination. The regulations simply state that a candidate for the Civil Engineering Branch must have passed the Previous Examination of the Bombay University or an equivalent examination of other Universities.

3. It is obviously necessary that admissions to any institutions should be regulated by the consideration of the accommodation available and the capacities of the teaching staff.

4. It is only in the last three years that there has been such an increase in the numbers in the Civil Engineering Branch as to cause anxiety. During the period of 10 years from 1888-89 to 1898-99 the number never rose above 76, but in 1898-99 there were 100 students in the Engineering classes and the Principal, Mr. Beale, then pointed out in his Annual Report that owing to the crowded condition of the Drawing Hall and Chemical and Physical Laboratories it would be necessary to place some limit on the admission of students to the College. His remarks are published at page xlix of the appendices to the printed report of the Department for 1898-99.

5. In 1899-1900 the number of students increased to 114, of whom 24 were from Universities outside the Presidency. The question of accommodation was therefore pressed upon the attention of the Principal, but it was necessary to await the results of the University Examinations in Engineering before any action could be taken with a view to limit admissions. The result of the examination showed that the 2nd and 3rd years' classes would be unusually large, and it became imperative to limit the dimensions of the junior class, to which it was certain that a number of students, who had failed in their 1st year's examination, would return.

6. Had the Principal not taken action to limit admissions, he would have been confronted with a junior class for which accommodation could not possibly be found in the Hall, the class rooms or the Laboratories. The result would have been an entire collapse of the efficient working of the College.

7. The Principal therefore consulted with the Director of Public Instruction and it was determined that, as it was impossible to permit admissions indiscriminately, a competitive entrance examination should be held and a certain number of the best candidates admitted.

8. The College has always been open to students outside the Presidency, and as a large number of applications from such students had been received it was apprehended that a competitive examination might result in the exclusion to a large extent of the natives of this Presidency. It was therefore determined that at least three-fourths of the students admitted should be Graduates or Undergraduates of the Bombay University, while the number admitted from other Universities should not under any circumstances exceed one-fourth of the whole. The Principal's notification is attached.

9. The notification shows that the number to be admitted was fixed at 40—as a matter of fact 41 have been admitted, as the last two selected competitors obtained equal marks. With the addition of the students in the senior classes and the failed students who have returned to the junior class the total number of students in the Engineering classes now amounts to 130, or 30 more than in 1898-99, when the late Principal, Mr. Beale, expressed his fears that the efficiency of the College would be threatened by overcrowding.

10. The notice given was necessarily short for reasons which have been already explained, and the Principal and the Director of Public Instruction recognised that the action taken must cause disappointment to those candidates who did not obtain admission, but it was necessary to decide whether disappointment should be inflicted or the efficient working of the Institution sacrificed.

---

*Copy of Notice of Examination.*

Owing to increase in numbers it has been decided to hold a competitive examination commencing on January 7th for admission into the Engineering Branch of the College. Forty (40) students will be admitted. Of these 40 vacancies, 30 will be reserved for Gra-



duates or Undergraduates of the Bombay University. Graduates or Undergraduates of other Universities will be admitted according to the results of the examination up to a maximum number of ten (10). Graduates or Undergraduates of the Bombay University are alone eligible for the Scholarships which will be granted on the result of this examination :—

Subjects  $\left\{ \begin{array}{l} \text{Algebra} \\ \text{Euclid} \end{array} \right\}$  as for P.E.  
Natural Science as for Matriculation.

Application should be made to the Principal before 1st January 1901. Applicants are required to have passed P.E. of the Bombay University or equivalent examination.

F. L. SPROTT,  
Principal.

*College of Science, Poona, 6th December 1900.*

### APPENDIX C.

*Note referred to in the answer to clauses (a) and (b) of Question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale.*

The following areas are suffering, or are considered likely to suffer, from famine in a more or less acute form during the current year :—

*Ahmedabad.*—The whole except Daskroi Táluka and Gogha Mahál, parts of Sanand and a few other small portions where the kharif was fair.

*Kaira.*—Mátar, Kapadvanj and Thásra Tálukas.

*Panch Maháls.*—Whole district more or less.

*Broach.*—A portion (say 30 villages) of A'mod Táluka, a portion (say 30 villages) of Jambusar Taluka, 7 "Bara" villages of Broach Táluka and almost the whole of the Vágra Táluka.

*Surat.*—Western half of Olpád Táluka, eastern half of Mándvi Táluka, sea-coast and south-east corner of Bulsár, east and south sides of Párdi.

*Khándesh.*—Western Khándesh except Sháháda Táluka and the Dángs.

*Násik.*—Tálukas of Nándgaon, Málegaon, Chándor, Yeola and the eastern parts of Báglán, Sinnar and Niphád.

*Ahmednagar.*—Whole except the Akola Táluka.

*Poona.*—Eastern Tálukas of Indápur, Sirur, Purandhar and Bhímthadi and Dhond Petha.

*Sholápur.*—Whole.

*Sátára.*—Eastern Tálukas of Mán, Khatáv and Khánápur.

*Bijápur.*—Whole except the two southern Tálukas of Bádámi and Bágalkot.

*Belgaum.*—Athni Táluka, eastern half of Gokák Táluka, part of Murgod Petha and a small group of villages in the north of Parasgad round about Manoli.

From the returns for the week ending 14th November 1900 submitted by the Circle Inspectors it appears that up to that date the following percentages of the total area were sown under kharif and rabi :—

District.	Kharif.	Rabi.
Ahmedabad	72.9	27.5
Kaira	79.6	40.2
Panch Maháls	84.0	52.2
Broach	86.9	64.9
Surat	95.9	68.7
Khándesh	89.3	69.8
Násik	81.6	47.2

Ahmednagar	...	...	...	82.8	57.8
Poona	...	...	...	94.5	42.0
Sholapur	...	...	...	88.3	54.6
Sátára	...	...	...	99.1	69.8
Bijápur	...	...	...	90.1	77.7
Belgaum...	...	...	...	89.4	53.8

For Gujarát no detailed anna estimates of outturn are available except for Ahmedbad, where the outturn of jowári is estimated to be 5 annas and of bájri 6 annas on the whole. The following extract gives an approximate estimate for Gujarát:—

“Of the kharif crops, rice has, with insignificant exceptions, totally failed. Generally early sown bájri has done well—in some tracts very well; jowári not so well, the great bulk of this crop being nothing but fodder. The other kharif crops vary from about 8 annas in the best parts of Kaira District to *nil* in the worst parts of the same, in parts of the Panch Maháls and elsewhere. The outturn of cotton is estimated at 6 annas in Ahmedabad and 4 annas in Vágira and adjacent villages. Elsewhere in the affected areas this crop is not grown.

“As regards rabi except on irrigated areas the outturn is expected to be poor.”

For the Deccan and Karnátak the following statement shows the outturn as estimated by the Collectors:—

District.	Kharif.	Rabi.
Sholapur ...	8 annas in one táluka, 4 to 6 annas in three tálukas and 2 to 3 annas in three tálukas. Average for district 4 annas.	4 to 6 annas in one táluka and portion of another. Almost none in other tálukas.
Ahmednagar ...	9 annas in Akola. Average for the rest of the district 6 annas.	None, excepting a slight crop in a few scattered places.
Poona ...	4 to 6 annas in the affected parts of Indápur. Almost complete failure in the affected parts of Sirur, Purandhar, Bhimthadi and Dhond. Harvest much below normal in the remaining parts of these tálukas. Average outturn in the western portion of the district 10 annas.	Total failure in the affected parts.
Sátára ...	In Mán, Khatáv and Khánápur an average of 2 annas on high lands and of 4 annas on low lands. In Karád 6 annas and in Khandála 5 annas on the average. In the rest of the district which is not affected 6 to 10 annas in three tálukas, 7 annas in two and 8 to 12 annas in one.	Entire failure in the affected parts except where irrigated. Fairly promising in the rest of the district.
Khándesh ...	Outturn expected to be fairly good in eastern Khándesh, except in certain limited areas of poor soil. In western Khándesh, except Sháháda and the Dángs, crops have suffered severely over most of the area and the outturn will be generally poor.	Almost total failure except on irrigated lands.
Nasik ...	10 annas on the average in the western half and 6 to 8 annas in the eastern half of the district.	Almost total failure except on irrigated lands. Irrigated crops will probably yield 12 annas in the western half and perhaps 8 annas in the eastern half.
Bijápur ...	Excepting 117 villages of Bádámi, 87 of Bágalkot, 35 of Sindgi and 12 of Bijápur where it varies from 7 to 12 annas, the outturn ranges between $\frac{1}{2}$ anna and 5 annas.	From $\frac{1}{2}$ anna to 4 annas except in 15 villages of Bágévádi where it is 6 annas, 58 of Bágalkot where it is from 6 to 10 annas, and 117 of Bádámi where it is 5 annas.
Belgaum ...	From fair to very good except in the extreme east where crops have failed badly. The affected portion comprises parts of Athni, Gokák and Parasgad Tálukas and Murgod Mahál.	Rabi for most part not sown in the affected portion.

Statement referred to in the answer to clause (d) of Question No. 3 put by the Honourable Mr. G. K. Gokhale, showing the distribution of relief workers on relief works of different kinds.

District.	Percentage proportion of relief workers during the week ending 19th January 1901 on			
	Metal-breaking works.	Irrigation and other tank works.	Village works.	Other works.
Ahmedabad ... ..	43.3	9.2	16.7	30.8
Panch Maháls ... ..	.....	.....	.....	100 *
Broach ... ..	.....	22.8	77.2	.....
Sholápur ... ..	.....	99.94	.06	.....
Ahmednagar ... ..	.....	99.4	.....	.6
Poona ... ..	4.9	87.9	.....	7.2
Násik ... ..	.....	.....	100	.....
Sátára ... ..	.....	72.4	.....	27.6
Bijápur .. ..	66.2	33.8	.....	.....

RESOLUTION OF GOVERNMENT IN THE FAMINE DEPARTMENT,  
No. 2109, DATED 26th APRIL 1900.

Memorandum † from the Commissioner, N. D., No. 4167, dated 17th April 1900.

RESOLUTION.—The Commissioner should be referred to the orders contained in Government Resolutions No. 807, dated 10th February 1900 (paragraph 2), No. 937, dated 16th idem (paragraph 2), No. 1104, dated 23rd idem (paragraph 2), and No. 1656, dated 20th March 1900, and informed that the Collector of Ahmedabad appears to have correctly interpreted them provided by the expression “fails considerably of the 50 per cent. task” it is meant that the outturn is clearly under half of the task prescribed.

Accompaniments to Government Resolution, Famine Department, No. 2109,  
dated 26th April 1900.

No. 4167, dated 17th April 1900.

From—The Commissioner, N. D. ;

To—The Chief Secretary to Government, Famine Department.

With reference to the concluding portion of paragraph 2 of Government Resolution No. 1104 of 23rd February 1900, the Commissioner, Northern Division, has the honour to forward the accompanying reports on the 9 chatáks minimum rule. The

Collector of Ahmedabad's No. 1270 of 2nd April, with accompaniment, and No. 1407 of 10th April.  
Collector of Kaira's No. 2565 of 8th April.  
Collector of Broach's No. 1996 of 19th March.  
Collector of Surat's No. 1019 of 10th April.  
Collector of Thána's No. 1604 of 7th March.

Collector of Panch Maháls' report has not yet arrived.

2. Apparently the Collector of Ahmedabad has read the orders to mean that the penal 9 chatáks is only to be given when the worker is able-bodied and fails considerably of the 50 per cent. task, in other words, is contumaciously idle and deserves penal treatment. The Commissioner doubts if this is the meaning of Government, but refrains from issuing any order for fear of increasing the misunderstanding.

\* This figure includes relief workers on Muvális Tank work for which separate figures are not given.

† Printed with enclosures as an accompaniment to this Resolution.

3. The Collector of Broach intimates that he is forwarding a special report on the condition of the workers which will be sent on as soon as received.

---

No. 3535, dated 28th March 1900.

From—The Executive Engineer, Ahmedabad District ;

To—The Collector of Ahmedabad.

With reference to your endorsement No. F.—915, dated 8th March 1900, below Government Resolution No. 1104, dated 23rd February 1900, I have the honour to report that there has been no occasion up to now in this district to put into force the penal wages ordered by Government. I am, therefore, unable to express any opinion as to whether it should be raised or lowered.

As regards the wage of the carrier, I beg to state that the present allowance of 15 chatáks was considered by the Famine Commissioner to be not more than sufficient to keep in fair health a person doing light works, and I am respectfully of opinion that it should not be reduced. The prescribed task for a carrier is 10,000 cubic feet, which means that a person has to walk  $11\frac{1}{2}$  miles in a day's work carrying a basket containing one-third of a cubic foot (about 30 lbs.) for half that distance. This is not a very light task, and I do not think 15 chatáks is too high an allowance to keep in fair health a person doing this amount of work.

---

No. F.—1270, dated 2nd April 1900.

From—The Collector of Ahmedabad ;

To—The Commissioner, N. D.

Copy forwarded to the Commissioner, N. D., with reference to his No. 2372, dated 4th ultimo.

2. It is very difficult to discover what is really the least a person can live on without danger to health. There is no doubt that a good deal of casual labour has been done during this famine for considerably less than the famine wage (collection of fuel-fodder, &c.), but in many cases the workers, it is believed, have got gradually thinner and in many cases they may have had other resources.

3. People are earning about 2 annas a day each in drawing carts in this taluka (Dhandhuka) ; this is very hard labour and of course the dependants are not paid, so that the wage would really be probably less than the famine wage.

4. The Collector thinks there is not sufficient ground for reducing a rate of wage fixed after much discussion and consideration.

---

No. F.—1407, dated 10th April 1900.

From—The Collector of Ahmedabad ;

To—The Commissioner, N. D.

With reference to your No. 3841, dated the 6th instant, I have the honour to request the favour of reference to my No. F.—1270 of 2nd April 1900.

2. As I understand the Resolution the 9 chatáks are not proposed to replace the present minimum wage, but it is intended to be only a penal wage for preventing contumacious idleness, and it will appear from the Executive Engineer's letter forwarded with my above-quoted endorsement that there has not been an occasion for enforcing the said penal wage to an appreciable extent.

---

No. F.—2565, dated 8th April 1900.

From—The Collector of Kaira ;

To—The Commissioner, N. D.

In reply to your No. 3841, dated 6th instant, I have the honour to state that the 9 chaták minimum has been adopted in this district, but that it is impossible after so short an experience to say anything about the results.

No. FAM.—1996, dated 19th March 1900.

From—The Collector of Broach ;

To—The Commissioner, N. D.

With reference to your No. 2372, dated the 4th instant, I have the honour to state that the wages on all works except in the Ankleshvar Táluka being reduced in accordance with Government memorandum No. 788, dated the 9th February last, I do not think that there remains any question about reducing the rations, for, with the reduced wages, the quantity that can be purchased by a man on minimum wage is 6 chatáks with jowári at 16 lbs. a rupee, and with jowári at 18 lbs. the quantity purchased is a little less than 8 chatáks. Both these appear lower than the ratio fixed by the North-Western Provinces.

2. As regards paragraph 3 of Government Resolution No. 1104, dated the 23rd ultimo, I beg to observe that the 2nd class wages allowed under the Government memorandum mentioned in paragraph 1 above are Re. 0-1-3 which can purchase only 10 chatáks when jowári is sold at 16 lbs. a rupee, and rather less than 12 chatáks when jowári is sold at 18 lbs. a rupee. Hence I think there remains no question about further reductions.

3. As regards works in Ankleshvar Táluka, I beg to observe that they have been only lately opened and nobody has got a sufficient experience to express an opinion on the important question.

No. F.—1019, dated 10th April 1900.

From—The Collector of Surat ;

To—The Commissioner, N. D.

The Collector of Surat presents compliments to the Commissioner, N. D., and with reference to his memorandum No. 3841 of 6th instant has the honour to intimate that the penal wage of 9 chatáks for able-bodied adult workers on relief works in this district has already been introduced and a copy of the instructions issued by the Executive Engineer in charge Relief Operations is appended for the Commissioner's information. A further report regarding the effect of the above measure is awaited from that officer and will be shortly submitted.

2. The undersigned is respectfully of opinion that the ordinary wage of the carrier should not be reduced below 14 chatáks.

No. D.—136, dated 28th March 1900.

From—The Executive Engineer in charge Famine Relief Operations, Surat ;

To—The Sub-Divisional Officers in charge of Pálan, Párdi, Hond, Butwáda, Burbodhan and Karanj.

I have the honour to request that effect may be given to the following instructions at once :—

1. A "penal wage" of 9 chatáks is to be enforced in those cases in which workers show a contumacious refusal to do the prescribed task.

2. The penal wage as applied to Appendix V, Famine Code, is given below :—

Wage basis in lbs. per rupee.	Penal wage of 9 chatáks. pice.
16	5
17	4
18	4
19	4
20	4
21	3
22	3

3. Circular memorandum No. F.—581, dated 9th March 1900, a copy of which has already been sent to you, shows the method of applying the penal wage, and in doing so I trust paragraph 2 of the memorandum will not be lost sight of.

4. The penal wage only refers to *able-bodied adults* and you should be very careful how you apply it. People, who arrive at the work in a reduced condition, should get the wage of their class until their strength is restored, and those who are constitutionally weak should get the Code minimum.

5. A report should be submitted to me after a fortnight of the effect produced by these instructions.

No. 1604, dated 7th March 1900.

From—The Collector of Thána ;

To—The Commissioner, N. D.

With reference to your memorandum No. 2372 of the 3rd instant, I have the honour to report that I am not in a position to give an opinion which will be of any use on points 1 and 2, as the two test works in this district are not yet managed as regular relief works. As regards point 3, I may say that there is no need of a European officer for famine duty in this district.

### RESOLUTION OF GOVERNMENT IN THE FAMINE DEPARTMENT, No. 2180, DATED 5th MAY 1900.

Government memorandum\* to the Commissioners, N., C. and S. Divisions, No. M.—44, dated 5th April 1900.

Memorandum† from the Commissioner, N. D., No. 4167, dated 17th April 1900.

Letter\* from the Commissioner, C. D., No. F.—1669, dated 9th April 1900.

Letter\* from the Commissioner, S. D., No. F.—381, dated 9th April 1900.

Letter\* from the Collector of Bijápur, No. F.—799, dated 16th April 1900.

Memorandum\* from the Commissioner, S. D., No. F.—429, dated 21st April 1900.

Letter\* from the Commissioner, C. D., No. F.—2008, dated 25th April 1900.

**RESOLUTION.**—These reports do not afford sufficient grounds for a definite conclusion as to the effect of the reduction of the minimum wage in excluding from the works persons not really in need of relief, the ascertainment of which was the main object Government had in view. It can scarcely be doubted that the measure has had some result in this direction, but in Sholápur only have the local officers formed a decided opinion on the point, and the figures as given in a tabular statement do not seem to support it. If the estimate of the District Medical Officer in Khándesh, which, however, is not accepted by the Collector, is at all approximate to the truth, there is an enormous number of people on the works in that district who prefer the penal wage without substantial work to a higher wage on condition of honest work. Two reasons are indicated—first, that some have some other resources; second, that beef is at present so cheap that such as eat it find the penal wage sufficient for their absolute wants. The figures given for Sholápur indicate that after the introduction of the penal wage fining has been almost universal, but it is not shown how many have been fined to the full extent. On the Sangogi Tank in Bijápur apparently few able-bodied persons earned more than the reduced minimum, but the organization of the work is scarcely complete yet. The introduction of even that minimum in the Sátára District is said to have attracted so many that it was abandoned and the system of entire payment by results resumed. These facts indicate that in these districts as in Khándesh there are circumstances which to some extent frustrate the effect of the penal wage which was intended. On the other hand, the proportion of workers in Ahmednagar who are fined to the full extent is very moderate, and in Ahmedabad there is said to have been no occasion to apply the penalty at all. For other districts no definite information on this point is given.

\* Printed as accompaniments to this Resolution.

† Printed as an accompaniment to Government Resolution No. 2109, dated 29th April 1900.

2. All the officers who have reported regarding works on which the penal wage has been given are agreed that there has been no deterioration in physical condition, although a different opinion seems to have been expressed by some subordinate officers. There can be no question, therefore, as to the expediency of continuing it. Even if through causes such as are abovementioned with regard to Khándesh it has not the effect of eliminating all who could do without aid from the State, it at any rate tends to economy, which is very desirable so long as it is not attended with evil results. But the greatest care must be taken that such as work honestly are not subjected to the penalty. The remarks of the Collector and District Medical Officer of Khándesh that the increase of the task will result in an increase of those getting only the penal wage raise a doubt whether proper attention is paid to the repeated instructions on this point. The metal-breaking task referred to seems to be an exceedingly moderate one, and it is remarkable that in Ahmednagar, where it is understood to be the same, metal-breaking is preferred to earth-work, and the condition of the people on metal-breaking works in Sholápur is said to be better than that of those employed on earth-work. But much depends on the nature of the stone and on the manner in which it is broken up before being supplied to those employed with small hammers as well as on the capacity and experience of the workers, and all these circumstances should be taken into account before it is held that workers are continuously idle.

3. The Governor in Council concurs in the view of most of the officers who have expressed an opinion on the point that it is not desirable to carry the reduction further. Such a measure might be applied without injurious effects to such as have other resources or eat flesh, and might have the result of inducing some of them who are not in absolute want of assistance to leave the works and of stimulating others to work, but for other classes the present penal wage is probably as low as is safe. It is to be remembered that individuals who persist in contumacious idleness may be fined down to the value of the work done by them. The Collector of Sátára should be informed that his instructions to dispense altogether with a minimum are approved only on the condition that he satisfies himself that the establishment, European and Native, is competent to detect promptly either on the works or in the villages any persons who are suffering from insufficiency of relief. There is a strong presumption that those who remained on the works without earning a living wage were not contumaciously idle.

4. Further reports should be submitted as to the effect of the reduction by the end of the current month. It is especially necessary to show the proportion of the workers to whom the penal wage is paid and, if possible, to contrast it with the proportion of those to whom the minimum was paid before the reduction. There should be no difficulty in obtaining this information, but it may be given for selected works which can be regarded as fair specimens of those in various tracts. The questions regarding the reduction of wage for Class II and the extent of European supervision will be separately considered.

5. The attention of the Collector of Khándesh should be invited to the instructions contained in Government Resolution\* No. 1631-FAM., dated 2nd September 1897, regarding the conditions on which a supply of butcher meat may be allowed on the works.

Accompaniment to Government Resolution, Famine Department, No. 2180, dated  
5th May 1900.

Government Memorandum No. M—44, dated 5th April 1900.

N. D.,  
C. D.,

The undersigned presents compliments to the Commissioner, C. D., and is directed to S. D., request that he will be so good as to submit forthwith the report called for in the last sentence of paragraph 2 of Government Resolution No. 1104, dated 23rd February 1900. Any apparent effect of the measure directed in that paragraph on the condition of the people should be specially noticed, and it should be stated whether any difficulty has been experienced in excluding weak people from the operation of the order.

\* Extracts printed as accompaniments to this Resolution.

2. The undersigned is directed to add that in regard to such matters it is essential that the information called for should be furnished without avoidable delay.

---

No. F—1669, dated 9th April 1900.

From—The Commissioner, C. D. ;

To—The Chief Secretary to Government, Famine Department.

With reference to your memorandum No. M—44 of the 5th instant, I have the honour to state that the orders of Government directing the reduction of the minimum wage reached this and the other offices at the end of February, and owing to some misapprehension in the office of the Superintending Engineer, Central Division, instructions to Executive Engineers were not issued until some days later. The reduced wage has therefore not been in force for quite a month yet and I am unable to submit an immediate report on its working. The Collectors have been requested to furnish their reports by the 20th instant, and I hope to be able to submit mine by the 22nd idem.

---

No. F—381, dated 9th April 1900.

From—The Commissioner, S. D. ;

To—The Chief Secretary to Government, Famine Department.

With reference to paragraphs 2 and 3 of Government Resolution No. 1104, dated the 23rd February last, and subsequent reminder No. M—44, dated the 5th instant, I have the honour to report as follows.

2. The Collectors of Belgaum and Bijapur have been asked to give their opinion in the matter, but as yet a reply from the former only has been received.

3. The Collector of Belgaum states that the reduction of the wage of an able-bodied worker to the value of 9 chataks is a point which has not arisen in his district, as the only work open is being conducted on the limited piece-work system with no minimum.

4. As regards the carrier's wage, Mr. Bonus is of opinion from his experience of Khándesh that the proposed reduction to 13 chataks may be safely made. I see no reason to differ from him.

5. The report from Bijapur is awaited ; and the Collector wires that it is delayed owing to the transfer of Captain Smith, late Special Civil Officer, Horti-Tadvalgi Road. The report will be submitted to Government as soon as received.

---

No. F—799, dated 16th April 1900.

From—The Collector of Bijapur ;

To—The Commissioner, S. D.

In continuation of my No. F—572 of 10th ultimo, I have the honour to state that it is too early yet to give a definite opinion as to the effect of the penal wage.

2. At the Bádámi-Mudkavi Road it is practically confined to the workers in Class I, because others were found to be deteriorating.

3. At the Sangogi tank until a fortnight ago the work was piece-work, based upon the tasks prescribed in Government Resolution No. F—538 of 5th March 1900, with an allowance of 25 per cent. for Sunday wage.

There are on the trench now about 7,000 workers, of whom some 4,000 got only the penal minimum for the first week. About 3,000 are employed on light work and get the full wage unless they are, obstinately idle. Some 4,000 are new-comers who are not fined for the first fortnight.

4. I went thoroughly over the work last week, and there were scarcely any persons in reduced condition. Many complained of insufficient wage. It remains to be seen whether the minimum wage will make them work harder.

5. I consider that the wage of Class II might be reduced from 15 to 14 chataks.



Memorandum from the Commissioner, S. D., No. F—429, dated 21st April 1900.

Submitted to Government in continuation of this office No. F—381 of the 9th instant.

2. The "penal wage" has not had a fair trial yet in the Bijapur District and the Collector is therefore being asked to submit a further report by the end of this month.

3. The reduction proposed in the ordinary wage of carriers in Bijapur from 15 to 14 chataks may be approved.

No. F—2008, dated 25th April 1900.

From—The Commissioner, C. D. ;

To—The Chief Secretary to Government, Famine Department.

With reference to paragraphs 2, 3 and 4 of Government Resolution No. 1104 of the 23rd February last, I have the honour to forward herewith reports received from the Collectors of all the Districts in the Central Division except Poona. Mr Sheppard's report, although urgently called for, has not yet been received, and I do not think it advisable to wait for it any longer.

2. The replies received cannot be considered sufficient or satisfactory; but this is hardly to be wondered at, as the subjects to be considered were so important as to require considerable time and experience for the formation of anything like a reliable opinion. The effect of the reduction of the minimum wage could only be adequately judged by ascertaining from actual experience whether the workers had suffered in physical strength, whether the normal influx on works had been appreciably checked or the numbers employed had fallen off apart from the decrease due to the desertion of works on account of such abnormal causes as outbreaks of cholera, &c., whether there had been a greater tendency to take advantage of gratuitous relief in villages, and whether there had been a marked increase in the number of aimless wanderers or of inmates of poor-houses. Except on the first mentioned point, however, there is little or no information. The time within which the experiment could be watched and the results ascertained was too short for the purpose. All that can be said with certainty is that on the whole there has so far been no physical deterioration as a consequence of the reduction in the minimum wage, and this gives ground for the continuance of the experiment. At the end of another month it will be possible to form a definite opinion on the question. In the meantime I am of opinion that no further reduction should be attempted. In the Sátára District the Collector has given orders on the authority of Sections 79 and 87 of the Famine Code that payments should be made strictly according to results. Opinions may differ as to the expediency of this measure, but as the district has not been severely affected at any stage of the season and the Collector has at his disposal a staff of European officers for adequate supervision of relief camps, Mr. Dodgson's order may be allowed to stand. So far as the other districts are concerned, existing arrangements may continue.

3. The only officers who have given an opinion as to the expediency of a reduction in the wage of the carrier class are the Collectors of Násik, Ahmednagar and Sátára. Mr. Moore is in favour of a reduction while the other two officers are opposed to it. I concur in the opinion expressed by Mr. Lamb and Mr. Dodgson. I do not think that the wage rate of Class II is proportionately higher than that fixed for either of the other two classes of workers, and under existing arrangements no reduction seems called for. Able-bodied adult workers, male or female, are now fined down to 9 chataks and in the case of proved contumacy may be fined even lower, so that there is no danger of abuse of the maximum wage. On the other hand it would be a distinct discouragement to the willing worker if the margin between the maximum and the penal wage were narrowed. There would not be the same inducement to honest work as there is at present.

4. Information as to the extent to which European supervision over relief operations is available at present and as to the necessity of increasing it has not been furnished by all Collectors. The question, however, is being separately dealt with and a report on the

subject will be submitted at an early date. In the meantime I may state that useful work can be found for at least six more Staff Corps officers in the Central Division, notably in the Khándesh District, where, owing to the number and size of relief works, effective supervision by the Superior Revenue Staff is very difficult. But it must be borne in mind that unless there is to be another failure of the monsoon the great tension will probably be relieved in from 6 to 8 weeks, and as it always takes time to carry out any new measure or send officers to unaccustomed work, I would deprecate any alterations in modes of working or addition to present establishment except such as are absolutely and imperatively called for.

No. D—463, dated 20th April 1900.

From—The Collector of Ahmednagar ;

To—The Commissioner, C. D.

In reference to your Nos. F.—1079, dated 6th March 1900, F.—1378, dated 22nd idem, and F.—1668, dated 9th instant, I have the honour to forward extract paragraphs 2, 5 to 7 from the Executive Engineer, A. D.'s No. 5850, dated 16th April 1900. It will be observed that paragraph 6 relates to only that portion of the district which is in direct charge of the Executive Engineer ; no figures have been received from the Relief Executive Engineer, nor indeed called for by this office, as it was presumed here that the Executive Engineer would furnish for the whole district whatever statistics were available. Report from the District Medical Officer under your No. F.—1377 is not yet to hand.

2. I have the honour respectfully to point out that there is no *general* reduction of the minimum wage as stated in your No. F.—1079, paragraph 2, and your No. F.—1377. The minimum wage remains as it was ; the limit of fining below that wage has been fixed (a) at 25 per cent. below it and (b) has to be inflicted on the able-bodied only, and (c) only for continuous refusal to perform a reasonable task.

Note by the Commissioner :—

" *General* with reference to the area, not reference to classes. In the first instance the reduction was made applicable to Khándesh only : then it was extended to Sholápur, and lastly, to all districts. It was in this sense that the word ' general ' was used."

3. On the effects of a penal wage so strictly limited it is almost impossible to report definitely. The condition of workers depends on a number of influencing circumstances amongst which the penal wage as laid down occupies by no means the most prominent or important place. Amongst the influencing circumstances referred to may be mentioned.

- (1) the condition in which workers first come on the works ;
- (2) the extent to which they send their dependants to kitchen, or feed them out of their own earnings ;
- (3) the kind and quality of grain on which they think fit to spend their earnings—a matter with which Government cannot possibly interfere though a man will obviously keep in better condition if he spends his money on good jowári than if he prefers to live cheaper on a mixture of poor jowári and kulti (as many do), or on rice to which he is not accustomed (as many also do) ;
- (4) the physical temperament of the workers ; how far it enables them to stand the strain of daily monotonous labour of an unaccustomed kind. Obviously the ordinary day-labourer is likely to bear this strain much more easily than the ordinary cultivator whose cultivating operations leave him in ordinary times many days and hours of physical rest ; or than the wild tribes who ordinarily do no regular labour at all. Such circumstances as these are, in my humble judgment, far more potent factors on the workers' condition than the infliction on only a portion of the workers of a strictly limited fine in strictly defined circumstances only.

4. Speaking, therefore, of the relief workers in the mass I should say that the penal wage has no appreciable effect on their condition as a general body. It is to be remembered also that (as pointed out by the Executive Engineer) in this district we worked on the piece-work system up to January, and that when that system gave way to the Code system, we still took the Code as it stood and fined as permitted by Section 87, the general limit being 1 pice below minimum, or in worst cases at most 2 pice below it. The introduction of the penal wage does not, therefore, constitute any new departure in this district; it merely is the latest form of what was previously being done.

5. Some officers—both Special, Civil and Inspecting—have from time to time stated that, in their opinion, fining has, on the particular works of which they were writing, had a deteriorating influence on the condition of the workers. If there had been a general consensus of such opinions as regards the famine relief works generally, it would have been entitled to consideration, but not by any means necessarily to unqualified acceptance. Even such a general consensus of opinion would need to be carefully weighed, with a view to seeing how far account had been taken of such circumstances, as I have given a few examples (not an exhaustive list) of in my paragraph 3. But there has not even been any such general consensus of opinion. And in a few scattered opinions of some officers only regarding some works only, the personal equation comes so largely into play—that no conclusion can with any propriety be certainly drawn from them. The temperaments of officers vary as widely as do those of famine relief workers, and what one officer will regard as reduced condition and at once without weighing all the circumstances refer to insufficient wage, another officer will consider to be a fair condition for people to be in to whom Government does not pretend to give more than a fair subsistence wage. There is not therefore in these scattered opinions any ground visible to me for modifying the view stated in the first sentence of my paragraph 4.

6. The difficulty attaching to fining whether down to a 9 chatak limit or to any other that may be fixed is not one peculiar to this particular point in famine administration, but is one general to every branch of that administration. The difficulty is to get the subordinate officers in charge of works, and even the upper subordinates in charge of sub-divisions, nay even the superior and inspecting officers themselves sometimes to understand exactly the scope and application of the orders issued by Government, or you or me or the Executive Engineer. This difficulty is of course one that has to be borne and can be dealt with only by constant vigilance on the part of the superior and inspecting and other officers who do understand the scope and application of the orders. I think I may safely say, and with much grateful appreciation of the unflagging labour of the district officers, that this vigilance is not wanting. Every case of indiscreet fining appears to be noticed at once and at once corrected.

7. I do not think it is desirable to reduce the penal wage below 9 chataks.

---

Extract paragraphs 2 and 5 to 7 from the Executive Engineer's No. 5850,  
dated 16th April 1900.

"2. As regards the latter part of paragraph 2 of Government Resolution No. 1104, dated 23rd February last, in my opinion a penal wage of 9 chataks is low enough as regards the Nagar District. The physique of the people here is decidedly below the average, and but a small proportion of the adults on relief works can be reckoned as sufficiently able-bodied to justify their being paid on the penal scale. Such as it is considered right to fine to this extent do not seem to suffer appreciably, provided they send their dependants regularly to be fed in the kitchen; but looking to the general condition of the people and the succession of bad seasons they have experienced, I am decidedly of opinion, as above stated, that a penal wage of 9 chataks is as low as the fining can be carried with safety for any length of time. Not that this fining even has the desired effect everywhere people are to a very large extent quite satisfied to remain on the works week after week, earning this pittance and without an effort to improve their position."

"5. Next as regards your endorsement No. 5501, dated 28th ultimo, you will remember that it was not until quite the end of December that the code system was brought into force in this district; also that almost simultaneously with its introduction and on the strength of what had been already sanctioned in the Khândesh District, fining to the extent of one or two pice a day below the minimum in the case of the more able-bodied workers, who at once crowded on without any intention of doing a fair day's work, was sanctioned—*vide* paragraph 2 of your report No. D-34, dated 11th January last, printed in the preamble of Government Resolution No. 609, dated 2nd February 1900, and your action was approved by Government in this same Government Resolution. No such comparison as that suggested by the Commissioner between the numbers of the workers during the month preceding and that succeeding the introduction of the penal wage is therefore possible as regards this district. I, however, give the following figures :—

February 1900.	1	2	3	4
	Average Numbers on work.	Numbers fined.	Numbers paid minimum and not fined.	Numbers paid maximum.
Earth-works ... ..	43,254	15,065	15,008	6,590
Metal-breaking works . . . . .	111,154	81,027	9,271	6,608
Total ...	154,408	96,092 24,279 13,198	24,279	13,198
		133,569		

The percentages of (2), (3) and (4) on (one) were therefore, respectively, for—

Earth-works ... .. 31, 31 and 14 = 76.  
And for metal-breaking works ... .. 73, 8 and 6 = 87.

"6. As regards the *present time* and my own (western) half of the district, with  
about 43,500 on earth-works, and  
about 28,500 on metal-breaking works,

72,000

the percentages are as follows :—

	Maximum.	Between maximum and minimum.	Minimum.	Below minimum.
Earth-works ... ..	27	33	28	12 = 100
Metal-breaking works ... ..	20	25	40	15 = 100

"7. I trust these figures will be of use. Up till past the end of February, the numbers rose steadily at the rate of from 15,000 to 20,000 a week. There was then a period of several weeks during which the variation in either direction did not exceed 5,000. Lately there has been a tendency towards a further rise. It may safely be said that the introduction of the penal wage has not had any very great effect in keeping the numbers down. What has had, however, a deterrent effect is drafting, which the people appear to dislike much more than any reduction in their wages. The preference shown for the metal-breaking works is also very marked in this district."

No. <sup>Fam.</sup> 4402, dated 19th April 1900.

From—The Collector of Sâtára ;

To—The Commissioner, Central Division.

No. F.—1079 of 6th March 1900.

No. F.—1377 of 22nd March 1900.

No. F.—1668 of 9th April 1900.

With reference to your letters noted in the margin, I have the honour to report as follows.

I am not in favour of lowering the ordinary wage from 15 chataks to, say, 14 or 13 chataks. It is quite the exception to find any one earning the 15 chataks, and therefore the rule allowing 15 chataks does not lead to extravagance and undue expense. If a worker be alone and have no other member of his family earning something for the family stock, and if he has no other resources to fall back on, it is probable that 15 chataks are not too high a wage. To reduce it would be hard on such relief workers as are conscientious and hardworking and would not benefit Government or any one else, besides removing an incentive to honest work.

2. There are at present the following European officers employed in this district, besides myself and my two Assistants, Mr. Palmer and Mr. Turner :—

Mr. George, Executive Engineer ;

Messrs. Gahagan, Marr, Midford, Engineers ;

Lieutenant Blair, Indian Staff Corps ;

Lieutenant Sweeney, Commissariat Department (retired) ;

Mr. Wilson, Postal Department ;

and I am about to appoint Mr. C. S. Campbell, I. C. S., a Junior Civilian under me, to do famine duty.

3. I and my two Assistants exercise general supervision over all famine works, including actual relief works and village inspection and gratuitous relief.

The Engineers work under the orders of the Executive Engineer and devote themselves primarily to technical matters.

Messrs. Blair, Sweeney, Wilson and Campbell have or will have the following duties :—

To constantly examine the kitchens and the work of the Special Civil officers.

To exercise general control over the work people and work establishment and to maintain discipline.

To see to what extent the people work up to the tasks set them and to encourage them to do the full task.

To check the muster rolls frequently by having them called in their presence, and to satisfy themselves that people entered in the muster roll are really present on the work.

To endeavour to prevent fraud, favouritism and oppression and to be present as frequently as possible when payments are being made by the cashiers.

To see that the children are fed properly and under the appointed conditions, that they are kept in enclosures prepared for them during the day.

4. As yet no District Medical officer has been appointed here, and consequently I am unable to forward the report referred to by you in the first part of your No. <sup>F.</sup> 1378, as I have not received such a report. With reference to the effect of the 9 chatak minimum, I have the honour to invite your attention to my letters Nos. <sup>Fam.</sup> 3605 and <sup>Fam.</sup> 4706, dated 31st ultimo and 5th instant, respectively. These letters show that no minimum has up till recently been enforced in this district on the authority of Government Resolution No. 250, dated 17th January 1900. The system of not fining below the minimum wage was introduced on the 5th March, and the first payments on this system were made on the 1st and 2nd instant. As a matter of fact, the introduction of a minimum wage,

even though it was only the penal minimum of 9 chataks, meant a rise in wages to very many workers, for at present prices the 9 chatak minimum means a wage of 5 pice for 6 days and 7 pice for Sunday or  $9\frac{1}{4}$  annas a week. Many workers earned less than this, and the result of the introduction of this system has been that the number of workers, which on the 1st April stood at 26,937 and showed very little sign of increase, rushed up by the 11th instant to 37,402, an increase of approximately 1,000 a day. On the Tarla-Tásgaon Road, where the workers are the laziest in the district, and where the people are more demoralized than anywhere else, owing to the relief given to them in 1896-97, the number on the work has more than doubled since the 9 chatak minimum wage was established. On the 31st ultimo it stood at 1,367; on the 16th instant it was 3,432.

5. I am unable to compare the effects of the 9 chatak wage with those of the 12 chatak wage, as the latter has not been in force here, but there is not the slightest doubt that the 9 chatak wage attracts people in large numbers and is very popular. The prospect of earning  $9\frac{1}{4}$  annas a week for doing practically nothing appeals forcibly to many of the public. That the people are disgracefully idle is beyond dispute. The Second Assistant Collector reports that on one work he found a gang that had done less than one-tenth of their task during the week, in other words, not a full day's task in 6 days of so-called work.

6. With a famine not acute and only amounting to scarcity, as is the case here, it is clear that the 9 chatak minimum wage is not in the least too low. In fact I consider it too high, and think that the minimum might well be lower, say 7 chataks.

7. The Chief Secretary to Government, when he visited this district early in March, stated in his Note of Inspection that the minimum wage system need not be established here. It was established rather by accident, as I have already explained. Owing to the startling manner in which its establishment has led to the people crowding on to the works and doing practically nothing when they get there, I have now asked the Executive Engineer to go back to the old system and fine below the minimum, paying the people entirely by results, in accordance with Government Resolution No. 250, dated 17th January 1900, and the Chief Secretary to Government's opinion. The people will be carefully watched by the European officers on famine duty.

8. No difficulty has been found in distinguishing between the classes to whom the Code minimum of 12 chataks should be applied and those to whom the 9 chatak rule is applicable. All weak persons, unfit for hard work, are put into Class IV gangs, where they earn the 12 chatak minimum until they are well enough to be drafted into a Class II gang. As long as this is carefully done, I see no harm in having a very low or even no minimum wage at all.

9. I am taking the liberty of not sending you the figures called for in your No. F.—1378, because I understand that the object of getting these figures is to contrast the effects of the reduction in wage on the attendance on the two classes of workers (*i.e.* on earth-work and metal-work). There having been no "reduction" here, I cannot supply any figures bearing on the point.

No. 522, dated 18th April 1900.

From—Dr. R. Farrar, District Medical Officer, West Khándesh;

To—The Commissioner, C. D.

Your No. F.—1377 of 1900. Physical condition of workers in famine camps. I have the honour to report as follows.

The principal castes among the workers' on famine relief camps in West Khándesh

Castes.

are Kunbis, Brinjáris, Mahárs and Mhángs, Musalmáns and Bhils.

Speaking generally, the condition of the workers is good. The men are well-nourished (not perhaps quite so well as prisoners in gaols who are exceptionally well fed), the women retain their

Physical condition.

roundness of contours, and the children, on the average, are quite as fat in the kitchens, or even in some cases fatter, than they would be in their own homes in normal years.

The above observations apply to Kunbis and Mahárs, who come on to relief works in good time and before they are reduced in condition. Bhils, on the other hand, frequently do not apply for work till they are already much reduced. They cannot soon *recover* condition on the wages they earn. Making allowance for the natural skinniness of the Bhil, I am of opinion that the Bhils, on relief works, especially in the Northern Tálukas of West Khándesh, are, by reason of famine, in a condition below par.

I have not the materials for giving accurate figures, but my impression derived from a very large number of enquiries from workers and officials in all the camps in West Khándesh is that fully 50 per cent. of II Class workers and in some camps 75 per cent. are earning only the penal minimum, which at present rates works out to  $7\frac{1}{2}$  annas a week. If accurate statistics on the point are required I could obtain them, after a little delay, from my own camps or they could be obtained more readily from the officers of the Public Works Department.

My opinion, derived from enquiries specially directed to the object, is that  $7\frac{1}{2}$  annas per week, the general II Class wage is just sufficient to support life in health and without obvious deterioration for perhaps two or three months, when the diet is jowári or other staple grain. I doubt whether a man or woman could do full work on the jowári only which can be bought for  $7\frac{1}{2}$  annas weekly at present rates, for, say, six months without losing weight. I am clear that it leaves no margin for luxuries, or even for purchase of clothes. I would suggest that the carbon and nitrogen equivalents of this grain be worked out by a competent expert. I suspect that the thrifty Kunbis, when earning minimum wage are able to supplement it by drawing on their savings, pawning jewels, borrowing, &c.

While the Hindu vegetarian castes may not get sufficient sustenance out of the minimum wage, I am of opinion that the meat eating castes are able to maintain themselves in health by the use of *meat* at present prices. I have seen good meat selling in camp bazárs at half an anna a seer. At this rate Mahárs, Mussalmáns, and Bhils can live and keep well on even the present penal minimum. Famine which raises the price of grain brings down the price of meat.

In this connection it is of the highest importance to facilitate and even encourage the sale of beef in camps. Brahman officers, on religious grounds, are very apt to try to prevent the sale of even good meat. This should be sternly forbidden, and permission should be readily given to accredited Mussalmán butchers to sell meat under proper supervision. Only flesh should be allowed to be sold and no entrails or offal, and frequent inspections should be made. Otherwise the meat-eating castes will buy inferior meat surreptitiously, and, as I can personally testify, Bhils will eat meat that is absolutely putrid. This is an important predisposatory cause of cholera.

When the *metal-breaking* task was at three feet, a very large proportion of workers in Class II, especially Kunbi and Brinjári women of no more than average strength, were earning with apparent ease from  $10\frac{1}{2}$  to  $13\frac{1}{2}$  annas weekly in many camps. This suggests the inference that the lazy ones of equal strength who did not exert themselves to earn more than the minimum wage and were apparently contented with it, found themselves able to subsist on  $7\frac{1}{2}$  annas weekly. I am quite convinced that most of them could have earned more had they chosen to work.

The task has now been raised, I understand, to  $4\frac{1}{2}$  feet. Under new conditions few, I think, will be found able to earn more than the penal minimum  $7\frac{1}{2}$  annas. The conditions of work differ in different camps according to the nature of the stone and the lead, &c. In one camp Mandal (Sindkheda Táluka) the stone was soft and all the workers earned full wages. Where the stone is hard and badly got the task is proportionally harder. I think the system of measuring and determining wage by Public Works Department officers wants looking into. In three sub-camps of Amalner, all within 5 miles of the main camp, with people of the same class working under apparently similar conditions, I found that in one camp the great majority of workers, Class II, were earning  $7\frac{1}{2}$  annas, in another  $10\frac{1}{2}$ , in the third  $13\frac{1}{2}$  weekly. I could find no explanation of the discrepancy.

I am of opinion that the people on earth-works are on the whole in slightly better condition than on the metal-breaking works. They are certainly more contented and are able to earn a higher average wage. The work is pleasanter, and the task is more easily accomplished and less penal in character. I strongly advocate earth-works rather than metal-breaking where practicable.

In conclusion I am of opinion that  $7\frac{1}{2}$  annas, the penal minimum at present rates, is just sufficient to support life under conditions of moderate work for a few months, with probably some loss of weight, but leaves no margin. Anything above 10 annas weekly probably will support life in health and leave a slight margin for clothing, &c. Above 12 annas the thrifty can save a trifle.

I may point out that a family of four, say a man and wife each earning 12 annas weekly, and two children over eight each earning eight annas weekly, will be making Rs. 10 per mensem, about the wages of a syce, not counting any younger children who may be fed in the kitchen.

I would urge not that the penal minimum be raised, but that the task be reduced so as to enable workers of average diligence to earn not less than 10 annas per week.

---

Memorandum from the Collector of Khándesh, No. F.—1203, dated 20th April 1900.

Forwarded to the Commissioner, C. D., with compliments.

I have seen all the camps in Dr. Farrar's charge, with the exception of those near Amalner, and my experience of the condition of the people coincides with his. The workers, generally speaking, are in good condition. The exceptions are those who come on the works in a reduced condition and belong almost altogether to the hill tribes, including Maochi Bhils from the outlying villages in the west and the Dhankas, Pavras and Bhils from the hills on the north. The Bhil labourer from the villages in the plains has come on to the works readily enough and has kept condition as well as the Kunbis and Mahárs.

The hill tribes have now been exempted from the penal wage rule, their task has been reduced and they are to be paid daily. Thus even if they do come on in a reduced condition they will have every chance of recovering strength if they do not yield again to their wandering instincts.

I have not yet received the returns for the camps in Dr. Farrar's charge giving the proportion of workers fined down to the penal minimum; Dr. Farrar's estimate of 50 per cent. at least and in some cases 75 per cent. is, I think, too high. He mentions one camp where all were earning full wage and two camps out of three at Amalner where  $10\frac{1}{2}$  to  $13\frac{1}{2}$  annas were being earned. At the three earth-work camps Purmepáda and Talvada and Ajnád and at the metal-breaking camps in Pimpalner Táluka I found the majority were earning more than the penal wage. Only at Dahivad (Bombay-Agra Road) and at Devala did I find the case otherwise. At Dahiwad the people were in good condition with the exception of some hill folk who had wandered over from Sháháda and



from Holkari. The other workers were mostly Vanjirás, Bhils and Mahars with a few other Hindus. Cheap beef was to be had in the village of Dahivad and I ordered a site for the shop to be assigned near the camp so that it might be under supervision. At Devala I arrived when the last payment was being made after the people were dispersed by an outbreak of cholera. The workers from the villages round about were in good condition. The hill folks were not. They had, I believe, come on in bad condition. The grain advance system was not working properly. The grain dealers were not allowing full value for the chits on the ground that some of the chit-holders left the work immediately they received the advance. Thus, of those who stayed on, some were getting even less than the penal wage as the full value of the chits was deducted from their earnings. This will now be impossible with daily payments.

Dr. Farrar mentions two conditions under which the effect of the penal wage is minimised. One is that some of the workers are probably drawing on their own resources. It does not need much to bring the penal wage up to the amount necessary to keep a man in good health, while the amount that can be earned with very little work is an appreciable amount when it is remembered that all non-working children are fed. The other condition is the cheap supply of beef which is available in most camps. This factor will be less in evidence in the next few months as the supply will in all probability be less.

The metal-breaking task in force up to March was, I consider, a light one, and there was no reason why any one who chose to work should not complete it or at least earn the Code minimum. The task has now been raised from 3 cubic feet to  $4\frac{1}{2}$  cubic feet for Class II. I am not prepared to say that it is too heavy, but the change and the advent of very hot weather will probably increase the proportion of workers earning only the penal minimum.

---

No. F.—2469, dated 20th April 1900.

From—The Collector of Násik;

To—The Commissioner, C. D.

With reference to your No. F.—1378 of the 22nd March and No. 1668, dated the 9th April 1900, I have the honour to send herewith copies of the District Medical Officer's No. 190, dated the 16th April, and Executive Engineer's No. 3048 of the same date, and to state that in my opinion the reduction of the penal minimum wage from 12 to 9 chataks has not injuriously affected the condition of the workers.

It is true that the number of workers in this district has largely decreased during the last fortnight, but this is due to the outbreak of cholera at the Girna Bridge, Waka, Odal Tank and Khirdi-Sathe Works.

2. As regards European supervision of relief works and of gratuitous relief, there are, besides the Europeans of the regular district staff, two European officers under the Executive Engineer—Captain Grace, I. S. C., and Mr. Prendergast of the Burma Police.

They are employed on the work of camp inspection and are, I think, sufficient for the purpose.

There are no European officers outside the district staff supervising the distribution of gratuitous relief, nor do I think that European officers other than Assistant Collectors (who are not available) would be of much use in this direction. The work requires a knowledge of the people and their language, not usually possessed by Europeans other than district officers.

3. The information asked for in paragraph 2 of your No. F.—1378, dated the 22nd ultimo, has not yet been received from the Executive Engineer, Násik, who says it is doubtful whether the information can be supplied in time. A copy of his No. 2736, dated the 6th instant, is herewith sent for perusal. Under the circumstances I have the honour to state that the information will be supplied as soon as received from the Executive Engineer.

No. 3048, dated 16th April 1900.

From—The Executive Engineer, Násik District ;

To—The Collector of Násik.

Reference No.  $\frac{F_1}{2285}$ , dated 14th April 1900. The undersigned has the honour to state that orders have been given to the effect that only able-bodied adults are to be fined down to the penal minimum and no reports have been received of any difficulty having been experienced.

Memorandum from the Executive Engineer, Násik District, No. 2736, dated 6th April 1900.

Reference No.  $\frac{F_1}{2082}$ , dated 4th April 1900. Endeavours will be made to supply the information asked for by the Commissioner by the 15th, but it will be necessary to search through many hundreds of bulky muster rolls, and it is very doubtful if this can be done within the time.

No. 190, dated 16th April 1900.

From—The District Medical Officer, Násik District ;

To—The Collector of Násik.

With reference to your Nos.  $\frac{F_1}{2092}$  and  $\frac{F_1}{2206}$  of 4th and 14th instant, I have the honor to report that I have noticed no difference in the condition of the workers at famine camps since the reduction in the minimum wage, but I have met several workers coming away from camps as they said they could not live on the pay.

2. At present I am unable to compare the condition of workers on metal-breaking works and earth-work, respectively, as the condition of workers on different works of the same character varies considerably: for instance Khopdi, Deshmane, Waka and Girna Bridges are all metal-breaking works, but the condition of the workers is only moderate at Khopdi, fair at Deshmane and good at Waka and Girna Bridges, the difference being apparently due to the various localities from which the workers are drawn.

3. No difficulty was found in excluding weakly people from the operation of the order reducing the minimum wage.

No. D.—2228, dated 20th April 1900.

From—The Collector of Sholápur ;

To—The Commissioner, C. D.

In compliance with your memorandum No. F.—1668 of 9th instant, I have the honour to forward herewith reports from the Relief Executive Engineer and the District Medical Officer on the effect of the reduction of the minimum wage. They both report that this measure has had no prejudicial effect on the health of the people.

2. The District Medical Officer is of opinion that the people on metal-breaking are in somewhat better condition than those on earth-work.

3. The Relief Executive Engineer is of opinion that the reduction has sent off and kept off the works a considerable number of people not really in need of relief. The statement he annexes shows a falling off of 808 in average numbers during the two months under report.

4. No difficulty has been experienced in excluding weakly persons from the reduction. Such few as are very emaciated are fed in the kitchen until they are fit to work.

5. Up to the 17th March, when I was forced to go on leave, my own observation was in accordance with the views expressed by the Relief Executive Engineer, and District Medical Officer, and I feel sure their opinions may be taken as correct.

6. I regret that up to the moment of writing, the Executive Engineer has not furnished me with his report on the subject. I sent him a very urgent reminder the day

before yesterday. In view of your urgent telegram received last night, I can no longer delay the submission of this report. I have no doubt, however, that the facts regarding the Executive Engineer's division of the district are similar to those reported by Mr. Milsom.

---

No. 240, dated 14th April 1900.

From—The District Medical Officer, Sholapur ;

To—The Collector of Sholapur.

With reference to the last sentence of the No. 2083 of 13th April of the Collector and the order detailed in the paragraph 2 of Government Resolution No. 1104 of 23rd February referred to in the memorandum No. M.-44 of 5th April of the Chief Secretary to Government enclosed with the Collector's memorandum and the order referred to in the No. F.-1668 of 9th April of the Acting Commissioner, C. D., also enclosed with the Collector's memorandum, the District Medical Officer has the honour to state that no such order by itself or as enclosed in the Government Resolution has been communicated to him. It is therefore not possible for him to answer the query as to "whether any difficulty was experienced in excluding weakly people from the operation of the order reducing the minimum wage."

With reference to the report called for in the Collector's memorandum No.  $\frac{D.}{1816}$  of 26th March and again in the No.  $\frac{P.}{2083}$  of 13th April, the District Medical Officer has the honour to point out that a complete report could only be satisfactorily made after a re-visitation of all works which had been inspected previous to the issue of the order for reducing minimum wage. This the District Medical Officer not having been informed of the above order and not knowing when the reduction of the minimum wage took place, has not been able to do.

However from such information as he has been able to gather by inquiry, and by personal observation on several famine relief works, the District Medical Officer desires to state as his opinion that there is no deterioration in the physical condition of the people which could be ascribed to the reduction of the minimum wage by administrative order.

Such falling off in health and strength as has been noticed is individual and arises from particular local circumstance and not from any general cause operating over the whole district.

The men and women employed on metal works, where it is possible to make the wages earned directly dependent on the accomplishment of a definite task, are if anything in a better condition than those employed on earth-works, where, from the difficulty of arranging task work with a dependent wage, the institution of a reduced minimum has had its most rigorous effect. It may be also that the people work more energetically on metal-breaking where they may sit at work, than on earth-works, where most varieties of work have this in common that the erect posture is necessary. The children of three years and under—who remain with their mothers at work are, I think, in better condition on the road-metal works than on the tank works.

If this opinion be correct, the reason, I take it, is two-fold. The mothers are better fed and therefore better able to nourish these children ; and being stationed in one spot all day they are better able to shelter the children, whom they keep with them all the time.

---

No. 1513, dated 15th April 1900.

From—The Relief Executive Engineer, Sholapur ;

To—The Collector of Sholapur.

With reference to correspondence ending with your memorandum No.  $\frac{D.}{2083}$  of 13th April 1900, I have the honour to enclose a tabular statement giving the information asked for by the Commissioner, C. D., in his No. F.—1378 of 22nd March 1900.

2. Persons earning only minimum wage, though not fined, are almost all fed in kitchen. The number nominally worked and therefore paid in cash is so small that they have not been shown separately in this return.

3. I have quite recently inspected all the works in my charge except the Budhihal Tank, and on them I am decidedly of opinion that the reduction of the minimum wage has in no way prejudicially affected the physical condition of the workers. From Budhihal the Sub-Divisional Officer reports that he considers the workers on earth-work have not apparently been affected, but that the small number he has on metal-breaking have, and I am therefore instructing him to change the people so employed and put them on to earth-work and others on to metal-breaking. This state of things does not however appear elsewhere on other works and the Sub-Divisional Officer's opinion is not shared by the District Medical Officer who returned from Budhihal on 3rd April 1900, and has just reported to me as follows, under dated 12th April 1900:—"The undersigned is of opinion that no deterioration in the physical condition of the workers is observable which could be ascribed to the reduction in the minimum wage."

4. This is a general report for all works in my charge, but as almost the last that the District Medical Officer visited before reporting, was Budhihal, it may be taken certainly to refer to that work if anything more particularly than to any other.

5. As to the effect that the reduction has had in keeping people off the work, I consider that there is now ample evidence to show that it has been the means of sending people off the works and in keeping others from coming on. The figures in the enclosed statement show a falling off of 808 in average numbers during the two months under report.

6. The people employed on the Tembhorni-Kem Road have been shown in the statement under Poona-Hyderabad Road—the whole of the workers on the sub-division having been lumped together.

7. No difficulty has been experienced in excluding weakly persons from the reduction in the minimum wage. Such as are much reduced—and the number is not at all large—are fed up in kitchen until fit for work.

8. In conclusion I beg to point out that in the papers accompanying your No. D.—1816 of 26th March 1900, this report is called for "as soon after the 15th proximo as possible," whereas in your No. D.—2083 of 13th April 1900, it is requested that it may be submitted "without further delay."

*Tabular Statement to accompany Report No. 1513, dated 15th April 1900, showing results of the reduction in Minimum Wage by 25 per cent.*

Name of Work.	DAILY AVERAGE EARTH-WORK.		DAILY AVERAGE METAL-BREAKING.		EARTH-WORK PERCENTAGES.						METAL-BREAKING PERCENTAGES.					
	Month before.	Month after.	Month before.	Month after.	Fined.		Minimum without fining.		Maximum.		Fined.		Minimum without fining.		Maximum.	
					Before.	After.	Before.	After.	Before.	After.	Before.	After.	Before.	After.	Before.	After.
Budhihal Tank ... ..	8,004	13,858	200	325	44	68	...	...	56	27	100	100	...	...	...	...
Bhamburdi Tank ... ..	7,576	7,876	143	118	87	88	...	...	13	12	...	Not shown separately.				
Ashti Tank ... ..	3,752	5,031	...	...	48	37	...	...	52	13	...	...	...	...	...	...
Poona-Hyderabad Road ... ..	...	...	22,350	16,094	...	...	...	...	...	...	48	92	...	...	52	8
Fandharpur-Karad Road ... ..	10,351	11,402	1,277	201	63	99	...	...	17	1	62	99	...	...	18	1

ACCOMPANIMENT TO THE COMMISSIONER, CENTRAL DIVISION'S LETTER No. F-2008 OF  
25TH APRIL 1900, TO GOVERNMENT, FAMINE DEPARTMENT.

Extract paragraphs 2 to 5 from the Ahmednagar Collector's letter No. 3907, of 15th March 1900, to the Commissioner, C. D.

*I.—Carriers' Wages (Class II).*

" 2. The difference between the class I wage (19 chataks) and the class II wage (15 chataks) is already considerable, *viz.*, 4 chataks or 8 ozs. or  $\frac{1}{2}$  lb. grain a day. It is now suggested that the class II wage may be reduced to 14 or 13 chataks, thus widening the already adequate difference between it and class I, at the same time decreasing the difference between the class IV or minimum wage (12 chataks) and the class II wage. In considering this question it is necessary to remark first that it is distinctly misleading to talk about diggers' and carriers' wages. A majority of our famine relief works are metal-breaking works on which there are neither diggers nor carriers. Of course on earth works there are diggers and carriers; but it is very much more correct to speak of class I and class II, which cover both kinds of famine relief works, and not one only. Now on a well managed work in class I are put as a rule only men in good condition and accustomed to the kind of labour which they are called on to do; all other men and all women are put in class II. In actual practice class II really contains two quite separate classes, *viz.*, (1) those who are fit to do (if they choose) a class II task, and if they do it are paid a class II wage, and if they fail to do it are fined down to, or below, the minimum wage, and (2) those who are not physically so reduced as to be placed in class IV and yet are not physically able to do a class II task; these are known as the 'weekly gangs'; and are always fined down to the minimum, but never below it; being always paid the minimum wage they are often referred to as class IV, though incorrectly according to code nomenclature; for class IV, sub-class (1), are to be given light work near their huts (Code Section 78 (b)), are not to be given the ordinary labour of the famine relief work (whether earth or metal) and are to be regarded as gratuitously relieved; while the people now under consideration are given the ordinary labour of the work and are not regarded as gratuitously relieved but as 'workers'.

" 3. Hence class II consists in fact of two sub-classes:—

- (1) Ordinary workers, paid class II wage, subject to fine.
- (2) Weekly workers, paid minimum wage, subject to no fine.

The wage for sub-class (II) is 12 chataks; it is proposed to reduce the wage of sub-class (1) to 14 or 13 chataks. The objection to this seems to me to be that it does not leave enough difference between the minimum wage and the full class II wage; and also that it makes the difference between the class II wage and the class I wage too great. As regards the first point, it does not seem necessary to do more than quote the words of Government: 'What is most demoralizing of all is the grant of a minimum wage so little short of the working wage that there is no inducement to work.' (Letter to Government of India, No. 235, dated 15th January 1900.) It is exactly the same thing to cut down the working wage to only a chatak or two above the minimum wage as to grant a minimum wage only a little short of the working wage. Hence the lowering of the class II wage to 13, or even to 14, chataks is condemned by Government so long as the minimum wage remains at 12 chataks. (A little further on in the same letter Government regards as 'curious' a difference that can be adequately represented by one chatak; which is a further condemnation of a working wage of 13 and a minimum wage of 12). As to my second point, supposing that even 14 were taken as the figure for class II, then we have for class I a working wage of 19, for class II a working wage of 14, and for both, a minimum wage of 12. Here comes a difference of no less than 5 chataks (10 ozs.  $\frac{5}{8}$  lb.) between the working wage of class I and that of class II; a difference which would become  $\frac{3}{4}$  lb. if class II were dropped to 13 chataks. There is not in my judgment so great a difference between the men of class I and the men and women of class II as should be represented by  $\frac{3}{4}$  lb. of food daily.

" 4. What I have said above explains the reasons of the opinion which I hold, and which I can now state. It is that it is neither desirable nor proper to alter the wage of

only one class, leaving the others unchanged. The classes are arranged with a careful gradation of wage, and to alter one without altering the others is to upset the proportion of the whole scale and throw it out of balance. I have the honour to state my further opinion that there is no objection to altering the whole scale, and fixing it thus:—

					Chataks.
Class	I	...	...	...	18
"	II (1)	...	...	...	14
"	II (2)	...	...	...	10 Minimum for adults.
"	III	...	...	...	{ 9 Maximum.
"	IV, dole	...	...	...	{ 6 Minimum.
"	V { Over 8	...	...	...	10 <i>i.e.</i> , minimum poor-house ;
	{ Under 8	...	...	...	hospital ration.
				...	6
				...	4

Thus, unless the whole scale be revised, I am of opinion that the class II wage should not be reduced to 14 or 13 chataks. If the whole scale be revised, I am of opinion that it should be reduced to 14; and I am of opinion that this should be done. With a minimum wage at 10 chataks the usual penal wage could be taken at 8 chataks or 1 lb., or at 7 ( $\frac{7}{8}$  lb.).

"5. In the scale suggested there is a regular gradation rising by  $\frac{1}{2}$  lb. at a time from the minimum to the maximum (class II (2), II (1)-I). The maximum in class I is 1 chatak less than the present, just as the rate for class II is 1 less than the present. The only marked decrease is in the minimum which is cut down  $\frac{1}{2}$  lb. and put at 10 chataks ( $1\frac{1}{2}$  lb.). This is enough for people in class II, sub-class (2), *i.e.*, those who come on the works in a condition due to age and ordinary (not special famine) weakness which renders them fit to be worked, but to be only lightly tasked and paid a minimum wage; it is also sufficient for those in class II, sub-class (1), *i.e.*, those who are able to do a class II task but do not choose to; and, lastly, it is sufficient for the ordinary dole ration. But it is not sufficient for those who are ordinarily strong but are reduced by privation to a state of weakness that unfits them for any work or for any but nominal work (class IV). These want feeding up; and Section 106 of the Code will require amending so that it may apply not only to the sick in hospital but also to those in kitchen or poor-house who are so reduced in condition as to require feeding up before they can be sent to work. The rates in classes III and V are reduced 1 chatak each, as those in classes I and II have been, to maintain the balance and proportion of the scale. From the fatness of children in kitchens after they have been there some time I certainly believe (with the North-Western Provinces Government) that 4 is a sufficient wage for those under 8. Up to 12 years the wage is raised 50 per cent. for those not made to work and as the minimum for those made to work and another 50 per cent. on that gives the maximum for working children. Lastly, the penal ration or limit of fining in all but extreme cases of contumacy is 8 or 7 chataks, according as the North-Western Provinces male or female penal ration is adopted. In extreme cases of contumacy this limit is to be disregarded and strict payment by results to be enforced (Code 87b)."

Extract paragraph 2 (d) from the Sanitary Commissioner's letter No. T. F.—2256, dated 7th August 1897.

"(d) The Medical Officer has been directed to obtain limes, which are easily procurable, and make an antiscorbutic drink to be given to all under observation and to inspect the gangs at intervals to watch for any more cases. Also I suggested to the special Civil Officer to try and induce a butcher to slaughter daily near the camp under observation and bring the meat ready dressed to an appointed place near the bazar. Fresh, cheap, though indifferent, meat will be a boon to those who eat it. Workers should then be prevented from bringing large quantities of meat, more than they can eat at once, with them from the town. As regards emaciated suckling infants, those nine months old and under at every camp where there is a kitchen and a Medical Officer, I would relieve the mothers from work, feed them on A class rations in the kitchen without any allowance

for child and inform them they would have to take kitchen rations until the infant was stout and well. The Medical Officer should also give, if necessary, milk and appropriate treatment to the infant from the hospital."

Extract paragraph 1 of Government Resolution No.—1631-Fam., dated 2nd September 1897.

"RESOLUTION.—Copies of the Sanitary Commissioner's letter should be forwarded to the Collectors of affected districts, who should be requested to give effect, so far as is in their opinion practicable and desirable, to the suggestions made in clauses (c) and (d) of paragraph 2 regarding the treatment of new-comers on works and of suckling infants and nursing mothers, the manner of determining the wages of workers and the arrangements for the supply of food to the relief camps. It is not, however, probable that any of the relief-workers will be able at most places to obtain butcher meat with the wages obtained under the Code. If in some places owing to the continued scarcity of fodder or other cause such meat is procurable at about the same or lower prices than other food, such measures as are practicable may be taken to secure its being obtained when fresh. But the utmost caution must be taken to prevent any offence being given through any of such measures to the feelings of any section of the people engaged at the work. Suitable notice should be taken of any proved instance of wages being calculated on a lower price than prevails at or near the work."

Resolution of Government, in the Famine Department, No. 3321, dated 14th September 1900.

- Letter\* from the Executive Engineer, Ahmedabad District, No. 5755, dated 21st May 1900.
- Memorandum\* from the Collector of Ahmedabad, No. F.—2106, dated 22nd May 1900.
- Memorandum\* from the Superintending Engineer, N. D., No. 3593, dated 26th May 1900.
- Memorandum\* from the Commissioner, N. D., No. F.—381, dated 28th May 1900.
- Letter\* from the Collector of Bijápur, No. F.—1303, dated 12th June 1900.
- Memorandum\* from the Commissioner, S. D., No. F.—597, dated 18th June 1900.
- Letter\* from the Collector of Kaira, No. F.—4898, dated 22nd June 1900.
- Memorandum\* from the Commissioner, N. D., No. 7247, dated 26th June 1900.
- Letter\* from the Commissioner, S. D., No. F.—613, dated 29th June 1900.
- Letter\* from the Collector of the Panch Maháls, No. 4400, dated 2nd July 1900.
- Memorandum\* from the Commissioner, N. D., No. 7724, dated 4th July 1900.
- Letter\* from the Collector of Surat, No. FAM.—2288, dated 23rd July 1900.
- Letter\* from the Commissioner, C. D., No. F.—3272, dated 30th July 1900.
- Letter\* from the Collector of Broach, No. FAM.—6952, dated 31st August 1900.
- Memorandum\* from the Commissioner, N. D., No. 10452, dated 3rd September 1900.
- Letter\* from the Collector of Thána, No. 8843, dated 4th September 1900.
- Memorandum\* from the Commissioner, N. D., No. 10672, dated 6th September 1900.

RESOLUTION.—The delay which has occurred in obtaining these reports has to a large extent frustrated the object of calling for them. It is to be hoped that the time when most relief works can be closed is now not far distant, and if there had been reason to believe that the application of the penal wage had evil effects incommensurate with any advantages gained, it should have been discontinued as soon as possible.

2. Fortunately it is clear that there has been in very few cases any physical deterioration as a result of the reduction of the minimum, and that in these cases the result has been due to the improper application of the penal wage, while the defects have been remedied before any serious effect was produced. In all cases in which it has appeared that excessive fining was not entirely due to the idleness of the workers, and

\* Printed with enclosures as accompaniments to this Resolution.

that the establishment could not be relied on to apply the penal wage properly, fining below the Code minimum has, it is understood, been discontinued.

3. The opinions as to the general effect of the penal wage are very various, and on the whole the reports do not afford grounds for more definite conclusions than are recorded in Government Resolution No. 2180, dated 5th May 1900. There are cases in which people who were not in need of relief have been induced to leave the works, but there continue to be large numbers of people who remain in good condition without attempting to earn more than the penal wage, and who must be presumed to have other resources. There is however abundant evidence that the reduction of the minimum has had a very material effect in checking idleness and thus preventing extensive demoralization.

---

*Accompaniment to Government Resolution, Famine Department, No. 3321, dated 14th September 1900.*

---

No. 5755, dated 21st May 1900.

From—The Executive Engineer, Ahmedabad ;

To—The Superintending Engineer, N. D.

With reference to paragraph 4 of Government Resolution No. 2180, dated 5th May 1900, I have the honour to report that there was no occasion to apply the penal fine (wage ?) on any of the relief works in this District during the month of April.

2. The total quantity of work done by relief labourers during the month was 37,329,206 cubic feet as compared with 39,127,430 of the total task set, or an average of 95 per cent., while the total fines came to about 2 per cent. of the total wages earnable, the difference between the percentage of fine and that of short work being due to the fact that new-comers are not fined for the first week or ten days.

3. Only a very few gangs did less than 50 per cent., and they were either new or decidedly feeble gangs. There were no cases of contumacious idleness on any of the works.

---

No. F.—2106, dated 22nd May 1900.

From—The Collector of Ahmedabad ;

To—The Superintending Engineer, N. D.

Forwarded with compliments.

---

No. 3593, dated 26th May 1900.

From—The Superintending Engineer, N. D. ;

To—The Commissioner, N. D.

Forwarded with compliments to the Commissioner, Northern Division.

2. The report is satisfactory.

---

No. F.—381, dated 28th May 1900.

From—The Commissioner, N. D. ;

To—The Chief Secretary to Government, Famine Department.

Submitted to Government, with reference to paragraph 4 of Government Resolution No. 2180, dated 5th instant.



No. F.—1303, dated 12th June 1900.

From—The Collector of Bijápur ;

To—The Commissioner, S. D.

With reference to your No. F.—505, dated the 16th ultimo, I have the honour to state that at SÁNGOGI about 20 per cent. of the workers have been receiving the penal wage, but the Special Civil Officer, Captain Sutherland, reports that it has had no effect in driving people off the works. It was also found not very efficacious in making them work harder. Rather they were satisfied with this minimum, and finding that they got the same whether they did 10 per cent. or 49, they were inclined not to try to do more than they could possibly help. This had to be checked by other means, chiefly by putting the most contumacious gangs on cooked food in the kitchen. This has had the desired effect, and they work better. They were not reduced in condition owing to having received the penal wage for a few weeks, and when they tried they could earn more.

2. On the Badámi-Mudkavi road the results are more satisfactory. In April the penal wage was paid for 5,127 days' work out of 58,745, or 8·72 per cent. The first time that it was introduced in the first week of that month 300 persons out of less than 2,000 on it left the work, but none after that. And it is found that a gang that gets the penal wage one week earns more the next week.

3. At both places the workers are in a very good state of health and the Deputy Sanitary Commissioner specially remarked on this at SÁNGOGI.

---

No. F.—597, dated 18th June 1900.

From—The Commissioner, S. D. ;

To—The Chief Secretary to Government, Famine Department.

Submitted to Government, with reference to paragraph 4 of Government Resolution No. 2180, dated the 5th ultimo.

2. Practically the penal wage system has had trial on only two works in this Division, as Bijápur is the only District in which it has been introduced. It seems to have served its purpose on the Badámi-Mudkavi Road while it failed to do so on the SÁNGOGI Tank.

---

No. F.—4898, dated 22nd June 1900.

From—The Collector of Kaira ;

To—The Commissioner, N. D.

I have the honour to submit the report called for in paragraph 4 of Government Resolution No. 2180, dated 5th May 1900, on the subject of the effect of the penal wage.

2. I have found it difficult to obtain satisfactory information as to the extent to which the penal wage has been resorted to and the effect which its introduction has had on the number of those earning the minimum wage. The figures of past weeks are not easy of access to Special Civil Officers as they seem to be sent into Head Quarters of the Public Works Department.

3. On the whole there seems to be little doubt that the introduction of the penal wage has exercised a beneficial effect. On many of the works there has been no resort to the penal wage, but from others it is reported that fining below the minimum has resulted in the persons fined doing better work next week. The Thársa Special Civil Officer informs me that whereas before the penal wage came in there was 50 per cent. of the workers on minimum wage only 5 per cent. were contented with that wage after the penal fining had been resorted to. At Karamsád the number earning minimum wage only fell by 50 per cent. when the penal wage was given. Complete returns can be furnished only by the Public Works Department.

No. 7247, dated 26th June 1900.

From—The Commissioner, N. D. ;

To—The Chief Secretary to Government, Famine Department.

Submitted to Government in continuation of this office No. F.—381, dated 23th ultimo.

No. F.—813, dated 29th June 1900.

From—The Commissioner, S. D. ;

To—The Chief Secretary to Government, Famine Department.

With reference to Government memorandum No. F.—1051 of the 26th instant to the address of the Collector of Belgaum, expediting his report on the effect of the penal wage on relief-workers, I have the honour to state that in the Belgaum, District, distress not being acute, the piece-work system is still continued and that, therefore, there has hitherto been no occasion in that District for the enforcement of the penal wage.

No. 4400, dated 2nd July 1900.

From—The Collector of the Panch Mahals ;

To—The Chief Secretary to Government, Famine Department.

In reply to your No. F.—1051 of the 26th instant calling for a report on the effect of the penal wage, I have the honour to report that the penal wage is not in practical force in this District. People are paid daily and are paid the ordinary Code minimum. At the end of the week they are paid the balance due for work done and it is very seldom that more than two pice are deducted. The indisputable extent of the distress here and the fact that the majority of the people will not do a day's full work however much they are fined render it useless to inflict the penal minimum. It could only result in an increase in the mortality which is already enormous.

No. 7724, dated 4th July 1900.

From—The Commissioner, N. D. ;

To—The Chief Secretary to Government, Famine Department.

Forwarded.

No. FAM.—2288, dated 23rd July 1900.

From—The Collector of Surat ;

To—The Chief Secretary to Government, Famine Department.

With reference to paragraph 4 of Government Resolution No. 2180, dated 5th May last, calling for a further report on the effect of the penal wage on relief workers in this district, I have the honour to report that the necessity for enforcing penal wages did not arise in this district as the workers were not contumaciously idle but worked to the best of their capacities and were paid according to the work done down to the Code minimum.

No. F.—3272, dated 30th July 1900.

From—The Commissioner, C. D. ;

To—The Chief Secretary to Government, Famine Department.

With reference to paragraph 4 of Government Resolution No. 2180 of the 5th May last, I have the honour to submit a further report on the working of the penal wage in

the Districts of the Central Division, except Sátára, in which there is no minimum whatever.

2. In the accompanying statement have been compiled the figures supplied by the Collectors of Násik, Ahmednagar, Poona and Sholápur, showing for selected camps the proportion of workers who obtained the penal wage during particular periods, as contrasted with the percentage of those who were previously paid the Code minimum. The statistics supplied by the Collector of Khándesh, not being complete, have been excluded from the statement. Those furnished for the other four Districts appear to be of varying degrees of accuracy. For instance on the Maladevi Tank, which has been selected as a representative work for the Ahmednagar District, the percentage of those who earned the minimum wage is 1·3 as compared with 51·7 per cent. of the workers who were previously allowed the Code minimum. The variation is so marked that it is difficult to suppose that the results are not vitiated by error or by some special cause not reported. The same remarks are suggested by the comparative figures supplied for the two typical works in the Sholápur District, where the percentages before and after the introduction of the

	Percentage before introduction of penal wage.	Percentage after introduction of penal wage.
Násik ...	76·3	51·9
Poona ...	27·6	17·2

penal wage work out to 68·15 and 363, respectively. The proportions in Násik and Poona are much nearer the mark as will be seen from the figures quoted in the margin. But whatever the imperfections of the figures supplied, it may safely be inferred from them

that the penal wage has been the means of stimulating the people to work.

3. It is not equally clear whether it has had the effect of driving away from works those who are not absolutely in need of relief and whether it can be enforced continuously for any length of time against those who are wholly depended on their earnings for their livelihood. There are no indications that people have left the works in any appreciable numbers on account of the reduction in the Code minimum and it is obvious that to those having any resources of their own it is an advantage to remain on works as long as any sort of a reasonable minimum is retained and a fair sum of money can be got at the end of the week under the system. There is of course the power to fine persistent idling below the reduced minimum, but it has not been exercised systematically in any District and it is difficult to make any general use of it with an exceedingly limited superior staff. On the other hand, there is some evidence that the continued application of the penal wage leads to physical deterioration in the case of the honest worker without private resources. Mr. Lamb's opinion on the subject, based apparently on personal observation, is very explicit. Dr. Farrar, the District Medical Officer for West Khándesh, writing under date the 25th May last, states as follows:—"My own opinion at the present date is that first class workers doing heavy work are slightly losing weight on the penal minimum of 9 chataks." Mr. Herbert, who is in charge of some of the works in the south and east of the District, seems to hold much the same view, judging from the following passage in the Collector's report:—"Mr. Herbert suggests that the penal wage is probably sufficient to maintain a man if he does not waste his energy in doing work. There is no doubt a certain amount of truth in this and perhaps this is one of the reasons why metal-breaking work is often preferred to earth-work." What is probably meant is that metal-breaking, in which the worker has to sit still, involves less waste of energy than earth-work in which there is constant locomotion. From none of the other Districts in the Division is there any complaint or suggestion as to loss of physical condition, and even the opinions of the officers in Khándesh and Ahmednagar quoted above prove nothing more than the necessity of care in the imposition of fines and of special treatment for the weakly. Subject to these conditions there is no reason why the penal minimum should not be maintained. If it does not rid the works of people not in need of State aid, it at least prevents them from getting so much as they did before and this in itself is a substantial advantage.

4. The reports of the Collectors in Central Division are appended in original for information.

Statement accompanying letter No. F.—3272, dated the 30th July 1900, from the Commissioner, Central Division, to the address of the Chief Secretary to Government, Famine Department.

District.	Statistics pertaining to the period prior to the introduction of the penal wage.		Statistics pertaining to the period subsequent to the introduction of the penal wage.		Remarks.
	Total number of workers.	Percentage paid Code minimum before reduction.	Total number of workers.	Percentage paid penal wage.	
Nasik ... ..	38,468	76·3	38,927	51·9	These figures relate to four selected works.
Ahmednagar ...	13,884	51·7	10,612	1·3	These figures relate to one selected work.
Poona ... ..	1,83,017	27·6	1,95,230	1·72	These figures relate to three selected works.
Sholapur ... ..	1,34,064	68·15	1,69,554	-3·63	These figures relate to two selected works.
Sátára ... ..	...	...	...	...	No figures are furnished by the Collector of Sátára as there is no minimum wage in that District.

No. 8348, dated 14th June 1900.

From—The Collector of Násik ;

To—The Commissioner, C. D.

With reference to paragraph 4 of Government Resolution No. 2180 of 5th May 1900, Famine Department, I have the honour to report that it is universally stated by Inspecting Officers that the reduction of minimum wage has done no harm.

No. F.—2749, dated 18th June 1900.

From—The Commissioner, C. D. ;

To—The Collector of Násik.

Returned to the Collector, whose report on a subject of considerable importance is exceedingly meagre and unsatisfactory. He is requested to furnish particulars on the points specified in paragraph 4 of Government Resolution No. 2180, dated the 5th ultimo, and to state fully the grounds for the belief that "the reduction of minimum wage has done no harm." This measure has now been in operation for over two months and it is desirable to ascertain whether the continued enforcement of the penal wage has a tendency to affect prejudicially the physical condition of the workers and the reasons *pro and con*.

No. 9061, dated 29th June 1900.

From—The Collector of Nasik ;

To—The Commissioner, C. D.

Returned with compliments.

2. The undersigned's No. 8348 of 14th June 1900 was the gist of inspecting officer's report and the undersigned's observation.

3. The opinion that "the reduction of the minimum wage has done no harm" is founded on the fact that no perceptible physical deterioration has been noticeable among

the workers generally since its introduction nor has there been any general exodus from the works on that account. The Mámátdár of Yeola alone has stated that some workers left Khirdi Sathe because of the introduction of the penal minimum, but the Sub-Divisional Officer remarked thereon, and probably correctly, that those who left had resources elsewhere and were not inclined to exert themselves more than was absolutely necessary. Again the Special Civil Officer, Odal Camp, noticed a physical deterioration during the hot weather among the Bhils and Kolis, though not among the better classes such as Kunbis.

The Sub-Divisional Officer is of opinion, and with apparent reason, that the deterioration among the Bhils and Kolis was due not to the penal minimum, but to the extreme heat to which they were unaccustomed as coming from the hills and to the continuous hard work to which they were constitutionally averse.

4. Appended is a statement received from the Executive Engineer showing numbers of relief workers earning different rates of wages on four typical works selected by the undersigned as varying in locality and species of work during the month preceding the introduction of the penal minimum (February 1900) and the two months following it (April, May 1900).

Statement showing average numbers of persons in receipt of different wages on certain relief works in the Násik District.

No.	Name of work.	Nos. on special class wages.	Nos. on maximum wages.	Nos. on intermediate wages.	Nos. on Code minimum wages.	Nos. on penal minimum wages.	Remarks.
1	2	3	4	5	6	7	8
<i>During February 1900.</i>							
1	Bombay-Agra Road, Camp Waka.	347	132	1,771	11,433	...	Figures for work Nos 1, 3 and 4 are for weeks ending 10th, 17th, 24th February and 3rd March 1900.
2	* Odal Tank...	286	...	...	7,423	...	* Figures from 24th February 1900, that is from commencement of the work.
3	Sinnar-Wavi Road, Camp Khopdi.	357	842	2,833	4,973	...	
4	Khirdi-Sathe Tank ...	278	1,793	567	5,533	...	
<i>During April 1900.</i>							
1	Bombay-Agra Road, Camp Waka.	...	428	817	3,667	9,465	For weeks ending 7th, 14th, 21st and 28th April 1900.
2	Odal Tank ...	...	2,014	747	2,148	9,604	
3	Sinnar-Wavi Road, Camp Khopdi.	...	136	283	2,089	5,542	
4	Khirdi-Sathe Tank ...	...	1,376	1,936	1,861	283	
<i>During May 1900.</i>							
1	Bombay-Agra Road, Camp Waka.	...	377	827	5,452	8,593	For weeks ending 5th, 12th, 19th and 26th May 1900.
2	Odal Tank ...	...	2,134	380	2,213	6,325	
3	Sinnar-Wavi Road, Camp Khopdi.	...	8	141	1,954	4,748	
4	Khirdi-Sathe Tank ...	...	1,152	1,068	3,013	542	

Note—“ Penal minimum introduced in March 1900.

No. 9245, dated 9th June 1900.

From—The Collector of Ahmednagar ;

To—The Commissioner, C. D.

With reference to your expeditor No. F.—2526, dated 1st June 1900, I have the honour to submit that it was not possible to furnish the reports called for by Government "as to the effect of the reduction by the end of the [then] current month" until after the close of that month (May). Those of the Executive Engineer, Ahmednagar District, and the Relief Executive Engineer are now submitted; that of the Executive Engineer, Násik (which would relate to only one work in this District) is not yet received.

2. On the question generally I would refer to my No. D.—463, dated 20th April 1900, under Government Resolution No. 2180, dated 5th May 1900. On the whole I concur in the opinions expressed in paragraph 5 of the letters of the Executive Engineers, subject to the limitation that I do not think the penal wage can safely continue to be inflicted on the same worker for an indefinite period of time. If continued for a number of weeks, the penal wage does, in my judgment, injuriously affect the physical condition of the worker. The moderation with which that wage is inflicted in this district, especially on earth-works, has, however, prevented any evil results ensuing from the use of it. It will be observed that in the Relief Executive Engineer's charge the percentage of finding below minimum is much higher than in the Executive Engineer's portion of the district. The Relief Executive Engineer does not show the finding on earth-works and on metal-breaking works separately; but the penal fining in his charge is in fact mostly confined to the metal-breaking works in the Nevása Táluka and (to a less extent) the Shevgaon Táluka in which as in Kopargaon there seem to be a considerable number of contumacious characters. I have in May visited every work in those tálukas (Nevása and Shevgaon) as well as all those in Akola and nearly all in Sangamner, and while according to my observation there is no excessive reduction in physical condition to be observed in Nevása and Shevgaon, the people there are distinctly fine-drawn, as compared with those in Sangamner and Akola Tálukas where is almost no fining below the minimum, I by no means wish to say that this is wholly due to the penal wage being more freely used in the Eastern Tálukas, and that there are no other causes contributing to the differences in condition; but I believe that this more frequent infliction of the penal wage is one amongst several facts affecting the physical condition of the general body of workers in the Eastern Tálukas. My view as to the penal wage is briefly this—

- (1) it can safely be inflicted for a time;
- (2) it may result in producing better work, or it may not; more often not;
- (3) it cannot safely be continued on the same individual beyond some reasonable time; what is a reasonable time is rather guess work; I should guess four weeks;
- (4) it is proper to inflict the penal wage on able-bodied persons (after warning and even in extreme cases to go beyond it to the extreme limit of exact payment by result; but where distress is severe, this ought not to be done until a superior officer has satisfied himself that—
  - (a) all weakly persons are separately ganged so as not to be subjected to the penal wage;
  - (b) all the arrangements of the work are good, so that one may be sure that short outturn is due to laziness and not to bad management.

3. I do not think any lowness of wage will keep off people living close by a camp who are not in real need of relief. A low wage will certainly keep off those at a distance whom a high wage would attract. But those living within easy daily walking distance of a work are ready to join the work for what they can get, however low the wage.

No. 8189, dated 5th June 1900.

From—The Executive Engineer, Ahmednagar District ;  
To—The Collector of Ahmednagar.

In reference to your letter No. 5764, dated 3rd instant, I have the honour to forward the information you require.

2. The average daily numbers as per form No. 15 in my half of the district for the five weeks ended the 2nd instant were—

May 1900.		Daily Numbers.			
1st week	...	...	...	...	76,400
2nd "	...	...	...	...	75,215
3rd "	...	...	...	...	76,180
4th "	...	...	...	...	80,113
5th "	...	...	...	...	82,531
Average for the five weeks		...	...	...	78,088

Amongst these the distribution of wages has been in the following proportions :—

Percentages.	Maximum.	Between maximum and minimum.	Minimum.	Below minimum.	Total.
Earth-works ... ..	46	24	21	9	100
Metal-breaking works ... ..	9	42	33	16	100
On all works ... ..	27½	33	27	12½	100

3. I can only compare these figures with those quoted for my portion of the District in Government Resolution No. 2180, dated 5th ultimo, and which referred to the early part of April last. They are as follows :—

Percentages.	Maximum.	Between maximum and minimum.	Minimum.	Below minimum.	Total.
Earth-works ... ..	27	33	28	12	100
Metal-breaking works ... ..	20	25	40	15	100
On all works ... ..	23½	29	34	13½	100

While the people on earth-works are getting more expert, those on the metal-breaking works do not show much, if any, improvement.

4. The daily numbers on earth-works for the five weeks averaged 60,000, while the daily numbers on metal-breaking works were 18,000, total 78,000. In April these figures were respectively 43,500 and 28,500, total 72,000.

5. The effect of the penal wage in keeping off the works in this District persons not in actual need of relief is, I consider, small. On account of the care taken to gang the weakly separately I am of opinion that the effect of the penal wage on the physical condition of those receiving it is not injurious.

No. 1189, dated 7th June 1900.

From—The Relief Executive Engineer, Ahmednagar ;

To—The Collector of Ahmednagar.

Referring to your No. 5764, dated 3rd instant, I have the honour to forward the information you require.

2. The average daily numbers in my portion of the district for the four weeks ending 28th May were—

May 1900.	Daily Numbers.			
1st week	...	...	...	86,590
2nd week	...	...	...	88,137
3rd week	...	...	...	88,182
4th week	...	...	...	91,132
Average for the four weeks				88,510

3. Amongst these the distribution of wages has been in the following proportions:—

Percentages.	Maximum.	Between maximum and minimum.	Minimum.	Below minimum.
On all works	11.87	41.26	20.76	26.11

4. I regret I am unable to compare the proportion to whom the penal wage is paid as above with the proportion of those to whom the minimum was paid before the reduction was made as I have not the necessary data.

5. In my opinion the penal wage has little or no effect in keeping persons off works who are not in actual need of relief, and owing to the care that is taken in ganging the weakly separately, I am further of opinion that the effect of the penal wage on the physical condition of the people is not injurious.

Statement showing average numbers of persons in receipt of different wages on Mahaldevi Tank Relief Work in Ahmednagar District.

Numbers on special class wages.	Numbers on maximum wages.	Numbers on intermediate wages.	Numbers on Cece minimum wages.	Numbers on penal minimum wages.	REMARKS.
1	2	3	4	5	6
1,066	4,566	1,070	7,182	...	During February 1900. For weeks ending 10th, 17th, 24th February and 3rd March 1900.
...	9,800	43	627	142	During May 1900. For weeks ending 5th, 12th, 19th and 26th May 1900.

Note.—“ Penal minimum introduced in March 1900.”



No. D.—1292, dated 7th June 1900.

From—The Executive Engineer, Násik District ;

To—The Collector of Ahmednagar.

Forwarded with compliments to the Collector of Ahmednagar with reference to his No. 5764 of 3rd instant.

No. 9286, dated 11th June 1900.

From—The Collector of Ahmednagar ;

To—The Commissioner, C. D.

Copy forwarded with compliments to the Commissioner, C. D., in reference to this office No. 9245, dated 9th June 1900.

No. F.—3060, dated 25th June 1900.

From—The Collector of Poona ;

To—The Commissioner, C. D.

With reference to paragraph 4 of Government Resolution No. 2180, dated 5th ultimo, I have the honour to forward the accompanying report from the Executive Engineer, Poona District, showing the effect of the reduction of the minimum wage on the three works selected by him at random and to intimate that I concur in the general conclusions arrived at, namely, that the introduction of the penal wage has produced no loss of condition while stimulating a keenness for work which resulted in a decided increase in the outturn.

2. On no work except the Poona-Bombay Road and the Shetphal Tank has the introduction of the penal wage resulted in excluding from the work persons really in need of relief. The reduction in the number of workers from 13,000 to 7,500 on the Poona-Bombay Road cannot, however, be attributed solely to this cause but to a combination of circumstances, such as the enforcement of residence on the work, outbreak of cholera, approach of the monsoon, &c. The distress round about Shetphal is comparatively less acute, and from  $\frac{2}{3}$ ths to half the total number of workers there are still paid on the piece-work, the rest on task work system. A number of the task workers who had resources of their own as soon as the penal minimum was introduced left the work. Of the remainder the percentage of those who performed less than 50 per cent. of the appointed tasks has been roughly as under :—

Week ending	Total number on task work.	Percentage of workers who performed less than 50 per cent. task.
5th May ...	6,205	24
12th May ...	5,964	24
19th May ...	6,136	14
26th May ...	6,345	16

The figures of workers who earned the minimum wage before the reduction was ordered have not yet been received from the Executive Engineer for Irrigation, Poona, and the comparison required by Government cannot, therefore, be made as regards this work.

No. 5524, dated 21st June 1900.

From—The Executive Engineer, Poona District ;

To—The Collector of Poona.

I have the honour to submit the report called for in paragraph 4 of Government Resolution No. 2180, dated the 5th ultimo.

2. The accompanying statement shows the percentages of workers on three works taken at random who earned the Code minimum and below Code minimum for two weeks in April and two weeks in May. I chose these four weeks because they are well on either side of the general introduction of the penal minimum in my District.

3. I fear that this statement is practically useless for the purpose for which it is required, *viz.*, the demonstration of the effect of the penal wage of 9 chataks in raising the proportion of the task completed. For both before and after its introduction I have freely used the powers given to me in Section 87(b), Famine Relief Code. And the penal minimum was partially introduced in my District before its general introduction.

4. I should find it equally difficult with the present press of work in my office to prepare a statement, showing the result of my system of fining. For lacking experience at the commencement I proceeded at first tentatively and with diffidence, perfecting my arrangements as I saw the result.

5. But I have of course watched the results of my different attempts to get work out of the workers and can give these generally. At first I tried threats of punishment and promises of reward to the works establishment, but soon found this useless. Then I tried fining the workers both penal minimum and below and found that also useless. Lastly I tried punishing both works establishment and workers and this has proved successful.

6. It must be remembered in what follows that my experience is confined to this District where the famine has not been very severe, where the people have learnt from the last famine that Government is responsible for their lives, and where they look upon relief as the duty of Government and not a reason for gratitude.

7. Therefore, the people, when put on task work, look upon the daily wage as their right. I have found it impossible to convince them that they are paid by results. At first they believe that the works establishment is cheating them out of the balance. Then they believe that Government has lowered the wage.

8. But when the works establishment has power over the workers, being able to fine them or mark them absent if they refuse to work and are themselves subject to fine for short work, the workers can be made to understand that they have to do a day's work for a day's wage and they do it.

9. With regard to the continuance of the penal minimum, under the present restriction, *viz.*, that it is only to be applied to able-bodied adults in good condition, I see no objection to it. It is easily applied and I consider this the limit to which the discretion of mustering karkuns may be trusted. I have found no evil to result from it as regards the condition of the workers.

10. Fining below the penal minimum is only done after special inspection by the Sub-divisional Officer and on report to me. This fining is of course very limited and for special cases. And the fine of the penal minimum helps to keep the workers up to the mark or at least lowers the cost of relief.

11. I have said above that my remarks must be taken to apply to my district only. I have found that the result of punishment is shown in keenness to work and not in loss of condition. Either the bunyas help them or they help each other or their previous condition carries them over.

12. With regard to the statement the first work is one which has given much trouble. The people are lazy and it is only lately that I have been able to get them to work.

13. On the Poona-Sholapur Road the first fortnight was the one in which I commenced strict fining. The good result is seen. On the Poona-Násik Road I had commenced earlier.

*Statement showing proportion of workers who obtained the minimum and penal minimum wages and the percentage of work turned out by them.*

Weeks ending	WORKERS WHO OBTAINED THE			Total.	Percent- age of work done.	PROPORTION OF WORKERS.			Remarks.
	Maximum or mean wages.	Minimum wages.	Penal minimum or below mini- mum.			Maxi- mum or mean.	Mini- mum.	Below mini- mum	
<i>Collecting Metal on Poona-Ahmednagar Road.</i>									
7th April 1900 ...	4,920	18,856	65,377	89,153	21 %	·06	·21	·73	
14th do. ...	8,368	10,105	72,710	91,183	23 %	·09	·11	·50	
19th May 1900 ...	10,634	35,933	38,112	84,679	41 %	·13	·42	·45	
26th do. ...	15,071	43,546	27,665	86,282	49%	·17	·50	·33	
<i>Collecting Metal on Poona-Sholapur Road.</i>									
7th April 1900 ...	15,908	2,208	39,762	57,878	58%	·27	·03	·70	
14th do. ...	23,186	1,181	26,842	51,209	66%	·45	·02	·53	
19th May 1900 ...	21,827	12,990	2,496	37,213	71%	·58	·35	·07	
26th do. ...	23,823	11,801	2,995	38,619	70%	·62	·31	·07	
<i>Collecting Metal on Poona-Násik Road.</i>									
7th April 1900 ...	*3,624 1,542	29,558	1,262	35,986	45%	·14	·83	·08	*Piece-workers who almost always turned out more than 85 per cent. of work The percentage here is exclusive of work turned out by piece-workers.
14th do. ...	*4,428 7,898								
19th May 1900 ...	*5,215 8,633	29,828	4,653	65,969	52%	·29	·62	·09	
26th do. ...	*5,556 9,330								

*Statement showing percentage of work done on different Camps in the Poona District during April (1 to 11) 1900 and May (9 to 23) 1900.*

	Camps.	Week ending 7th April 1900.	Week ending 14th April 1900.	Week ending 19th May 1900.	Week ending 26th May 1900.	Remarks.
Poona-Sholapur Road.	Yeot ...	78	71	81	80	
	Pátas ...	58	70	61	60	
	Kurkumb ...	50	54	...	...	
	Uruli ...	46	69	...	...	
Poona-Nagar Road ...	Koregaon ...	28	30	52	52	
	Wasewadi ...	16	12	45	54	
	Karegaon ...	8	17	27	35	
	Khandalla Nála ...	32	33	41	54	
Poona-Násik Road ...	Kalamb ...	47	49	55	55	
	Pimpalwandi ...	...	36	38	56	People, new-comers and weakly were ordered minimum wages.
	Kuruli Moshi Indrayani	43	...	63	...	

No. 2078, dated 7th June 1900.

From—The Relief Executive Engineer, Sholápur ;

To—The Collector of Sholápur.

With reference to correspondence ending with your No. D.—2813 of 4th June 1900, and subsequent reminder No. D.—3174 of 4th June 1900, I have the honour to submit the following further report on the effect of the reduction in the minimum wage up to the end of May.

2. As requested I select one typical work : the Budhihal Tank.

3. The average number of workers employed daily during May has been 16,989 on earth-work and 165 on metal-breaking ; of the former 9,862 or 58 per cent. were fined, but only 1.5 per cent. were fined to the reduced minimum ; of the latter the whole number have been fined down to the reduced minimum.

4. The numbers fined to the Code minimum before the reduction in the minimum wage will be found in the tabular statement which accompanies my No. 1513 of 15th April 1900 : it is 44 per cent. on earth-work and 100 per cent. on metal-breaking.

5. The physical condition of workers still appears unimpaired by the reduction in the minimum wage.

No. D.—3466, dated 18th June 1900.

From—The Collector of Sholápur ;

To—The Commissioner, C. D.

Copy submitted with compliments to the Commissioner, C. D., for information, with reference to paragraph 4 of Government Resolution (Famine Department) No. 2180, dated 5th May last. Mr. Godbole's report for the other division of the District will be handed on to the Commissioner as soon as received.

2. The figures show improvement in the outturn of earth-work but none in that of metal-breaking work, which confirms the undersigned in the opinion that the present tasks of metal-breaking are too heavy for people unaccustomed to this work.

No. 5671, dated 12th June 1900.

From—The Executive Engineer, Sholápur ;

To—The Collector of Sholápur.

With reference to your No. D.—2813 of the 8th ultimo, and subsequent reminder, I have the honour to give the following information with reference to the Mangi Tank Work in my charge.

2. The subjoined table contrasts the fining down to the minimum before and after the introduction of the penal wage. The figures are given for two months before the introduction of the penal wage, and for two months after the same was introduced.

No	Months.	Average number of workers as per progress report.	Number of persons not fined or who got full wages.	Number of persons fined down to Code minimum.	Number of persons who received reduced minimum wage.	Number of persons paid minimum wage without being fined.	Remarks .
<i>Before introduction of penal wage.</i>							
1	February ... ..	14,080	872	11,508	...	1,700	
	Percentage ... ..	...	6.19	81.73	...	12.07	
2	March .. ...	16,265	556	14,954	...	755	
	Percentage ... ..	...	3.42	91.94	...	4.64	
<i>After introduction of penal wage.</i>							
3	April ... ..	13,915	1,593	7,044	347	4,931	
	Percentage ... ..	...	11.45	50.62	2.49	35.44	
4	May ... ..	11,105	306	9,168	607	1,024	
	Percentage ... ..	..	2.76	82.55	5.47	9.22	

3. The above table will show that the introduction of the penal wage had no effect upon the outturn of work. The relief workers fined in May are about the same as those

fined in February and March before the introduction of the penal wage. The figures for April show a smaller number of relief workers fined, but this seems to be due to the large number of people (35.44 per cent.) that got the minimum wage without being fined during the month.

4. So far as my works are concerned, the penal wage has not diminished the numbers to any appreciable extent.

5. The physical condition of the workers has not suffered in any way on account of the introduction of the penal wage.

No. D.—3521, dated 19th June 1900.

From—The Collector of Sholápur;

To—The Commissioner, C. D.

Copy submitted with compliments to the Commissioner, C. D., for information, in continuation of this office endorsement No. D.—3466, dated 18th instant.

No. F.—2450, dated 19th July 1900.

From—The Collector of Khándesh;

To—The Commissioner, C. D.

With reference to paragraph 4 of Government Resolution No. 2180, dated 5th May 1900, I have the honour to forward copies of reports on the subject received from the Executive Engineers in this District.

Attached to Mr. Herbert's report is a statement showing for the month of May the proportion of able-bodied workers fined down to the penal wage on each work in his charge. I have just received from Major Ellis, R.E., a statement (copy attached) giving the same information for his charge for June, not for each work but according to the different kinds of work being done. Mr. Bose gives for his Irrigation works the statement called for in your No. F.—1378, dated 22nd March 1900. Mr. Herbert prepared similar statements and refers to them in paragraph 3 of his letter, but they show only the total number fined without distinguishing those paid only the penal wage. The column headed "Number getting Code minimum without fine" has been taken to be meant for class IV (1) workers only. The statements therefore have no bearing on the penal wage question. Mr. Bose's statement is also valueless.

So far as the figures in Mr. Herbert's statement are known to be fairly accurate, it shows that 35 per cent. of class I workers and 34 per cent. of class II workers were fined to the penal wage in May. The highest percentage is 69 at Mehu Jehu, or taking class I and class II together 67 at Mehunbara. In Major Ellis's Division only 7 per cent. of class I workers are fined to the penal and as many as 37 per cent. of class II workers. The highest percentage is 59 among class II metal-breakers, and 65 and 74 among class I and class II, respectively, on earth-work.

The most marked point of difference between the two statements is the result as it affects the class I workers. In Major Ellis's Division only a small percentage are fined down to the penal wage. In Mr. Herbert's over one-third are so fined. The result is, I believe, due to a different method of tasking excavation and quarrying work. In the one division the chips are stacked as they are quarried and broken, and the workers know how much they have to do and what they are doing. In the other the task is measured by the outturn of the metal breakers *plus* waste *plus* spare chips stacked near the metal-breaking gangs. This is a complicated method and affects the outturn of the quarrymen and through them of the metal-breaking gangs.

The District Medical Officer, West Khándesh, has recorded his opinion that the class I workers are apt to lose in weight when continually fined down to the penal wage. Personally I cannot say that I have noticed any deterioration in the workers of either class. I recently visited at short intervals the camp at Mehunbara where the penal fining for one section of the work goes as high as 67 per cent. and at Purnepada where it was only from 2 to 4 per cent. The workers at Mehunbara appeared to me to be in quite as good condition as those at Purnepada. There is no difference in the classes and villages from which the workers on both camps are drawn.

Mr. Herbert suggests that the penal wage is probably sufficient to maintain a man if he does not waste his energy in doing work. There is no doubt a certain amount of truth in this and perhaps this is one of the reasons why metal-breaking work is often preferred to earth-work. On metal-breaking the worker can do as little as he pleases. It is not possible to exact the task if the man chooses to idle. All that can be done is to see that he has a fair chance of doing it and to see that he is duly paid if he does it. On earth-work or on carrying metal he must do a certain amount of work, and if the supervision is good it is not difficult to exact at least 50 per cent. of the task. Penal fining is not of itself sufficient to make the contumaciously idle work or to drive off those who are not in need of relief. It is a useful instrument when wielded by an active and intelligent Officer in charge of a work. It is more effective on earth-work and carrying than on metal-breaking inasmuch as on the former it is easier to make the people earn the relief given by work done.

In one of his camps Major Ellis has introduced a modification of the penal fine rule under which workers who do not do 50 per cent. of the task are paid from half the Code minimum up to the penal wage in proportion to the task done. The camp where this is being tried is one where the Officer in charge can be trusted to work the new scheme with discretion.

I have suspended the penal fine rule at the Nardana Camp in Sindkheda and for all the quarrymen and chip breakers in Mr. Herbert's charge until a practicable method of tasking is introduced. At Nardana the deterioration noticeable is, I believe, mostly among new comers who have been hanging on in their villages till a work was brought to their doors. Since the Methi-Mandal Camp was broken up there has been no work actually in Sindkheda Taluka, though work could have been had at no great distance away in Amalner and Shirpur Talukas.

No. 6006, dated 21st June 1900.

From—The Executive Engineer, Khándesh District;

To—The Collector of Khándesh.

With reference to your No. F.—1544 of the 16th May and letters expediting a reply, I have the honour to forward herewith a statement showing for the month of May the number and percentage of the workers fined down to the penal wage on each of the works in my charge.

2. It will be seen that one-third of classes I and II receive the penal wage only. Approximately one-third of the workers get full pay, one-third get between maximum and minimum and one-third are fined down to the penal wage. Those getting full pay consist principally of new comers, water carriers, watchmen, sweepers, gangmen, &c., and very few of the workers who are tasked earn full wages. About 6 per cent. of the whole are paid minimum wages without being tasked. The statements forwarded with my No. D.—443 of the 22nd May show about half the number earning full pay, but at that time those employed on quarrying and excavating boulders were not tasked.

3. I regret I am unable to give the numbers in receipt of the minimum wage before the introduction of the penal wage as it would involve extracting the figures from several thousand Muster Rolls. In the statements forwarded with my No. D.—443 of the 22nd May I have given for the whole of the Khándesh District the information called for by the Commissioner, Central Division, showing for earth-work and metal collection works separately the total number fined, those in receipt of minimum wage without being fined, and those getting full pay. This information was given for the period 4th—31st January previous to the introduction of the penal wage and 15th February to 14th March after its introduction. Even if information regarding the number fined down to the minimum before the introduction of the penal wage were available it would not be of much use as very few of the works now in progress were open in January and February and the tasks system of fining, &c., have been greatly changed.

4. I am of opinion that the penal wage is necessary in order to stimulate those who have no other means of subsistence to do a certain amount of work. It is quite safe when the supervising establishment is fairly efficient as it applies to able-bodied labourers only.

5. I believe that fully half the number fined down to the penal wage are not contumaciously idle; stupidity on metal collection works is the principal cause. Stupidity on the part of the subordinate establishment in fining people on account of causes beyond their control such as want of suitable rubble, worn out tools, &c., and the workers themselves have not the sense to point out any difficulties. It is a common thing to see a woman with a worn out hammer striking in a listless way a large round stone a dozen or more blows in the same spot when merely by asking she could get a suitable hammer and suitable stone to break. Most of them do not understand that by doing more effective work they can earn more pay. They are not satisfied with the penal wage but regard it as a fixed rate. It is in my opinion practically impossible for the majority of the metal-breakers to do more than three-fourth tasks, *i.e.*,  $3\frac{1}{2}$  cubic feet, and they probably find that they keep in better health and suffer less by merely pretending to work and earning one anna daily than by working hard for half anna. The value of work done in proportion to the expenditure incurred would probably be much greater if the full wage rate were increased and the penal wage reduced.

6. I do not think that the penal wage has much effect in excluding from the works those not really in need of relief as they are the people who suffer least by its adoption.

7. The value of the work done in this District in proportion to the expenditure incurred is absurdly small. Inefficient and insufficient supervising establishment is one great cause, but the results are in my opinion not likely to be satisfactory in this respect until the full wage is at least double the penal.

8. I am of opinion that pregnant women and nursing mothers ought to be in class IV—(1). A considerable proportion of the very young children, even those only a few weeks old, especially amongst the Mahárs, Mángs and other low classes, are very emaciated and have probably had their constitutions ruined because their mothers prefer to idle and earn just sufficient to satisfy the pangs of hunger than work harder and earn enough for both themselves and child.

Statement showing the number of I and II class workers fined down to penal minimum during the month of May 1900.

No.	Name of work and camp.	I Class			II Class			Total of Classes I and II			Remarks
		Total number mustered during the month of May.	Total of the daily totals of workers fined down to penal minimum during the month	Percentage	Total number mustered during the month of May.	Total of the daily totals of workers fined down to penal minimum during the month	Percentage	Total number mustered during the month of May.	Total number fined down to penal minimum during the month.	Percentage.	
1	Metal collection for Dhulia-Chalagon Road, Mehumbára.	3,347	1,003	29	12,611	3,323	27	15,958	4,326	27	Workers lazy and establishment inefficient. Stone easily quarried and fairly soft. Supervision good.  Many new comers, hence not fined to penal minimum. A good deal of work done was excavation in soft rock. Figures for four weeks only available. Figures not reliable.  Establishment inefficient and people lazy. Stone difficult to quarry.  Do. do.  The figures for these four camps are quite unreliable. Inquiries were made but the matter has not been cleared up.  Figures for the last three weeks only available. Figures for four weeks only available.
2	Constructing Jambha Station Feeder Road, Mehumbára.	9,543	6,338	67	26,768	17,858	67	36,511	24,246	67	
3	Metal collection for Dhulia-Parola Road, Mukti.	27,251	...	...	79,671	7,093	9	106,922	7,093	7	
4	Constructing Shirpur-Chopda Road, 1st section, Hissala	12,123	4,978	41	24,505	10,042	41	36,628	15,020	41	
5	Do. do. 2nd do. "	2,440	88	4	9,048	481	5	11,497	569	5	
6	Do. do. 1st section, Bhorukhed	8,985	3,168	35	19,154	8,446	44	28,139	11,607	41	
7	Ballast collection for G. I. P Railway at Kurha.	49,339	12,576	25	97,852	33,227	38	147,191	60,803	35	
8	Metal collection for Kajgao-Parola Road, Mehu Jehu.	21,173	14,475	69	66,999	21,361	32	88,172	36,036	41	
9	Do. do. Talwada "	47,398	23,141	50	134,139	45,914	34	181,435	69,055	38	
10	Ballast collection for I. V. Railway, Machibard.	9,157	5,018	61	36,142	53,939	94	44,299	33,957	80	
11	Metal collection for Dhulia-Amalner Road, Mangrul.	71,270	5,983	53	39,690	26,686	67	50,966	32,658	64	
12	Metal collection for Amalner-Tapti Road Deoli	16,458	7,214	44	62,473	48,526	70	78,981	60,740	65	
13	Metal collection for Amalner-Parola Road, Amalner.	12,323	6,769	71	61,131	48,698	80	73,464	67,658	73	
14	Metal collection for Parola-Dharrangan Road, Rajwad	17,986	5,447	30	31,578	20,230	64	49,564	25,677	52	
15	Ballast collection for G. I. P Railway, Hirapur.	12,777	2,940	23	46,948	12,037	25	59,626	14,977	25	
	Total ..	260,483	101,358	39	743,610	338,039	45	1,009,093	439,397	44	
	Deduct totals for works Nos. 10 to 13.	48,214	26,964	..	199,438	153,049	..	247,650	180,013	..	
	Total after omitting works Nos. 10 to 13.	212,269	74,394	35	544,172	184,990	35	761,443	259,384	34	

No. F.—3979, dated 7th June 1900.

From—The Executive Engineer, Relief Operations, Khândesh ;

To—The Collector of Khândesh.

Your No. F.—1705 of 31st May 1900 and previous correspondence: a tabular statement giving the information required for each camp week by week is being now maintained.

2. With regard to the general effect of the penal wage on workers—

(a) Inducing them to do more work.

(b) Their physical state.

I notice no difference in either the attitude towards work or in the physical condition of workers. The penal wage has generally been enforced most severely on class II as this class is more generally employed actually breaking metal. Class I are frequently only in sufficient numbers for quarrying and breaking up large stones to rubble and special duties in connection with water-supply, erection of huts, camping, &c. These duties are generally difficult to task and a large proportion of class I get class I wages, while but few are fined below the Code minimum. In spite of this the women of class II are in better condition than any other class of workers.

3. As regards the nature of work. No earth-work has been in progress for the last three months. A great deal of carrying metal, long leads by head-load and also by carts dragged by men has been done. Those employed on these tasks but seldom were fined to penal wage and frequently earned full wage. Intervals of carrying have no doubt mitigated to some extent the severity of fining when breaking metal is the work.

4. The cases of emaciation noticed have generally been among children in arms and among class IV (i) being old people who probably suffer from bad health.

As regards the children, I have noticed that the mothers are generally in good condition and think many cases are attributable to neglect by the mothers.

5. Generally the penal wage has not had the effect of inducing the workers to greater efforts, but as it has had the effect of reducing expenditure without apparently injuriously affecting the condition of the worker it has served a useful purpose.

*Abstract of fining of Famine workers of Relief Division, Khândesh, during the month of June 1900.*

Nature of work.	Total number of workers.					Number of workers fined.					Total amount of fines.	Number of workers fined to penal wage.			Percentage fined to penal wage to total workers.	
	Class S.	Class I.	Class II.	Class III.	Class IV (1).	Class S.	Class I.	Class II.	Class III.	Class IV.		Class S.	Class I.	Class II.	Class I.	Class II.
<i>Metal Collection.</i> Which includes quarrying, breaking rubble, conveyance of this to metal-breakers, breaking metal and stacking near breaking gangs.	30,021	179,061	340,231	200,339	85,406	7,179	111,703	269,989	213,476	...	Rs. 17,623	264	16,010	201,073	9	59
<i>Distribution of Metal.</i> Or Murum along road side, (viz.) conveying mostly by head-load but also by carts dragged by workers...	11,686	34,407	262,062	40,662	2,460	4,967	16,083	173,576	22,443	...	5,936	...	151	64,341	04	24
<i>Earth-work.</i> Digging murum, soft rock, earth, &c. ...	1,532	6,698	45,649	3,192	2,261	461	6,801	40,973	7,196	...	2,108	...	5,651	33,983	65	74
<i>Miscellaneous.</i> Camp duties and water carrying, &c. ...	40,885	101,926	233,716	84,155	76,834	6,718	31,779	76,765	16,189	1	3,107	...	1,310	29,693	1	12
<b>Total ...</b>	<b>84,174</b>	<b>330,112</b>	<b>681,647</b>	<b>373,548</b>	<b>166,971</b>	<b>29,325</b>	<b>166,366</b>	<b>577,335</b>	<b>269,304</b>	<b>170</b>	<b>28,776</b>	<b>264</b>	<b>23,022</b>	<b>329,089</b>	<b>7</b>	<b>27</b>



No. F.—4902, dated 11th July 1900.

From—The Executive Engineer, Relief Operations, Khándesh District ;

To—The Collector of Khándesh.

Forwarded to the Collector of Khándesh.

No. 4809, dated 9th July 1900.

From—The Executive Engineer for Irrigation, Khándesh ;

To—The Collector of Khándesh.

With reference to your No. F.—794 of 31st March 1900, I have the honour to state that there were no metal-breaking works under me during the two months alluded to in the Commissioner, C. D.'s endorsement No. F.—1578 of 22nd March 1900. There were only four works going on under me, and they consisted of only earth-work. A list is herewith attached containing the statistics asked for.

From the list it will appear at first sight that the introduction of the penal wages tended to raise the number of workers. But this was not really the case.

After the first week or fortnight about 5 to 10 per cent. of the workers, *i.e.*, those that were not really needy, left the work but the vacancies were soon more than filled up the next week by new-comers, as the numbers on all my works were gradually increased. The statistics in 2 and 3 give apparently misleading results.

As for the tasks executed at the Purmepada Tank, most of the labourers executed their full tasks, and hence there was no appreciable difference in their work after the penal wages were introduced. At Talwáda the improvement was slight. At Jalgaon where the people have been notorious for their laziness from the very commencement did not seem to try to earn better wages, but were contented even with the penal minimum. Latterly their laziness has become simply scandalous; the majority of them do not care to execute even 2 per cent. of their tasks as they know that they are bound to get the minimum whether they work or not.

At Purmepada Tank alone the number is nearly 13,000 now. Over 60 per cent. get their maximum wages, and hardly ten per cent. have to be fined below the Code minimum.

The cause of this marked difference is difficult to say, except that the people of east Khándesh are naturally lazy and they have been demoralized from the very beginning.

	Daily average attendance on earth-work.		Daily average attendance on metal breaking.		Percentage subjected to fines.		Percentage which earned the minimum wage.		Percentage which was paid maximum wage.	
	Previous.	After reduction.	Previous.	After reduction.	Previous.	After reduction.	Previous.	After reduction.	Previous.	After reduction.
Purmepada Tank ...	2,568	2,954	<i>Nil.</i>	<i>Nil.</i>	17	28	6	2	83	72
Jamda Canals ...	1,360	1,734	<i>Nil.</i>	<i>Nil.</i>	73	84	6	8	21	8
Talwáda Tank ...	3,660	3,764	<i>Nil.</i>	<i>Nil.</i>	83	67	16	20	1	13
Jalgaon water-supply improvements.	1,665	1,582	<i>Nil.</i>	<i>Nil.</i>	81	78	87	84	Not supplied.	

No. FAM.—6792, dated 11th June 1900

From—The Collector of Sátára ;

To —The Commissioner, C. D.

With reference to your reminder No. F.—2526, dated 1st instant, I have the honour to report as regards paragraph 4 of Government Resolution No. 2180 of 5th ultimo.

2. As there is no minimum wage in this district, the exact information asked for by Government cannot be given.

3. My own experience as well as that of other officers who have reported to me is that in spite of there being no minimum wage here the general condition of the famine labourers on the works is good. The only class who are not really satisfactory are the babies in ams. Mr. Palmer reports that the Mámlatdár of Pátan tells him that people are deterred from going to the works owing to the fact that they earn low wages there, but seeing that there are very few people on the village dole in the Pátan Táluka and that the test work started on the Karád-Chiplun Road has been an utter failure, having hardly attracted any one, it is clear that the condition of people in the Pátan Táluka is not generally serious, and the fact that they do not go to the works is not a fact to which much importance need be attached.

4. Government have, in Government Resolution No. 2350, dated 23rd ultmo, called for information about the number of persons fined below the minimum and I have sent for it. In the meanwhile I have, however, received some information from the Executive Engineer, a copy of whose letter I append.

5. The fact that people will continue on a work week after week earning an obviously insufficient wage must point either to inability to do more work and thereby earn more, or to the existence of other resources. If the former is the true cause it will involve a widespread falling off in physical condition, but this is not the case here, and the other alternative therefore seems to me to hold good, *viz.*, that those who repeatedly earn a very small wage must, as a general rule, have other resources. There doubtless are some cases where the failure to perform a reasonable proportion of the task is due to weakness and not to unwillingness, and although I believe that all officers on works are now thoroughly alive to the necessity of affording rest and relief to such weaklings by transferring them to Class IV, individual cases of hardship must occur here and there. But this evil seems to me inseparable from any form of relief. It is a choice between reasonable strictness with the risk of some individual cases of hardship and general pauperization of the people, and the former plan seems to me the better one of the two.

6. I do not claim for the system in this district that it is an ideal one. I know very well that it is not, but by dint of urging on all concerned the necessity of taking prompt measures to afford special relief to weaklings I think the system on the whole works well and would recommend it being continued.

---

No. F.R.—2180, dated the 24th May 1900.

From—The Executive Engineer, Sátára District ;

To—The Collector of Sátára.

With reference to your No. FAM.—5693 of 1900, I have the honour to report that as there is no minimum in this district the information required based on this month's working cannot be shown.

I give however some information below which shows the number of files on different works doing less than 40 to 50 per cent., those doing between 40 and 50 per cent. and those doing more than 50 per cent. :—

*Earth-work.*

Proportion of task done.	Sátára-Pandharpur.		Pingli Berm.		Terla-Targaon Road.		REMARKS.
	Week ending April 21st.	Week ending May 12th	Week ending April 21st.	Week ending May 12th.	Week ending April 21st.	Week ending May 12th.	
Less than 40 per cent. ... ..	1	4	3	8	37	31	
40 to 50 per cent. ... ..	1	16	4	17	1	...	
Over 50 per cent. ... ..	38	16	43	60	...	...	
	Metal-breaking.						
Less than 40 per cent. ... ..	34	25	no metal		51	67	
40 to 50 per cent. ... ..	<i>Nil.</i>	7	breaking.		<i>Nil.</i>	7	
Over 50 per cent. ... ..	<i>Nil.</i>	41	on this work.		<i>Nil.</i>	2	

2. Those doing 40 to 50 per cent. are paid the equivalent of 9 chataks, while those doing more get more and those doing less get less, except in the case of new-comers who get full wages the first week however little they do and are leniently treated for a further two weeks.

3. On week ending April 21st the penal minimum was in force and no one was fined below it; on May 12th fining was proportional to work done down to a minimum of 3 chataks.

The most noticeable alteration was in metal-breaking on the Sátára-Pandharpur Road when more than half files did over 50 per cent. on May 12th and none did even 40 per cent. on April 21st.

There is also a slight improvement in metal-breaking on Tarla-Targaon Road.

On earth-work on Sátára-Pandharpur Road on the other hand there is a decrease in the outturn, which may however have been due to some of the files being new and having no inducement to work.

4. The people on Tarla-Targaon are no doubt an exceptionally idle lot, but some of them employed on metal-breaking have, it appears, been making some attempt to improve their outturn, and I have asked the Superintending Engineer if in order to further encourage them the task for metal-breaking may be reduced 25 per cent. on this work.

No. FAM.—6952, dated 31st August 1900.

From —The Collector of Broach;

To—The Commissioner, N. D.

With reference to your No. 7397, dated 28th June last, I have the honour to state that penal wage as such was not introduced in this district after the issue of Government Resolution No. 2180, dated 5th May last. Wages however were reduced in the north of Narbadda in pursuance of Government Memorandum No. 788, dated 9th February 1900. I have, in my No. FAM.-3614 of 14th May last, stated the result of the reduction of wages. The Executive Engineer reports that it was only in exceptional cases that contumaciously idle persons were required to be given the penal wages once in a way; that has served to improve the idlers. He further reports that there has been no necessity for enforcing penal wages and in this I concur with him.

No. 10452, dated 3rd September 1900.

From—The Commissioner, N. D.;

To—The Chief Secretary to Government, Famine Department.

Submitted to Government with reference to Government Memorandum No. P.—1051, dated 26th June 1900, to the address of the Collector of Broach.

2. The Collector's No. 3614, dated 14th May 1900, forms one of the printed accompaniments to Government Resolution No. 2464, dated 5th June last.

No. 8843, dated 4th September 1900.

From—The Collector of Thána ;

To—The Commissioner, N. D.

With reference to paragraph 4 of Government Resolution No. 2180 of the 5th May last, Famine Department, I have the honour to report that no penal wage was paid on any of the relief works in the Thána District.

No. 10672, dated 6th September 1900.

From—The Commissioner, N. D. ;

To—The Chief Secretary to Government, Famine Department.

Submitted to Government.

#### APPENDIX D.

Statement furnishing the information asked for in Question No. 2 put by the Honourable Mr. Gokuldas Khandas Parekh.

Districts.	Original Demand.		Final Demand.	
	No. of Assessces.	Amount of Tax.	No. of Assessces.	Amount of Tax.
		Rs.		Rs.
Ahmedabad...	{ 1898-99 ...	6,087	5,442	1,63,611
	{ 1899-00 ...	5,290	4,754	1,58,579
Kaira ...	{ 1898-99 ...	3,108	2,947	70,375
	{ 1899-00 ...	3,266	3,049	72,654
Panch Maháls ...	{ 1898-99 ...	776	757	13,526
	{ 1899-00 ...	790	776	14,499
Broach ...	{ 1898-99 ...	1,640	1,536	55,778
	{ 1899-00 ...	1,572	1,452	50,533
Surat ...	{ 1898-99 ...	3,125	2,960	79,000
	{ 1899-00 ...	2,909	2,785	71,130
Thána ...	{ 1898-99 ...	1,454	1,398	30,895
	{ 1899-00 ...	1,435	1,371	30,739

## APPENDIX E.

*Circular referred to in the reply to the question put by Honourable  
Rao Bahádur Achyut Bhaskar Desai.*

## CIRCULAR.

No. 1656 OF 1898-1899.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION :  
*Poona, 25th June 1898.*

To

ALL EDUCATIONAL INSPECTORS,  
PRINCIPALS OF ARTS AND SCIENCE COLLEGES AND  
HEAD MASTERS OF HIGH SCHOOLS.

SIR,

I have the honour to state that, in consequence of the very unseemly incidents which have accompanied the candidature of an Assistant Master in the Nadiád High School for a ward in the Nadiád Municipality, I think it right to direct that in future no Government servant shall stand as a candidate for election for any Municipal Board without having previously obtained the permission of this office.

2. Any application for permission to stand must be received in this office at least one month before the election takes place, in order that time may be allowed to make the necessary enquiries.

3. I do not wish to forbid all participation in Municipal matters, but Government nominate selected men, and it is obvious that any action which tends to create a spirit of partisanship in an institution intended for all castes and creeds is most undesirable. This has been clearly illustrated by events in Nadiád, where masters and boys of a Government High School have been ranged on opposite sides in an election, to the great detriment of the efficiency and discipline of the school, and of the fair fame of the teachers themselves.

4. (*For Inspectors only*).—These orders should be communicated to the Principals of Training Colleges, and you should submit to me a statement showing whether any of the employés in the Training Colleges are elected members of a Municipal Board.

5. (*For Head Masters of High Schools and Principals of Colleges only*).—I should be obliged if you would submit a statement showing whether any \* . . . are elected members of a Municipal Board.

\* Assistants in your school  
or  
\* Members of your College Staff.

I have, &amp;c.,

(Signed) E. GILES,  
Director of Public Instruction.

*Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACTS, 1861 and 1892."*

The Council met at Bombay on Tuesday the 12th day of March 1901, at 12 o'clock noon.

**P R E S E N T :**

His Excellency the Right Honourable Lord NORTHCOTE, G.C.I.E., C.B., Governor of Bombay, *Presiding.*

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S. \*

The Honourable Mr. J. MONTEATH, C.S.I., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. TATE, M.Inst.C.E.

The Honourable Mr. H. F. ASTON, I. C. S., Bar.-at-Law.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.R.A.C., I. C. S.

The Honourable Mr. BOMANJI DINSHAW PETIT.

The Honourable Mr. IBRAHIM RAHIMTOOLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. SILAS MEYER MOSES.

The Honourable Mr. WILLIAM GREAVES.

The Honourable Ráo Bahádur CHUNILAL VENILAL, C.I.E.

The Honourable Mr. E. GILES, M.A. (Oxon).

**QUESTIONS AND ANSWERS.**

The Honourable Mr. GOKULDAS KAHANDAS PAREKH put the question standing in his name—

*Will Government be pleased to answer the following questions :*

(1) *Whether Govind Sukkoji and the members of his family have been conducting liquor shops in the City of Bombay for about 40 years ?*

(2) *Whether they have at present licenses for selling liquors at 14 shops ?*

(3) *Whether they have been given notices by the Collector of Bombay that none of their licenses would be renewed after the 31st of July next ?*

(4) *Whether any evidence was placed before the Collector to show that Govind and the members of his family had been guilty of acts of misconduct in connection with their business and whether they had been given an opportunity to explain or to meet such evidence.*

The Honourable Mr. MONTEATH in reply said—

Government have no information regarding the matters referred to in the question of the honourable member beyond what is stated in petitions which are under inquiry and will be disposed of in due course.

The Honourable Mr. GOPAL KRISHNA GOKHALE then put question No. 1 standing in his name—

*Will Government be pleased to state what amounts of land revenue due for 1899-1900 were uncollected at the end of that year in the several districts of the Northern and Central Divisions and what sums out of these have since been (a) collected, (b) remitted, and (c) still allowed to stand over?*

The Honourable Mr. MONTEATH in reply said—

The amounts of land revenue due for the revenue year 1899-1900, left uncollected at the end of that year in the districts of the Northern and Central Divisions, are shown below :—

	Rs.
Ahmedabad ... ..	12,14,237
Kaira ... ..	12,34,179
Panch Maháls... ..	1,98,209
Broach ... ..	18,25,088
Surat ... ..	87,092
Thána ... ..	1,12,147
Khándesh ... ..	11,98,043
Násik ... ..	2,43,060
Ahmednagar ... ..	9,49,051
Poona ... ..	6,23,240
Sholápur ... ..	2,24,218
Sátára ... ..	4,84,254

Information regarding subsequent collections, remissions and suspensions has not yet been furnished to Government by the Commissioners.

The Honourable Mr. GOKHALE then put question No. 2—

*Are Government aware that in a recent action brought at Amalner in the Khándesh District by a merchant of Párola against the village officials of that place for forcible seizure of his private cart for the use of the Tagáí Mámlatdár, it was urged by the accused that it was their practice to impress private carts in this manner, and though the Magistrate held such compulsory impressment to be illegal, he discharged the accused on the ground that they believed themselves to be acting legally? Are Government aware that there is general dissatisfaction among villagers on account of such forcible seizure of private carts for the use of officials? Will Government be pleased to inquire into the extent of the evil and issue such orders as may be necessary for its suppression?*

The Honourable Mr. MONTEATH in reply said—

The matters referred to in the honourable member's question have not been previously brought to the notice of Government. The general question has, on several occasions, formed the subject of careful inquiry, and detailed rules have been issued prescribing the circumstances in which and the conditions on which requisitions of public officers for carts required by public exigency are to be complied with. Any proved violation of the rules will meet with punishment. Government do not consider that there is any need for further inquiry.

The Honourable Mr. GOKHALE then put question No. 3—

*(a) Is it true that the number of distraints for the collection of land revenue in the famine year 1899-1900 was 2,099 in Khándesh and 2,460 in Sátára as against 15 in*

*Ahmednagar, 58 in Poona and 69 in Sholapur? How far have the figures in the last three districts been kept down by the practice of revenue subordinates, admitted in the course of the Gujarát revenue inquiry, of not reporting distraints in the revenue returns in those cases in which the property distrained was not sold?*

*(b) Will Government be pleased to state, for the years 1898-1899 and 1899-1900, for the several districts of the Central Division the number of cases in which the property distrained was sold for the collection of land revenue?*

*(c) Will Government consider the desirability of issuing orders with a view to checking the practice referred to in (a) and getting the number of distraints for the different districts returned on a uniform and correct plan?*

The Honourable Mr. MONTEATH in reply said—

(a) The figures are correct for the year ending 30th June 1900. Government are without information as to any practice of the kind referred to in the second part of the question. As Government have not yet received Mr. Maconochie's report, they are not in a position to admit or deny the accuracy of statements based upon the proceedings of the inquiry.

(b) The figures of the total number of distraints and of the revenue on account of which (a) distraint was made, (b) sale was resorted to, are given in the Jamabandi reports.

That for the revenue year 1898-1899 is already published, and an extract\* from it is laid on the Table. All the reports for 1899-1900 have not yet been received. The number of cases in which sale is resorted to is not separately shown.

\* *Vide* Appendix C.

(c) Till the existence of such a practice as is referred to in question (a) is proved to the satisfaction of Government, no orders can be issued to check it. The number of distraints is, at present, reported, so far as Government are aware, on a uniform and correct plan.

The Honourable Mr. GOKHALE then put question No. 4—

*(a) Are Government aware that the Superintendent of Mátherán has recently, with the sanction of the Collector of the district, raised the monthly rent of unleased plots in the bázár limits from 8 annas a plot to Rs. 3 to Rs. 5 a plot and in some cases even higher? Are Government aware that the residents of the bázár have submitted a petition to the Commissioner, Southern Division, stating that among the persons whose ground-rents have thus been raised there are barbers, butchers, tailors, bakers, washermen, petty shop-keepers and other poor persons in similar or even lower stations in life and that they have already suffered severely during the last three years owing to the prevalence of scarcity and famine?*

*(b) Are Government aware that not only has the ground-rent of unleased plots within bázár limits been enormously raised for the future, but that an order has been issued calling upon the residents, retrospectively, to pay ground-rents for the monsoon months from the year 1896 onwards? Is it true that rents for monsoon months, when owing to excessive rainfall all business at the station is stopped, were never charge before?*

*(c) Is it true that the occupants of leased plots on the hill, who are a much richer class of persons and who have erected substantial buildings on those plots, pay a ground-rent of from two to three annas a gunta, whereas the bázár people have been assessed*



*at a rate which comes to between twenty and thirty rupees a gunta? Will Government be pleased to inquire into the whole question with a view to removing all cause for reasonable complaint?*

The Honourable Mr. MONTEATH in reply said—

Government are not disposed to inquire into this matter, of which at present they have no information, while it is under investigation by the Commissioner, to whom the residents in the bázár at Mátherán are said to have represented their grievances.

The Honourable Mr. GOKHALE then put question No. 5—

*Will Government be pleased to lay on the Table a statement showing (a) the total amount of fines inflicted on the residents of Mátherán by the Superintendent during the last fifteen months; (b) the amounts of fines inflicted by him in each year from 1891 to 1899; (c) the amounts of fines inflicted by the Superintendent of Mahábaleshvar on the residents there during the same periods, including the last fifteen months. If there has been a large and sudden increase in the fines inflicted at Mátherán during the last fifteen months, will Government be pleased to state what has caused such increase?*

The Honourable Mr. MONTEATH in reply said—

The information required by the honourable member is being called for.

The Honourable Mr. GOKHALE then put question No. 6—

*Is it true that in a criminal action brought about three months ago, by the wife of a shoemaker, named Bhiwa Tatya, against one Kasam Kutchee, the Superintendent of Mátherán considered the statements of the complainant and her witnesses as also of the accused to be all unreliable, and that he thereupon ordered all these persons, five in number, to leave the hill? How far do Government approve the expulsion of permanent residents of the hill on such grounds?*

The Honourable Sir CHARLES OLLIVANT in reply said—

Government have no knowledge of the case, but enquiries are being made.

The Honourable Mr. GOKHALE then put question No. 7—

*Is it true that the Superintendent of Mátherán has recently ordered about a dozen horse-owners, who have been plying horses for hire on the hill for over fifteen years, to sell their horses and not ply them for hire any more, though these horses were in good condition and some of them held "special" and "first class" licenses from the Superintendent? Is it true that in some cases, after the horses had been thus compulsorily sold, the buyers were allowed to ply them again for hire? Will Government be pleased to state for what reasons the old owners were thus compelled to give up the long-established profession and sell their horses for comparatively low prices?*

The Honourable Mr. MONTEATH in reply said —

Government have no information on the matters dealt with in the question, and consider it unnecessary to inquire into them until it has been shown that the horse-owners have exhausted the preliminary means provided for the redress of such grievances, as are alleged by appeal to the Collector and Commissioner.

His Excellency the PRESIDENT said—As the Honourable the Chief of Ichalkaranji is not present, the questions standing in his name have been withdrawn.

## II.—PAPERS PRESENTED TO THE COUNCIL.

1. Letter from the Government of India, Legislative Department, No. 395, dated the 4th March 1901—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Bombay Salt Act (Bombay Act II of 1890).

2. Statement \* embodying the information on certain points referred to in parts (c) and (e) of the reply to question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale at the Meeting of the Legislative Council held on the 12th February 1901.

\* *Vide* Appendix A.

3. Reply † to question No. 2 put by the Honourable Mr. S. A. Chhatre and No. 6 put by the Honourable Mr. G. K. Gokhale at the Meeting of the Legislative Council held on the 12th February 1901.

† *Vide* Appendix B.

4. Extract ‡ from the Jamabandi Report for 1898-99 referred to in the answer to clause (b) of question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale

‡ *Vide* Appendix C.

5. Report of the Select Committee appointed to consider Bill No. I of 1901 : a Bill to amend the Bombay A'bkári Act, 1878.

6. Letter from Mr. Ram Duttatraya Adhikary, of Secunderabad, dated the 19th February 1901, regarding Bill No. I of 1901 : a Bill to amend the Bombay A'bkári Act, 1878.

7. Petition from Chimansing Ramsing and others, dated the 6th February 1901 regarding Bill No. I of 1901 : a Bill to amend the Bombay A'bkári Act, 1878.

8. Telegram from the Commissioner in Sind, No. 82, dated the 22nd February 1901—Communicating certain suggestions from the Chairman, Karáchi Port Trust, regarding Bill No. III of 1900 : a Bill to amend the Karáchi Port Trust Act, 1886.

9. Memorandum from the Oriental Translator to Government, dated the 12th February 1901—Furnishing substance of a petition from Baba *bin* Shiva More and about 50 other rayats of mouze Apeda, taluka Khed, district Ratnágiri, dated the 31st January 1901, regarding Bill No. IV of 1898 : a Bill to amend the Khoti Settlement Act, 1880.

### BILL No. I OF 1901 : A BILL TO AMEND THE BOMBAY A'BKARI ACT, 1878.

The Honourable Mr. MONTEATH, in moving the second reading of the Bill to amend the Bombay A'bkári Act, 1878, said—I have now the honour to present to the Council the report of the Select Committee on the Bill to amend the Bombay A'bkári Act, 1878, which has come to be called the Hemp Drugs Bill, and to propose that the Bill be read a second time. Honourable members will observe that the Select Committee have seen no reason to suggest any alteration in the provisions of the Bill, and it would not have been necessary for me to add to the observations I made in proposing the first reading, but for one fact. I have been given to understand that there is some apprehension that if the Bill becomes law there may be interference with the production of fibre, in which there is a trade of some importance. Now, Sir, it does seem to be the view of botanists that the plant *Cannabis Indica*, from which the drugs are produced, is an Asiatic variety

of what we call in England the hemp plant, *Cannabis sativa*, and that view was accepted by the Commission. But in India the plant has lost its fibre-producing function as it developed a narcotic property. It is not cultivated and apparently cannot be successfully cultivated for fibre anywhere in this country except at a considerable altitude on the Himálays. It seems as if the plant will produce fibre of any value only in a cool climate. The only cultivation of the plant in this Presidency is for the narcotic and it is a very elaborate process. The plants which in this Presidency produce a fibre called hemp are quite different from the *Cannabis sativa*. There is one known as Bombay hemp, *San* in the vernacular, with the melodious botanical name of *Crotolaria juncea*, and another bears the less melodious name of *Hibiscus cannabinus*. The drugs are not got from these plants at all and of course the cultivation of them and trade in the products will be in no way affected by the passing of this Bill, the provisions of which will not apply to them. The fibre which is exported under the name of hemp is, I understand, got largely from the North-Western Provinces and the Central Provinces, and in these and other parts of India a law similar to that we propose has been in force since 1896. In fact, as I said in proposing the first reading of the Bill, Bombay is the only part of British India in which licenses are not at present required for the cultivation of the drug-producing plant. So we have actual experience to show us that the production of fibre or trade in fibre will be in no way affected by this measure. With these remarks, Sir, I beg to propose the second reading of the Bill.

The Honourable Mr. GOPAL KRISHNA GOKHALE said—Your Excellency,—I beg leave, at the outset of my remarks, to acknowledge the consideration which was shown to me on the last occasion in not proceeding with the second reading of this Bill on that day. My Lord, it was with considerable reluctance and regret that I then stood in the way of what appeared to be the convenience of this Council; but as this Bill principally affects the two districts of Sátára and Ahmednagar, and as these districts happen to be in the division which I have the honour to represent in this Council, I thought it my duty not to be an assenting party to this legislation, without, at any rate, satisfying myself about the true nature and scope, and the probable effects, of the changes proposed. During the interval that has elapsed since that day, I have made such inquiries as I could in the two districts, and I have also been able to go through a large amount of official literature on the subject; and as a result of these inquiries and of what I have read, I may state at once that I find myself unable to support the second reading of this Bill. My Lord, before explaining the reasons which lead me to oppose this measure, I will, with Your Excellency's permission, briefly state to the Council how matters stand at present under the existing law and in what respects they are sought to be altered by the Bill before us. At present there are no legal restrictions on the cultivation of hemp. A cultivator may grow it where he pleases and as much of it as he pleases. But he is bound to sell his hemp to no one but a license-holder. The manufacture of drugs is prohibited save under license; the sale of drugs is prohibited save under license. There is no quantitative duty on the drugs consumed, but the right to sell the drugs within a certain area, generally a whole district, is farmed to the highest bidder. Now the changes contemplated in the Bill before us are these: Government takes to itself the power of prohibiting the cultivation of hemp absolutely, or of permitting it only under license. Bonded warehouses are to be established or licensed, where wholesale dealers will be required to store the drugs manufactured, and to pay a quantitative duty as they supply the drugs to retail

dealers, paying in addition rent for the use of the warehouse. The duty will be a quantitative one; and Government thereby expect to be able to raise a larger revenue than at present. There are other minor alterations proposed in the existing law, but I do not wish to trouble the Council with a reference to them.

Now, my Lord, I object to this Bill on five grounds :—(1) The proposed legislation is wholly unnecessary; (2) even if Government wanted to legislate in the matter, absolutely no case has been made out for prohibiting or otherwise subjecting to restriction the cultivation of hemp; (3) the proposal to levy a quantitative duty on the drugs is open to the objection that it gives Government a direct interest in the increased consumption of the drugs; (4) the proposal to raise the price of these drugs, by subjecting them to enhanced taxation, has been condemned by a large number of competent authorities, and (5) the Bill does not propose to give effect to a definite recommendation made by the Hemp Drugs Commission—a recommendation expressly accepted by the Government of India—that the law should provide for some sort of local option in determining the localities in which the retail sale of these drugs may be permitted. My Lord, in regard to my first objection, I would point out that nine-tenths of the officers of the Bombay Government who gave evidence before the Hemp Drugs Commission, declared that the existing arrangements were working satisfactorily, and that there was no need for any further interference on the part of the Legislature in the matter. There were eighteen superior officers among the witnesses—two Commissioners, one Chief Secretary, eleven Collectors and four Assistant Collectors. Twenty Deputy Collectors and seven Mámlatdárs also gave evidence on the subject of administration and control. On analysing the evidence of these forty-five officers, we find that out of the eighteen superior officers, there was only one, and that was the honourable member in charge of the Bill himself, who advocated any important modification of existing arrangements. He urged the establishment of bonded warehouses and the levy of a quantitative duty, but he did this, not in the fancied interests of temperance; but with the avowed object of raising a large revenue for Government. Seven superior officers expressed no opinion whatever on the necessity or otherwise of further legislation, while ten others—and I will read to the Council the names of these ten—deprecated further legislation in the matter. These ten officers were—Messrs. Reid, Vidal, Ebden, Sinclair, Charles, Lely, Campbell, Woodward, Lamb and Dodgson. Of the twenty Deputy Collectors, only three were in favour of modifying these arrangements and of the seven Mámlatdárs, only one was of a similar opinion. It will thus be seen that, so far as the Bombay official witnesses are concerned,—and they certainly could speak with authority on this subject, if any one could—the overwhelming weight of evidence was against further legislation, such as is embodied in this Bill. Next, my Lord, I would point out to the Council that the area under hemp in the Presidency is an exceedingly small fraction of the total area under cultivation—only about one thousand acres out of a total cultivated area of three and three-fourths crores of acres, and even this insignificant area is, if anything, steadily diminishing, owing to natural causes, even in the absence of such legislation as we are engaged in considering at this meeting. Taking, for instance, the figures of cultivation from 1885 to 1899 for the Presidency proper, we find that the average area under hemp from 1885 to 1888 was 1,192 acres; from 1889 to 1892 it was 1,112 acres; from 1893 to 1895 it was 1,097 acres; and during the last three years of this period, *i. e.*, from 1896 to 1898-99, the average was only 908 acres. I think these figures constitute a silent but emphatic protest against the present

Bill, which might have had a semblance of justification if it could by any means have been shown that the cultivation of hemp and the consequent consumption of the drugs were on the increase.

My Lord, my next objection to this Bill is that, even if Government wanted to legislate in this matter with the object of establishing bonded warehouses and levying a quantitative duty, I submit that absolutely no case has been made out for seeking to regulate the cultivation of hemp by licenses. Even the few Bombay official witnesses who favoured fresh legislation on the subject of hemp-drugs, were careful to state that they did not desire to impose any restrictions on the freedom of cultivators in growing hemp. They considered that the restrictions on the sale of hemp and the fact that the manufacture of drugs could not, owing to the very nature of the process, be carried on surreptitiously, made it unnecessary to control the cultivation in any way. The honourable member in charge of the Bill himself expressly stated that he did not consider it necessary to restrict the cultivation of hemp, and I believe, my Lord, that with such a great authority on my side it is not necessary for me to labour this point any further. I will, however, venture to mention to the Council a few considerations which occur to me against the proposal to empower Government to restrict cultivation as they please. I think, in the first place, that anything which tends to multiply the points of contact between the cultivators and the lower subordinates of the Revenue, A'bkári and other departments deserves to be seriously deprecated. If the cultivation of hemp comes to be prohibited, except under license, innocent cultivators may be exposed, as urged by several witnesses, to the risk of having false charges brought against them by over-zealous or blackmailing subordinates of these departments in connection with the spontaneous growth of wild hemp plants. Then, again, though Government do not propose to charge a fee for licenses granted to cultivators, these latter may experience some difficulty in getting them actually, and may even have to incur expenditure, which will not bear scrutiny, before getting them. This point was very well brought out by the *Times of India* in an article on this Bill in December 1898. This is what that journal wrote on that occasion;—"If it is a desirable object of legislation to multiply the points of contact between the administration and the people, this is a most admirable Bill; but not otherwise. Unless a substantial benefit is to be gained, the less the Collector and his subordinates are called on to intervene between the cultivator and the free pursuit of his calling, the better. Every additional license, every additional compulsory resort to authority for permission to do this thing or that adds to the cultivator's worries—adds to the opportunities that the revenue subordinate enjoys for worrying him and getting money out of him. A license looks a harmless thing—as it would be if it were a sheet of paper and nothing more. But in India there is often more in it than is written on the face of it and it costs more than is supposed to be paid for it." The question of assessment also comes in, in this connection, though in a somewhat remote manner. I think that men who are paying a certain assessment to Government and are raising a certain kind of crop on their land, have a right to expect that their freedom to raise that crop shall not in any way be fettered by Government. Sir James Campbell in his evidence before the Commission observed:—"I think the producers in Ahmednagar and Sátára would resent very much any restriction of cultivation. I think that the prohibition of cultivation in those districts where it is trifling, so as to confine it to the two districts above named, may cause some little dissatisfaction, but would be feasible." Lastly in this connection there

is the question of growing hemp for the purposes of fibre. Dr. Watt, in his Dictionary of Economic Products, states—and the statement has been quoted by the Hemp Drugs Commission in its report—that the Indian plant from which the drugs are manufactured is but an Asiatic variety of the species from which fibre is produced in Europe; and he also contemplates the possibility of cultivating hemp “as a cold season fibre-crop on the plains of India,” and he is of opinion that “there may be some localities in India where this might be found possible and even remunerative.” I think, in view of this expression of opinion from such an authoritative quarter, the Government, instead of prohibiting cultivation, except under license, ought to encourage experiments in hemp cultivation with the object of ascertaining if the fibre-producing plant can be grown anywhere in the Presidency on a large and remunerative scale.

My next objection, my Lord, to this Bill is on the score of the quantitative duty which it proposes to levy on the drugs consumed. As I have already observed, such a duty gives Government a direct interest in the increased consumption of the drugs. It is true that Government in the abstract is incapable of pushing forward the consumption of deleterious articles for the sake of a few thousands of additional rupees, but Government in the concrete, which sometimes means the subordinates of the Revenue, A'bkári, and other departments, may not be wholly above such a temptation. Under existing arrangements, when the right to sell drugs within a certain area is once farmed to an individual, Government has no interest in the quantity of the drugs sold, and it may, therefore, well be trusted to look effectively after the interests of temperance. With a quantitative duty, however, the situation is altered, and I would not give the A'bkári Department of Government any such interest in increased consumption, if I could help it.

My fourth objection to the Bill is that it seeks to raise a larger revenue for Government by enhancing the taxation of the drugs, thereby raising the price of the drugs to the consumers. My Lord, I was at one time a believer in the theory propounded in ordinary text-books of Political Economy, that the proper way to deal with intoxicants is to levy a high duty, and thereby seek to restrict consumption. I at one time shared with others the delusion that if the price of the intoxicants was raised beyond the capacity of poor consumers, large numbers of these people would be ultimately weaned from a most injurious habit. But whatever faith I once had in such a policy, I confess I have that faith no longer, and I have come to the clear, though painful, conclusion that if you only raise the price of the intoxicants, while you do nothing to reduce the facilities for obtaining them, you do not succeed in reducing consumption, only you take more out of the pockets of the consumers, and thus in many cases add the misery of starvation to the misery of vice. And I believe that the proper way of dealing with these intoxicants, if the object be to rescue the victims of the vice from its clutches, is not to make them dearer, but to make them scarcer. Take, for instance, the case of Thána. In 1890-91 the consumption of country spirit per head of population in that district was 21·2 drams. This consumption, in spite of the high duty levied, has steadily risen to 25·3 drams for the year 1898-99, an increase of 19 per cent. in eight years, which is a serious increase, even after allowance is made for the normal increase of population. The amount of still-head duty during the same period has risen from a little over seven and a quarter lákhs to a little over ten lákhs—an increase of about 37 per cent.,—which means that the operations of the A'bkári Department in that district have not only not reduced consump-

tion, but that the department now takes out of the pockets of the victims of the vice 37 per cent. more money than it used to do eight years before, and this in spite of the harder times which the poor people admittedly have had now for several years. My Lord, I for one would gladly support a policy of total prohibition in these matters, as that, I think, is the most effective way of dealing with the problem, in spite of the fancied interests of what are called moderate consumers. Failing that, I respectfully urge that the next best policy is not to make the intoxicants dearer, but to make them scarcer. A friend of mine, whom I consulted as to how this Bill would affect the interests of the cultivators of hemp in the Nevása Taluka of Ahmednagar District, has expressed himself in these terms: "How can Government, which has recently planted for the first time in the history of Nevása a liquor shop in the heart of the little town, propose to restrict the liberty of the cultivators to grow hemp in the interests of temperance?" Any one who knows anything of the fearful hold which these intoxicants come to acquire over their victims, will see that these helpless creatures will make any sacrifice to satisfy their craving, and that increased taxation under such circumstances, without a reduction of the facilities for obtaining the intoxicants, only means, as I have already observed, the misery of less food added to the curse of drunkenness. Some of the official witnesses before the Hemp Drugs Commission have taken the same view of the matter. Thus the Honourable Mr. Lely has, with his usual directness, opposed increased taxation in the following words:—"I think increased taxation of ganja would be highly impolitic. I can hardly see how, apart from political reasons, it could be beneficial. The consumer would be prepared to spend a pice or two more upon it. It is cheaper to get intoxicated on ganja than on liquor. I do not recommend the increasing the cost of the former, because the people who use it are poorer than those who drink liquor." In another place he says of the habitual consumers: "They take ganja because it enables them to bear abstinence from food and water, and even clothes in the coldest weather. It is said to enable them to resist the most malarious climate and the worst water." Many other witnesses have described the present taxation of these drugs as reasonable. Even Mr. T. D. Mackenzie observes: "If the price of the hemp drugs be much raised, the ascetics would probably stint themselves of food in order to get the drugs and so do themselves much injury." I am aware, my Lord, that the Hemp Drugs Commission has recommended enhanced taxation of these drugs in this Presidency on the ground that at present it is much lower here than in Bengal and other Provinces. But I respectfully submit that this is not a fair way of looking at the question. The total incidence of A'bkári taxation is the heaviest in this Presidency as compared with other Provinces, as may be seen from the following figures:—In Bombay ábkári taxation is 9 annas 3 pies per head of population, as against 6 annas 6 pies in Madras, 2 annas 8 pies in Bengal, 1 anna 9 pies in the North-West Provinces, 1 anna 9 pies in the Punjab, and 2 annas 7 pies in the Central Provinces. I think, my Lord, that so long as it is not proposed to reduce this higher incidence of ábkári taxation in this Presidency, because it is lower elsewhere, for so long it would not be fair on the part of Government to increase the tax on these drugs, which happen, comparatively speaking, to be somewhat lightly taxed with us, on the sole ground that they are taxed at a higher rate elsewhere.

My Lord, I now come to my last objection to this Bill, and that is that it fails to provide for some form of local option, as recommended by the Hemp Drugs Commission and as directed by the Government of India in their orders on the report of that Com-

mission. The recommendation of that Commission is couched in the following terms :— That when new shops are proposed, municipal bodies, rural notables, zamindárs or headmen, as the case may be, should be consulted as to the necessity of opening them, and as to their location, and that objections, if made, should receive the most careful attention. The Government of India have accepted the recommendation in the following words :— “In municipal towns the Governor General in Council considers that no shop for the sale of hemp should be opened without consulting the municipal committee, and in rural centres notice of the intention to open a shop should be given and any objection to the establishment of a shop which may be brought forward should be considered, no shop being opened unless there is a real demand for the drug.” The Bengal Act contains a provision for assigning to any Municipality, with its consent, the functions of the Local Government relating to the grant of licenses, and after such assignment no conditions or rules may be imposed by the Local Government without the consent of the Municipality. Even where such functions are not assigned, the Collectors are required to notify to Municipalities the sites selected for shops within their limits, to consider the objections that may be raised, and if they do not agree with the Municipalities, to refer the matter to the Commissioner of Excise for decision. I think the people of this Presidency are entitled to claim that similar provision should be made for local option in the matter in the law of this Presidency.

My Lord, I have now stated to the Council my chief grounds for opposing this Bill. I fear my observations have detained the Council longer than they should have done; they have certainly exceeded the limits which I had first proposed to myself. The fact, however, that the Select Committee has unanimously approved the Bill as drafted made it necessary for me to explain myself at some length, and that is my excuse for taking up so much of the time of the Council. My Lord, I oppose the second reading of this Bill.

The Honourable Mr. MONTEATH, in replying on the debate, said—The only remark which I think it is necessary for me to make at this stage in reply to the honourable member—I may have something to say afterwards in regard to the several amendments of which he has given notice—is that we now have the experience of all the rest of India of a law similar to that which we propose. That experience shows us that no inconvenience and no injury of which anybody can legitimately complain need be anticipated from the law, and therefore the opinions that were expressed before a law of this kind was actually in force are now of less weight than they were at the time at which they were expressed.

His Excellency the President then put the motion  
 Bill read a second time.      that the Bill be read a second time. This was agreed to, and  
 the Bill was read a second time.

The Council then proceeded to consider the Bill in detail.

The Honourable Mr. GOKHALE—Your Excellency,—I beg to move that clause 2 be omitted. The object of the clause is to include the cultivation of hemp within the operation of the restrictive portion of the A'bkári Act. For the reasons which I have already explained and which I need not repeat, I think the cultivation should not be so restricted, and I therefore propose that clause 2 be omitted.

The Honourable Mr. MONTEATH said—If we accept the amendment which the honourable member has now proposed, we may, I think, do away with the Bill altogether.



Under the law as it stands, we can do almost all else that is necessary for carrying out the system that we contemplate. The honourable member has referred to an opinion which I expressed when I was a Collector as regards the control of the cultivation. My view then was that the cultivation being such an elaborate process could not very well be carried out clandestinely, and therefore it was unnecessary to require a license for it. But, if I may not have the privilege of changing my opinion, I should not be presumptuous enough to set it now in opposition to that of the Commission to begin with, to the Government of India and to the authorities in all other parts of India. The prohibition of cultivation of drugs of this kind without a license is, I think, perfectly legitimate, and in principle it does not depart from the restriction which is now imposed. At present the cultivators are not allowed to dispose of the produce without a permit. The prohibition of the cultivation without a license will be a more efficacious method of securing that the duty is levied on all the drugs which are produced, and as it has been, as I said, carried out effectively in other parts of India, I do not see that we need anticipate any difficulty in carrying it out here.

The amendment was rejected and the clause stood part of the Bill.

Clauses 3, 4 and 5 were passed without discussion.

The Honourable Mr. GOKHALE then moved that clause 6 be omitted. He said—As this clause also refers to the subject of the restriction of cultivation, and as that point has already been decided against me, I wish, with Your Excellency's permission, to withdraw the amendment.

The amendment was by leave withdrawn and clause 6 stood part of the Bill.

Clause 7 stood part of the Bill.

The Honourable Mr. GOKHALE then moved in clause 8 to *insert* the following at the end:—

“And a third proviso should be added as follows:

‘Provided further that in Municipal towns no shop for the sale of hemp drugs shall be opened without consulting the Municipality, and that in rural centres notice of the intention to open a shop shall be given, and any objection to the establishment of such shop, which may be brought forward, shall be considered before the shop is actually opened.’”

He said—Clause 8 in this Bill refers to Section 16 of the A'bkári Act and certain provisos are proposed now to be added to that section. As that section refers to the grant of licenses by Collectors for the sale of hemp drugs, I think that in this clause provision should be made to give effect to the particular recommendation of the Hemp Drugs Commission to which I have already referred in my speech on the second reading, *viz.*, about local option. That recommendation has been already accepted by the Government of India, and as this Bill is based on the lines laid down by the Commission and approved by the Government of India, I do not see how that proposal of the Commission can be ignored in this Bill. Section 16 of the A'bkári Act lays down that no liquor and no drugs shall be sold without a license from the Collector. I propose to add that, before the Collector grants a license for the sale of these drugs,—I am confining my amendment to the drugs, and am not raising the larger question of local option in regard to liquor,—before the Collector grants permission for a shop to be opened in a particular

locality, he shall carry out the conditions which have been laid down in the recommendation of the Commission and the orders of the Government of India. I have taken the very words of my amendment from the Resolution of the Government of India. The recommendation of the Commission having been accepted by the Government of India, I do not see any necessity for saying anything more in support of my proposal. I trust the honourable member will see his way to accepting the amendment.

The Honourable Mr. MONTEATH—I am unable to see any exact connection between the proviso which the honourable member proposes to add and the rest of the clause. It seems to me that the effect of adopting the amendment would simply be to impose on Government and Government officers an unconditional obligation. That would be a novel kind of legislation, and it seems to me that there would be little or no object or advantage in it, unless means for enforcing the obligation could be provided. What those means might be I can only surmise. I can see no way of enforcing the obligation except that of attaching a penalty to its non-fulfilment. If the honourable member wishes to make his proposal effective, I think it would be necessary for him to add a clause that omission to carry out this obligation would be punishable with imprisonment, or with fine possibly and imprisonment as an alternative. It is the intention of Government to consult local opinion before opening shops and not to allow shops to be opened where valid reasons are shown against them, and I hope the honourable member will accept this announcement of that intention as sufficient, and not require us to make it a statutory enforceable obligation. It might be rather inconvenient if the members of Government were subject to prosecution and, perhaps imprisonment for not carrying out such an obligation, and we prefer not to subject ourselves and our successors to that liability (laughter).

The Honourable Mr. GOKHALE—I would only point out that in Bengal the law actually makes statutory provision for giving local option in this way. What is good for Bengal may also be expected to be good for Bombay.

On a division, six voted for the amendment and ten against. The amendment was, therefore, lost.

Clause 9 stood part of the Bill.

The Honourable Mr. GOKHALE had given notice to move the following amendment:—

In clause 10 (27-B (3)) for the second proviso to *substitute* the following :

“ Provided also that notice of such surplus (if any) as aforesaid shall be given to the owner of drugs immediately after such sale, and that the application for the surplus shall be made within one year from the date of the receipt of the notice, unless sufficient cause be shown for not making it within such period.”

The Honourable Mr. MONTEATH—Before the honourable member proposes his amendment, may I ask if he would substitute the word “issue” for the word “receipt”? The date of the issue of the notice can, of course, be ascertained and proved, while the date of the receipt of the notice cannot always be proved.

The Honourable Mr. GOKHALE—Yes, I am willing to accept the honourable member's suggestion.

The Honourable Mr. GOKHALE said—Your Excellency,—I move that for the second proviso in 27-B, the words of which I have given notice be substituted, subject to the alteration which has just now been proposed and which I am prepared to accept. As the Bill stands, the provision comes to this. If a license-holder has stored his drugs in a warehouse and fails to pay rent when called upon, the drugs are to be sold, and after deducting the duty and rent from the proceeds that may be realized, any surplus that remains is to be made over to him; but there is no provision requiring that notice shall be given to him of the amount of surplus that may remain. The provision contained in the second proviso is that he shall apply for the surplus within one year after the date of the sale. I submit it is only fair that Government, who sell the drugs, it may be without the man's knowledge, should give him notice of such sale, and of any surplus that may remain. If, for a year from the issue of the notice, the man makes no move, Government may confiscate that money. But otherwise the man should be entitled to claim the money, subject to this limitation.

The Honourable Mr. MONTEATH—I am authorized to say that Government will accept this amendment.

The clause as amended stood part of the Bill.

The subsequent clauses and the preamble were passed without discussion.

The Honourable Mr. Monteath moves the third reading of the Bill to amend the Bombay A'bkári Act, 1878.

The Honourable Mr. MONTEATH—I now beg formally to move the third reading of the Bill.

His Excellency the PRESIDENT then put the motion that the Bill be read a third time and passed. This was agreed to, and the Bill was read a third time and passed.

Bill read a third time and passed.

#### BILL No. V OF 1900 : A BILL TO AMEND THE MA'MLATDARS' COURTS ACT, 1876.

The Honourable Sir CHARLES OLLIVANT said—With Your Excellency's permission I ask leave of the Council to withdraw Bill No. V of 1900: a Bill to amend the Mámlátdárs' Courts Act, 1876. Since the Bill was published some very valuable suggestions have been received, and Government propose to redraft the measure and embody these suggestions, subject to further consideration. I therefore ask for formal leave to be given to withdraw the Bill as published.

His Excellency the PRESIDENT then put the motion that the Bill be withdrawn, and the same was carried *nem. con.*

His Excellency the PRESIDENT then adjourned the Council *sine die*.

*By order of His Excellency the Right Honourable the Governor in Council,*

R. J. C. LORD,  
Secretary to the Council of the Governor of Bombay  
for making Laws and Regulations.

Bombay, 12th March 1901.

## APPENDICES

TO THE

## PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS ON THE 12TH MARCH 1901.

## APPENDIX A.

*Statement embodying the information on certain points referred to in parts (c) and (e) of the reply to question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale at the Meeting of the Legislative Council held on the 12th February 1901.*

The information received from the Collectors and Executive Engineers in response to the call made on them, as stated in the answer to question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale at the Council Meeting held on the 12th February 1901, is given in the following tables:—

## A.

*Statement showing the amounts of land revenue due under the first instalment and collected in each of the affected talukas during the year 1900-1901.*

District.	Taluka.	Land revenue due under first instalment.	Amount already Collected
		Rs.	Rs.
Ahmedabad ...	Dholka ...	1,50,000	100
	Dhandhuka ...	1,25,000	9,900
	Viramgam ...	1,20,000	1,400
	Parantij ...	70,000	3,400
	Sanand ...	90,000	1,100
Kaira ...	Matar ...	2,22,922	2,853
	Thastra ...	2,08,500	6,309
	Kapadvanj ...	1,05,200	6,251
Panch Mahals...	Godhra ...	41,000	15,267
	Kalol ...	40,000	8,000
	Halol ...	20,000	7,995
	Dohad ...	40,000	10,100
	Jhalod ...	25,000	5,700
Broach...	Jambusar ...	2,42,426	320
	A'mod ...	1,46,600	62
	Vagra ...	1,65,000	
Surat ...	Olpad ...	18,000	7,000
	Mandvi ...	59,500	16,100
	Rulsar ...	1,59,000	59,500
	Pardi ...	79,000	64,000

District.	Táluka.	Land revenue due under first instalment.	Amount already collected.
		Rs.	Rs.
Khándesh ...	Dhulia .. .. .	1,12,634	73,514
	Nandurbár ... .. .	58,055	32,900
	Taloda .. .. .	139	24
	Sindkheda ... .. .	87,800	70,500
	Sháháda ... .. .	80,961	62,998
	Pimpalner ... .. .	35,887	22,561
	Shirpur ... .. .	92,460	86,232
Násik .. .. .	Sinnar ... .. .	65,623	36,809
	Niphád ... .. .	40,470	23,208
	Chándor ... .. .	45,918	30,646
	Yeola ... .. .	27,000	14,000
	Malegaon ... .. .	82,200	36,400
	Nándgaon ... .. .	26,839	22,719
	Báglán ... .. .	25,547	11,920
Ahmednagar ...	Nagar ... .. .	2,200	818
	Párner ... .. .	20,000	9,704
	Jámkhed ... .. .	24,000	22,829
	Shevgaon ... .. .	20,500	10,017
	Ráhuri ... .. .	5,500	892
	Kopargaon ... .. .	8,500	931
	Sangamner ... .. .	75,400	23,110
Poona ... .. .	Purandbar ... .. .	31,874	19,974
	Indápur ... .. .	54,667	None. First instalment not yet due.
	Bhimthadi (including Dhond Petha).	1,29,556	
	Sirúr ... .. .	42,323	27,541
Sholápur ... .. .	Sángola ... .. .	13,000	4,000
	Sholápur ... .. .	1,43,730	In these tálukas no instalment falls due before March.
	Bársi ... .. .	1,03,190	
	Mádha ... .. .	74,000	
	Karmála ... .. .	1,02,440	
	Pandharpur ... .. .	69,840	
Málsiras ... .. .	60,130		
Sátára ... .. .	Mán ... .. .	45,159	18,279
	Khatáv ... .. .	72,207	25,854
	Khánápur ... .. .	73,840	23,608
Bijápur ... .. .	Indi... .. .	3,632	850
	Sindgi ... .. .	33,864	14,603
	Bijápur ... .. .	41,732	22,467
	Bágevádi ... .. .	39,300	14,457
	Muddebihál ... .. .	30,321	13,868
	Hungund ... .. .	68,912	23,159
Belgaum ... .. .	Gokák ... .. .	60,415	38,829
	Athni ... .. .	45,135	8,742
	Parasgad ... .. .	37,908	8,733

## B.

Statement showing the percentages of labourers on relief works in charge of the Public Works Department who received different classes of wages during the week ending 19th January 1901.

Classes of wages.	Ahmed- abad.	Panch Maháls.	Broach.	Ahmed- nagar.	Poona.	Sholápur.		Satára.	Bijápur.
						Execu- tive En- gineer's Division.	Relief Execu- tive En- gineer's Division.		
	(a)		(a)			(b)	(c)		
Maximum .. .. .	90	81	21	31	18	57	14	28	57
Between maximum and mini- mum.	2	19	29	23	37	27½	34½	29	35
Minimum ... .. .	8	...	6	38	45	15	38	28	8
Between minimum and penal ...	...	...	44	8	...	..	..	9	...
Penal ... .. .	...	...	...	...	...	½	18½	6	...

(a) In these districts the relief was given on small works and payment was made according to results

(b) It is reported that the penal wage had to be applied on a somewhat extensive scale owing to an organised attempt to shirk the task.

(c) Payment according to results is made.

*Addendum.*

The figures "Rs. 16,67,000" and "Rs. 4,50,000" shown against Khándesh and Poona, respectively, in the table given in the answer to clause (c) of question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale at the Council Meeting held on the 12th February 1901 were inclusive of suspensions and remissions of arrears of land revenue for 1899-1900, the exact or approximate amount of which was not then known. The latest estimate of suspensions and remissions of the current year's revenue furnished by the Collector of Khándesh amounts to Rs. 9,20,000, and that furnished by the Collector of Poona amounts to Rs. 2,50,000.

APPENDIX B.

Reply to questions No. 2 put by the Honourable Mr. S. A. Chhatre and No. 6 put by the Honourable Mr. G. K. Gokhale at the Meeting of the Legislative Council held on the 12th February 1901.

No. 1243 of 1901.

From

THE DISTRICT MAGISTRATE OF RATNÁGIRI;

To

THE UNDER SECRETARY TO GOVERNMENT,  
Judicial Department.

Ratnágiri, 6th March 1901.

SIR,

With reference to Government memorandum No. 1330, dated 25th February 1901, I have the honour to forward herewith statements regarding the number of licenses for fire-arms held in each taluka of the Ratnágiri District during the six years 1895 to 1900.

2. In the District Administration Report for 1897-98 attention was first called to the extraordinarily large number of licenses for fire-arms in existence in this district. At that time the number was nearly 4,000, that is to say more than the total of all the other districts in the

Southern Division, and more than the totals of all the districts in the Northern Division and Central Division put together. In Government Resolution No. 5779, dated 23rd August 1900 (Judicial Department), Government recognised that the number of licenses was excessive and approved of the policy of reducing them.

3. The number of licenses for fire-arms has been reduced during the last three years by about two-thirds. The reduction has been carried out chiefly in licenses held under Form XI (for the destruction of wild animals). These licenses remain in force for five years. The present practice is not to renew them on expiry of their term, unless one of the following conditions is fulfilled:

(1) the licensee is a substantial land-owner (a payment of not less than Rs. 75 as land assessment is usually considered necessary);

(2) the licensee is a Police Patel;

(3) the village in which the licensee resides is particularly exposed to the depredations of wild beasts.

Special exceptions are also made in favour of Shikaris who have earned rewards for the destruction of beasts of prey. Lists of the licenses about to expire, with full particulars of each case, are submitted annually by the Mámlatdárs. The opinions of the Mámlatdárs and Sub-divisional Officers are recorded on each case, and the renewal of a license is never refused without full consideration of the claims of the licensee. Of the licenses that have expired during the last three years, about 27 per cent. have been renewed.

4. Licensees whose guns are attached on the expiry of their licenses under Section 16 of the Arms Act have no legal claim to compensation. The pecuniary loss involved in the confiscation of a gun is small. Nineteen out of 20 guns in this district are of local manufacture, and cost from Rs. 8 to Rs. 15 new. Their market value when attached probably varies from Re. 1 to Rs. 5. Licensees as a rule must be fully aware of the conditions under which they hold a gun-license. I do not, therefore, think that it is desirable to admit any claim for compensation on the attachment of a gun following on the expiry of a license.

\* \* \* \* \*

I have the honour to be,

Sir,

Your most obedient Servant,

G. W. HATCH,

District Magistrate, Ratnágiri.

FORMS Nos. VI AND VII.

*Statement showing the Number of Licenses under the Arms Act in force from 1895 to 1900 in the District of Ratnágiri.*

Taluka.	Year.	Number of licenses remaining in force on or after 1st January.	Number of licenses newly given during the year.	Number of licenses expired at the end of previous year and renewed.	Total.	Licenses cancelled.	Balance remaining in force for the next year.	Remarks.
1	2	3	4	5	6	7	8	9
Vengurla ...	1895 ...	...	...	1	1	...	1	
	1896 ...	...	...	1	1	...	1	
	1897 ...	...	...	1	1	...	1	
	1898 ...	...	...	1	1	...	1	
	1899 ...	...	...	1	1	...	1	
	1900 ...	...	...	1	1	...	1	

## FORMS Nos. VI AND VII—continued.

Taluka.	Year.	Number of licenses remaining in force on or after 1st January.	Number of licenses newly given during the year.	Number of licenses expired at the end of previous year and renewed.	Total.	Licenses cancelled.	Balance remaining in force for the next year.	Remarks.
1	2	3	4	5	6	7	8	9
Málvan	1895	...	...	4	4	...	4	
	1896	...	...	4	4	...	4	
	1897	...	1	5	6	...	6	
	1898	...	...	2	2	...	2	
	1899	...	...	2	2	...	2	
	1900	...	...	2	2	...	2	
Devgad	1895	...	1	7	8	...	8	
	1896	...	...	8	8	...	8	
	1897	...	...	8	8	...	8	
	1898	...	...	4	4	...	4	
	1899	...	...	3	3	...	3	
	1900	...	...	3	3	...	3	
Rájápur	1895	...	...	3	8	...	3	
	1896	...	...	2	2	...	2	
	1897	...	...	2	2	...	2	
	1898	...	...	2	2	...	2	
	1899	...	...	1	1	...	1	
	1900	...	...	1	1	...	1	
Ratnágiri	1895	...	...	3	3	...	3	
	1896	...	...	3	3	...	3	
	1897	...	...	3	3	...	3	
	1898	...	...	2	2	...	2	
	1899	...	...	2	2	...	2	
	1900	...	...	2	2	...	2	
Sangameshvar.	1895	...	...	...	...	...	...	
	1896	...	...	...	...	...	...	
	1897	...	1	...	1	...	1	
	1898	...	...	1	1	...	1	
	1899	...	...	1	1	...	1	
	1900	...	...	1	1	...	1	
Chiplún	1895	...	1	4	5	...	5	
	1896	...	...	4	4	...	4	
	1897	...	1	3	4	...	4	
	1898	...	...	1	1	...	1	
	1899	...	...	2	2	...	2	
	1900	...	...	2	2	...	2	
Khed	1895	...	...	...	...	...	...	
	1896	...	...	...	...	...	...	
	1897	...	...	...	...	...	...	
	1898	...	...	...	...	...	...	
	1899	...	...	...	...	...	...	
	1900	...	...	...	...	...	...	
Dápoli	1895	...	...	1	1	...	1	
	1896	...	...	1	1	...	1	
	1897	...	1	1	2	...	2	
	1898	...	...	1	1	...	1	
	1899	...	...	1	1	...	1	
	1900	...	...	1	1	...	1	



## FORMS Nos. VI AND VII—continued.

Taluka,	Year,	Number of licenses remaining in force on or after 1st January,	Number of licenses newly given during the year,	Number of licenses expired at the end of previous year and renewed.	Total.	Licenses cancelled,	Balance remaining in force for the next year.	Remarks.
1	2	3	4	5	6	7	8	9
Ratnágiri District.	1895	...	2	23	25	...	25	
	1896	...	...	23	23	...	23	
	1897	...	4	23	27	...	27	
	1898	...	...	14	14	...	14	
	1899	...	...	13	13	...	13	
	1900	...	...	13	13	...	13	

G. W. HATCH,  
District Magistrate.

## FORM No. VIII.

Statement showing the Number of Licenses under the Arms Act in force from 1895 to 1900 in the District of Ratnágiri.

Taluka.	Year.	Number of licenses remaining in force on or after 1st January.	Number of licenses newly given during the year	Number of licenses expired at end of previous year and renewed.	Total.	Licenses cancelled.	Balance remaining in force for the next year.	Remarks.
Vengurla	1895	...	4	20	24	...	24	
	1896	...	5	22	27	...	27	
	1897	...	6	23	29	...	29	
	1898	...	...	11	11	...	11	
	1899	...	4	10	14	1	13	
	1900	...	...	7	7	...	7	
Málvan	1895	...	5	44	49	...	49	
	1896	...	6	47	53	...	53	
	1897	...	5	44	49	...	49	
	1898	...	...	47	47	...	47	
	1899	...	4	38	42	...	42	
	1900	...	2	23	25	...	25	
Devgad	1895	...	8	28	36	1	35	
	1896	...	1	36	37	...	37	
	1897	...	7	29	36	...	36	
	1898	...	2	19	21	...	21	
	1899	...	1	17	18	...	18	
	1900	...	1	9	10	...	10	
Rájápur	1895	...	6	18	24	1	23	
	1896	...	5	22	27	...	27	
	1897	...	6	23	29	...	29	
	1898	...	1	17	18	...	18	
	1899	...	2	17	19	...	19	
	1900	...	5	10	15	1	14	

## FORM No. VIII—continued.

Táluka.	Year.	Number of licenses remaining in force on or after 1st January.	Number of licenses newly given during the year	Number of licenses expired at end of previous year and renewed.	Total.	Licenses cancelled.	Balance remaining in force for the next year.	Remarks
Ratnágiri	1895	...	12	39	51	...	51	
	1896	...	12	40	52	1	51	
	1897	...	8	50	58	...	58	
	1898	...	2	37	39	...	39	
	1899	...	2	23	29	...	29	
	1900	...	2	27	29	1	28	
Sangameshvar	1895	...	4	8	12	...	12	
	1896	...	...	10	10	...	10	
	1897	...	3	10	13	...	13	
	1898	...	...	4	4	...	4	
	1899	...	1	6	7	...	7	
	1900	...	1	6	7	...	7	
Chiplún	1895	...	9	13	22	...	22	
	1896	...	...	22	22	...	22	
	1897	...	5	17	22	...	22	
	1898	...	2	11	13	...	13	
	1899	...	3	12	15	1	14	
	1900	...	1	13	14	...	14	
Khed ...	1895	...	3	3	6	...	6	
	1896	...	...	6	6	...	6	
	1897	...	3	4	7	...	7	
	1898	...	1	6	7	...	7	
	1899	...	...	4	4	...	4	
	1900	...	...	4	4	...	4	
Dápoli...	1895	...	1	13	14	...	14	
	1896	...	6	13	19	1	18	
	1897	...	1	8	9	...	9	
	1898	...	1	16	17	...	17	
	1899	...	9	13	22	...	22	
	1900	...	3	22	25	..	25	
Total for the District.	1895	...	52	186	238	2	236	
	1896	...	35	218	253	2	251	
	1897	...	44	208	252	...	252	
	1898	...	9	168	177	...	177	
	1899	...	30	140	170	2	168	
	1900	...	15	111	136	2	134	

G. W. HATCH,  
District Magistrate.

## FORM No. XI.

(Possession of Arms for destroying Wild Animals) Licenses under Form No. XI ordinarily remain in force for five years and are always dated to expire on 31st December.

Táluka.	Year.	Number of licenses remaining in force on or after 1st January.	Number newly given during the year.	Licenses expired at the end of previous year and renewed	Total.	Licenses cancelled	Licenses in force up till end of year (after deducting the number shown in Column 6)	Licenses expiring at end of year.	Balance remaining in force for the next year (after deducting Column 7 from Column 6).	Remarks.
		1	2	3	4	5	6	7	8	
Vengurla ...	1895 ...	137	22	91	250	4	246	47	199	
	1896 ...	199	5	23	227	4	223	72	151	
	1897 ...	151	64	9	224	3	221	39	182	
	1898 ...	182	...	5	187	5	182	21	161	
	1899 ...	161	..	12	173	8	165	113	52	
	1900 ...	52	3	17	72	3	69	28	41	
Málian ...	1895 ...	441	26	98	565	...	565	11	554	
	1896 ...	554	20	64	638	1	637	75	562	
	1897 ...	562	52	33	647	1	646	66	580	
	1898 ...	580	1	2	583	2	581	183	398	
	1899 ...	398	...	34	432	...	432	124	308	
	1900 ...	308	6	32	346	1	345	84	261	
Devgad ...	1895 ...	422	33	281	736	13	723	12	711	
	1896 ...	711	12	74	797	18	779	90	689	
	1897 ...	689	12	97	798	6	792	89	703	
	1898 ...	703	1	27	731	4	727	146	581	
	1899 ...	581	...	17	598	9	589	314	275	
	1900 ...	275	11	54	340	15	325	86	239	
Rájápur ...	1895 ...	388	28	63	479	3	476	85	391	
	1896 ...	391	22	63	476	...	476	100	376	
	1897 ...	376	73	29	478	2	476	108	368	
	1898 ...	368	...	37	405	1	404	106	298	
	1899 ...	298	4	19	321	2	319	91	228	
	1900 ...	228	...	27	255	11	244	85	159	
Ratnágri ...	1895 ...	335	13	119	467	3	464	91	373	
	1896 ...	373	8	57	438	...	438	82	356	
	1897 ...	356	33	46	440	3	437	81	356	
	1898 ...	356	1	37	394	2	392	102	290	
	1899 ...	290	1	22	313	2	311	132	179	
	1900 ...	179	...	25	204	1	203	65	138	
Sangameshvar ...	1895 ...	264	17	67	348	2	346	78	268	
	1896 ...	268	15	15	298	1	297	75	222	
	1897 ...	222	9	57	288	3	285	79	206	
	1898 ..	206	...	23	229	1	228	82	146	
	1899 ..	146	1	56	203	1	202	84	118	
	1900 ..	118	8	24	150	...	150	30	120	
Chiplun ...	1895 ...	319	18	122	459	5	454	72	382	
	1896 ...	382	20	49	451	4	447	88	359	
	1897 ...	359	29	21	409	6	403	71	332	
	1898 ...	332	...	28	360	3	357	90	267	
	1899 ...	267	4	25	296	5	291	140	151	
	1900 ...	151	8	43	202	3	199	69	130	

FORM No. XI—continued.

Táluka.	Year.	Number of licenses remaining in force on or after 1st January.	Number newly given during the year.	Licenses expired at the end of previous year and renewed.	Total.	Licenses cancelled.	Licenses in force up till end of year (after deducting the number shown in Column 5).	Licenses expiring at end of year.	Balance remaining in force for the next year (after deducting Column 7 from Column 6).	Remarks
		1	2	3	4	5	6	7	8	
Khed	1895 ...	153	3	10	166	4	162	27	135	
	1896 ...	135	7	12	154	1	153	59	94	
	1897 ...	94	29	13	136	3	133	38	95	
	1898 ...	95	...	21	116	1	115	68	47	
	1899 ...	47	1	19	67	3	64	13	51	
	1900 ...	51	...	5	56	3	53	19	34	
Dápoli	1895 ...	322	8	55	385	2	383	55	328	
	1896 ...	323	10	38	376	5	371	77	294	
	1897 ...	294	14	5	313	1	312	86	226	
	1898 ...	226	1	31	258	5	253	94	159	
	1899 ...	159	1	35	195	...	195	63	132	
	1900 ...	132	1	25	158	2	156	48	108	
District Rat-nágiri.	1895 ...	2,781	168	903	3,855	36	3,819	478	3,341	
	1896 ...	3,341	119	395	3,855	34	3,889	718	3,103	
	1897 ...	3,103	320	310	3,733	28	3,761	657	3,048	
	1898 ...	3,048	4	211	3,263	24	3,285	892	2,347	
	1899 ...	2,347	12	239	2,598	30	2,628	1,074	1,494	
	1900 ...	1,494	37	252	1,783	39	1,822	514	1,230	

G. W. HATCH,  
District Magistrate.

Statement showing the Number of Arms (a) attached and (b) confiscated (or forfeited to Government) during each of the six years from 1895 to 1900.

Name of Táluka.	Year.	Attached on account of the cancellation of licenses owing to the death or unfitness of the licensees or failure to obtain a renewal of licenses expired.	FORFEITED TO GOVERNMENT		REMARKS.
			On account of the expiration of the period allowed by paragraph 2 of Section 16 of the Arms Act.	Owing to the conviction of the offences under the Arms Act.	
Vengurla ...	1895 ...	.....	.....	...	
	1896 ...	3	.....	...	
	1897 ...	11	.....	...	
	1898 ...	24	.....	...	
	1899 ...	21	.....	...	
	1900 ...	81	.....	...	
Málvan ...	1895 ...	Information	not available.		
	1896 ...	6	.....	...	
	1897 ...	22	.....	...	
	1898 ...	51	.....	...	
	1899 ...	95	.....	...	
	1900 ...	161	.....	.....	...

Name of Táluka,	Year.	Attached on account of the cancellation of licenses owing to the death or unfitness of the licensees or failure to obtain a renewal of licenses expired.	FORGOTTEN TO GOVERNMENT		REMARKS.
			On account of the expiration of the period allowed by paragraph 2 of Section 16 of the Arms Act.	Owing to the conviction of the offences under the Arms Act.	
Devgad ...	1895 ...	16	.....	...	
	1896 ...	16	4	3	
	1897 ...	29	.....	...	
	1898 ...	77	16	...	
	1899 ...	174	4	...	
	1900 ...	224	.....	...	
Rájápur ...	1895 ...	9	4	...	
	1896 ...	15	23	...	
	1897 ...	14	7	...	
	1898 ...	95	3	...	
	1899 ...	67	10	...	
	1900 ...	107	12	...	
Ratnágiri ...	1895 ...	.....	.....	...	
	1896 ...	.....	.....	...	
	1897 ...	.....	.....	...	
	1898 ...	61	5	3	
	1899 ...	98	.....	3	
	1900 ...	87	.....	4	
Sangameshvar ...	1895 ...	13	5	...	
	1896 ...	4	.....	...	
	1897 ...	7	.....	1	
	1898 ...	18	.....	...	
	1899 ...	87	4	...	
	1900 ...	73	5	...	
Chiplún ...	1895 ...	25	1	2	
	1896 ...	26	2	1	
	1897 ...	13	4	1	
	1898 ...	91	8	...	
	1899 ...	75	6	...	
	1900 ...	106	17	...	
Khed ...	1895 ...	.....	.....	...	
	1896 ...	20	3	...	
	1897 ...	18	.....	...	
	1898 ...	31	14	...	
	1899 ...	31	.....	...	
	1900 ...	18	10	...	
Dápoli ...	1895 ...	7	4	...	
	1896 ...	8	9	...	
	1897 ...	9	5	...	
	1898 ...	67	3	...	
	1899 ...	93	3	...	
	1900 ...	80	13	...	
District Totals ...	1895 ...	70	14	2	Figures for 1895 have not been received from three tálukas and for 1896 and 1897 from one táluka.
	1896 ...	98	41	4	
	1897 ...	123	16	2	
	1898 ...	515	49	3	
	1899 ...	741	27	3	
	1900 ...	937	57	4	

G. W. HATCH,  
District Magistrate, Ratnágiri.

## APPENDIX C.

*Extract from Jamabandi Report for 1898-99 referred to in the answer to Clause (b) of question No. 3 put by the Honourable Mr. Gopal Krishna Gokhale.*

District.	Distraint and sale of moveable property under Section 154.		
	Number of cases.	Arrears on account of which distraint was resorted to.	Arrears on account of which sale was resorted to.
		Rs. a. p.	Rs. a. p.
Ahmednagar ... ..	786	38,747 8 8	21,838 8 1
Khândesh ... ..	30	900 7 11	872 0 11
Násik ... ..	31	2,004 14 9	1,126 12 4
Poona ... ..	74	2,529 1 5	2,529 1 5
Sátára ... ..	1,287	66,682 10 1	883 10 4
Sholápur ... ..	61	1,171 15 0	185 4 8
Total ...	2,269	1,12,036 9 10	27,485 5 9

*Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACTS, 1861 and 1892."*

The Council met at Government House, Mahábaleshvar, on Thursday the 30th May 1901, at 3 P.M.

*P R E S E N T :*

His Excellency the Right Honourable Lord NORTHCOTE, G.C.I.E., C.B., Governor of Bombay, *Presiding.*

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. MONTEATH, C.S.I., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. SHRIPAD ANANT CHHATRE.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. TATE, M.Inst.C.E.

The Honourable Mr. H. F. ASTON, I. C. S.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.R.A.C., I. C. S.

The Honourable Meherban NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. IBRAHIM RAHIMTOOLA,

The Honourable Mr. GOPAL KRISHNA GOKHALE, B.A.

The Honourable Mr. WILLIAM GREAVES.

The Honourable Mr. E. GILES, M.A. (Oxon).

The Honourable Ráo Bahádur ACHYUT BHASKAR DESAI.

The Honourable Mr. A. CUMINE, I. C. S.

QUESTIONS AND ANSWERS.

The Honourable Mr. SHRIPAD ANANT CHHATRE put question No. 1 standing in his name—

*Will Government be pleased to state the reason why the famine test-work in the Athni Taluka in the Belgaum District has not been resorted to by the people in proportion to the severity of distress in that taluka?*

The Honourable Mr. MONTEATH in reply said—

The fact that few people took advantage of the test-works in Athni was noticed by the Collector and duly reported to Government in April last. The probable reason is that the distress in the taluka is not sufficiently severe to induce many people to accept the famine wage, which is strictly proportioned to the price of grain. Inquiries are being made whether the tests imposed in Athni are of unusual severity.

The Honourable Mr. CHHATRE then put question No. 2—

*Will Government be pleased to state if they are contemplating, in view of the present difficulty of journey and traffic, the opening of a railway from MARGAO on the West of India Portuguese Railway to KARWAR, a distance of about 42 miles?*

The Honourable Mr. MONTEATH in reply said—

The reply to the honourable member's question is in the negative. Such a line would be almost wholly in foreign territory and the question of its construction is not one which could be determined by this Government. The connection between Hubli and Kárwár is more likely to be eventually practicable.

The Honourable Mr. CHHATRE then put questions Nos. 3 and 4—

3. *Will Government be pleased to state if they will make pensionable the services of kárkuns and clerks employed under Sub-Registrars?*

4. *Will Government be pleased to consider the desirability of discontinuing the payment to the Sub-Registrars of the fee percentage allowance and increasing, if necessary, their present salaries from the saving thereby caused?*

The Honourable Mr. MONTEATH in reply said—

Proposals embracing both the subjects mentioned in these questions are under the consideration of Government.

The Honourable Mr. CHHATRE then put question No. 5—

*Will Government be pleased to introduce the system of annual inspection by the Sessions Judge of the Courts of Magistrates within his jurisdiction?*

The Honourable Sir CHARLES OLLIVANT in reply said—

The system of inspection suggested cannot, as the law now stands, be introduced, and Sessions Judges are too fully occupied with the duties already imposed on them to undertake such inspection.

The Honourable Mr. CHHATRE then put question No. 6—

*Will Government be pleased to appoint a separate Assistant Judge with Full Powers for the District of Kolába?*

The Honourable Sir CHARLES OLLIVANT in reply said—

Government cannot at present hold out any hopes of the suggested appointment being made.

The Honourable Mr. GOPAL KRISHNA GOKHALE then put question No. 1 standing in his name—

*Have Government received from the Collector of Ahmednagar the report stated to have been called for in their reply to my question No. 1 put at the Council Meeting of 12th February last? If so, will Government be pleased to lay it on the Table?*

The Honourable Mr. MONTEATH in reply said—

The following information has been supplied by the Collector of Ahmednagar:—

“The income tax assessment of the Nevása Táluka for the year 1899-1900 was Rs. 5,083-1-10. The original assessment for 1900-1901 was Rs. 8,361-12-6 and the number of assessees 366. Appeals were lodged by 292 persons in respect of Rs. 6,981-3-8. Of these 134 appeals in respect of Rs. 3,239-2-6 were dismissed. In 58 cases the assessment (Rs. 2,333-14-6) was reduced on appeal by Rs. 879-7-2. In 100 cases the tax was wholly remitted: the sum so remitted amounted to Rs. 1,408-2-8. The final demand after the hearing of the appeals was, therefore, Rs. 6,074-2-8. The assessment remitted on appeal was Rs. 2,287-9-10.



“Of the newly assessed persons whose assessment was remitted on appeal—

			Rs.	a.	p.
60	were <i>bond fide</i> agriculturists assessed at	...	975	2	8
2	were oilmen assessed at	... ..	20	0	0
2	were brokers assessed at	... ..	20	0	0
7	were grocers with temporary shops on relief works assessed at	...	98	0	0
6	were Baniyas' servants assessed at	... ..	60	0	0
2	were workers assessed at	... ..	20	0	0
20	were grocers with permanent shops assessed at	...	205	0	0
1	was a beggar assessed at	... ..	10	0	0."

The increase in the demand at once attracted the attention of the Commissioner, and a reduction to the extent needed was made as soon as possible. Directions were issued some time ago for the purpose of securing improved control over Mámíatdárs' assessment lists. The explanation of the assessing officer has been called for by Government.

The Honourable Mr. GOKHALE then put question No. 2—

*Have Government received the information stated to have been called for in their reply to my question No. 5 put at the last Council Meeting? If so, will Government lay it on the Table?*

The Honourable Mr. MONTEATH in reply said—

The reply\* to question No. 5 put by the honourable member at the Meeting of the Legislative Council held on the 12th March 1901 has been laid on the Table.

\* *Vide* Appendix B.

The Honourable Mr. GOKHALE then put question No. 3—

*Have the inquiries mentioned in the reply of Government to my question No. 6 put at the last Council Meeting been completed? If so, will Government be pleased to state what the result of the inquiries has been?*

The Honourable Sir CHARLES OLLIVANT in reply said—

The reply† to the honourable member's question No. 6 asked at the last Meeting of the Council is laid on the Table.

† *Vide* Appendix C.

The Honourable Mr. GOKHALE then put question No. 4—

*Will Government be pleased to state how much of the land revenue for the several districts of the Northern and Central Divisions, that remained uncollected at the end of 1899-1900, has since been (a) collected, (b) remitted and (c) still allowed to stand over?*

The Honourable Mr. MONTEATH in reply said—

The information‡ required by the honourable member has been laid on the Council Table.

‡ *Vide* Appendix D.

The Honourable Mr. GOKHALE then put question No. 5—

*Will Government be pleased to state how much of the land revenue for the current year for the several districts of the Northern, Central and Southern Divisions (a) has been or is expected to be collected, (b) has been or will be remitted, and (c) has been suspended?*

The Honourable Mr. MONTEATH in reply said—

A statement \* giving, so far as it is available, the information required by the honourable member is laid on the Table.

\* Vide Appendix E.

The Honourable Mr. GOKHALE then put question No. 6—

(a) *Will Government be pleased to state what additional establishments are to be entertained and at what cost under the revised scheme of the Police Department, which appears to have been recently sanctioned? What duties have been assigned to these additional establishments and what is their distribution in the different districts?*

(b) *In view of the complaint repeatedly made in the columns of the Press that the Police of the Presidency are, generally speaking, utterly deficient in detective skill, and that they only try to obtain and rest content with obtaining the confessions of accused persons have Government made any provision in the new scheme for securing a better class of men for the Department? Will Government be pleased to state how it is proposed to recruit men for the new establishments?*

The Honourable Sir CHARLES OLLIVANT in reply said—

(a) The only revised scheme recently sanctioned relates to the superior Police establishment, which was undermanned; and it provides for the following additional appointments, namely:—

- 1 Superintendent, Fourth Grade,
- 1 Superintendent, Fifth Grade.
- 11 Assistant Superintendents.

Instead of an Assistant Superintendent of Police on the B, B. & C, I. Railway, there will now be a Superintendent; and instead of one Assistant Superintendent of Police being attached to the office of the Inspector-General of Police, there will be two Superintendents, who, while so employed, will be styled Deputy Inspectors-General. One of these officers will be engaged on duties connected with the general organization and discipline of the force, and the other with the special supervision of criminal investigation.

The new appointments will involve an additional cost approximately of Rs. 60,000 a year.

(b) The Governor in Council does not admit that the generalisation about confessions is correct, and in a number of cases, which have recently engaged the attention of Government, it has been found that groundless and sometimes deliberately false allegations have been made against the Police as to the manner of obtaining confessions. On the other hand there are still far too frequent instances both of apathy and coercion. It is hoped that with the addition now made to the superior staff a closer supervision will be possible. District Training Schools for Police recruits have recently been established, which will, it is hoped, give good results; and the establishment of a Central Training School is under consideration, but further measures must await a more favourable financial situation.

The Honourable Mr. IBRAHIM RAHIMTOOLA then put the question standing in his name—

*That in view of the great desirability—on account of overcrowding and the prevalence of plague in Bombay—of encouraging building operations and thereby providing suitable*

accommodation in the suburbs for a much larger number of people, would Government be pleased to consider the advisability of remitting, on land situated within a distance of 15 or 20 miles from Bombay, the whole or a major portion of the building fine levied at present, provided the following or some such conditions, which Government might choose to impose, are complied with:—

- (1) Such remissions to apply to dwellings constructed within five years.
- (2) Sufficient open space be provided as compound to prevent such buildings being constructed too near one another.
- (3) The plans of the proposed dwellings to be subject to the approval of Government.

The Honourable Mr. MONTEATH in reply said—

It is understood that the honourable member will submit a communication giving in more detail his proposals and the reasons for them, and it will on receipt receive the careful consideration of Government.

The Honourable Meherban NARAYANBAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji, then put question No. 1 standing in his name—

*Will Government be pleased to place on the Council Table the reports (referred to in reply to question No. 4 put by me in Council Meeting of the 24th January 1900) of the Commissioners suggesting the best method of enabling advances to be made by Government to Indamdars with the object of enabling them to advance tagái to their tenants?*

The Honourable Mr. MONTEATH in reply said—

Government are not disposed to lay on the Table the reports of the Commissioners on the questions referred to.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 2—

*Will Government be pleased to state what orders they have passed on the reports (referred to in reply to my question No. 5 at the Council Meeting of 27th September 1899) about the working of the rules in force for regulating admission to the subordinate branches of the public service?*

His Excellency the PRESIDENT in reply said—

The honourable member's attention is invited to the Rules published in Government Notification No. 1894, dated the 14th December 1900, printed at pages 2517—2520 of the *Bombay Government Gazette*, Part I, of the 20th idem.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 3—

*Are Government in a position to give replies to questions Nos. 6, 7 and 8 put by me at the Council Meeting of the 24th August 1900 and questions Nos. 2, 3 and 4 put by me at the Council Meeting of the 12th February 1901?*

The Honourable Mr. MONTEATH in reply said—

The answers\* to questions Nos. 6, 7 and 8 put by the honourable member at the Meeting of the 24th August 1900 have been laid on the Table.

\* *Vide* Appendix F.

The report called for from the Collector of Ahmednagar on the subject of the questions Nos. 2, 3 and 4 put by the honourable member at the Meeting of the 12th February

1901 has not been received, but the Collector has been directed to expedite the submission of it.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 4—

*Will Government be pleased to state whether they have finally disposed of the application, dated 11th April 1900, of Chidambarao Vithal, Jahárgirdár of Hebli?*

His Excellency the PRESIDENT in reply said—

Yes. Orders are about to issue.

The Honourable the CHIEF OF ICHALKARANJI then put question No. 5—

*Is it not a fact that the Modi handwriting of the successful candidates in the Third Grade Public Service Examination has greatly deteriorated? Will Government be pleased to take steps to remedy this evil?*

His Excellency the PRESIDENT in reply said—

Inquiries are being made.

The CHIEF OF ICHALKARANJI then put question No. 6—

*Has the attention of Government been drawn to the fact that it has been recently unsafe to travel at night on the roads in the Belgaum District on account of the robberies committed thereon? Is it also a fact that many of the robberies are committed by persons who are not professional robbers, but mere villagers? Will Government be pleased to take steps to remedy this evil, if no steps have already been taken?*

The Honourable Sir CHARLES OLLIVANT in reply said—

Government have no knowledge of the existence of the state of affairs described by the honourable member, but inquiries will be made.

---

#### PAPERS PRESENTED TO THE COUNCIL.

1. Letter from the Government of India, Legislative Department, No. 551, dated the 21st March 1901—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the City of Bombay Improvement Act, 1898.

2. Letter from the Government of India, Legislative Department, No. 589, dated the — March 1901—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to further amend the Bombay Port Trust Act, 1879.

3. Letter from the Government of India, Legislative Department, No. 628, dated the 28th March 1901—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law for the better management of Municipal affairs in Mofussil Towns and Cities.

4. Letter from the Government of India, Legislative Department, No. 727, dated the 26th April 1901—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Bombay A'bkári Act, 1878.

5. Information\* referred to in the first sentence of the reply to question No. 1 put by the Honourable Mr. Gopal Krishna Gokhale at the Meeting of the Legislative Council held on the 24th August 1900.

\* Vide Appendix A.

6. Reply \* to question No. 5 put by the Honourable Mr. Gopal Krishna Gokhale at the Meeting of the Legislative Council held on the 12th March 1901.  
\* *Vide* Appendix B.
7. Reply † to question No. 6 put by the Honourable Mr. Gopal Krishna Gokhale at the Meeting of the Legislative Council held on the 12th March 1901.  
† *Vide* Appendix C.
8. Reply ‡ to question No. 4 put by the Honourable Mr. Gopal Krishna Gokhale.  
‡ *Vide* Appendix D.
9. Statement § referred to in the reply to question No. 5 put by the Honourable Mr. Gopal Krishna Gokhale.  
§ *Vide* Appendix E.
10. Replies || to questions Nos. 6, 7 and 8 put by the Honourable Meherban Narayanrao Govind *alias* Baba Saheb, Chief of Ichalkaranji, at the Meeting of the Legislative Council held on the 24th August 1900.  
|| *Vide* Appendix F.
11. Letter from the Chairman, Karáchi Port Trust, No. P.T.—1064, dated the 6th March 1901, with accompaniment, regarding Bill No. III of 1900: a Bill to amend the Karáchi Port Trust Act, 1886.

---

**BILL No. III OF 1900 : A BILL TO AMEND THE KARÁCHI PORT TRUST ACT, 1886.**

The Honourable Sir CHARLES OLLIVANT, in moving for an adjournment of the Report of the Select Committee on the Karáchi Port Trust Act Amendment Bill, said—I ask that the permission of the Council may be obtained for the postponement for a period of three months of the Report of the Select Committee on the Karáchi Port Trust Act Amendment Bill. The period granted expired on the 11th of this month. The further postponement asked for will allow of the Report being submitted on the 11th August 1901.

The Honourable Sir Charles Ollivant moves for an extension for the presentation of the Report of the Select Committee on the Bill to amend the Karáchi Port Trust Act, 1886.

The motion was put by His Excellency the PRESIDENT and agreed to.

---

**BILL No. IV OF 1901 : A BILL TO AMEND THE BOMBAY LAND REVENUE CODE, 1879.**

The Honourable Mr. MONTEATH, in moving the first reading of the Bill to amend the Bombay Land Revenue Code, 1879, said—I have to express my regret that owing to an oversight there was some delay in publishing the Bill of which I have now to propose the first reading and in sending copies to honourable members. But His Excellency has been good enough to suspend Rule 23 so as to obviate the necessity of altering the date fixed for our meeting, and as but a few minutes are needed to master the contents of the Bill, and as plenty of time will be given for further consideration after the objects are more fully explained, I trust that the convenience of honourable members and public interests have in no way suffered from the oversight.

The Honourable Mr. Monteath moves the first reading of the Bill to amend the Bombay Land Revenue Code, 1879.

The Bill which I have now to ask the Council to consider is in itself a very simple one. Its object, like that of most amending Bills, is to remove doubts, and these doubts,

as I think I shall be able to show, are not as to the intention of the Land Revenue Code, but as to the effect of the wording employed to express the intention.

There are three main points to be dealt with, which I will notice in the inverse order of their importance. The first relates to the maintenance of a visible boundary between fields. Soon after the institution of the Revenue Survey system a rule was prescribed and is embodied in the Joint Report to the effect that the intervening strips between boundary marks are constituted the boundary of the fields and should not be ploughed over, and in a rule under Bombay Act I of 1865 it was directed that the width of the strips should be fixed for each district.

The maintenance of the strips was long recognized as one of the conditions of the survey tenure, and there is no reason to suppose that any change of the condition was intended to be introduced by the Land Revenue Code. But in the definition of "boundary mark" contained in that Act the expression "vacant strip of ground" was used. The word "vacant" seems to be rather meaningless as applied to open ground, but it has been interpreted as "having no possessor," so that vacant strips would be a kind of no-man's-land. But it was never intended that the occupants should be divested of property in these strips, which are very useful for the growth of trees and grass, and often for turning the cattle employed in ploughing. The result of the interpretation is that there is apparently no legal authority for enforcing the long-established practice of maintaining such visible boundaries, and in some places the strips are being ploughed up, and even the boundary marks so pared that there is risk of their disappearing altogether. We propose, therefore, to amend the law so that we can enforce the old practice.

There is not, I may say, unanimity amongst officers as to the expediency of maintaining strips as boundaries. It is represented that the result is to keep in the aggregate a considerable area of land out of cultivation. It does not, however, keep out of cultivation nearly so large an area as the maintenance of hedges in the most highly civilized countries, where land is very much more valuable, and to my mind this disadvantage is trifling as compared with the advantage of having fields demarcated in a manner which does not permit of easy alteration. We should not run the risk of losing the results of a survey carried out at an enormous cost. Before the survey there were no disputes so common as those about boundaries, and indeed without lasting demarcation of properties satisfactory administration would be impossible. It will be observed, however, that no absolute rule is proposed to be prescribed. The description of boundary marks is left to be determined according to requirements. In the case of irrigated land and practically all rice land the maintenance of ridges is a necessary condition of cultivation, and in such case the provision is, of course, superfluous. Where land is of special value for cultivation the width of the strip may be reduced so far as is compatible with the preservation of a visible boundary. There is no fear that the discretion of the Collectors and of Government will be exercised to the public disadvantage, and I have no doubt that honourable members will recognize that it is necessary to retain the power to preserve visible boundaries and that the amendment of the law proposed for that purpose is one which should be made.

The second point which is dealt with is the clear specification of the authority by whom assessment may be fixed on lands assessed for one purpose and appropriated to another or on lands left unassessed at the Settlement and of the power to fix the assessment for a specified period and to revise it at the end of that period. There can virtually be no doubt that it was intended that the assessment in such cases should be fixed by the

Collector in accordance with the general principles prescribed, and one law officer has expressed the opinion that the survey officer is *functus officio* when the settlement is introduced and that the operation of the order under Section 95 then ceases; but another is inclined to the view that the operation of such order continues for the period of the settlement. It would be open to Government to order another survey and cause the assessment to be fixed by the officer conducting it, but it is of course most convenient that the Collector should fix the assessment in the cases referred to, and the determination of the question by what officer the duty should be performed does not affect any public interest. If the assessment were not guaranteed for a specified period, it would be competent to the officer to alter it at his discretion. There will therefore, I apprehend, be no doubt in the mind of any honourable member as to the expediency of making the amendments suggested for the purpose of removing any doubt as to the effect of the law with regard to this matter.

The third and most important point which it is proposed to deal with is the grant of land on terms other than those specified in Section 73 of the Land Revenue Code. It was long supposed that that provision was applicable only to persons holding on the survey tenure, and that it was competent to Government to allow the cultivation or other use of land in which it has an absolute right on such terms as might seem suitable in special cases.

There are large areas of land in Sind which, owing to the vagaries of the Indus, are not suitable for permanent occupation, and the practice of giving them out on annual tenancies has been followed with profit to both the cultivators and the State. Alluvial lands on the banks of rivers in the Presidency proper have been dealt with in the same manner. Members of the wild tribes in Thána have similarly been allowed the temporary occupation of land which had been relinquished and some have been allotted plots in forests on condition of their not being alienated. Members of hill tribes in Kánara and other districts who have not the means of regular cultivation are allowed to grow crops in rotation on patches of forest land amongst the ashes of bushes which they cut and burn, and also to cultivate temporarily high-lying lands on which they can burn branches. Leases have been granted to Bhils in West Khándesh with a stipulation that the lands should be held so long as they are not sold or otherwise disposed of without the Collector's permission. There are also lands called Sheri or Crown lands in Ratnágiri which have been leased for a period of 30 years on special terms.

I think it will be admitted that it is reasonable, if not absolutely necessary, that Government should have the power of disposing of lands in such ways as I have mentioned, and we have every reason for supposing that there was no intention of taking away the power when the Land Revenue Code was framed. The form of lease given to Bhils in Khándesh was approved by Mr. Naylor, who drafted the Act. But the law officers now hold that every person who is legally invested with a right to the possession and enjoyment, in any form, of land is an occupant and, as such, has under Section 73 an heritable and transferable right in it. If a survey settlement has been extended to the land, the occupant is entitled to the use and occupation in perpetuity; otherwise the right is limited to the term for which the occupancy is granted, but within that term it is heritable and transferable.

It is not, however, always easy to say whether a survey settlement has been extended to certain lands or not. It might reasonably be held that forest lands which are measured

but entered in the survey papers as unassessed come under the survey settlement, and it is at any rate obviously undesirable that a Wárlí who would sell his last rag for liquors should be able to dispose of the right which has been granted even if the right only lasts for a year. As the present law is interpreted, Government could not even grant permission to a man to stack fuel on its land without at the same time conferring a transferable right. In no other part of India, we are informed, is the State precluded from dealing with unoccupied land, which is its absolute property, as it deems fit.

The proviso proposed to be added to Section 73 is for the special purpose of protecting members of wild tribes who may be in possession of land to which it is desirable to extend a survey settlement. It will apply in particular to parts of Western Khándesh in which cultivation has hitherto been carried on by Bhils. As already stated, some of them at present hold under leases which contain a stipulation that the land shall not be disposed of without the permission of the Collector. If the settlement were applied so that these people would hold on the ordinary tenure, it is practically certain that the lands would soon pass out of their hands. So far as the development of the resources of the tracts, for which, in the circumstances, a specially low assessment is proposed, and the Government revenue are concerned, this would probably not be a disadvantage; but we think that it is incumbent on Government to give such people an opportunity of raising themselves in the scale of civilization instead of being pushed down to lower depths by the operation of the usual economical forces.

Such are the special objects for which this Bill was prepared, and I entertain little doubt that there will be unanimity in this Council as to the expediency of amending the law for the purpose of effecting them. If there had been no other, it would not have been necessary to summon the Council to Mahábaleshvar for the purpose of hastening the legislation. But it has been pointed out by Mr. Lely, Commissioner, Northern Division, that there is at present an opportunity of taking an important step towards the solution of that momentous problem of a remedy for agricultural indebtedness. We cannot, however, take advantage of that opportunity under the law as it now exists, or at least as it has been interpreted, and it is on that account most desirable that the Bill should become law before the opportunity passes away.

I enter on the consideration of this most difficult and important of questions with great diffidence. It has exercised the wits of all who take an interest in the prosperity of the country since it came under our rule. There have been expressed, by those who have had almost equal opportunity and power of judging, views as widely as the poles asunder. The recent trend of official opinion has been towards the conclusion that the grant of unrestricted property in land, subject to the payment of assessment, has been the main cause of embarrassment and that the remedy most likely to be effectual is a restriction on the transfer of land. As honourable members are aware an Act has been passed for the purpose of applying that restriction in the Punjáb, but it is admittedly an experiment, and it is recognized that there are special reasons why the measure may be more suitable in that province than in others. His Excellency the Viceroy, in the course of the discussion on the Bill which became the Punjáb Alienation of Land Act, pointed out the need for caution in a matter touching the livelihood of hundreds of thousands, if not millions, of the people. I hope to be able to show that this caution is specially necessary in this Presidency, but that the action which we purpose taking is calculated



to demonstrate the effect of a restriction on the power of alienation without affecting a single legitimate vested interest.

There are some misapprehensions which it is necessary to remove. It is not infrequently alleged that this wide-spread agricultural indebtedness is of our making. It can be proved that so far at any rate as the Deccan, including Khándesh and the Southern Marátha Country, is concerned, there is not the semblance of foundation for such a statement. The Honourable Mountstuart Elphinstone in his "Report on the Territories conquered from the Peshwa" stated that the insecurity of property had rendered the Marátha peasantry so careless of the future as to lavish on a marriage or other ceremony the savings of years of parsimony and (I quote his words) that "the effects are felt in the debts and embarrassments in which the whole of the agricultural population is plunged." Four years later, in 1822, Mr. Chaplin, Commissioner in the Deccan, wrote: "The rayats in many villages, though usually frugal and provident, are much in debt to sávkárs and merchants, owing to the oppressions of the revenue contractors. Many of these debts are of long standing, and are often made up of compound interest and fresh occasional aids, which go on accumulating so as to make the accounts exceedingly complicated. A rayat thus embarrassed can seldom extricate himself. His exertions may be compared to the hellish torments of Sisyphus, who had no sooner rolled his burthen to the summit of the hill than it fell back upon him with redoubled violence." The Deccan Ryots Commission came to the conclusion that about one-third of the occupants of Government land in the districts to which their inquiries extended—and these are the districts in which the question of indebtedness has assumed greatest prominence—were embarrassed with debt. "There has doubtless been an increase within the last 25 years, but according to the most recent estimates the proportion of Government land which has been alienated to non-agriculturists in these districts was 35 per cent. in Ahmednagar, 24½ per cent. in Poona, 22 in Sholápur and 12½ in Sátára. The Commissioner of the Southern Division reported that only 2·8 per cent. of the occupants in the Bijápur District were in the hands of money-lenders. Of course complete accuracy cannot be claimed for these figures, but there can be little doubt that the proportion of cultivators deeply embarrassed was far greater when the Deccan came into our possession than it is now. But from causes which I will presently explain the aggregate amount of the debt as expressed in money has enormously increased and property in land has passed into the hands of non-agriculturists to an extent which was not possible before our rule commenced.

It has frequently been supposed that the British Government was the first to give an unrestricted right of transfer, and the concession is often referred to in official literature as that "fatal gift." So far as the Deccan, however, is concerned, that does not appear to be the case. Sir Raymond West, indeed, who was, I think, the first in this Presidency to give impetus to the proposal that the power of transfer should be restricted, says in his pamphlet on the "Land and the Law in India" that there is no doubt about the right of the State, according to Hindu law, to prevent alienation, and the consent of the King was undoubtedly required in early times. But the Honourable Mountstuart Elphinstone came to the conclusion that the land of Mirásdárs in the Deccan had become a saleable as well as a hereditary property, and some of the Collectors reported that the sanction of Government was not needed to its sale. Mr. Chaplin also held that in practice Mirásdárs could dispose of land without the permission of Government. The paramount object of the time was to maintain all proprietary rights. The view adopted

was that originally all land was Mirás, and that the land cultivated by "Upris" had been abandoned by Mirásdárs. It was estimated that in Poona there were 3 Mirásdárs to one "Upri" and in some other districts 2 to 1, but there were said to be few Mirásdárs in Khándesh and none at all in Bijápur and the rest of the Southern Marátha Country. The Mulgars in Kánara held much the same position as Mirásdárs in the Deccan, and the probability is that everywhere the extent of property in land depended on the treatment which the district had received. Mr. Chaplin pointed out that it was the interest of the State to make the Mirás tenure as general as possible, as no one holding on the Upri tenure would make improvements.

It is clear, therefore, that we did not originate the power of free transfer of land. It was not, however, at the time of the conquest, for reasons which I will presently mention, of great importance, and it could very easily have been abolished. But the idea of the time—and it is an idea which is still entitled to respect,—was that it would be to the advantage of the community generally to allow full property in land subject to the payment of the State dues. Arthur Young had seen how what he aptly called the "magic of property" had transformed bare hillsides into gardens, and put it that it would turn sand into gold. Special importance was attached to free transfer. When the Revenue Survey system was initiated, Sir George Wingate, the main author of it, wrote: "The most effective means at our command for preventing the land becoming the inheritance of a pauper, or at least poverty-stricken peasantry, is to afford the greatest possible facilities for its conveyance from one party to another, so that when a cultivator becomes impoverished and, by his inability to cultivate his land properly, deprives the community of the wealth it is capable of producing, the land may get into the hands of some one better able to turn it to advantage." He subsequently in 1852 deplored the general indebtedness, and contended that the sale of land for debt not secured by mortgage was entirely opposed to Native law and usage and undesirable—a view which has been adopted in the Deccan Agriculturists' Relief Act, and which, with other equitable provisions of that Act, I for one hope before long to see applied throughout the Presidency—but he still maintained that liberty of sale or other transfer was necessary for the full development of the resources of the soil.

It may be asked, if there was full power of disposal of land under Marátha rule, why was the transfer of land to non-agriculturists, which is now so generally deplored, then so uncommon? There are two main reasons: the first the great difference in legal procedure, and the second the great difference in the value of the land. In former times the recovery of a debt, even after adjudication by a *pancháyat*, was seldom enforced by Government. The plaintiff was permitted to effect it by *takkaza*, "which", says the Honourable Mountstuart Elphinstone, "though it strictly means only dunning, is here employed for everything from simple importunity up to placing a guard over a man, preventing his eating, tying him neck and heels or making him stand on one leg, with a heavy stone on his head, under a vertical sun." It was only when complaint was made of excessive or unjust *takkaza* that the Sarkar took any concern in the matter. The transfer of land, which in the circumstances stated hereafter the creditor was not likely to desire, by legal process, could not be common. Now, unfortunately, our Courts are largely occupied with ordering the sale of land in execution of decrees.

As regards the second reason it may be stated generally that, owing to the oppressiveness of the Sarkar's demand and the exactions of the officials or farmers of the

revenue, land was of little value. The Honourable Mountstuart Elphinstone did say that it was generally saleable at 10 years' purchase, but there had not, when he was writing, been time for extensive inquiry. Mr. Chaplin after more experience held that the price was not on an average more than 2 or 3 years' purchase, and said that land yielding produce of the value of Rs. 200 could not be mortgaged for more than Rs. 100. What we do know is that, notwithstanding great reluctance to part with hereditary possessions, the area of Mirás land became, as we have seen, comparatively small, and in some districts that tenure disappeared altogether, the larger profits of "Upris" tempting many Mirásdárs to sacrifice their rights and become tenants-at-will. There was so much waste that it could only be for special reasons that a material price would be offered for land of which about half the produce had to be paid to the State. Now let us contrast the effect of a moderate assessment united with fixity of tenure. The books of the Registration Department show that the average price of land is about 25 times the assessment, and that the mortgage value is about 19 times the assessment, while money rents run from twice to seven times the assessment. The average sale-value worked out in the Kaira District runs from  $45\frac{1}{2}$  multiples of the assessment in Nadiád to  $25\frac{3}{4}$  multiples in Thasra, in the Násik District from 25 in Báglán to 13 in Málegaon, in the Sátára District from 51 in Karád to 36 in Pátan, and in the Khándesh District from 38 in Shirpur to 11 in Taloda. In Indápúr it is 18. The figures of average mortgage value are nearly as high.

It is sometimes represented that the documents registered do not show the real transactions, and doubtless the amounts entered are often not single payments but the sum of accumulated debt, including interest. But the prices bid at sales in execution of decrees must show at least not less than the value of the land in the estimation of the purchasers, and as they are forced sales it is probable that the full value is seldom offered. Now I find that in the Kaira District, which perhaps showed least power of resistance to famine, the average price realized at such sales in 1899 was  $19\frac{1}{2}$  multiples of the assessment. In the Panch Maháls it was 28.1 multiples. The lowest was in Broach, 7 multiples. In Poona and Sátára it ran up to 46 and  $41\frac{1}{2}$  multiples, respectively. In Sholápúr it was 23, in Khándesh  $19\frac{1}{2}$ , but in Ahmednagar and Násik only  $12\frac{1}{2}$  and  $14\frac{1}{2}$ . These are, of course, the prices of land subject to full assessment, the prices of land partially or wholly alienated not being included in striking the averages. The European demand has enormously increased the money value of much of the produce of this country. The assessment is fixed for long periods and the rule followed is that it should never be raised to the full in the same proportion as prices have risen. There is thus ever a higher profit being left to the landholders and the value of the land increases correspondingly.

These facts constitute an effective answer to those who allege that excessive assessment is the principal cause of agricultural indebtedness. We do not contend that the Survey Department has made no mistakes, and we have found indications that either on account of mistakes or owing to deterioration from various causes the assessment is in some places, for the present at any rate, higher than it should be. We have already given relief through talukas or groups of villages in all such cases that have been brought to light, and will continue to give relief wherever we find it to be needed. An inevitable sign of over-assessment is relinquishment of land, but we recognize that causes which lead to relinquishment of lands may make the assessment press heavily in adjoining areas without absorbing all the profit, and we are therefore inquiring whether it is not desirable to make at least a temporary reduction of the assessment over somewhat extensive tracts,

which consist mostly of poor and possibly deteriorating soil and are held by those who have suffered most severely from the famine. But these cases are special. The evidence that the assessment is generally moderate or light, and that it is on that account and not the reverse that land is passing into the hands of capitalists, is overwhelming.

We are accustomed to arguments based on the assumption that human nature is different in this country from human nature elsewhere, but it is obvious that everywhere the value of land to a capitalist depends entirely on the extent to which the assessment falls short of the full economic rent, and it follows that lands could not be sold or mortgaged at such rates as are abovementioned if the assessment were high. I have said that relinquishment is a sign of over-assessment, and conversely a demand for land, at any rate a demand for land on the part of people whose livelihood does not depend on agriculture, must be a sign of low assessment. Now we find that since 1864-65 there has been an increase of about 34 per cent. in the occupied area, while the ratio of increase in the population cannot have been nearly so high. Both the Deccan Ryots Commission and the Commission appointed to inquire into the working of the Deccan Agriculturists' Relief Act came to the conclusion that there was a tendency on the part of ryots to hold more land than their means justify, and that is surely a clear indication of low assessment. Except in the special cases I have before referred to, the areas relinquished in 5 years of unexampled adversity have been quite insignificant. In the current year there have been virtually none outside Gujarát, and there they have not been large. In the first 4 years of that period a large proportion of the revenue was collected in the Deccan and Southern Marátha Country without pressure except in a few cases of obvious recalcitrancy. From causes which we have not yet discovered, there has been more backwardness in paying the revenue in Gujarát, but it is specially with regard to the Deccan and Southern Marátha Country that allegations of the indebtedness being due to over-assessment have been made. The produce of land varies infinitely according to numerous factors, including efficiency of cultivation, and a definite statement of the proportion of assessment to produce can seldom be made with any confidence, but crop experiments and the testimony of competent observers point to the conclusion that it is on the average exceedingly low in the Deccan and Southern Marátha Country. In Gujarát it is higher, but obviously fertile land can afford a much higher proportion of the produce as assessment than poor land and at the same time leave a larger balance of profit. Indeed it has been generally recognized that the rich soils have not been assessed sufficiently highly in comparison with poor soils. While, therefore, we have every desire to reduce assessment wherever it appears to be too high, we cannot admit that on the whole it exceeds what is fairly due to the State.

As regards the proposition that it is on account of the lightness of the assessment and the consequent high value of land that much of it is passing into the hands of capitalists, it seems to me obvious that the more thrifty and astute classes would not covet a property which would yield little or no profit. The fact that they are so eager to get the land is a proof that with the assessment to which it is subject it is a profitable possession. The Famine Commission of 1880 observed that "land-holders are more indebted than tenants with occupancy rights, and tenants with rights than tenants-at-will, a result obviously attributable to the fact that the classes which have the best security to offer are the most eligible customers of the money-lenders." Inámdárs who have little or no assessment to pay are the most indebted of all, and there is abundant evidence that

the amount of the debt of the improvident classes depends mainly on the value of the security they have to offer. Proximity to Bombay gives a special value to land in Thána, and in that district the proportion in possession of non-agriculturists is far higher than in any other. It is, therefore, on account of a low and not of a high assessment that indebtedness has greatly increased and that capitalists have ousted cultivators from property in the land. †

It would, however, in my opinion, be a mistake to hold that what the Government expected to be a boon to individuals and to the country has turned out an unmitigated evil. It is certain at any rate that under the Survey system, which includes power of free transfer, the prosperity of the Presidency has advanced by leaps and bounds. In the discussion on the Bill which became Act I of 1865 Sir Bartle Frere related that when he travelled in the thirties from Bombay to Poona *via* Panvel he did not recollect seeing a dozen carts during the whole journey; that in 5 months he remembered seeing only 3 carts in the districts between Poona and Sholápur, and these were brought from Madras. The only indigenous cart wheels were mere discs of stone; the carts were used only for carting manure to the fields and took 8 or 10 bullocks to draw when loaded. "Rarely more than two-thirds of the cultivable land in any district were under cultivation. Frequently as much as two-thirds were waste; villages almost deserted were frequently to be met with, some were 'bechiragh,' without a light in them, utterly uninhabited. The people were sunk in the lowest depths of poverty."

The contrast in 1864 was great; it is still greater now. As has been stated, even since that year the area in occupation has increased by 34 per cent. The Deccan and Southern Marátha Country have passed through 5 years of partial or total failure of crops with little or no indication of lasting ill-effects. There are striking evidences of the "magic of property" within a couple of miles of us. There are lands in every district which have by the expenditure of capital and the application of industry been brought to a high standard of productiveness. Capital has been devoted to improvement in parts of Gujarát and in the vicinity of Poona with as successful results as in any part of the world. It was reported that in 1897 nearly 7 lakhs of private funds were expended on the construction and repair of wells in the Ahmednagar District. Now it is, of course, true that even without an unrestricted power of transfer the land-holders would have the fruits of their industry and expenditure of capital secured to them, but it is open to doubt whether much money would be devoted to improvement of land if it could not be realized whenever it was wanted. The transactions between agriculturists are on the whole, I think, more numerous than those between agriculturists and non-agriculturists, but unfortunately it is often found that an agriculturist landlord treats his tenants no better than the non-agriculturists do. Sir George Wingate, however, anticipated that, under a system of free transfer, traders, pensioners and others would be induced to lay out capital in the purchase of land to the great benefit of agriculture and the community at large, and his expectation has been, at any rate to a considerable extent, fulfilled. So long as land-holders of these classes treat their tenants with equity, the resources of their lands are likely to be more fully developed than if the holders were persons without means to carry out improvements. Probably it would often be difficult for even industrious cultivating occupants to obtain such means if the land could not be given as a security, and to such as are intelligent and prudent the possession of a valuable security can scarcely fail to be of advantage.

There is good ground for the view of the Famine Commission of 1880, that the more enterprising and substantial land-holders have greatly benefited by the enlargement of their proprietary rights. For these reasons, and in view of the length of time during which an unrestricted power of transfer has existed in this Presidency, we do not think it expedient at present to impose a general restriction on the power of agriculturists to alienate their land. It is possible that the expropriation of our peasant proprietors may some day become an evil of such magnitude that such a restriction, although amounting to a confiscation of existing rights, would be justified. *Lati-fundia Italiam perdidere*. But that day is not yet. It may also be found that the effects of the Punjab Alienation of Land Act and of the action in this Presidency which I am about to describe, are so beneficial as to justify some interference with private rights for the public good. But it is clearly expedient to await the result of these experiments before exercising such interference.

On the other hand the transfer of large areas to usurious money-lenders is undoubtedly a public calamity. These people use their capital to get possession of the land; they use none for the improvement of it. The cultivators whom they have ousted from the property in the land, and who remain as tenants, assent to any terms rather than lose the shadow of a title which they still believe they possess. Starvation, it has been well said, is the only limit to the rent which they would agree to pay, and there are undoubtedly now large numbers of cultivators who have not in any year left more of the produce than is necessary to keep them and their families alive.

As I have said the area of land in the possession of non-agriculturists is not so large perhaps as has been supposed, but it goes on increasing year by year. The Famine Commission of 1880 held that if the right of transfer were restricted, the agriculturist would have no stimulus to raise himself or improve his position. But he would not sink to so low a position as that of a rack-rented serf of a usurious foreigner who has no regard for local opinion. Part of his crops would still remain liable to attachment for debt, but the creditor would not have such means of oppression as I have described. The cultivators under the Chenab Canal who have not the right of transfer show signs of great and increasing prosperity, and the occupancy tenants in several parts of India who are debarred from alienation are said to be more prosperous than others. There is probably nobody who will contend that the Bhils and Warlis of whom I have spoken are fit to make a good use of a full right of property in land, and there are cultivating classes in every district who are not much higher in the scale of civilization. There can be no doubt that until education spreads such classes would be better without a right of transfer than with it.

Now it so happens that there is a very large area which on the passing of this Bill it will be open to Government to deal with as it pleases. Honourable members are aware that instructions were issued to use pressure for the collection of revenue in the years of famine only from persons who were without doubt well able to pay it, and there is no reason to suppose that these instructions have not been generally carried out in a satisfactory manner. Both in last year and in this, lists of such persons have been prepared and scrutinized, and there have been based on them estimates of the amounts which will be collected before the close of the year and of the amounts which may be suspended or remitted. For the whole Presidency the anticipated arrears for the two years amount to about 22 per cent. of the revenue due for these years. But in the districts not affected, or affected only to a slight extent, by famine the arrears are of course small, and in many

of the famine districts they are large. In Ahmedabad and Ahmednagar they amount to about 53 per cent. of the demand, and in the Panch Maháls to 50 per cent.; in Kaira, Broach, Poona and Bijápur, they are between 43 and 35 per cent. In Sholápur and Sátára they are about one-third and one-quarter, respectively, and in Násik a fifth of the amount due. In Khandesh they are only 9 per cent. It is no doubt the smaller occupants who are mostly in arrears and the proportions of occupants from whom revenue is due are doubtless larger than the proportions abovementioned.

We propose giving the Collectors authority to forfeit any lands for which revenue is in arrears and to regrant such lands without encumbrance to cultivating occupants, subject to the condition that the right of occupancy will lapse if the lands are alienated without permission. Those who have been previously registered as occupants or who have continuously cultivated the land or their heirs will, of course, have the first claim, and in their absence the selection of *bond fide* cultivators will be made under the direction of the Collector. Where no one out of many applicants can show grounds for being preferred, it may be necessary to put the occupancy right up to auction, but it will not ordinarily be desirable to have occupants of the class referred to saddled with liability for a price for occupancy right, and in such cases it will probably be preferable to give the land on the ordinary survey tenure.

It will be observed that unless arrears are paid off to a much larger extent than has been anticipated, there will be an opportunity of creating the special tenure in some districts on a very extensive scale. Of course if persons interested in the land choose to pay off the arrears, they cannot either legally or equitably be prevented, and there may be non-agriculturist as well as agriculturist occupants whom it is desirable to retain as occupants on the conditions hitherto in force, and who may fairly be allowed a period of grace for payment of their dues. But people whose property in the land has been acquired by way of speculation have no ground for complaint if the paramount condition on which the property is held is enforced. In these matters a large discretion must be left to the Collectors under the general direction of the Commissioners. But we hope that advantage will be taken to a large extent of the opportunity which on the passing of this Bill will exist to give a right of occupancy without an unrestricted power of transfer.

Of course, to the extent to which the measure is carried out, the arrears will be remitted, and a large sacrifice of revenue is involved; if effect is given to the scheme to the fullest extent possible, the loss will approximate to 75 lákhs. This is exclusive of about 53 lákhs or more than half a crore which would be remitted in any case. But we think that the benefits which are not unlikely to result are worth that sacrifice, and that the calamities to which the cultivators of this Presidency have been subjected for five years justify a large measure of liberality. The people who are not able to pay their dues, or get them paid on their behalf, are for the most part those who have not been able to make a good use of the full property they held. Those who do pay have not exhausted their means or their credit and will probably continue to make a wise use of both. There will exist side by side occupants with full power of transfer and occupants without it, and it will be seen who are the more prosperous. If the restriction on the latter is found to work to their disadvantage it can be cancelled with a stroke of the pen. If it is found manifestly to promote prosperity in a great degree, there may be found a justification for extending it which will be accepted by all concerned.

There is another advantage of no small importance attached to the scheme or to the arrangements under which it will be carried out. Honourable members are aware that owing to the large extent to which capitalists hold or have interests in land in this Presidency, Government have never felt themselves justified in allowing a general suspension of the levy of revenue, while they have always been ready to deal liberally, either in the way of suspensions or remissions, with actual cultivators, although the assessment is based on the assumption that the prudent can pay it in bad years as well as in good, and the moderation of it combined with liability for regular payment was expressly intended to foster thrift. It will now be possible to give to the collection that elasticity which is no doubt desirable with a minimum of individual inquiry. The occupants who retain the power of transfer will ordinarily be men of means who are not entitled to any concession; those who have not the power will ordinarily be actual cultivators, who, it is recognized, should not be required to pay the assessment in the year in which it is due if the crops are not sufficient for the purpose.

If honourable members agree, as I have no doubt they will, that it is not only desirable but indispensable that Government should have the power of allowing the use and enjoyment of waste lands on terms other than those of what is called the survey tenure, the extent to which the power is exercised is, of course, a matter which must lie in the discretion of the Government. But it has been thought that it would be to the advantage of the community to let honourable members and through them the public know what present use it is contemplated to make of the power. The measure intended is in accordance with the view of the Commission appointed to inquire into the working of the Deccan Agriculturists' Relief Act, who, although unable to recommend the withdrawal of the power of transfer from those who possessed it, were unanimous in holding that such power should not be included in the right of occupancy conferred in future, and the latter is now the generally accepted official view, to which we happen to have the opportunity of giving effect on an extensive scale.

We do not overlook the fact that it may be difficult for some of the occupants on the new tenure to carry on cultivation without the credit which the security of the land creates, but there is a considerable body of evidence to indicate that the security of the crops will be enough for obtaining means of efficient cultivation. Many, perhaps most, of the cultivators who will have the limited occupancy right have been in the past and the current year aided by advances under the Agriculturists' Loans Act, which have been given on an unprecedented scale. Through the liberality of the Government of India we have been able to satisfy to the full every application from Collectors for the purpose. It is possible that such assistance may be more necessary in the future than in the past.

But the effect of the measures in this and other respects remains to be seen. We are able to make an experiment without touching the existing rights of a single individual, and it is accompanied with a liberality which will go far to remove a burden on landholders which famine would ordinarily impose. If the experiment is unsuccessful, the former state of affairs can be reverted to either in individual cases or generally without any harm having been done. If a large proportion of the agricultural classes are converted from oppressed serfs of exacting money-lenders into contented occupants enjoying the full fruits of their industry except the moderate share due to the State, the famine which has caused the opportunity of carrying out the scheme will have been a veritable blessing in disguise.



The Honourable Mr. GOPAL KRISHNA GOKHALE said—I am sure the Council has listened with great interest to the very lucid and comprehensive speech which the Honourable Mr. Monteath has made in introducing this Bill. In the course of the speech, the honourable member explained to us how it was that Government came to take the somewhat unusual course of summoning this meeting at this hill station. But I fear the explanation will hardly satisfy those who are of opinion that only the greatest urgency can justify a choice of time and place which cannot but be more or less inconvenient to some of the members. My Lord, I do not think it can be said that the introduction of the present measure was a matter of such extreme urgency. The only reason which the honourable member has mentioned for bringing forward the Bill at this time and place and in its present form is that the Honourable Mr. Lely considers that the present juncture is favourable for taking an important step forward towards the solution of the much-vexed agrarian problem in the Presidency. Now with all respect for Mr. Lely I feel bound to say that this question is so important and so complicated that even his great authority is not sufficient to make us accept without very careful examination a measure which, though apparently a small one, may not be as innocent as it looks. And the proper course for Government to adopt is, I venture to submit, to defer this kind of legislation until a careful and comprehensive enquiry has been instituted into the whole Land Revenue problem, the pressure of assessments, the extent of the indebtedness of agriculturists, the extent to which lands have gone out of their possession, the cause of relinquishments and forfeitures, the effect of the rigidity of the State demand and the general condition and resources of the agriculturists. Last year your Excellency, in speaking of a suggestion made by the Honourable Mr. Mehta, was pleased to state at a meeting of this Council that the Famine Commission, then about to be appointed, would among other things enquire into the land revenue policy of the Bombay Government. It is true that Sir Antony MacDonnell's Commission did make in some places a sort of enquiry into the incidence of State demand and the question of suspensions and remissions, but the enquiry was not systematic, and moreover the report of the Commission has not yet been published, so that the public is in the dark as to the conclusion at which the Commission has arrived in these matters. Mr. Maconochie's report is also not yet out. And thus even such help as would be available to the public after the publication of their reports, in forming its judgment on these important questions is not at present available. My Lord, there is another reason for which I respectfully press for a general enquiry before such legislation is undertaken. All those who have any acquaintance with the land revenue administration of the Presidency feel that it was time that Government undertook a general revision of the Land Revenue Code. The grievances of the Inámdárs, which my honourable friend the Chief of Ichalkaraní has been pressing on the attention of the Council for some time past, the provisions about the collection of revenue, about suspensions and remissions and various other matters, all these require amendment, and I think it is not at all desirable that when such a general revision of the Code is needed, Government should bring forward, and that in such hurry, an amending Bill dealing with one point only. I submit, My Lord, that such a course is nothing better than a mere tinkering with the problem. The honourable member has made a lengthy statement on the subject of the indebtedness of the peasantry and the incidence of the State demand. I do not propose to follow him in that discussion to-day. I will say something about these matters at a later stage of the Bill, but to one statement of his I think I must demur at once. The honourable member is of opinion that the

peasantry of the Deccan was even more involved in debt before British rule began than it is to-day. I do not think that there is any warrant for that statement. It is true that Mr. Elphinstone and other authorities have stated that there was a good deal of poverty and even indebtedness among the agriculturists before the Deccan came under British rule. But the Deccan Ryots Commission, after a careful examination of the question has, if I remember right, recorded its deliberate opinion that the extent of the agriculturists' indebtedness has much increased since British rule began. And two causes contributed very materially to this result. One was Mr. Pringle's unfortunate settlement, which in the opinion of competent authorities simply ruined the peasantry of the Deccan, and the other was the facilities given by the British Government to the money-lending class in the matter of the recovery of debts. The evil of the wrong start given by Mr. Pringle's settlements to the peasantry, aggravated by the action of the Civil Courts and the embarrassment and the consequent helplessness of the peasantry, have gone on increasing with time. I do not think therefore that the British Government can fairly claim to be free from responsibility for the present extent of the ryots' indebtedness in the Deccan. The honourable member also observed that the State demand has nothing to do with the indebtedness of the agriculturists. I submit this is an unsafe position for any one to take after what several Commissions have recorded on the subject. The rigidity of the State demand and the theory of averages are in no small measure responsible for driving many agriculturists into the hands of the money-lenders and I think this a point on which not much difference of opinion should be possible. Having made these few general observations I may now proceed to indicate very briefly, I think I need not do more than that at this stage of the Bill, my view of the measure which has just been introduced. And I may say at once that as regards this proposal to restrict free transfers in the case of waste and forfeited lands which may be given on lease, I have an open mind. I admit that the proposal, as far as it goes, interferes with no vested rights. I also admit that under certain conceivable circumstances such restriction may be the lesser of two evils. But have such circumstances, I ask, arisen? What evidence is there to show that they have? I listened very attentively to the honourable member's speech and I confess I have not been convinced by it. I confess I am very doubtful as to whether this proposed restriction by itself will confer any benefit on those who will be affected by it. Perhaps more light will be thrown on the point when the Bill comes to be considered by the Select Committee and till then I will continue to have, as I have already said, an open mind on the subject. On one point, however, in this connection I think it necessary to say a word. The Bill does not state what restrictions are proposed to be imposed on free transfers. The whole thing is left to the discretion of the Collector. Now this is not what the Punjab Act does, and I mention the Punjab Act because the honourable member has mentioned it. The Punjab Act provides for three kinds of mortgages and for these the permission of revenue officers is not needed. The Punjab Act also provides for free sales between agriculturists under certain circumstances, and under that Act, therefore, an agriculturist knows what he may do of his own free choice and for what he must obtain the previous sanction of the revenue officer. The Bill before us makes no such detailed provision, but leaves everything to the unfettered discretion of the Collector, which, I think, is very unsatisfactory. As regards the proposal to give short leases, that to my mind appears to be the most objectionable feature of the Bill. I submit that absolutely no case has been made out for this departure from the established policy of granting leases in perpetuity, subject to revision of

assessment every thirty years. The Statement of Objects and Reasons says that sometimes, when land requires long intervals of fallow, it entails a loss of revenue on Government if, under the perpetuity tenure, such land is not taken up, while if it is taken up by anyone, it may occasion loss to him. If this is the only reason for proposing short leases, I think the difficulty may well be got over by the simple expedient of granting leases in perpetuity and remitting the assessment as a matter of course in years of fallow. Moreover in the case of forfeited lands, there is no shadow of justification for substituting short leases for the present survey tenure. There is no question of fallows in the case of such lands and there is no reason why the new occupants should have only short leases granted to them. My Lord, the perpetuity tenure is a matter of the most vital importance both in the interests of the agriculturists and for the sake of the improvement of land, and I submit it should not be lightly disturbed. What interest will the holder of a short lease have in the permanent improvement of his land? Moreover what is there to prevent the Collector from raising the assessment every time a new lease is granted? It may be said that the Collector will ordinarily use his discretion well, but I for one would not confer such wide discretionary powers on him when lands are forfeited, when neither the ryot nor the *sávkár* cares to prevent the land from going back to Government. I think it is a fair presumption that the assessment is excessive in comparison with the productive capacity of the soil, and the remedy for this state of things must be sought, not in the substitution of short leases for the perpetuity tenure, but in the abatement of the State demand. I earnestly trust therefore that Government will drop this proposal about giving land on short leases. My Lord, I do not think I need detain the Council longer. I regret the introduction of this measure at this time and place and in its present form. I fear it can do but little good. I also fear it is capable of doing a great deal of harm.

The Honourable MEHERBAN NARAYAN GOVIND *alias* BABA SAHEB, the Chief of Ichalkaranji, said—Your Excellency,—In the Council meeting in February last Government were pleased to announce in reply to a question put by me that the amendment of the Land Revenue Code would shortly be taken in hand. My object in asking the question was to enquire when the grievances of the *Inámdárs* would be considered by the Legislature and the answer of Government was interpreted by a large body of *Inámdárs* as holding out the hope of an early amendment of the existing law on the subject of the collection of their revenue. To these gentlemen the Bill is wholly disappointing, but I earnestly urge it on the attention of Government that the question of the grievance of the *Inámdárs* must not be shelved by the Legislature much longer. This class has during the last four years been hit as hard as almost any other class of the Presidency, and Government will place the *Inámdárs* under great obligations by undertaking an early amendment of the present cumbrous and unsatisfactory provisions for the realization of their dues.

With regard to the Bill I have not much to say. The Bill is a small and simple measure, though it involves principles of great importance. It is for the first time that these new principles are being introduced into the Bombay Land Revenue Code. One of these is the giving of lands on such conditions and for such period as the Collector may, subject to the orders of Government, prescribe, instead of giving them at fixed survey rates for thirty years.

As long as the system of giving lands on short leases is not worked in such a way as to make the condition of these agriculturists worse by making the rent higher

than the survey rates there would be no ground for complaint. I hope the Select Committee will prescribe some limit beyond which the rent could not be increased.

The second important change proposed is to make the Khátás inalienable without the sanction of the Collector. This is a change the principle of which I approve, but at the same time I must observe that unless the condition of the ryot is morally and materially improved by measures of wider utility and of good statesmanship, the non-transferability of the holding alone would not be of great use. At best it may only serve as a palliative. If the credit of the agriculturists is curtailed, Government must make provision by the establishment of agricultural banks, or by a more liberal advance of takávi as loans to meet the necessary wants of agriculturists, such as the marriage of his children, for which he incurs debts from a sávkár at any cost. Whatever may be thought about this necessity by others, to him it is a real one and means must be found to meet it. In this connection I am glad to find the honourable member in charge has assured us that Government are thinking of making more liberal advances to such agriculturists.

I have to urge one more point for the consideration of this Council and I hope the Select Committee will give their best thought to it. I think the condition of the agriculturist will not be permanently improved so long as his land is divisible. The question of transferability will not do much unless side by side with this restriction on alienation the Legislature made provision for the prevention of partition of landed property. Owing to the law of partition, land in course of time is sub-divided in such small portions that it ceases to be profitable to cultivate them separately. Even the larger estates in course of time are shattered to pieces by the law of partition. Government have accepted the principle of preventing partition in the case of saranjams and some service lands. The necessity for this is much greater in the case of small holdings which are ordinarily sufficient to maintain only one family. Under the present law of partition all brothers depend upon this small holding for their subsistence, and as long as they can be sure of getting a share, however small, in their ancestral property there is no stimulus for them to seek other paths for their livelihood. The share which a brother gets is of course insufficient for his maintenance and so he has recourse to the sávkár and thus the holding is burdened to the hilt. If it were once for all declared that the younger brothers are not entitled to a share in the ancestral property they would shift for themselves and the holding could be left intact. In this way a self-reliant class of peasants would be created which would be a strength to the society.

Before concluding I respectfully repeat my request to this Council to see their way to remedy the evils and defects of law with which the large class of landholders in the Deccan is beset.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH said—Your Excellency,—It is unfortunate that this measure, involving very important principles should have been brought before the Council without the public being given sufficient time to consider and discuss its merits and disadvantages and to express their views thereon. It was only about 11 or 12 days ago that the Bill was placed before the public for the first time.

It is also to be regretted that Government found it necessary to convene a meeting at this place for the consideration of the Bill; it has prevented the attendance of several non-official members who would have been able to give very valuable assistance in our deliberations.

I submit that legislating piecemeal is most undesirable. Such patchwork seriously affects the consistency of the measure. The enquiries that have recently taken place and the experiences of the last two years have disclosed several defects in the Land Revenue Code, which require to be speedily removed. It would have been very satisfactory if all these matters could have been brought up for discussion at one and the same time.

In connection with the merits of the measure, I shall first deal with the proposed alteration in Section 68. Under the existing law within the areas to which the survey has been made applicable, the only interest that Government is competent to pass is proprietary, subject of course to their right to raise rents at the expiration of every term of 30 years. The interest of the occupant who is put in is of a permanent character and he is able to alienate his right to any person he likes; by the new measure it is proposed to legalize the giving of leases on short terms and also to create permanent tenancies without the power of alienation.

It is stated that in certain localities a practice exists of giving away certain lands on leases for fixed terms; this measure is not limited to lands which are subject to such leases. From what the honourable mover has said it appears that it is intended to apply the condition of non-transferability to all lands which have come back into the hands of Government by reason of forfeitures in consequence of the non-payment of Government dues.

The reason for the proposed alteration is stated to be that the power of alienation gives credit to an occupant, that this credit induces him to incur debts and the debts ultimately lead to his ruin, and that if his credit could be contracted by depriving him of proprietary interest, he would be prevented from incurring large debts and would thus be saved from ruin.

I am strongly against the proposed alteration. I concede that *prima facie* Government should have a right to put in any conditions they like on lands owned by them; the question, however, is whether the alteration is in consonance with sound policy, and whether the new measure if it became law would improve the condition of the agriculturist or whether it would plunge him deeper into distress.

Whether the creation of occupancy rights without the powers of alienation would be beneficial or detrimental to the agriculturist would depend upon the question whether it is desirable in the agriculturist's interest that he should enjoy credit or that it should be impaired. It is the opinion of many experienced persons that Indian agriculturists would be unable to carry on their operations without borrowing. The lands do not always yield crops at an uniform rate. Sometimes there may be a 16 annas crop, sometimes there may be 8 or 10 annas crop and sometimes it may be only 3 or 4 annas. It occasionally happens that the agriculturist has not enough left to him for maintenance. He is then forced to borrow to save himself and his family from starvation. Occasionally he may find his crops insufficient or not in a saleable condition or a very unfavourable market for their sale at the time when his instalments of Government revenue become due, and a recourse to loans becomes necessary for paying Government. He may occasionally lose cattle in ordinary course or in an epidemic, and he would be unable to replace his agricultural stock without borrowing; he may think of sinking a well or otherwise improving his property and would be under a necessity of borrowing. If his credit is taken away he would be unable to carry on his business and would fast run into extreme distress.

It is, however, said that he can borrow on the security of his crops ; but crops can never be regarded as good security ; there is so much uncertainty about them ; then there is the danger of their removal before the creditor obtains any judicial process for their detention ; then there is danger of the agriculturist and his family being deprived of means of maintenance if the crops are taken possession of by the creditor. In any case it is a most uncertain security, which is liable to be very easily exhausted.

When the agriculturist is thus disabled from obtaining loans from *sávkárs* for necessary purposes, is it possible to substitute another agency for giving loans to him ? It is impossible to expect Government to come forward with help on every occasion of the agriculturist's difficulty. The transactions would be too extensive for a Government to supervise efficiently, they would not have the same detailed information as a private money-lender, and there would be much risk of leakage in the passage of money from Government to the agriculturist and from agriculturist to Government. Again the security is being taken away and ordinarily Government would not see fit to make loans to persons offering no security, when *sávkárs* feel themselves unable to do so. Then it may be said that agricultural banks may be established which may supply cultivators with money in times of need ; but these banks would act on business principles ; and no such banks are likely to give loans to pauper agriculturists, who have no property out of which their advances could be recovered.

The result therefore of imposing the condition of non-transferability would be to reduce the agriculturist to a condition of helplessness and he would be disabled from maintaining himself and his family, from carrying on his operations and paying the dues of Government.

Then it is also to be considered that so long even as the agriculturist would be able to borrow, the curtailment of his credit would work very detrimentally on him, inasmuch as he would have to pay much higher interest than if the credit was maintained. The rate of interest which a *sávkár* charges is ordinarily in proportion to his risk. If the agriculturist has lands to give in security, if they be sufficient security, and if he gives them as security, the rate would be moderate ; it would be higher if he be in possession of immoveable property, which could not easily be disposed of or concealed or carried away ; it would be highest when the agriculturist has no such property and the *sávkár* finds that the conditions are such that it would be very doubtful whether he would be able to get back his advance or not. Thus for a doubtful future benefit he has to bear losses from the very commencement.

It is said, however, that large credit leads the agriculturist into improvidence. On this point I can speak of Gujarát alone, as I have not sufficient knowledge about the other parts of the Presidency. In considering the question of improvidence among the Gujarát agriculturists, the non-aboriginal classes and the aboriginal classes ought to be dealt with separately. In connection with the non-aboriginal agriculturists, who comprise among them such classes as the *Patidárs*, the *Kunbis*, the *Bohras*, the *Bhatelas*, *Talabdakolis*, &c., I think it would be wrong to impute to them extravagance and improvidence. They are not superhuman, and here and there instances may be found of persons spending beyond their means ; but such cases are exceptions ; on the whole their living is most frugal. Their indebtedness or the main part of it on the whole has not arisen from improvident expenses, but is owing to the deterioration of the soil, a succession of bad seasons, the pressure of Government assessment, their inability to replace their agricultural

stock and like causes. The checking of improvidencé is assigned as the reason for curtailing the agriculturists' rights, and therefore it is necessary to ascertain as a fact whether these people have really abused their credit. Improvidence on their part ought not to be taken for granted; an enquiry such as my friend the Honourable Mr. Gokhale suggests for ascertaining whether the indebtedness and poverty of these people have on the whole arisen from improvidence is needed before restrictions, which are in several respects admittedly harmful, are imposed.

The honourable mover of the Bill has tried to argue that the pressure of Government dues cannot be the cause of the ryots' distress and indebtedness; and he tries to establish his position by the ratios between the assessments and the selling prices of land in the different districts. This, however, is not at all a strong argument to show a moderate incidence of taxation. The rates are given by districts and not by *tálukas*: prices which once got unnaturally inflated take time to settle to their proper level, and people consider immovable property the safest investments and therefore they are often content with very small returns; but there is another test which to me appears to have a more conclusive character. Some lands were relinquished and considerable lands were suffered to be forfeited for non-payment of Government dues. Now these lands were either mortgaged to *sávkárs* or had remained unencumbered. If the lands were mortgaged, is it not an evidence of high assessments when the *sávkár* is prepared to lose his rights over the lands, rather than maintain them by paying the Government dues for a year or two? If on the other hand the lands had remained unencumbered that disproves the theory of improvidence, and the circumstance that the agriculturist holding unencumbered lands was unable to procure loans for the payment of the Government dues of one or two years also indicates that the people find the lands too heavily assessed. It ought not, therefore, to be assumed that the pressure of Government dues had nothing to do with the agricultural distress. This is also a matter which requires independent and exhaustive enquiry.

I next submit that this is certainly not a proper time to impose any restrictive conditions on the ryots' rights. Where the inability of the agriculturist to pay the Government dues has arisen from his efforts to maintain himself, his family, dependents and his cattle during times of difficulty, where his inability was not owing to improvidence, but arose from causes over which he had no control and in consequence of his attempts to meet legitimate needs, the right policy would be to help him by remissions and *takávi* to rise and make him self-reliant and not to reduce him to the position of a mere serf. It is said that careful lists have been prepared of people who should get remissions and suspensions and who are expected to meet the Government demands immediately on the pain of forfeiting their lands; but these at the best are an expression of the views of the Village *Taláti*; the number of cases were too many for individual investigations by superior officers. It was no portion of the *Taláti*'s duty to enquire whether the inability of the agriculturist to meet the Government demands arose from improvidence. It is not reasonable to assume that in a majority of cases the persons interested in the lands were acting contumaciously and ran the risk of losing their property even though they had the means of meeting the Government demands. I submit Government would not be justified in depriving a large number of industrious agriculturists of their rights on the mere strength of the reports of the *Taláti*.

In connection with the aboriginal classes such as the Bhils, Naikdás, Dublas, &c., there is no denial that they are improvident. They are unskilled and exceedingly indolent. Even in ordinary years they have to bear privations for some months. Their normal condition is of distress. Their improvidence is the result of their distress. If their distress is alleviated that may make them more provident. If these people are to be saved it would be by gradually instilling in them a desire of acquiring and retaining property. If a few of these people are on the verge of reclamation and have been able to acquire and retain property, but had no means to cope with the famine and therefore had their lands forfeited, it would be merely precipitating their downward march than assisting them in their rise to deprive them of their proprietary rights. The remedies which these classes require for their reclamation lie in a direction quite the opposite of that which Government propose to take by the present Bill.

I have also a few words to say with reference to the proposed amendment of section 48. Several towns and cities have largely expanded in population during recent years; there is no increase in habitable areas, and the consequence is that there is congestion and the overcrowding renders them unhealthy. The interest of public health requires that the population should spread out and relieve these places of their congestion; but under the law and the rules that now exist, the fines and the annual assessment are so heavy as to amount to almost a practical prohibition against the expansion of the inhabitable area. The interest of public health requires that there should be such modification in the law and rules as to give encouragement to the people to build outside the ordinary habitable sites. The amendment that is proposed does not go in that direction, but empowers the Collector to revise the assessment; who would build and spend his money when he finds that Government have the power to raise the assessment to any indefinite amount? This provision adds to the measures which discourage people from utilising agricultural lands for building purposes. I think that when a man has spent money and erected a building there should be no power to revise the assessment. It should be fixed once for all and not left in uncertainty.

Again it does not appear whether it is intended that the power to revise the assessment that is conferred by the new measure should not act retrospectively. The language that is made use of is such as to give the power of revision in respect of lands that have already been appropriated for building purposes as well as in respect of lands which may hereafter be so appropriated. It would be very hard if people after spending large sums on buildings on the faith that the assessment would remain uniform find that it is liable to be increased indefinitely. For these reasons I disapprove of the principles of the Bill and am opposed to its being read.

The Honourable Mr. SHRIPAD ANANT CHATRE said—May it please your Excellency,—The present form of the Bill is disappointing. It is disappointing, because it is not a complete Bill containing all the amendments that are necessary to be made in the Code. When the amendment of the Land Revenue Code was announced by Government, the public thought that the amendment Bill would be presented to the Council in a comprehensive form, but the present Bill has disappointed them. It is not a desirable thing that the amendment should be made piecemeal from time to time. It would be an unnecessary trouble to the Council. In the Government Resolutions and the opinions of Legal Remembrancers on the several provisions of the Code, recommendations have been made for amending it in several places. There are other provisions in the Code which



badly require an amendment. In some places the language is vague and the meaning indefinite. In some places the language is rigid. The Inámdárs have to complain against certain provisions that are worked harshly against them. Their grievances deserve consideration. Therefore, I say, that instead of undertaking an amendment of a few sections only, the amendment of the whole Code should be undertaken at this Council. I have also to say that the present Bill is disappointing inasmuch as an extraordinary principle underlies the Bill. A restraint upon the right of an agriculturist to alienate is unknown to the land revenue tenure of India either before or after the British rule. No authority for it can be found in the history of the land revenue of India. The right of alienation is the natural right of the people exercised and enjoyed by them from time immemorial. To disturb that right is not at all desirable. As a justification for introducing the principle in the present Bill, it is said the object is to save the agriculturists from indebtedness. In the first place it is necessary to make an enquiry into the causes that have tended to their insolvency. It cannot be assumed without good authority that if a restriction be placed upon the power of transfer that would be likely to save the ryots from indebtedness. Even in that case it will become a question for serious consideration if the immemorial right can be disturbed. Thus the Bill is bad in several respects and I submit it should not be read.

The Honourable Sir CHARLES OLLIVANT said—I should like to make one or two brief remarks, but I shall not enter into the important subject which was dealt with so frankly and elaborately in my honourable colleague's exposition in regard to the Bill. But from what I have heard, I think there is a good deal of misapprehension as to the Bill itself, and to the circumstances under which we are assembled here. A great deal has been said about indebtedness and the transfer of occupancy right under a survey tenure and so on, so that it seems to me to be believed that restrictions on the latter are the main object of this legislation; whereas as a matter of fact, even if we had not discussed that subject at all, we should have still had to meet here, or to go to Poona at an unusually early date, in order to legislate in the terms of the Bill. It does not seem to be sufficiently realised that this is in its essence not an enlarging Bill, but a declaratory or at most an enabling Bill, and it deprives nobody of any rights. Our officers have gone on doing that which they all believed they had power to do and have found that their legal powers are now in jeopardy; and it was absolutely necessary that those powers should be legalized beyond a doubt. If certain other consequences follow—not as a necessity but as a possibility—that does not affect the position in which we found ourselves—a position necessitating early legislation. When the Honourable Mr. Gokuldas was speaking about Gujarát, I wondered if the rivers had changed or the system had changed since I left the province. When I was in Gujarát there were plenty of short term leases, especially of alluvial land. Are we to go on granting them contrary to the law? We must have an early amendment of the law to legalise them. I desire further to express my entire concurrence in the views which have fallen from my honourable colleague in regard to the larger question as to which with the change in the law we shall be able to make a most interesting and cautious experiment. I think honourable members will allow, with regard to the time and place being unsuitable, that this question should not have been postponed or brought up at the fag end of the Budget meeting. The question was whether to have a meeting at Mahábaleshvar or an early meeting at Poona, and I cannot but think

we should find the majority in favour of a meeting at Mahábaleshvar. I see an honourable member shaking his head, but he does not belong to the legal profession. But there are many members who do belong to the legal profession and they would rather have to attend a meeting of the Legislative Council during the period of the vacation than one when the Court is sitting.

The Honourable Mr. MONTEATH, in replying to the debate, said—Notwithstanding the courteous terms in which the Honourable Mr. Gokhale has referred to my explanation of the objects and reasons of the Bill, I am afraid I cannot have made myself fully understood. There have been several arguments used which appear to be based on an entire misapprehension. I have to explain in the first place that although we find it desirable to introduce this short Bill amending certain sections of the Land Revenue Code, we recognise that there are many other sections which require amendment and that a general revision of the Land Revenue Code is very desirable. But that is a very large matter. The Land Revenue Code would probably not have required so much amendment if it had been more carefully considered in the first instance, and if we are going to introduce a thoroughly revised Land Revenue Code, we require to do so with very great caution and after a very full enquiry. The matters with which we are now dealing are matters of some urgency, which it was desirable to deal with at once. The Honourable Mr. Gokuldas has stated that he does not deny that Government have full powers to deal with unoccupied land as they choose. If that were so, it would be unnecessary to enact the principal amendments which we propose. But it was pointed out to us that under certain sections of the Code we could not give short leases in cases in which it was manifestly desirable to give them, and an amendment was therefore held to be necessary to give us the power which the Honourable Mr. Gokuldas thinks we have already. As regards this question of short leases there is a misapprehension. Mr. Gokhale seems to think our object is to give out all the land available on short leases. I can assure him there is no such intention. Occupants generally of land which has been assessed by the Survey Department will have the same rights as they now have, but those who hold on the special condition will be subject to the restriction that they are not entitled to alienate the land without the permission of the Collector. There will be no alteration from time to time of the assessment of the latter other than the alteration made with regard to the ordinary survey tenure, and so long as the land remains in their possession they will be entitled to the same rights which they have hitherto held. The Honourable Mr. Gokhale said that before we proceeded with a measure of this kind there should have been an extensive enquiry. So far as the measure itself is concerned, it is a measure which is absolutely necessary to allow Government to deal with special cases in a suitable manner. It is only with the object of informing the honourable members and the public of the measures which we intend to take as regards some of the lands which may be forfeited, that I gave the explanation which I have done of one of the ways in which we intend to make use of the power, but, as my honourable colleague has expressed it, largely as an experiment with a view of seeing whether or not people of the less intelligent classes will prosper better without the power of transferring land at pleasure than they have prospered with it. Whether or not the difficulties under which they now lie result from improvidence, we know that as a matter of fact many of them are irretrievably embarrassed and they will now in many cases at any rate be enabled to make a fresh start and it will be seen whether the restraint of the restriction of land

is likely to be beneficial or not. As regards the further enquiry which the Honourable Mr. Gokhale suggested, he seems to have overlooked the fact that there has been enquiry going on for the last quarter of a century at any rate, and as regards this particular point we are going entirely in accordance with the recommendation of the Commission appointed to enquire into the working of the Deccan Agriculturists' Relief Act. The members were unanimous in recommending that no land should be given out in future with free power of transfer. The Honourable Mr. Gokhale holds that the indebtedness is the result of Mr. Pringle's settlement. But that extended to only a small part of the country; it was in force for a short time, and the fact that it was unsuccessful was soon recognized and immediate steps were taken to grant remissions. Unfortunately it is true the officers—the Mámlatdárs—of the time did not allow the benefit of the remissions to reach all those whom Government desired to relieve and no doubt a certain amount of misery was the result. But that that was not the cause of general indebtedness must, I think, be quite apparent from the facts of the case. The question of the original cause of indebtedness is not however one of much practical importance; what we have to consider is how to remedy the evil which exists. The Honourable Mr. Gokhale also said that the Bill does not state in detail the cases in which transfer will be allowed as the Punjab Alienation Act does. But I have to point out that the Punjab Act deals with existing rights. The Act applies generally; whereas, as has been pointed out under the power we are taking, we shall be able to give out only waste land in future on such terms as seem reasonable and suitable. Another misapprehension, it seems to me, on the part of Mr. Gokuldas is that we are taking some new power to assess building sites. All that we are doing is to explain what the intention of Government always has been. We are not giving the Collector power to revise building assessments whenever he chooses: on the contrary we are trying to make it clear that the assessment will be fixed for a specified term, and then only will it be liable to revision. That also meets the question which the honourable gentleman asked as to whether it applies to cases in which assessment has already been fixed. We wish to make it clear that it will be for the Collector and not for another officer to fix the assessment in certain cases which have not been dealt with in this course of the Revenue Settlement, and that it will be competent to him to fix the assessment for a certain specified term with power to revise it afterwards.

His Excellency the PRESIDENT said—It will now be my duty to ask you whether it is the pleasure of the Council that this Bill be read a first time. My honourable colleague Mr. Monteath has explained the object of the Bill so fully that it is quite unnecessary for me to add anything to what has been said. I would add, however, that the Honourable Mr. Gokhale made a remark crediting me with a little more authority than I can claim to possess, when he said that last year I said the Famine Commission would enquire into the Land Revenue system of the Bombay Government. I think my expression was that the result of the famine enquiry would probably lead to some such examination, to which opinion I adhere, although I have not yet had the pleasure of seeing the Famine Commission's report. With regard to this particular Bill, it is not by any means our last word, I trust, on the revenue question. The Honourable Mr. Chhatre said that people in the Bombay Presidency would receive it with disappointment, but I hope he does not think we have no further ideas in our heads. It is a Bill to deal with one specific point. Certain lands have become or are likely to become forfeited and we have an opportunity, without interfering with a vested interest, to try an experiment which is original and which, if

successful, will be of great value, and if unsuccessful can be cancelled without difficulty. If it is the pleasure of the Council the Bill be read a first time, the Honourable Mr. Monteath will move that it be referred to a Select Committee.

Bill read a first time.

His Excellency the PRESIDENT then put the motion that the Bill be read a first time. This was agreed to and the Bill was read a first time.

The Honourable Mr. MONTEATH said—I will now propose that the Bill be referred to a Select Committee, consisting of the Honourable Messrs. Chhatre, Muir-Mackenzie, Gokhale, Chunilal, Cumine and myself, with instructions to report within one month.

Bill referred to a Select Committee.

His Excellency the PRESIDENT then adjourned the Council *sine die*.

*By order of His Excellency the Right Honourable the Governor in Council,*

A. S. A. WESTROPP,

Secretary to the Council of the Governor of Bombay  
for making Laws and Regulations.

*Mahabaleshvar, 30th May 1901.*

# APPENDICES

TO THE

## PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULA- TIONS ON THE 30TH MAY 1901.

### APPENDIX A.

Statement showing the amount of land revenue collected in each of the Districts in the Central Division during the revenue year 1899-1900, and the amount suspended and remitted.

District.	Demand.			Collections.			Suspensions.			Remissions.			Balance.			REMARKS.
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	
Ahmednagar ...	16,37,327	9	8	6,93,016	7	1*	4,95,115	3	7	.....	.....	.....	4,49,195	15	0	* Exclusive of a sum of Rs 13,345-4-2 representing collections of previous years' outstanding.
Khandesh ...	41,10,491	0	0	29,45,491	0	0	11,65,000	0	0	.....	.....	.....	.....	.....	.....	† Includes Rs.11,668-4-11 on account of over-collections.
Nasik ...	16,39,459	2	8	13,03,255	5	10	.....	.....	.....	93,249	5	11	(a) 2,42,954	6	11	† Exclusive of a sum of Rs 84,963-14-11 representing collections of previous years' outstanding.
Poona ...	13,53,279	8	6	7,40,683	9	1†	... ..	... ..	... ..	1,387	15	5	(a) 6,22,376	5	1	
Sátara ...	18,43,368	3	1	14,59,167	10	9‡	.....	.....	.....	.....	.....	.....	(a) 3,84,700	8	4	
Sholapur ..	11,67,943	9	4	9,40,159	4	7	2,27,784	4	9	.....	.....	.....	.....	.....	.....	
Total ...	1,17,52,369	1	3	80,81,773	5	4	18,87,899	8	4	94,637	5	2	16,99,727	3	4	

NOTE.—The amounts marked (a) are equivalent to the amounts of which recovery was suspended. They are shown in this statement as "Balance" only because formal orders suspending them were not issued.

### APPENDIX B.

QUESTION No. 5 PUT BY THE HONOURABLE MR. GOPALKRISHNA GOKHALE AT THE MEETING OF THE LEGISLATIVE COUNCIL HELD ON THE 12TH MARCH 1901.\*

REPLY TO QUESTION No. 5 PUT BY THE HONOURABLE MR. GOPAL KRISHNA GOKHALE.

Will Government be pleased to lay on the Table a statement showing (a) the total amount of fines inflicted on the residents of Mátherán by the Superintendent during the last fifteen months; (b) the amounts of fines inflicted by him in each year from 1891 to 1899; (c) the amounts of fines inflicted by the Superintendent of Mahábleshwar on the residents there during the same periods, including the last fifteen months. If there has been a large and sudden increase in the fines inflicted at Mátherán during the last fifteen months, will Government be pleased to state what has caused such increase?

The accompanying statement shows the amounts of fines inflicted on the residents of Mátherán and Mahábleshwar during the years 1891 to 1899 and the fifteen months ending February 1901. The increase at Mátherán in the fines levied in the last fifteen months is attributed to the fact that the various laws and station regulations relating to plague, quarrying, sanitation and other important matters have been frequently transgressed.

\* The following *ad interim* reply was given by the Honourable Mr. Monteath at the Council Meeting of the 12th March 1901:—

"The information required by the honourable member is being called for."

Statement showing the amounts of fines inflicted on the residents of Mátherán and Mahábleshwar during the years 1891 to 1899 and the fifteen months ending February 1901.

Year.	Mátherán.			Mahábleshwar.		
	Rs.	a.	p.	Rs.	a.	p.
1891 ... ..	68	0	0	118	4	0
1892 ... ..	92	6	0	280	0	0
1893 ... ..	129	15	2	166	5	0
1894 ... ..	144	7	0	54	0	0
1895 ... ..	31	3	0	143	9	0
1896 ... ..	57	8	0	202	10	0
1897 ... ..	151	1	6	398	9	0
1898 ... ..	221	0	0	161	14	0
1899 ... ..	507	12	0	320	8	0
15 months from Decem- ber 1899 to Febru- ary 1901.	665	4	0	108	10	0
Total...	2,066	8	8	1,954	5	0

The figures for Mahábleshwar included the amounts of fines inflicted by the Superintendent and the Mahálkari.

#### APPENDIX C.

QUESTION No. 6 PUT BY THE HONOURABLE Mr. GOPAL KRISHNA GOKHALE AT THE MEETING OF THE LEGISLATIVE COUNCIL HELD ON THE 12<sup>TH</sup> MARCH 1901.\*

Is it true that in a criminal action brought about three months ago by the wife of a shoe-maker, named Bhiwa Tatya, against one Kasam Kutchee, the Superintendent of Mátherán considered the statements of the complainant and her witnesses as also of the accused to be all unreliable, and that he thereupon ordered all these persons, five in number, to leave the hill? How far do Government approve the expulsion of permanent residents of the hill on such grounds?

REPLY TO QUESTION No. 6 PUT BY THE HONOURABLE Mr. GOPAL KRISHNA GOKHALE.

It is not true that the persons referred to were expelled from Mátherán for the reason given in the honourable member's question. Kasam Kutchee was ordered by the Superintendent to leave because he was a bad character and had been charged on several occasions with molesting women. The other persons, who are of the shoe-maker caste, had settled on the hill as lodgers a short time previously without permission, were living in insanitary conditions, and were without any visible means of subsistence. The Superintendent, therefore, ordered them to quit the hill under the authority conferred on him by the rules framed under the Epidemic Diseases Act, 1897, for the protection of Mátherán from plague. It may be added that in neither case was any complaint or appeal made to the District Magistrate, whose camp was in the neighbourhood.

\* The following *ad interim* reply was given by the Honourable Sir Charles Ollivant at the Council Meeting of the 12th March 1901:—

"Government have no knowledge of the case, but inquiries are being made."

## APPENDIX D.

QUESTION No. 4 PUT BY THE  
HONOURABLE MR. GOPAL  
KRISHNA GOKHALE.

ANSWER APPROVED BY THE HONOUR-  
ABLE BOARD.

Will Government be pleased to state how much of the land revenue for the several districts of the Northern and Central Divisions that remained uncollected at the end of 1899-1900, has since been (a) collected, (b) remitted and (c) still allowed to stand over?

There is no information on the records of Government showing how much of the land revenue that remained uncollected at the end of 1899-1900 has since been actually collected, remitted and allowed to stand over. That information will be available at the close of the revenue year. The estimates submitted by the Collectors and accepted by Government of collections, remissions and suspensions of the revenue of that year for the districts of the Northern and Central Divisions are, however, given below.

District.	Estimated Collections.	Estimated Remissions.	Estimated Suspensions.
	Rs.	Rs.	Rs.
Ahmedabad ...	66,962	6,79,441	1,06,820
Kaira ...	*1,49,888	5,12,414	5,92,726
Panch Maháls ...	9,735	1,52,921	8,917
Broach ...	3,45,908	3,77,355	10,50,238
Surat ...	15,424	35,405	34,424
Thána ...	85,800	100	.....
Khándesh ...	8,52,725	2,18,318	1,21,610
Násik ...	1,01,466	1,30,061	16,725
Ahmednagar ...	2,17,244	4,70,000	3,02,591
Poona ...	1,80,485	(estimates not received).	
	(actual collections up to end of April 1901).		
Sholápur ...	.. ..	2,43,908	.....
Sátára ...	1,70,881	1,39,604	1,98,385

\* Out of this Rs. 16,725 were recovered up to end of March 1901.

## APPENDIX E.

Statement referred to in the answer to question No. 5 put by the Honourable Mr. Gopal Krishna Gokhale.

District.	Estimated collections.	Estimated remissions.	Estimated suspensions.
	Rs.	Rs.	Rs.
Ahmedabad ...	*5,59,165	*2,54,971	*1,94,674
Kaira ...	13,82,350	2,05,007	5,14,087
Panch Maháls ...	28,181	.....	1,57,339
Broach ...	18,81,707	1,33,315	1,67,444
Surat ...	21,26,836	500	1,69,716
Thána ...	3,02,1000	.....	.....
Khándesh ...	36,10,532	1,33,962	2,85,654
Násik ...	10,61,494	92,119	3,65,686

\* These are exclusive of figures for one taluka (Sánand), which are given for the current and previous years together. The combined estimates are collections Rs. 1,17,340, remissions Rs. 1,68,220 and suspensions Rs. 43,500.

## APPENDIX E—continued.

District,	Estimated collection.	Estimated remissions.	Estimated suspensions.
	Rs.	Rs.	Rs.
Ahmednagar ... ..	6,65,417	4,00,000	5,64,583
Sholapur ... ..	6,22,369	2,83,873	1,95,000
Sátára ... ..	12,97,743	41,615	5,53,222
Bijapur ... ..	7,00,000	1,50,000	5,60,000
Beigam ... ..	14,28,470	5,089	1,24,300
Dhárwár ... ..	23,32,101	1,850	1,53,000
Kolába ... ..	12,62,855	.....	2,000
Ratnágiri ... ..	8,71,969	.....	36,884
Kánara ... ..	9,90,765	1,050	2,500

## APPENDIX F.

QUESTIONS Nos. 6, 7 & 8 PUT BY THE HONOURABLE MEHERBAN NARAYANRAO GOVIND ALIAS BABA SAHEB, CHIEF OF ICHALKARANJI AT THE MEETING OF THE LEGISLATIVE COUNCIL HELD ON THE 24TH AUGUST 1900.

ANSWER APPROVED BY THE HONOURABLE BOARD.

*Answer to Question No. 6.*

- 6 (a) Is it a fact that in the alienated village of Sonka in the Koregaon Taluka of the Sátára District there are unusually large arrears and in the suits for assistance for the revenue of the year 1896-97 notices have just been issued but no arrears have been recovered and for the revenue of the years 1897-98 and 1898-99 notices have not yet been issued to the defaulter?
- (b) Will Government be pleased to devise measures to put a stop to this state of things?

There has been great delay in the disposal of applications for assistance made by the Inámdár of Sonka. The Collector considers that the Mámlatdár's explanation is not altogether satisfactory and further inquiry is being made. But the reasons for the delay are largely those given in answer to question No. 8.

*Answer to Question No. 7.*

- 7 Will Government be pleased to inquire if there are unusually large arrears of the Inámdár's dues from the year 1891-92 in the alienated village of Arala in the Sátára Taluka of that district, while Government have been able to realise the whole of their share of revenue in the same village till the year 1899-1900?

For the years 1891-92 to 1893-94 there are no arrears. For the next two years they are insignificant. From the year 1896-97 they begin to increase owing to the difficulties occasioned by famine and plague. None of the Inámdár's revenue for 1899-1900 had been paid at the end of October last. The Government dues have been paid throughout, the reason being that Government has a prior claim on the collections. The Collector has been asked to report whether the arrears are due to negligence on the part of either the village officers or the taluka authorities and what measures have been taken for their recovery.



*Answer to Qu*

8 Is it a fact that there are unusually large arrears in the disposal of applications for assistance for the recovery of rent in the Sátára and Poona Collectorates ?

Inquiries made of the Collectors of Sátára and Poona show that the arrears of assistance cases remaining to be dealt with are heavy. They are due to a considerable extent to the increase of work occasioned in both districts for several years by plague and famine, and to the increase owing to famine in the arrears of revenue due to the Inámdárs, and consequently in applications for assistance in the recovery of those arrears. The Inámdárs to a certain extent contribute to the delays which occur by neglecting to apply for assistance till the close of the revenue year. The Commissioner has directed the Collectors of both districts to pay special attention during the current season to the progress made in clearing off arrears of assistance cases, and has been directed to report to Government the results attained. More cannot be done at present. In existing conditions it is to be feared that Inámdárs in common with Government may find considerable difficulty in getting in a full revenue.

---

*Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACTS, 1861 and 1892."*

The Council met at Poona on Thursday, the 22nd August 1901, at 12 o'clock noon.

---

*P R E S E N T :*

His Excellency the Right Honourable Lord NORTHCOTE, G.C.I.E., C.B., Governor of Bombay, *Presiding.*

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. MONTEATH, C.S.I., I. C. S.

The Honourable the ADVOCATE-GENERAL.

The Honourable Meherban NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. IBRAHIM RAHIMTOOLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. SILAS MEYER MOSES.

The Honourable Mr. D. MCIVER.

The Honourable Mr. E. GILES, M.A.

The Honourable Ráo Bahádur ACHYUT BHASKAR DESAI.

The Honourable Mr. A. CUMINE, I. C. S.

The Honourable Sir BHALCHANDRA KRISHNA BHATAWADEKAR, Kt., L.M.

The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.

The Honourable Mr. F. S. P. LELY, C.S.I., I. C. S.

The Honourable Mr. J. C. POTTINGER, M.Inst.C.E.

The Honourable MIR ALLAHBAKSHKhan *valad* ALIBAKSHKhan SHAHWANT TALPUR.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.B.A.C., I. C. S.

The Honourable Mr. H. F. ASTON, I. C. S.

The Honourable SARDAR GANPATBAO MADHAVBAO VINCHURKAR.

His Excellency the PRESIDENT in opening the Session said—The Council is aware that we have got plenty of business to get through during the next day or two. Therefore I propose with the assent of the Council that instead of going through all these questions and answers we shall take them as read. Every honourable member has had a copy of the answers and the papers will be supplied to the press.

---

QUESTIONS AND ANSWERS.

The following is the question put by the Honourable Mr. Pherozezshah M. Mehta with the answer thereto given by Government :—

Question.—*Will Government be pleased to place on the Table a statement showing what amounts of land revenue were in arrear in each district of the Northern, Central,*

and Southern Divisions before the date of the publication of the Land Revenue Code Amendment Bill in May last, and what sums out of these have since been collected?

\* Vide Appendix A.

*Answer.*—A statement\* containing the information asked for by the honourable member is laid on the Table.

The following is a list of the questions put by the Honourable Meherban NARAYAN-RAO GOVIND alias BABA SAHEB, Chief of Ichalkaranji, with the answers thereto given by Government:—

Question No. 1.—(a) *Will Government be pleased to state what steps they have taken to set at rest the doubts which have, from time to time, been raised regarding the status of Shetsandis?* (b) *At what rate of pay per man per month has the allowance of the Shetsandis been calculated in the Belgaum District?* (c) *What is the proportion between the assessment of service land and the calculated allowance of Shetsandis in the different Talukas of the Belgaum District?*

*Answer.*—(a) A full enquiry has been made into the questions raised by certain decisions of the Courts regarding the status of Shetsandis. As a result of this inquiry Government are confirmed in the view previously expressed that Shetsandis generally have not the rights of Watandárs under Bombay Act III of 1874. (b) The information before Government is that Shetsandis in the Belgaum District as a rule received at present Rs. 24 per annum. (c) The information is not readily available, and Government are reluctant to call on the Collector to submit it in the existing pressure of work.

Question No. 2.—*Has the report of the Commissioners referred to in paragraph 2 of reply to question No. 8, dated 24th August 1900, been received? How many suits have been disposed of, and how many remain pending?*

*Answer.*—The reports have been received and statements\* giving the information desired by the honourable member are laid on the Table. In view of the enormous volume of the work in the Sátára District the progress made there is not unsatisfactory. The results in Poona are apparently much less satisfactory. But Government are informed that up to the 31st January last the proportion of outstandings collected amounted in Government villages to only 21 per cent. against nearly 24 per cent. in alienated villages. There is therefore no *prima facie* evidence that the instructions of Government that equal diligence should be shown as regards revenue collection in the latter class of villages as in the former have been disregarded.

Question No. 3.—*Will Government be pleased to state whether they are in a position to introduce a measure referred to in reply to my question No. 1, dated 14th February 1901, for the relief of the indebted Sardárs in the Deccan on the lines of the Sindh Incumbered Estates Act?*

*Answer.*—The question is under the consideration of Government.

Question No. 4.—*Will Government be pleased to state the result of the inquiry (which as stated by the Honourable Mr. Monteath in the Council Meeting of the 25th August 1900, was being made) whether any special arrangement can be made to have the application for assistance dealt with more rapidly?*

*Answer.*—In the course of the inquiry some amendments of the law by which the object in view may be more effectually attained have been suggested, and they are under consideration. In the meantime executive instructions, which will, it is believed, lead to the more rapid disposal of such applications, have been issued.

Question No. 5.—*Will Government be pleased to state how many applications for powers under Section 88 of the Land Revenue Code have been received since the beginning of the year 1900, and how many Inámdárs have been invested with powers?*

*Answer.*—Fourteen applications have been received; ten commissions have been granted, and four cases are under consideration.

Question No. 6.—*Will Government be pleased to state what action they have taken to remove the obstruction to melon cultivation in the alienated villages in the Ahmednagar District?*

*Answer.*—The honourable member is referred to the reply to his question No. 5 at the meeting of 24th January 1900, which reply was laid on the Council Table at the meeting of 26th March 1900.

Question No. 7.—*Is it a fact that the work of execution of Mámlatdárs' decrees in assistance suits has been stopped in the Sátára District, while the work of the execution of the decrees of Civil Courts is going on? If so, will Government be pleased to state their reasons?*

*Answer.*—No complaints on the subject have been received by Government, nor is Government aware that there is any ground for the supposition on which the question is based.

Question No. 8.—*Will Government be pleased to state whether they have passed any orders on the application of Naro Bhaskar Devdhar and other Inámdárs of Poona and Sátára, dated 13th May 1901? If so, will Government be pleased to place a copy of the above Resolution on the Council Table?*

*Answer.*—No orders have yet been passed on the application of Naro Bhaskar Devdhar and other Inámdárs of Poona and Sátára, dated the 13th May 1901. The question has been referred to the Commissioner, C. D., whose report is awaited.

Question No. 9.—*Is the statement referred to in reply to my question No. 2, dated 12th February 1901, ready?*

*Answer.*—The following information has been received by Government on the subject of the question referred to:—

The total yearly revenue in the alienated villages of the Nevása Táluka of the Ahmednagar District for the year 1900 was Rs. 69,598-7-2, out of which Rs. 54,317-14-5 remained to be recovered at the end of January 1901. Similar information for the year 1890 has not yet been received, as some of the Inámdárs to whom a reference on the subject has been made by the Mámlatdár have not furnished the requisite information.

Question No. 10.—*Is the report referred to in reply to my question No. 3, dated 12th February 1901, ready?*

*Answer.*—The Collector has reported that he has directed the Mámlatdárs to hasten the recovery of arrears, to report their action and to explain the causes of delay. Gov-

ernment have directed that severe notice should be taken of any proved delinquency on the part of the village officers in respect of revenue collections in alienated villages.

Question No. 11.—*Will Government be pleased to make prompt collection of Inámdárs' revenue a test of efficiency of Mámlatdárs and other revenue officers as is done in the case of Government revenue?*

*Answer.*—So far as the circumstance cited is a test of efficiency, it is also applied in the case of the collection of Inámdárs' revenue.

Question No. 12.—(a) *Is it a fact that the share of Hebli Saranjám held by the deceased Saranjámdár Pandurangrao Krishnarao has been resumed and re-granted to a distant member of the family?* (b) *Is it also a fact that the deceased Pandurangrao has direct lineal male descendants?* (c) *Will Government be pleased to state their reasons for the decision?* (d) *Is it a fact that Chidambarao, the grandson of Pandurangrao, had applied for an inquiry?* (e) *Will Government be pleased to grant him a hearing?*

*Answer.*—(a) Yes. (b) Yes. (c) The Saranjám was resumed on the death of the holder and was at the absolute disposal of Government. Government must decline to publish the reasons by which they were guided in making the re-grant of the Saranjám. (d) and (e) Chidambarao was allowed a full opportunity to state his claims before the re-grant was made. Government cannot now permit the question to be re-opened.

The following is a list of the questions put by the Honourable Mr. GOKULDAS KAHANDAS PAREKH with the answers thereto given by Government :—

Question No. 1.—*Will Government be pleased to furnish a statement of the amounts of the land revenue recovered from the different districts of this Presidency during the months of June and July last?*

*Answer.*—The honourable member is referred to the answer to the Honourable Mr. Mehta's question on the same subject.

Question No. 2.—*Will Government be pleased to furnish a statement of the extent and assessment of lands relinquished in each of the tálukas of Gujarát during the year ending 31st March 1901?*

\* *Vide Appendix C.*

*Answer.*—A statement\* containing the information asked for by the honourable member is laid on the Table.

Question No. 3.—*Will Government be pleased to furnish a statement of the extent and assessment of lands in each of the tálukas of Gujarát in respect of which orders of forfeiture were passed during the year ending 31st March 1901 and since from 1st April to 31st July 1901?*

\* *Vide Appendix D.*

*Answer.*—A statement\* containing the information asked for by the honourable member is laid on the Table.

Question No. 4.—*Will Government be pleased to state (1) whether they are aware that in some parts of Gujarát and the Thána District the Collectors have been refusing to receive the assessments on lands, the occupancy rights in which, though forfeited, have not been sold away and they have been returning the assessments paid in respect of such lands on the grounds that the lands are forfeited, and (2) whether this practice has met with the approval of Government?*

*Answer.*—No complaints or information regarding the existence of the practice referred to have been received by Government. The expediency of restoring forfeited lands on tender of arrears after forfeiture will depend on the circumstances of the individual case. The matter is left under No. 63 of the rules under Section 214 of the Land Revenue Code to the discretion of the Collector, and, in the opinion of the Governor in Council, should continue to be so left.

Question No. 5.—*Will Government be pleased to state (1) whether they have received any representation from the official President of the Surat Municipality, with reference to the rate of exchange to be charged on remittances to England for the materials of their water works; (2) if so, what orders have they passed thereon; (3) if such a representation was not received, will Government be pleased to state why its submission was withheld?*

*Answer.*—The matter is under inquiry.

Question No. 6.—*(1) Have Government noticed that among the Councillors elected and nominated for the triennial term commencing the 1st of April 1901 of the Municipalities of Ahmedabad, Viramgam, Dholka, Godhra, Ránder, Bulsár, Tháná, Kalyán, Bhiwndi, and Kelwa-Máhim, there is a larger proportion of nominated members than would have been admissible under the Bombay Act III of 1901, under which the Municipalities have to act? (2) Do Government propose to take any steps in order that the proportion between the elected and the nominated members may meet the requirements of the new Act?*

*Answer.*—(1) The attention of Government has been drawn to the fact. (2) These Municipalities have been constituted under Bombay Act II of 1834 and not under Act III of 1901. Government have, however, already decided that as soon as an opportunity arises for a new starting point the provisions of the new Act should be complied with, and action in this direction has recently been taken in the case of certain Municipalities in the Central and Southern Divisions.

Question No. 7.—*(a) Has the attention of Government been drawn to the judgment of the Third Class Magistrate of Mátar in the Kaira District in the case of Emperor vs. Bai Sada, which has been published in the newspapers, in which the Magistrate has stated that several complaints were lodged by the Police against the wives, sisters, or mothers of the grain-dealers immediately after their refusal to bring Sidha to the katcheri, and that no such complaints seemed to have been lodged before that date even in the months of May, June, and July, when cholera was raging in Mátar? (b) Will Government be pleased to direct an enquiry into the conduct of the Police in this matter?*

*Answer.*—Government have no knowledge of the matter, but inquiries have now been made.

Question No. 8.—*(a) Will Government be pleased to say whether there was a committee of respectable gentlemen formed at Surat for the purpose of distributing charitable relief? (b) Was the assistance of the members of the committee availed of in the distribution of the relief? (c) Has the attention of Government been drawn to the fact that in the account of the Surat Fancy Fair Fund that has been published Rs. 24,163 are shown as having been handed over to "Famine Fund"? (d) Will Government be pleased to state who were the individuals described therein as Famine Fund? (e) Are detailed accounts of the expenditure open for the inspection of the contributors of the fund and where are they?*

*Answer.*—Government have no information regarding the matters referred to by the honourable member, which are not such as in any way come under their control.

Question No. 9.—*Will Government be pleased to state what is the number of holdings of over 5 acres and up to 10 acres in surveyed rayatwari villages of the District of Broach?*

*Answer.*—The exact information desired by the honourable member is not available on the records of Government, but the number of holdings between 5 and 25 acres in extent was, in the year 1899-1900, 14,371.

The following is the question put by the Honourable Mr. S. M. MOSES with the answer thereto given by Government :—

Question.—*Will the Government be pleased to say what progress the Cattle Farm has made which was started last year at Gujarát under the auspices of His Excellency the Governor?*

*Answer.*—The Gowshala at Charodi is a private, not a Government, concern. If, however, the honourable member will apply to the Commissioner, N. D., I have no doubt he will be able to obtain information from him at any time. I am glad to be able to say that the farm has been successfully started, and is likely in the opinion of competent judges to prove a useful institution.

The following is a list of the questions put by the Honourable Sir BHALCHANDRA K. BHATAWADEKAR with the answers thereto given by Government :—

Question No. 1.—*Will Government be pleased to state the amount of recoveries of land revenue during the last three months and the amount of arrears still due in the different districts of the Presidency?*

*Answer.*—The honourable member is referred to the answer to the Honourable Mr. Menta's question on the same subject.

Question No. 2.—*Has Government been pleased to observe the statement published in the Kesari newspaper, dated 6th instant, that the Mahalkari of Umbargaon in the Thána District has issued notices declaring the holdings would be forfeited if assessment is not paid on a certain day, and that the lands would be re-granted on the tenure proposed to be created by the new Land Revenue Code Amendment Bill?*

*Answer.*—The statement referred to has been noticed and the Collector has been asked to report on it.

Question No. 3.—(a) *Will Government be pleased to say if it has received any memorials on the subject of utilizing the juice of palmyra trees for making jaggery therefrom?* (b) *Are Government aware that in Tinnevely and other districts in the south of Madras the preparation of jaggery from the juice of palmyra trees has given rise to a considerable industry?* (c) *Will Government be pleased to initiate legislation on the lines of the Madras Revenue Code, Section 15, authorizing the tapping for the preparation of jaggery of such palmyra trees as may not be used for Akkari purposes?*

*Answer.*—(a) A memorial has recently been received and is under the consideration of Government. (b) Government have no special information on the point. (c) The honourable member is referred to the first part of this answer.

Question No. 4.—(a) *Has the Government been pleased to notice the observations of the Coroner of Bombay in connection with an inquest held on account of an accidental death which occurred at the Dádar Station of the G. I. P. Railway on the 14th March 1901?* (b) *Will Government be pleased to state if any progress has been made in regard to the question of building an over-bridge across the Dadar Station of the G. I. P. Railway?*

*Answer.*—(a) The remarks of the jury have been brought to the notice of Government, but not any observations of the Coroner. (b) A foot-overbridge and several other works at Dádar Station were sanctioned in 1898, but all progress has been stopped owing to the objection raised by the Municipal Corporation to the emplacement of railway works on the Vehár main which runs alongside the railway. To meet the difficulty, the Railway Company have been engaged in preparing revised plans which, it is hoped, will be submitted shortly.

Question No. 5.—*Will Government be pleased to lay on the Council Table a statement showing the number of convictions of juvenile offenders for disorderly behaviour or helplessness brought on by drinking during the last five years?*

*Answer.*—The information required by the honourable member is not available, nor, in the absence of special reasons, are Government disposed to call on Magistrates to endeavour to compile such a statement.

Question No. 6.—*Will Government be pleased to lay on the Council Table a statement of (1) Licenses for the opening of new liquor shops; and (2) of permits for the transfer of existing liquor shops to new localities granted by the Collector of Land Revenue, Customs and Opium, Bombay, during the last three years?*

*Answer.*—(1) The honourable member is referred to the A'bhárá reports, Imperial Form No. 3 appended to which contains the required information. (2) The information asked for by the honourable member has been called for.

Question No. 7.—*Will Government be pleased to direct that figures showing the number of juvenile offenders of all classes be given in the Annual Police Report of the Town and Island of Bombay, as was done up to a very recent date?*

*Answer.*—The subject is under consideration and a reference has been made to the Commissioner of Police.

Question No. 8.—*Will Government be pleased to state if there is a near prospect of railway communication being established between Bársi Road and Pandharpur?*

*Answer.*—The Bársi Light Railway Company, Limited, have accepted terms for an extension of the Bársi Light Railway from Bársi Road to Pandharpur, and the Secretary of State has issued instructions for the preparation of the necessary contract to give effect to the arrangements agreed upon. Government have not yet received intimation that the contract has been executed. It is believed that the Board anticipate raising the capital for the extension during the current year.

The following is a list of the questions put by the Honourable Mr. GOPAL KRISHNA GOKHALE with the answers thereto given by Government:—

Question No. 1.—*Will Government be pleased to lay on the Table a statement, showing for each district of the Northern, Central, and Southern Divisions (a) the amount of land*



revenue in arrears at the end of April last; (b) the portion of this amount recovered since then; (c) the amount finally ordered to be remitted; and (d) the amount ordered to be suspended? Will Government also state whether the amounts ordered to be remitted or suspended have been announced to the agriculturists concerned?

*Answer.*—With reference to clauses (a) and (b) of the question the honourable member is referred to the answer to the Honourable Mr. Mehta's question on the subject. As regards clauses (c) and (d) the honourable member is referred to the statement\* laid on the Table, which shows the estimates of remissions and suspensions. In some cases the estimates were based on detailed inquiries, but in others were submitted before these inquiries were completed. Where lists have been fully prepared and approved, it will be held that people have been led to expect the remissions and suspensions entered in them. Details of the actual sums announced to have been suspended and remitted will not be received till the close of this month.

Question No. 2.—(a) Will Government be pleased to state what extent of area in each district of the Presidency proper has been, since May last, declared to be forfeited in consequence of the non-payment of the Government demand, and for what amounts of arrears the forfeitures in question have taken place? (b) Is it true that in Násik and some other districts lands were, in a few instances, forfeited after the famine of 1896-97 for the non-payment of the Government assessment and were re-granted without the right of free transfer? If so, what is the total extent of the area that has been thus dealt with up to now?

*Answer.*—Government regret that they have been unable to procure the desired information under (a) in time to lay before the Council at the present sitting. As regards (b) Government have no information.

Question No. 3.—(a) Have Government received a petition, dated the 22nd May 1901, signed by certain barbers, butchers, washermen, shop-keepers and other poor residents of Matherán, complaining that their ground-rents have been suddenly enhanced to four, five, six and even sixteen times their original amounts? Have Government inquired into the grievances complained of, and, if so, will Government state what is the result of the inquiry? (b) Have Government similarly received a petition from five Pársi house-owners at Matherán, complaining that their ground-rents have been suddenly raised from Rs. 8, Rs. 4, Rs. 4, Rs. 7½ and Rs. 6 per annum to Rs. 180, Rs. 144, Rs. 60, Rs. 60 and Rs. 36 per annum, respectively, and that these rents amount to an assessment of Rs. 40 to Rs. 60 per guntha, as against 3 annas per guntha which lease-holders, who hold leases for fixed periods from Government, pay at Matherán? Will Government be pleased to inquire into the complaint, and if they have already done so, will they state what is the result of the inquiry?

*Answer.*—(a) The Commissioner, S. D., refused to entertain a joint petition on this subject, and Government have declined to interfere with this order. (b) The matter is under the consideration of Government.

Question No. 4.—Will Government be pleased to call for a return of compensations settled by the special Mámlatdár in the Shevgaon Taluka of the Ahmednagar District for lands taken up permanently for the Shevgaon Moholi Road, as also of the settlements made of lands taken up temporarily for famine purposes in 1900? Is it true that the compensations awarded by the special Mámlatdár in the Shevgaon, Newgaon, and Kopergaon

*Talukds were in all cases excessively low, compared with those awarded by other special Mámlatdárs in other Talukds of the District; that, in some cases, the persons to whom extremely low compensations were awarded, amounting to a few pies only, did not care to accept the amounts and that Government were thus enabled to take their lands without paying anything to them at all? Is it true that one Ganpat Kashinath Kalaskar of Páthardi has been made to part with his land, containing 37 mango trees in one survey number and several other trees in another survey number, without any compensation being paid to him at all and that he has not been even allowed to cut down the trees and remove the wood? Is this Mámlatdár the same gentleman whose excess of zeal in the assessment of the income tax I had to bring to the notice of Government on a former occasion? Will Government be pleased to direct an inquiry into the matter?*

*Answer.*—A report has been called for.

The following is the question put by the Honourable Mr. DAJI ABAJI KHARE with the answer thereto given by Government:—

*Question.*—*Will Government be pleased to furnish a statement showing—(a) How much land in the occupation of holders in each district was liable for forfeiture for arrears of land revenue on the 1st of August 1901? (b) What were the arrears of land revenue due from holders in each district on the 30th of April 1901, and how much of them was recovered during the months of May, June, and July? (c) How much of these arrears was paid by bonâ fide agriculturists and how much by others for them?*

*Answer.*—With reference to clause (b) of the question the honourable member is referred to the answer to the Honourable Mr. Mehta's question on the same subject. The information asked for in clauses (a) and (c) is not on the records of Government, and it has not been called for because it could not have been supplied in time for the Council Meeting.

#### PAPERS PRESENTED TO THE COUNCIL.

1. Petition from the President of a public meeting held at Sâtára on the 19th June 1901 regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

2. Letter from the President and Honorary Secretaries, Deccan Sabha, Poona, No. 56, dated the 28th June 1901.—Submitting certain observations of the Sabha regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879, with the reply given to it by Government.

3. Letter from the President and Honorary Secretaries, Bombay Presidency Association, dated the 28th June 1901.—Submitting a representation regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879, with the reply given to it by Government.

4. Letter from the President of a public meeting held at Wái in the Sâtára District, dated the 25th June 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

5. Letter from the Secretary, People's Association, Sholápur, dated the 27th June 1901.—Forwarding a copy of the Resolutions passed at a public meeting held at Sholápur

on the 23rd June 1901 regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

6. Petition from Thakorram Prasadram and other agriculturists of the Broach District regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

7. Petition from the President of a public meeting held at Bágalkot in the Bijápur District, dated the 5th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

8. Letter from the Honorary Secretaries, Gujarát Sabha, dated the 9th July 1901— Submitting a representation regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

9. Petition from the President of a public meeting held at Násik on the 7th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

10. Petition from the President of a public meeting held at Sholápur on behalf of the Sholápur People's Association on the 23rd June 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

11. Petition from Sorabjee Cooverji Contractor of Surát, dated the 11th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

12. Petition from Sivba bin Ranuji Mali and other inhabitants of Talegaon Dhumdhera, Táluka Sirur, Poona District, dated the — July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

13. Petition from the President of a public meeting held at Karád on the 30th June 1901 and other inhabitants of the Karád Táluka, Sátára District, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

14. Petition from the Presidents of two public meetings held at Ahmednagar on the 8th and 15th July 1901, respectively, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

15. Petition from Rao Bahadur M. S. Moray and other inhabitants of Málvan, Ratnágiri District, dated the 18th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

16. Petition from P. A. Desai and other rayats and savkars of the Bijápur District, dated the 23rd July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

17. Petition from B. M. Betdur and other inhabitants of Dhárwár, dated the 12th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

18. Petitions from G. K. Harkare and other rayats of Muddebihál, Bijápur District, dated the 19th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

19. Petition from the President of a public meeting held at Belgaum on the 21st July 1901 regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879. Similar petition from Gangadhar V. Bhachari and other inhabitants of Gokák, Belgaum District.

20. Petition from the Chairman of a public meeting held at Ahmedabad on the 25th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

21. Telegram from S. Fernandez of Honavar, Kánara District, dated the 23rd July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

22. Petition from K. B. Mohite and other inhabitants of Belgaum, dated the 23rd July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

23. Petition from Basalingaya Sidramaya and other inhabitants of Murgod, Táluka Parasgad, Belgaum District, dated the 19th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

24. Petition from the President of a public meeting held at Panvel, Kolába District, dated the 25th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

25. Letter from the Chairman of a public meeting held at Bombay on the 27th July 1901, forwarding a copy of the Resolutions passed at the meeting regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

26. Petition from Ganpat Vithal Palekar and other inhabitants of the villages of Arga, Chendia, Todore, and Amdalli in Táluka Kárwár, Kánara District, dated the 8th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

27. Petition from Shaikh Ahmad *alias* Dada Tambe Khot and other inhabitants of Táluka Khed, Ratnágiri District, dated the 20th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

28. Petition from Govind Vithal Bapat and other inhabitants of Málkund, Táluka and District Ratnágiri, dated the 29th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

29. Petition from the President of a public meeting held at Sháháda, Khándesh District, dated the 30th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

30. Petition from Gururao Venkatesh *alias* Baba Deshpande and other inhabitants of Chikodi, Belgaum District, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

31. Petition from M. G. Abyankar, Poona City, dated the 4th August 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

32. Petition from Krishnaji Laxman Desai and other inhabitants of Válva Táluka, Sátára District, dated the 28th July 1901, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

33. Petition from Keshao Vishnu Bhave and other inhabitants of Murbád, Thána District, regarding Bill No. IV of 1901 : a Bill to amend the Bombay Land Revenue Code, 1879.

34. Petition from Mr. Dhondo Shamrao Garud and other inhabitants of Dhulia, Khándesh District, dated the 9th July 1901, regarding Bill No. IV of 1901: a Bill to amend the Bombay Land Revenue Code, 1879.

35. Petition from the President of a public meeting held at Poona on the 7th July 1901, regarding Bill No. IV of 1901: a Bill to amend the Bombay Land Revenue Code, 1879.

36. Notes by Mr. Lallubhai Samaldas of Bombay on Bill No. IV of 1901: a Bill to amend the Bombay Land Revenue Code, 1879.

37. Petition from Janardhanshiv Pandit and other inhabitants of Kumta Táluka, Kánara District, dated the 28th July 1901, regarding Bill No. IV of 1901: a Bill to amend the Bombay Land Revenue Code, 1879.

38. Petition from Burjorji N. Billimoria of Billimora, Surat District, dated the 11th August 1901, regarding Bill No. IV of 1901: a Bill to amend the Bombay Land Revenue Code, 1879.

39. Petition from Himatlal Hargovindas and other agriculturists of Gujarát, dated the 10th June 1901, regarding Bill No. IV of 1901: a Bill to amend the Bombay Land Revenue Code, 1879.

40. Petition from Vinayak Bapuji S. Kothare and other inhabitants of Sálsette Táluka, Thána District, dated the 13th August 1901, regarding Bill No. IV of 1901: a Bill to amend the Bombay Land Revenue Code, 1879.

41. Petition from Vasanji Pragji Desai and other agriculturists of Bulsár Táluka, Surat District, dated the 16th August 1901, regarding Bill No. IV of 1901: a Bill to amend the Bombay Land Revenue Code, 1879.

42. Petition from D. P. Dalvi and other inhabitants of Bagni, Táluka Válva, Sátára District, dated the 14th July 1901, and from the inhabitants of 22 other villages and tálukas regarding Bill No. IV of 1901: a Bill to amend the Bombay Land Revenue Code, 1879.

43. Substance of 630 vernacular petitions regarding Bill No. IV of 1901: a Bill to amend the Bombay Land Revenue Code, 1879.

\* *Vide* Appendix A.

44. Statement\* referred to in the reply to the question put by the Honourable Mr. Pherozechah M. Mehta.

45. Statement† referred to in the reply to question No. 2 put by the Honourable Meherban Narayanrao Govind *alias* Baba Saheb, Chief of Ichalkaranji.

† *Vide* Appendix B.

‡ *Vide* Appendix C.

46. Statement‡ referred to in the reply to question No. 2 put by the Honourable Mr. Gokuldas Kahandas Parekh.

§ *Vide* Appendix D.

47. Statement§ referred to in the reply to question No. 3 put by the Honourable Mr. Gokuldas Kahandas Parekh.

|| *Vide* Appendix E.

48. Statement|| referred to in the reply to question No. 1 put by the Honourable Mr. Gopal Krishna Gokhale.

49. Report of the Select Committee appointed to consider Bill No. IV of 1901: Bill to amend the Bombay Land Revenue Code, 1879.

**BILL No. III OF 1900: A BILL TO AMEND THE KARACHI PORT  
TRUST ACT, 1886.**

The Honourable Sir CHARLES OLLIVANT said :—Before Your Excellency proceeds with the business before the Council I have a formal motion to make. It is that the Committee on the Karáchi Port Trust Bill be given a further period for submitting their report. We have found unexpected difficulties and I would ask that we be given time until the next session of the Council in Bombay. I would further ask that in place of the Honourable Mr. Tate, the Honourable Mr. Pottinger be placed on the Select Committee and in place of the Honourable Mr. Petit the Honourable Mr. Ibrahim Rahimtoola.

The motion was put by His Excellency the President and agreed to.

**EXPLANATION OF THE FINANCIAL STATEMENT OF THE GOVERNMENT  
OF BOMBAY FOR THE YEAR 1901-1902.**

In presenting the Financial Statement† of the Government of Bombay for the year 1901-1902, the Honourable Mr. MONTEATH said—To save

† *Vide* Appendix F.

the time of the Council I propose that the Financial Statement, of which I have already sent a copy to each honourable member, be taken as read and thus put on the record of the proceedings of the Council. Nothing has transpired since the preparation of the Statement was completed to necessitate any material modification of what is stated in it. According to the latest account, the collection of land revenue is materially below the amount which was expected to be realised before the close of the last revenue year, but, for several reasons I have mentioned, it is not possible in existing circumstances to gauge with any accuracy what may be paid or levied within the current financial year. We have calculated on a normal season, and according to present indications there is a strong probability of the hope being fulfilled. In the greater part of the Presidency the rain has been sufficient for cultivation, but in some parts of the Deccan more is now somewhat urgently needed for kharif cultivation; and on that account the number of people requiring relief is still rising instead of falling there as by this time we expected it would. But in these places the rabi cultivation is more important and the general out-turn depends mainly on the later rain. After the experience we had in the years succeeding the famine of 1896—1899, the appearance in some districts of rats in large numbers and of locusts has caused us some anxiety, but vigorous measures have been taken and are being taken for their destruction, and we hope that the injury they may cause will not attain large dimensions. We do not yet know, however, to what extent, if any, the locusts have deposited eggs in the places they have visited. But more depends as regards the destruction both of rats and locusts on heavy rain, which we hope to get, than on anything which can be done by human agency. On the whole there is ground for hope that we shall before long be free from the scourge of famine which has so long afflicted this Presidency and that in the current year we shall enter on a brighter era.

• The Honourable Mr. IBRAHIM RAHIMTOOLA said—Your Excellency,—The sum total of the Budget Estimates for the current year is that without substantial help from the Government of India the Bombay Government could not find means to meet its ordinary expenditure. That the existing Provincial settlement has proved purely nominal is clearly shown by the concluding remarks of the Financial Statement. The table attached to the last paragraph of the explanatory note shows that in each succeeding year of the

present Provincial contract a larger and larger contribution has had to be made in aid of Provincial revenues to meet the total expenditure absolutely necessary to be incurred. In the first year of the contract the extent of such aid was Rs. 18,36,000, while during the current year this aid has had to be increased to the large sum of 91 lakhs. This is inclusive of 8.52 lakhs contributed as a special grant for civil works of great public utility and 20 lakhs for the prescribed minimum balance at the end of the year. This state of things indicates conclusively how Provincial finances have become embarrassed by the two calamities of plague and famine. I am sure every one will echo the hope expressed by the Revenue Member of Council that the next settlement will be coincident with the opening of a new era of prosperity and that under the arrangements made for the future, Government will be able to improve the administration and promote the well-being of this Presidency in a greater degree than in the past period.

The question of the next settlement leads me to refer to the last two sentences of paragraph 4 of the Financial Statement, which run as follows:—"The . . . indirect famine charges, which are borne by Provincial revenues, are expected to amount to Rs 20,13,000. If these charges and the plague expenditure (Rs. 14,40,000) as well as the special grant of Rs. 8,52,000 referred to above be left out of account, the ordinary expenditure (Rs. 4,25,11,000) exceeds the ordinary revenue (Rs. 3,95,79,000, *i. e.*, exclusive of the Imperial contributions in aid of Provincial resources and the Plague Research Laboratory) by Rs. 29,32,000." The actuals for 1899-1900, and the Revised Estimates for 1900-1901, judged from the same standpoint, show deficits of Rs. 25,33,000 and Rs. 24,80,000, respectively, so that after excluding all items of a special character, the ordinary Provincial revenue has fallen short of the ordinary expenditure by something between twenty-five and thirty lakhs. Such a state of things could hardly be considered satisfactory. The recurring deficits, after excluding all items of a special nature, might be due to poor collections during the years of famine and scarcity, and it may be that with a renewal of agricultural prosperity, the deficits referred to above might disappear. I do not know whether one would be justified in assuming that the revenues would prove sufficiently elastic to meet not only the large deficits noticed above, but also the special items mentioned. With a succession of years of favourable rainfall, the indirect famine charges would disappear in time, but there does not appear any likelihood of the plague expenditure decreasing in any way, at all events, during the currency of the next Provincial contract. I would here point out that the Government of India grant of ninety-one lakhs is arrived at in the following manner:—

	Rs.	
	29,82,000	To meet the anticipated deficit during the current year ;
	20,13,000	Indirect famine charges debited to provincial revenues ;
	14,40,000	Plague expenditure ;
	8,52,000	Special grant for civil works ; and
	20,00,000	To provide the prescribed minimum balance.
	<hr/>	
	92,37,000	
Deduct	1,37,000	Provision for the Plague Research Laboratory payable by the Imperial Government.
	<hr/>	
	91,00,000	
	<hr/>	

It will be observed that in addition to the sum of Rs. 28,52,000 for civil works and the minimum opening balance, the Government of India have had to provide

Rs. 29,32,000 for the anticipated deficit, besides taking over the whole of the plague expenditure and the indirect famine charges to their account. The question therefore arises whether any useful purpose is served to continue the present system of debiting to provincial account expenditure incurred in connection with plague and famine, when recent experience has clearly shown that the amount must ultimately come out of Imperial funds. A simpler plan would be for the Government of India to assume direct liability for these charges. I therefore think that the time has come when your Excellency should urge upon the Supreme Government, now that the next Provincial contract must be under consideration, that instead of coming to the aid of Provincial revenues every year, as has been the case during the current settlement, it would be more fitting to take over the entire liability in regard to these two calamities, and relieve the Provincial Exchequer of a burden which, as has been proved by experience, the Provincial revenues are unable to bear. I think your Excellency's Government could make out a strong case not only for the taking over by the Government of India of the total liability in regard to plague and famine expenditure, both direct and indirect, but also for liberal treatment in the apportionment of revenue for Provincial purposes. With a view to secure full efficiency in the administration of the Presidency, it is necessary that the hands of Government should not be tied down in the matter of expenditure, as they have been during the past few years, and the only way in which this could be achieved is by having a larger share of Provincial revenue for Provincial purposes. The liberal treatment which the Government of India has extended to us in the matter of financial aid would lead one to expect that if the matter is properly represented, this Presidency would secure a larger amount for its needs.

The following occurs in the third paragraph of the Financial Statement :—"The revised includes also provision for fresh grants aggregating Rs. 6,68,000 to certain local bodies in aid of their plague expenditure incurred up to the end of 1899-1900, which were recommended to the Government of India last year. Government has sanctioned the grants recommended for a few of these bodies, but has called for further information respecting the financial condition of others before finally deciding what assistance shall be given." I should like to know on what basis these grants are determined. I am one of those who hold that the total plague expenditure should form a charge on Imperial revenues; I may put it in a different way by saying that plague expenditure should form a charge on Provincial revenues allotted for Imperial purposes in the Provincial contract. I have already urged that your Excellency should represent to the Government of India to accept the whole liability in regard to plague expenditure, and I would also urge that the expenditure incurred by local bodies on plague operations should form a charge on the Imperial revenues. I do not think it is of any practical use to enter into a discussion of the reasons why this should be so, in the face of the final decision of the Government of India on the subject. I will, therefore, confine myself to the question I asked, *viz.*, the basis on which grants to local bodies are determined. As far as my information goes, no general system has so far been laid down in this matter. I understand that the amount of each grant is fixed, having regard to the financial condition of each local body. I do not think this is the right course to adopt. A local body which may have exhausted its revenues through extravagance or mismanagement would, under this arrangement, receive a larger contribution than one which may have husbanded its resources and saved money by efficient management. The system adopted by Government might have the effect of encouraging extravagance. I would,



therefore, suggest that the basis of financial aid to local bodies should be a certain percentage of their total plague expenditure irrespective of their financial condition. I am of opinion that Government should notify that they will contribute so much per cent. of the total plague expenditure incurred by each local body. As plague operations are in the direct charge of Government, they would know from time to time what sums are actually spent, and they could always exercise control over such expenditure. They will thus never be called upon to share expenditure, which they did not consider necessary. I am suggesting this as a general system on which financial aid to local bodies should be regulated. There may be exceptions which might have to be treated separately. For instance there may be a local body in such financial straits that the contribution paid on the suggested basis might be found quite inadequate. That without a larger contribution, it would not be within its means to discharge the duties obligatory upon it. In such a case a larger contribution might be allowed, having regard to the circumstances of each case. My object in submitting the suggestion is that I do not think it is right that local bodies, which through efficient management are not in actual financial straits should be deprived of a fair share of their plague expenditure.

Last year I drew the attention of Government to the delay in the construction of the Lord Harris Primary School on account of the inability of Government to pay their contribution towards its cost. I am glad to notice, thanks to the special grant of Rs. 8,52,000, that the work is now taken in hand and may be expected to be completed within a short time. The provision for building grants, apart from what has been set aside out of the special grants of Rs. 8,52,000, is only Rs. 30,000, which could hardly be considered sufficient for this purpose. In urging larger grants I may be permitted to mention one aspect of the question which might be lost sight of. It is that in proportion to the construction of school-houses, the amount of rent payable for hired buildings would decrease, and that against the capital expenditure there would be a saving in annual charges. As Government bear a large share of the cost of primary education, and as rent of buildings forms an important part of such cost, it is to the interest of Government to encourage local bodies and private philanthropists to come forward for building school-houses, by readily granting a grant-in-aid under the rules. The actual cost to Government, after deducting the saving in the amount of rent, would not be very large, while children attending such school-houses specially built for the purpose would be highly benefited from a health point of view.

As promised, I forwarded to the Honourable Mr. Monteath a statement of the reasons which influenced me in asking a question at the Mahableshwar meeting of the Council about offering concessions in the matter of levying fines for agricultural land utilized for building purposes in the suburbs of Bombay, and I have no doubt the matter will receive the careful consideration of your Excellency's Government. I do not propose to say anything to-day in connection with the special concession I suggested in my question, but I should like to say a few words about the general question of levying building fines on agricultural land in the Presidency. The principle on which Government appeared to proceed was that the State was entitled to the unearned increment in connection with all agricultural land diverted for other uses, and they fixed a certain sum per acre ranging from Rs. 25 to Rs. 5,000 as representing such unearned increment. Several petitions were presented to Government on the subject of the fines being excessive, and praying for relief. The matter was taken into consideration, and it was decided that in future

instead of the fine per acre, an enhanced assessment be levied at the rate of 4 per cent. per annum on the market value of non-agricultural rights vesting in Government. It appears to be also decided that fifty-year leases should be given at the assessment determined as above, and that a renewal of the lease should be subject to any further enhancement that may then be considered reasonable. The effect of these measures is that, so far as the suburbs of Bombay are concerned, building operations have practically stopped.

In the first place, determining the market value of non-agricultural rights takes a long time, and even then I do not know whether they could be fixed in a manner to give satisfaction. Then, again, the fifty-year leases are scaring away people, the consequence being that the construction of new houses has practically come to a standstill. On account of the outbreak of plague an anxious desire has sprung up amongst people to live in open areas, and I think Government should encourage in every way this desire to live outside over-crowded towns and cities. I do not wish to suggest that Government should give up entirely some increased assessment when agricultural land is diverted for building purposes—though it would not, under the circumstances, be unreasonable to do so—but would content myself by suggesting that the increased assessment should be levied on a sliding scale in proportion to the open space attached to each dwelling. In my opinion it is very essential that all the dwellings newly constructed on agricultural land should not be too near one another. There should be a sufficient compound to admit of full light and free ventilation. With this object in view I would suggest that the enhanced assessment should be determined on some such basis as follows :—

For houses with a compound of one thousand square yards or less two-and-a-half times the existing assessment.

For houses with a compound of between one and two thousand square yards, twice the existing assessment.

For houses having a compound of two thousand square yards and over, one-and-a-half times the existing assessment.

By fixing the assessment on this system there would be a legitimate temptation to have large compounds attached to each new dwelling, and, therefore, the evil of having too closely-built new localities would be to a great extent prevented. Of course, the increased assessments suggested are in lieu of the building fines as well as of those proposed to be levied under the notification of charging 4 per cent. annually on the market value of non-agricultural rights. The only objection to the course suggested that I can think of is that Government might not obtain the same amount in the shape of increased receipts under this system as might be expected under the existing one. I cannot say whether this would be so. To my mind it appears that under the suggested system a much larger number of houses would be built, and the increased assessment on them would more than cover the total amount that might be expected under the present system. I do not think that there could be any difference of opinion on the point that concessions on the lines indicated by me would lead to the building of a much larger number of houses. But even assuming, for argument's sake, that the receipts would be smaller, the difference, under any circumstances, could not be great. I venture to submit that the advantages secured from a sanitary point of view must be held to by far outweigh the consideration of such smaller receipts. It should be borne in mind that there would, under no circumstances, be any actual loss to Government. In either case Government would obtain a larger income than what they derive at present in the form of agricultural

assessment, and the only question is about the difference in the larger receipts which would accrue under either system. Surely Government should forego—if the result so proves, about which I am doubtful—the larger of the two receipts for the purpose of securing sanitary advantages for the people of the Presidency of the kind pointed out. There is one particular advantage in the system suggested by me which should be mentioned. There will be no occasion to require persons intending to build on agricultural land to accept a fifty-year lease. As pointed out by me there is a decided disinclination on their part to accept such leases, and many of them would much rather abstain from proceeding with the work of building than accept such leases, I do not wish to enter into a discussion as to whether there is any justification for such attitude. All I desire is to draw the attention of Government to the plain facts of the case. I understand that Government do not feel justified in giving up the power of enhancing the assessment in the future. This being so, the suggestion I have laid before the Council would, in my opinion, meet with the requirements of the case. By giving effect to it the complicated process of determining the market value of non-agricultural rights will become unnecessary. There will be no occasion for insisting upon the acceptance of leases, as on each revision of land assessment the assessment on building sites will become automatically regulated. Under the suggested arrangement Government will obtain an increased revenue every thirty years, when the land assessment is revised and an enhancement made. The occupants will know the exact amount of their liability and all uncertainty on the point will cease. Full confidence will be restored, resulting in the requisite impetus to building operations.

The Honourable Mr. PHEROZESHAH M. MEHTA said—I have ploughed the sands so often ever since the year 1893 that I am now if not a sadder at least a wiser man, and I don't propose to inflict upon the Council any except a very few remarks on the present occasion. It has been my lot during the last few years to urge both in this Council and the Viceroy's Council that under the rules of 1861, in regard to Provincial contracts, the Government of India was bound to come to the assistance of the Provincial Government in exceptional times like those of famine and plague; I have pointed out more than once the extent to which they were bound to come to the assistance of Local Governments in times of famine. I am very glad to see that this Government has this year obtained from the Imperial Government liberal financial treatment; and in this respect the most satisfactory point is contained in the fourth paragraph of the financial statement, in which is stated what has been done in this behalf in order to leave us the irreducible minimum of 20 lakhs.

The fourth paragraph states: "The Budget for 1901-1902 bears the impress of the liberal treatment accorded by the Government of India to this Government. In framing the Budget in January last, this Government provided for the most part only for current requirements of the most indisputable urgency, but considered it highly desirable to enter some long-delayed schemes of reform, which had been approved by the Supreme Government. The expenditure estimate thus showed a large advance over the last year's Budget. The Government of India have not only admitted the whole of this estimate and made a generous assignment of 6,248 to avert a deficit, but have increased this assignment to 9,100 with a view to provide for (1) the prescribed minimum balance of 2,000 at the end of the year, which is also the end of the current Settlement, and (2) an additional grant of 8,52,000 which has been entered under the head 45—Civil Works, for extra expenditure

to be incurred at the discretion of this Government." I must confess that the treatment which your Lordship's Government has been able to secure from the Imperial Government is extremely satisfactory so far. There is only one thing which I, as the representative of the Corporation of the City of Bombay, would like to have seen in the Financial Statement, and that is something to which the City could look to claim a contribution as in previous years for plague expenditure. But I have searched from top to bottom of the statement and cannot find any assurance or statement in that behalf. As I have pointed out previously, the City is entitled to a contribution, year by year, in respect of the enormous expenditure on this head incurred for Imperial purposes, and I trust that your Lordship will consider any appeal the Corporation may make in respect of that contribution. Another point to which I would refer is that this is the last of the five years of the contract, and I sincerely and devoutly trust that your Lordship's Government will be able to secure very liberal treatment under the next Provincial contract. In securing those terms, I would venture to suggest to your Lordship one head in regard to which an increased grant should be obtained. I have drawn the attention of this Government more than once to the inadequacy of the police organization throughout the Presidency, and I have argued in view of the constant dacoities which are taking place, which show completely that the present establishment is not sufficient to secure the ordinary peace and tranquillity of the district, that it is absolutely requisite that the police organisation should be reformed in more directions than one. Perhaps your Lordship is aware that other presidencies have already taken the lead in this matter, and so far as the Bengal Presidency is concerned they have been instituting an inquiry and making all sorts of recommendations and suggestions for the purpose of strengthening the police of that Presidency. I think, my Lord, this task is as incumbent upon this Presidency as it is upon the Bengal Presidency, and I think your Lordship's Government should endeavour to obtain such an increased grant in regard to this matter as would enable your Lordship, when the reorganization can be carried out, to have money for the purpose of carrying it out, during the later years of the contract. There is one other matter which, though not of so directly essential a character so far as this province is concerned, is one which I think does deserve being recalled to your Lordship's attention at the time of the termination of the contract. I don't know whether your Lordship is aware of the correspondence which has taken place in regard to the buildings for primary schools in Bombay. It has been often pointed out that those buildings in Bombay are such as should not be tolerated in a city like Bombay, and under a civilized Government. The Corporation proposed a scheme for building primary schools by raising loans upon which the sum required for interest and sinking fund would amount to Rs. 30,000. They asked the Bombay Government to contribute a moiety of that amount, but the negotiations came to nothing, because this Presidency has been for a long time in circumstances in which it could not go in for extraordinary expenditure. But I ask your Lordship's Government to give attention to this matter now, and if it is possible to contribute the small annual sum of Rs. 15,000 for the construction of primary schools, your Lordship will be doing a benefit not only to the City of Bombay, but to the whole of the Presidency, as it will enable the city to set the example as to the character of the buildings for primary schools, which should prevail in the whole of the Presidency. I do not think there is any other point to which I need refer. I have found we can speak and speak, but if the finances of the Presidency do not admit of increased expenditure we may speak for ever, but nothing will come out of it. All I will say is that we are told on the highest authority that the

finances of the country are now in a state of unexampled prosperity. Under those circumstances, one could surely ask to be allowed to participate in that prosperity, and to secure liberal terms for the next contract.

The Honourable Sir BHALCHANDRA KRISHNA BHATAWADEKAR said—Your Excellency,—The Financial Statement laid before the Council is a tale of woe owing to the unbroken succession of calamities for the last four years, and but for the generosity of the Government of India this Government would have been at its beam's end. The five years' provincial settlement has been a mere nominal settlement. Not only have the allotments from year to year been exceeded on account of plague and famine, but the opening and closing balances have been *nil*, and have been provided from the Imperial revenues. Although the burden of direct expenditure on relief measures during the four years of famine has been borne by the Government of India, the Provincial revenues have proved inadequate even to deal effectually with plague and the indirect famine expenditure. The total amount, exclusive of the fixed allotments received from the Supreme Government, is Rs. 2,57,26,000. I should look upon this rather as a return for old favours than a new kindness. Nevertheless we have to be thankful that in the hour of our need the Government of India came to our rescue and stood us in good stead. Let us hope that we shall have no further occasion to seek extraneous aid. With the abundant rains of the present season, we may trust we have at last outlived famine, and have brighter days dawning upon us. As this is the last year of the Provincial contracts it will be desirable in the interest of this Presidency to urge upon the Government of India the necessity of revising these contracts in the future.

As may be expected during the year under review, the land revenue has suffered most, while the other sources of revenue are relatively less affected. The expenditure has unhappily exceeded the revenue, especially in connection with famine and plague. In regard to the head Medical. It may be permitted to remark that the main increase in expenditure is due to the measures adopted to combat the plague. So long as plague prevails here in an epidemic form, the expenditure has to be faced, although I am not convinced of the utility and continuance of such measures as the inspection of passengers at railway stations and bunders. I hardly think it serves any useful purpose, while it causes a lot of needless hardship to the people.

With reference to plague expenditure, it may fitly be remarked that the Government of India have done well to bear it as an Imperial charge; but let me mention here that the Bombay Municipality deserves to receive more considerate treatment at the hands of the Government. Through the good offices of Lord Sandhurst, the Government of India were once pleased to make a grant of Rs. 14½ lakhs, but ever since the burden of plague expenditure in Bombay has been borne by the Municipality. Bombay, as the gate of India, performs an Imperial function in regulating the plague, and its claim for help from the Imperial Exchequer is not unworthy of your Lordship's support.

Speaking of the Medical Department, your Lordship will be pleased to allow me to express my satisfaction as regards the *partial* settlement of the grievances of Civil Assistant Surgeons and Hospital Assistants. I had the pleasure of placing the grievances of this highly useful class of Government servants before this Council when I was a member in 1897-98. I am glad to note that the claims of the service have so far been recognised that the senior members have a chance of being promoted to the grade of Civil Surgeons. The ground of such promotion ought, in my opinion, to have been

merit and possession of high degrees rather than mere seniority. There would, in that case, be an incentive to work and attain superior qualification. But, my Lord, the main cause of complaint still remains untouched. As I explained on the former occasion, it was the inequality of pay and allowances of medical men as compared to those of their compeers in the Judicial, Educational and Engineering Services that was felt as most galling. Being fully aware of the present depressed financial condition of this Presidency, I will content myself by merely referring to the question with a view that it may, in more propitious times, receive favourable consideration.

As regards openings for promotion to Hospital Assistants, your Lordship will be pleased to permit me to observe that the Vaccination and Sanitary Departments may afford a wide and useful field for their employment. There is a class of inspectors in both the departments whose salaries range from Rs. 75 to Rs. 125, and whose duties involve considerable scientific knowledge, such as the purity of water-supply, conservancy, and so forth. At present these posts are filled by a class of men who do not seem to be qualified by any scientific training. Hospital Assistants, by their medical and scientific attainments, would be infinitely better qualified. They may, moreover, during their tours of inspection, be useful to the villagers in the way of rendering medical aid to them. I have noted that there is a want of such help on account of the absence of hospitals and dispensaries within reasonable distance of villages.

Under Education the revenue figures show an advance over last year's original estimate owing to an improvement in college and school-fees, while the expenditure is stationary. Speaking of Education permit me, my Lord, to revive a claim on behalf of the University. I know it is something like a cry in the wilderness to make such a claim, but I appeal to the generosity of your Lordship's Government to extend your kindness to that very useful institution. The University enjoyed the patronage of Government until the year 1895. During the first twenty years of its life it had its entire cost paid by the Government. Then the grant was reduced first to Rs. 15,000; and then to Rs. 10,000 and finally to Rs. 5,000, and eventually, in 1896, it was altogether abolished. I respectfully submit, my Lord, that such a body as the University deserves better treatment, and I beg that Government may once more renew their patronage to it.

The fall in the item of Land Revenue brings into forcible relief the subject of famine. It is a subject which fills the mind with dismal thoughts. We have had an uncommon experience of famine during the last five years, and the succession of bad seasons has resulted in present misery and future destitution. Unhappily the whole Presidency is involved in the struggle. Gujarát, which had been so long regarded as rich and fertile, gave way to the very first touch of famine. For the immediate relief which the Government has afforded we cannot be too thankful, but the question arises, "What could be the cause of such utter helplessness?" The failure of rain is a physical cause which is palpable enough. But is it enough to account for the utter collapse of the agricultural class which we have witnessed during the last few years? My Lord, in my judgment, there is yet a deeper festering sore which has not yet been probed properly, nor has been correctly diagnosed. That one single bad year should turn the ryots into paupers, throwing them on the charity of the State, is a circumstance startling enough to arrest the attention of the Government. The problem of agricultural poverty is the toughest of Indian administrative questions. I know the Government is fully alive to it, and is exerting itself to provide for its solution in one shape or another. But I venture to suggest that the

matter requires to be looked into comprehensively. The productiveness of land, the incidence of assessment, the weight of accumulated indebtedness, the improvement of the ryots' credit, the supply of loans on easy terms, the facilities of agricultural improvements, the multiplication of village industries—these and like questions must be grappled with, and to obtain reliable materials, a full and thorough village enquiry ought to be conducted over select areas. I know it will be said there have been numerous Commissions, but, my Lord, the present situation brought on by successive famines has had no parallel in the past, and a fresh enquiry is, therefore, needed to ascertain the latest results. The success of the remedy to be applied will depend upon an accurate understanding of the situation, and this Government as the one most nearly interested ought to support the popular prayer for a fresh village enquiry.

The present attitude of the Government is to pin its faith only to two causes: (1) the extravagance of the ryot; and (2) the rapacity of the *sauccar*. No other cause exists, apparently, in the view of the Government. This is a subject which will shortly come for fuller discussion before the Council, and I will reserve my remarks for that occasion.

What I would, however, most earnestly deprecate is the spirit of optimism which usually pervades the official view. In his Budget speech in Parliament the other day the Secretary of State for India is reported to have characterised the financial situation of India as most prosperous. Such a piece of optimism comes to us in India as a painful surprise. As far as this Presidency goes an almost unbroken period of famine for the last four years, with an enormous extent of mortality and starvation, with an outlay of crores of local and foreign charity and State expenditure to save human life, to describe the finances as prosperous, argues to my mind entire misapprehension of the true state of things. An actual experience of village life is the best corrective to such optimism, and I venture to suggest that if it were possible his Lordship the Secretary of State may be invited to spend a few days in an Indian village. Correct knowledge of facts is an essential preliminary to successful administration. I beg my official friends not to indulge in vain dreams of prosperity and to lay the flattering unction to their souls that the condition of the masses is happy. It is a mistake, a delusion, and a snare. The facts ought to be looked fully in the face, and an endeavour should be made to meet them by administrative measures. In any case to exult over the present situation as the acme of perfection is the height of blindness which fills us with despair for the well-being of our country.

In the meanwhile I heartily join the Honourable Mr. Montcath in the hope that we may be vouchsafed a more prosperous season. Merciful Providence has poured forth its blessings nearly all over the Presidency. Lately I had occasion to travel through Gujarát, and I was pleased to see that through Nature's bounty it is again beginning to smile. Let us hope the last rains will not fail as they did last year, and the crops will be plentiful, so as to enable the poor ryot to pay off Government arrears, and retain enough for the subsistence of himself and his family, and thus avoid the mishap of a forfeiture of his lands.

The Honourable Mr. GOKÚLDAS KAHANDAS PAREKH said:—Your Excellency,—This Presidency has passed through a series of the gravest misfortunes during this term of the contract, and your Lordship's Government had from year to year to rely on large contributions from the Imperial Government to save it from insolvency. In the current year the contribution from the Government of India has risen to as large a sum as Rs. 91 lakhs.

This is not a time when the non-official members would be justified in presenting a long bill of demands or making a parade of our unsupplied wants. I think we must confine ourselves to questions of the most urgent importance.

In connection with the question of land revenue, though my honourable friend Mr. Muir-Mackenzie and the members of your Excellency's Government have maintained that the lands on an average are not over-assessed, your Lordship will permit me to submit that they are really over-assessed, and to offer a few facts and arguments in support of my contention. A correct understanding of the question whether the high pitch of assessment has not appreciably contributed to the agricultural distress from which the country suffers, is, I submit, most important for guiding the future policy of Government on matters on which the welfare of a large proportion of the population of this Presidency depends, and I trust your Excellency will feel that it is one which requires very close and careful investigation.

Last year my honourable friend Mr. Mehta, in the course of this debate, asked for a Commission to enquire into this matter. Your Excellency then thought that the Bombay system of assessment would be incidentally one of the objects of enquiry of the Famine Commission which was then to be appointed. The Famine Commission was since appointed, but the question of assessments was not placed within the scope of its enquiry. Under the circumstances I trust that your Excellency will now see your way to appoint a Commission to enquire into this most important matter.

There is another reason why your Lordship may wish to have such an enquiry particularly in reference to Guzerát. During the last twenty months there have been several questions about the condition, resources and capacity of the Guzerát cultivator on which your Lordship's Government had to alter their views once formed. At one time your Lordship's Government thought that the famine-stricken districts of Guzerát were so rich that eighty per cent. of the revenue of the year would be recovered without the slightest difficulty. In the end it was found that the collection fell far short even of the smaller estimates that had been made by the local officers. At one time Government thought that a large number of people who stood in no need of State relief were resorting to relief works, and that a reduction of wages was necessary to restrict the relief within legitimate limits. A short trial of short wages, however, brought on marked deterioration in the physique of the workers and the trial had to be given up. At one time Government thought that revenue was easily flowing into their treasury, and those who spoke of oppressive and irregular practices in the collection did so in the absence of evidence. It was subsequently shown that the allegations about oppression were supportable by considerable evidence. At one time Government thought that Guzerát had such recuperative power that it would easily recover from the effects of the famine; at another time they thought that its agricultural population was so far indebted and distressed that a curtailment of the rights of alienation was needed for the purpose of rehabilitating it, and saving it from the effects of its improvidence and extravagance. In this state of their information on some of the most important economic questions relating to the people of Guzerát, Government will not assume that their views on the question of the pitch of assessments are not liable to correction on enquiry and examination.

Before submitting my grounds in proof of my assertion, I should like to say a few words in connection with the arguments urged to show that the complaints of our assessment are not well founded. One of the grounds urged is that the prices realised at the



sale of the land is several times the amount of the assessment. It is said that the average sale value realised at private sales in the Kaira Collectorate varied from  $45\frac{1}{2}$  multiples of the assessment at Nadiád to  $25\frac{3}{4}$  multiples of assessment at Thásra, and that at Court-sales the prices realised were in Kaira  $19\frac{1}{2}$  multiples, in the Panch Maháls 28·1 multiples, and in Broach 7 multiples of the assessment. With reference to Court-sales the above average is taken from the transaction of a single year. In connection with private sales it does not appear whether the average is taken from the transactions of a single year or more. The prices of properties involve so many considerations that it is impossible to generalise from them about the fairness or otherwise of the assessment. In the Deccan Ryots Commission enquiry the Commission had before them the statement of the ratio between the sale prices and assessments for several years; but this was not relied upon as a ground for determining the weight of the assessment. Mr. Carpenter, one of the Commissioners, observed about them that the statistics of the sale of lands are not numerous enough to give grounds for induction. Sometimes the vendors may be involved in heavy debts to the vendee, and there may be no assets but the land to meet the liability; in such cases the consideration entered for the sale is much larger than the actual value of the land; sometimes the land may contain a well, made at considerable cost by the occupant, or valuable trees brought up by him; sometimes the land may be agriculturally poor, but may be very good as a building site, and an unwilling occupant has to be induced to part with it; there may be a plot not at all productive but very useful as a right of way for passing from one big property to another. These and many such considerations which have no reference to the productive power of the land are often important elements in raising their selling price. Then again, upon a cursory glance of a statement of this kind, one finds extraordinary differences between the ratios of the assessments and selling prices in the same taluka and district. I submit that these ratios can never be regarded as furnishing any reliable evidence for determining the fairness or otherwise of the assessments.

Then a question is asked if the lands are really over-assessed, why do the calculating members of the non-agricultural communities purchase them. I may state that the times when capitalists made big investments in lands have long passed away. The transactions in lands that one now finds are for the most part transactions relating to small areas. Most of their purchases are made by persons who, having been away from their villages on service or for trading business, return there with some savings. These people have an idea of securing their money in one of three ways—(1) burying, (2) purchase of ornaments, (3) and purchase of land. They have not much faith in bankers, and it appears that they ordinarily do not regard the savings bank with much favour. The purchase of jewellery involves some loss in the end, and the burying of money has recently become unpopular. There is no profit in that form of securing money. The purchase of land even among non-agricultural inhabitants of villages is the most popular form of investment, inasmuch as it is regarded as giving the investor a status and position in his caste and village which he could not acquire by a corresponding investment of capital in any other form. As there is no other form of investment which he likes, the consideration that the investment leaves him a very small margin of profit does not generally weigh with him. The circumstance, therefore, that the non-agricultural classes have not yet ceased to purchase lands would be no ground for concluding that the land revenue is not excessive.

It is also stated that the rents in money of Government lands are from two to seven times the assessment, and that also is a circumstance to indicate that the weight of the Government demand is not oppressive. I am unable to accept the fact that the rent is never less than twice the amount of the assessment. I have come across several cases where holders have let their lands on rents equal to the Government assessment or very slightly in excess of it; even for rents less than the amounts of assessment. Where the rents are actually received in full by the landlord from the tenant, and the ratio between the rents and assessments exceeds the specified ratio of proper assessment, that may be some evidence to indicate the fairness of the assessment; but in a large number of cases the rents are mere paper rents; they accumulate as debts against the tenants and only a portion of them is recovered. In determining the amounts of such rents the landlord takes into account the chances of his not being able to recover them. In this way the rents in respect of poor lands, let to poor cultivators, are considerably in excess of what would be warranted by the productiveness of the soil. The poorer the soil and the cultivator, the larger is the ratio between the productiveness of the land and the rents. In the long run a small proportion of the rent comes into the hands of the landlord. Under these circumstances the ratio of rents to the assessment cannot be a correct criterion for judging the fairness of the assessments.

The circumstance that the area of land under cultivation has increased in a proportion larger than that of the increase of population has also been brought forward as a ground for saying that the assessments are not heavy; but this circumstance is often the indication of heavy pressure of assessment. In the enquiry in which I was engaged I came across a number of cases where the agriculturist made increases in the area of his cultivation, because he found that the lands he had been cultivating did not yield sufficient for making both the ends meet.

One of the arguments used to establish the moderation in the pitch of assessment is that in the neighbouring territories of the Native States the land is taxed even more heavily. The officers of the Gaikwar and several other Native States on the other hand maintain that their land taxation is much lighter than the British. We here do not know and we have no materials to ascertain the condition and character of the soil and the people and the system of taxation, and it is not at all safe on the *ipse dixit* of persons interested in supporting a theory to accept that a heavier tax is well borne and has not resulted in materially deteriorating the condition of the agriculturists. With reference to the instance of the Gaikwar's lands to which my honourable friend Mr. Muir-Mackenzie referred in his speech at this Council last year, it is a sufficient answer to say that the Gaikwar's Government found it necessary to reduce considerably the assessment which to the British officers appeared well borne. The fact of the Gaikwar's assessments being not easily borne again appears from the following remark of Colonel Francis, one of the late Survey and Settlement Commissioners of the Northern Division, in reply to a suggestion of one of the Collectors that the assessment in the British territories should be raised to the pitch of the Gaikwar's assessments:—"It is the object of our settlements to fix a moderate assessment which shall leave such an amount of profit to the cultivator as will constitute his holding a valuable, heritable and saleable property; whilst the Gaikwar, on the other hand, would seem to proceed upon the plan of getting as much as possible out of the land regardless of the condition of the ryot. There can, of course, be no agreement between assessments based upon such different conditions. But I am sure

Mr. White would not like the duty of levying a revenue pressing so heavily upon the resources of the people as the Gaikwar's rent payments are said to do."

Having referred to these general grounds often urged for showing the moderate pitch of the land assessment, I shall proceed to adduce reasons for showing that it is far from being moderate. It would not be possible for me to lay before you the evidence of all the districts; therefore I shall select one of them, *i.e.*, Broach, and shall try to show how much the Government demand has pressed upon the people during the last thirty years.

In this district the rule before 1837 was to fix the annual demand with reference to the revenue of four productive seasons in each village and to distribute it over the Bhagdari shares. In that year Mr. Kirkland, the then Collector, a very zealous officer, raised the revenue of the district 58 per cent. in excess of the average of the preceding nine years, and set to the work of collection with such energy and infused so much zeal among his subordinates that he found no difficulty in realizing the increased demand, and left even fewer outstanding balances than existed in any former year.

Mr. Kirkland's rates appear to have lasted for about five years, but the effect of his measures was to plunge the district into bankruptcy. Meanwhile, in pursuance of the desires of the Board of Directors to supersede the annual crop appraisements by rates fixed solely on the intrinsic qualities of the soil, Mr. Chambers and Mr. Coles made some settlements.

In 1844 Mr. Ravenscroft, the Collector, undertook the settlement. He completed the settlements of the talukas of Broach, Wagra and Dehej. He allowed one-half as the share of the cultivator and the remainder as the share of Government and on that principle the rates that he settled for the taluka were Re.  $1\frac{1}{2}$  to Rs. 4 per bigha (Rs. 3 to Rs. 8 per acre) in the best villages, Re. 1 to Rs. 3 per bigha (Rs. 2 to Rs. 6 per acre) in second class villages, and Re. 1 to Rs.  $2\frac{1}{2}$  (*i.e.*, Rs. 2 to Rs. 5 per acre) in third class villages.

In 1848 Mr. John Marshall Davis, the Collector, at the request of Government, submitted a report which is said to be one of the ablest and most exhaustive about the condition of the district, in which he vividly described the effects of Mr. Kirkland's enhancements. In the settlement which he made, a reduction of  $11\frac{1}{2}$  per cent. on the reduced settlement of Mr. Ravenscroft was allowed. Under it a remission of one year's assessment was to be given in respect of lands kept fallow after three years' continuous cultivation.

After this the regular survey settlement was made. The settlement of the talukas of Anklesvar including the Peta Mahal at Hansot was made by Captain Prescott, Superintendent of Revenue Survey and Assessment, and of the Broach Taluka by Mr. Beyts, Acting Superintendent. The villages were divided into four classes. In the Anklesvar Taluka the maximum soil rates of 1st, 2nd, 3rd, and 4th class villages were fixed at Rs. 6-8, Rs. 6, Rs. 5-8, and Rs. 5 per acre, respectively, and the same rates were fixed in addition for water advantages. In Wagra the soil rates in 1st, 2nd, 3rd, and 4th class villages were fixed at Rs. 5-8, Rs. 5, Rs. 4-8 and Rs. 4, respectively, and the rates for water advantages were fixed at Rs. 4-8, Rs. 4, Rs. 3-8 and Rs. 3, respectively. In the Broach Taluka the soil rates in the 1st, 2nd, 3rd, and 4th class villages were fixed at Rs. 7, Rs. 6-8, Rs. 6 and Rs. 5-8 per acre, respectively, and the rates for water advantages were fixed at Rs. 6, Rs. 5-8, Rs. 5 and Rs. 4-8, respectively. In all the talukas

the settlements resulted in increases. In Anklesvar and Hansot the increase was 15½ per cent., in Broach it was 18¼ per cent., and in Wagra it was 19¼ per cent.

In connection with the Anklesvar Taluka the following passages from Colonel Prescott's report have important bearing on the question of the pitch of assessment. "Lands are generally let out at nearly double the assessment, but sub-tenants are, as a rule, the poorest of the poor and never out of debt. They pay grain rates and eke out a subsistence by labour. I need scarcely say such high rates could never be paid in money." In another place of his report he says as follows:—"Caste conditions, customs, the habits of the people and the race to which they belong have much to do not only with the productiveness of the soil tilled, but with the crop grown in Guzerat, and a Kunbi or Borah would hear a settlement officer say with the utmost complacency, I have assessed you at half as much again as the Kolis, Mussulmans and Rajputs, because of your superior skill and energy as cultivator. Unfortunately this is not the principle of the revenue survey, which treats all classes alike so far as it is possible to do so; and thus while rich, industrious, energetic and skilful cultivators find their assessment only moderately increased, the poor, idle, unthrifty and lethargic Rajputs and Mussulmans find it considerably. *But perhaps it is good for them that it should be so. It makes them industrious in spite of themselves.*"

Then again in another place he says—"Taking prices as a guide I think all the villages in Anklesvar and Hansot inhabited by the superior class of cultivators have been generally assessed very highly and those inhabited by indifferent cultivators, such as Rajputs, Bhils and Mussulmans, have been moderately assessed by the *panchayat*."

It appears from the statistical table No. IV annexed to Captain Prescott's report, that out of the agricultural population of 30,580 only 4,361 belong to the industrious and skilful classes of Kunbis and Bohras. Thus the lands of nearly 13-15ths of the community are taxed not according to the estimate of their actual produce, but according to their capacity to produce, if they had gone into the hands of an industrious, energetic and skilful body of cultivators. Though Captain Prescott was writing at the commencement of the decade which just followed the one in which the agriculturists of India reached a stage of unexampled prosperity, this is what he says about the then capacity of the people to pay the Government demands. "But for the intervention of the moneyed classes who for a consideration pay the instalments at a moment's notice, the whole revenue would not have been collected during the last three years. *It was, however, collected and therefore we infer that it was paid without any difficulty at all.*"

When Captain Prescott was writing his report, the question of the pitch of assessment had been brought to the attention of the Parliamentary Committee appointed to enquire into Indian affairs, and he in his report has attempted to defend himself against the charge of the immoderate assessment with reference to the settlement he was making. He has given the details of the estimate of the produce for a year, and its value, and tried to show that the assessment merely came to 20 per cent. of the produce. This estimate is based upon the assumption that an average acre of land yields 8 maunds of seed cotton, 21 maunds of jowar, 10 maunds of wheat, 22 maunds of bajri, and 52 maunds of tobacco. Captain Prescott says that the estimate that he framed was based partly from the information received from the people of the district and partly from that collected by the Mámlatdár and revised by him from the data in his office. I submit that Captain Prescott must have considerably over-estimated the yield per acre. The estimate of

average yield of seed cotton per acre of average soil made by such an able and careful officer as Mr. J. M. Davis was only 192 pounds.

I have made very careful enquiries among the agriculturists of this táluka, and I find that a yield of 4 maunds of seed cotton, of 10 maunds of jowár, of 10 maunds of bájri, 7 maunds of wheat, and 6 maunds of tobacco per acre is regarded as a good yield of an average field in a tolerable season. This would show that the present assessment is nothing like 20 per cent., but it comes to 40 per cent. of the produce of the land cultivated by the best class of cultivators. When one considers that under Mr. Cole's settlement there was a graduated scale of rates, the rates coming down to such a low figure as annas four per bigha, that under the existing settlement all these poor lands are brought under the class with the maximum rate of Rs. 5 per acre, that nearly half of the lands of the táluka—46,000 acres out of 96,000—is classed in the lowest class and that one-third of it, i.e., 32,000 acres, is classed in the class next above it, that nearly 13-15ths of agriculturists belong to castes that are known as indolent and unskilled, and that there has been a large proportion of bad seasons, I think there cannot be the slightest doubt that even more than 50 per cent. of the produce of the poor agriculturists is required to meet the revenue demands of Government.

With reference to the táluka of Wagra, it is admitted that the land of it is much poorer than that of Anklesvar and Broach Tálukas. In one place Captain Prescott in his report says that Central Wagra is by far the worst part of the Broach Collectorate. The lands are liable to greater deterioration in consequence of the salt deposits. Even while the price of cotton ranged as high as Rs. 25 a Bengal maund, the extent of cultivation was found to decrease; even under the settlements of Messrs. Ravenscroft and Davis, large remissions of revenue had to be made up to the year 1860-61. Even in the year 1863-64, the year in which agricultural prosperity reached its highest point, large remissions had become necessary. Yet in this táluka there is an increase of  $19\frac{1}{2}$  per cent. over the revenue of the preceding ten years and of 20 per cent. over the revenue of the year next preceding.

In connection with this settlement, the Commissioner of the Northern Division, Mr. Ashburner, remarks that this increase is a total increase of Rs. 34,592, or  $14\frac{1}{2}$  per cent. for the whole district, or about the same rates as those which had reduced the district to bankruptcy previous to 1850. He says that the incidence of these rates on the adult population is Rs. 11-13-5 per head; and that in Broach the adult population pay Rs. 9-9-2 per head. But yet he recommends the acceptance of these high rates on the following grounds:—"The effect of a low assessment is to transfer a large proportion of the land from the personal ownership of the cultivator to that of his creditor the *sávcár*, whose tenant he becomes on a rack rent which leaves him barely the means of subsistence. Although, therefore, I think the rates proposed for Wagra are high, the extinction of a class of peasant proprietors, which is now going on under the very low rates assessed of late years, is so very disastrous to the prosperity of a district, that I hesitate to recommend any reduction. If the revenue cannot be paid without annual remissions, the assessments can be revised and reduced."

Mr. Ashburner appears to be a member of the Kirkland school. When officers of this class see a few cultivators in debt, they treat the whole body as irreclaimable, and instead of devising measures for rescuing those that are sinking, take up such measures as would render the dragging out of those that are going down more difficult, if not

altogether impossible, and would thrust down those who have with difficulty managed to remain above water. Who knows how many hard-working and industrious cultivators have been brought to undeserved distress and ruin, and how many prevented from being set up by the adoption of a policy of this kind. Though the Survey and Settlement Commissioner, Northern Division, Colonel Francis, was of opinion that the rates were high and might with advantage be revised, no revision took place and the rates as proposed by Captain Prescott were sanctioned by Government.

Captain Prescott in his report tries to show that on the lands in groups Nos. 1 and 2 the assessment comes to one-fifth of the average produce, while in group 3 it is a little less than one-fifth and in group 4 it is a little less than one-sixth. Captain Prescott estimates that in the first and second class villages an acre of land would yield eight maunds of seed cotton, in the third class it would yield 6 maunds, and in the 4th 7 maunds. Considering that the soil of Wagra is much inferior to that of Anklesvar, and that the cultivators of Wagra are in no respect superior to those of Anklesvar, it seems to me that 3 maunds of seed cotton would be regarded as a good crop in an average season of an average field. With reference to jowár, Captain Prescott estimates the average yield per acre in classes 1, 2 and 3 as 16 maunds and class 4 as 14 maunds. Mr. Campbell, in his *Gazetteer* says, that in the inferior black soil villages an acre would not yield more than 160 to 280 pounds (4 to 7 maunds). So upon the estimates of the yield, even if the prices were correct, the assessment is a much larger percentage of the produce than is shown by Captain Prescott.

But the incorrect calculations do not stop here; so far as prices are concerned the whole estimate rests upon the assumed price of cotton. In making his Anklesvar calculations, Captain Prescott estimated the price of cotton at Rs. 3 a maund or Rs. 72 a bhár. In his Anklesvar report he says: "The average for the last sixty years as shewn above was Rs. 59 a bhár; for the ten years 1850—1860, Rs. 49½ a bhár; for the ten years 1861—1872, Rs. 113½ a bhár. Dare we assume that the average price of the next thirty years will be Rs. 70 per bhár?" On the other hand in his Wagra report, after referring to the discussion whether the survey officers were led away by the heavy prices prevailing from 1862, and stating for himself that he had never been led away by the prices of the day, as he always anticipated a fall, as would be seen by reference to any reports on the subject he had made during the ten years, he says: "But if we are not to be led away by temporary high prices, neither should we be drawn into the opposite direction by a temporary fall." It is very extraordinary that Captain Prescott, who in 1872 when cotton stood at about Rs. 20 a Bengal maund, should estimate its future price of seed cotton at Rs. 72 a bhár, should when in the next year it had gone down still further to Rs. 15-9 a Bengal maund, estimate the future price at a much higher rate, namely at Rs. 96 a bhár.

It appears to me that, judging from prices that subsequently prevailed, Captain Prescott's Anklesvar estimate of Rs. 72 a bhár was also too large. The average of the prices that since prevailed up to the famine year comes to about Rs. 65 per bhár. If the average yield of the crops as well as the prices were correctly estimated, I do not think the assessment in Wagra would come to less than 40 per cent. of the produce—an average in respect to middling lands, and to less than 50 per cent. in respect of poor lands.

In the taluka of Broach, I do not find in the report of Mr. Beyts any attempt made to find out the yield of the taluka and to shew therefrom the ratio between the value of the produce and the assessment. Mr. Beyts takes the produce of a field with a rotation

of crops for three years and derives therefrom the average yield of an acre to be Rs. 22½ a year; according to his estimate, the assessment would be 26 per cent. of the produce. But even this is arrived at by taking the average yield of kapas at eight dharis or 10 maunds, the yield of jowár at 24 maunds, and the yield of wheat at 24 maunds per acre. It is not necessary for me here to comment on the manner in which Mr. Beyts tries to shew that his estimate of 8 dharis an acre is more acceptable than Mr. Davis' estimate of 4 dharis per acre; the result of my enquiries is that even half only of Mr. Beyts estimates in cotton, jowár and wheat, respectively, would be regarded as a good yield of average soil in an average season. Considering this fact and another fact that the condition of the soil in the taluka requires that it should be left fallow after three or four years of continuous cultivation, I submit that the percentage of assessment to the produce must in this taluka, too, be very large.

With reference to the talukas of Jambusar and Amod, I have not had access to their survey reports and am unable to offer observations with reference to them.

The question of the pressure of assessment may be approached from another standpoint. Mr. Beyts from paragraphs 29 and 31 of his report considers what are the necessary expenses of an agriculturist family in one year, and he arrives at the conclusion that "the smallest sum required by an agriculturist to maintain his family in comfort and respectability, and to provide farm stock is Rs. 161, which must be realised from the produce of his farm, after defraying the cost of cultivation and the Government assessment; failing in which, and as a consequence of having no other occupation to fall back upon, the ryot must run into debt at a rate of interest from twelve to eighteen per cent., and sink into a hopeless state of insolvency, the evil effects of which descend to his children."

In this estimate Mr. Beyts has not provided for accidents from fire and the untimely death of cattle, not even the cost of maintaining plough cattle. But his estimate as it is requires that the agriculturist should have 15 acres of land yielding a net profit of Rs. 11 per acre. Even according to Mr. Beyts' estimate of the yield—which I understand to be very exaggerated—an agriculturist, with a holding of 15 acres, is unable to make both ends meet, inasmuch as while he requires a net profit of Rs. 11 to keep him above borrowing, and the actual profit that he makes is Rs. 9½ as shewn in paragraph 55 of his report, and the value of his produce falls short of his annual expense by Rs. 18 a year. How wretched must then be the condition of people whose holdings are of less than 15, acres, or whose lands do not yield the large quantity estimated by Mr. Beyts. It has been already stated that in the poor black soil villages the soil could not be made to yield more than from 3 to 7 maunds of jowár. In the district of Broach, 9,840 out of 29,213 *i.e.*, more than one-third of the holdings are under 5 acres and 14,371, or nearly one-half of them, are over 5 and under 25 acres. Indebtedness under these conditions is inevitable. These people have no scope for extravagance and improvidence.

I shall refer to another piece of evidence for showing the high pitch of assessment. Whenever there are bad years there is always found a difficulty of recovering the assessments. Shortly after the settlement, in the year 1877-78, we find 7,191 distrainments for the recovery of revenue, and notwithstanding all this pressure, Rs. 1,22,345 remained unrecovered on 31st July 1878. In 1878-79, 9,966 notices were issued and 2,565 distrainments were levied, and yet Rs. 1,67,959 remained unrecovered. Then again, on the 1st of August 1897, the unrecovered revenue was Rs. 48,354, on 1st August 1898, it grew to Rs. 99,804, and on 1st August 1899, it grew to Rs. 1,94,417. These outstandings were left notwithstanding

the large numbers of distraints that were levied—212 in 1896-97, 233 in 1897-98, 599 in 1898-99, and 643 in 1899-1900. Large as the number of these processes may appear, they give no adequate idea of the actual number of distraints that were issued nor of the number and character of the other oppressive and illegal measures that had to be resorted to for the purpose of obtaining the recovery of Government dues. The talátis and kárkuns used to remove the agriculturists, their wives and children from their houses, attach rings to the staples of their doors, and keep them out of their houses till they paid the Government dues. Wholesale distraints were made in villages, including the grain the agriculturist had in his house to feed his family, the clothes of himself and his family, agricultural implements, his bullock, his brass *lota* for drinking water, and his brass dish and cup which he required for taking his food. The things were carried to the Chora or allowed to remain with the agriculturist on his procuring some surety for the payment of his dues. No record of these distraints were ever kept, and it is impossible to say how many of such distraints were levied in each taluka. Practices of this kind force agriculturists to borrow money at inconvenient times and at high rate of interest, to sell their fodder and starve their cattle, or to sell their grain and resort to the famine relief works.

Another indication of the high pitch of assessment is that you find a large number of persons belonging to the agricultural castes and to the ordinarily non-agricultural castes who have taken up agriculture as a profession, and who some twenty years back were in well-to-do circumstances, have been sinking gradually. First their cash disappeared, then their jewellery, they then had to borrow on personal security for the purpose of paying Government and carrying on their agricultural operations, and then to mortgage their properties; most of them are now in very distressed condition. When a large number of industrious and business-like people of good circumstances who are far from being unthrifty, within a few years get simultaneously ruined, I submit that the only proper inference that can be drawn is that the pressure of assessment has reached a breaking point.

Another piece of evidence that proves the fact of over-assessment is that from a period before the famine, agricultural lands to a very appreciable extent are being relinquished. Whether the relinquishments are the result of an original mistake of assessment or of subsequent deterioration of the soil, they indicate that the land does not pay enough to defray the Government dues and the cost of cultivation. Government say that they are enquiring whether it is not desirable to make at least a temporary reduction of the assessment over somewhat extensive tracts which consist mostly of poor and possibly deteriorating soil, and are held by those who have suffered severely from the famine; but the mistakes are not such as have been limited to particular areas. They are mistakes of principles which pervade entire settlements, and a patchwork relief confined only to comparatively small areas will not result in remedying the evil to any large extent.

One of the indications as well as the effects of the high pitch of assessments is the large reduction in the agriculturist stock up to the year 1898-99. In 1874-75, according to Campbell's *Gazetteer*, the number of ploughs, bullocks, buffaloes and cows were 27,192, 67,570, 58,442 and 15,789, respectively. In 1898-99, according to the administration report, they were 24,434, 52,011, 30,301 and 12,822, respectively. The decrease, I think, is owing to some extent to the contraction of pasture area and more to the inability of the over-taxed cultivators to replenish lost stock. As there was considerable loss of live-stock in 1899-1900 in consequence of the famine, I have not used the figures of that year



for my comparison, but have relied on those of the previous year. As I gather from the *Gazetteer* that the figures of 1874-75 represent only the stock of the Khalsa villages, and do not include the stock of the Inámi and Tálukdári villages, while the figures of 1898-99 are the figures of the whole district, including the Inámi and Tálukdári villages, the reduction of the stock must have been considerably larger than what is represented by the above figures. This reduction of stock as well as the heavy reduction which has been caused by the famine will tend to increase considerably the previous embarrassments of the agriculturist, inasmuch as he will now have to work with diminished power, the quantity of manure which was never very plentiful in the district and which the Broach soil needs much to prevent utter exhaustion, is considerably lessened, and the means for making up for his loss in agricultural operations will be materially decreased.

These are some of the grounds upon which I submit that over-assessment is at the bottom of the distress of the Gujarát agriculturist, and that for an amelioration of his condition it is necessary there should be a liberal reduction of assessment all round, in addition to such as may be needed on account of the deterioration of the soil since the last survey, by exhaustion, by the deposits of saline matter or any other cause.

Proceeding then to the manner of collections, I respectfully submit that notwithstanding the large sums that remained unrecovered, the large suspensions given, and the large remissions that they propose to give, the action of Government was far from being liberal. Looking to the large percentage of collections from some of the districts which suffered from two famines, within a short space of two not good years between, it is not possible to conceive that the State demands were paid without materially diminishing the slender resources of the agriculturist, without plunging him deeper into debt and without rendering his rehabilitation more difficult. It may be said that there were instructions that pressure should not be so used as to compel the agriculturalists to borrow, but these instructions were construed differently in different places; but what would be the effect of these instructions with the zealous revenue officers, who had the sanctioned estimates of collection before them, and who considered that their future prospects would be better advanced by making large collections than by paying heed to the sufferings of the distressed. Gujarát again has a special ground of complaint. It is admitted that it has been fully assessed. When the settlement rates were fixed, the Settlement Officers were never aware of any famine in Gujarát and the contingency of a famine was never taken into account in determining the rates. Further, in some places even the contingency of having to make remissions in bad years was recognised. Under the circumstances the districts in which the crops wholly or almost failed could justly claim a remission of the revenue for the year; but this was not at all admitted. On the other hand Government allowed themselves to be carried away by the notion that Gujarát was a rich province, and that a large portion of the revenue could very easily be collected; and they sent instructions that the estimates of the Collectors should be very largely increased. The way in which the actions of the local authorities were criticised by Government gave to the smaller revenue officers indication of the direction in which the current was running, and it is not surprising if many of them thought that if they were unable to realize the sanctioned estimates they would be regarded as incapable. The sequel is well-known, and I do not like to dwell on it.

It had been submitted that it was most desirable that Government, in the matter of the collection of the revenue of the famine year, should make uniform rules for areas similarly

circumstanced, and that the necessity of enquiry into individual cases should be avoided. If they had made some such rule and made some small concessions in favour of persons who made the payments in accordance therewith, they would have been able to get their dues from most of the persons able to pay without causing any hardship to any person. The large practical powers that the smaller officers were able to exercise in the matter of suspensions and remissions and tagavi led to considerable corruption. It is quite true that it is this machinery that Government has been using, but that is precisely the reason why it should not be exposed to any unusual temptations. It will take some years, and will require very strict supervision before the effects of the demoralization that has been created can be effectually wiped away.

The work of suspension and remission and of forfeiture was conducted in an unbusiness-like fashion. In framing for recommendation the lists of persons who should get remission, of those who should be given time to pay, and of those against whom the processes were to be enforced immediately, the servants charged with the duty never considered it incumbent on them to inform the persons affected, in which list their names were. That after the lists were sanctioned it was not usual to give any intimation to the persons as to the orders made about them; that instances have occurred of attempts to recover money after suspensions were sanctioned; that the village officers used the information they received about the persons to whom suspensions and remissions were granted as a means of extorting money; that in many cases people found that while they were appealing from officer to officer as they were entitled to do about suspensions, their lands were forfeited, before they obtained orders of the highest officers to whom they were entitled to appeal; that often several months after the first notice of demand, and without any further proceedings, orders were suddenly sprung upon cultivators informing them of the forfeiture of their lands; and that often no notice of orders forfeiting lands was given to the holder, and in this manner the minds of the people were allowed to remain for a long time in a condition of anxiety, uncertainty, and doubt—these are complaints often heard.

Another feature in the mode of making collections was that of treating landholders of castes which are not regarded as agricultural, whether proprietors or mortgagees, with undue severity. Quite regardless of all circumstances they were treated as undeserving of any consideration, and the poorest of them were not given any suspensions. It was justifiable to hold every non-agriculturist proprietor of land as able to pay; and if the same circumstances that operated to ruin the agriculturists ruined him, it was not proper to treat him in a different way. If he is treated harshly he will in the ordinary course feel himself justified in treating his tenants harshly. Then, again, it is a wrong policy to make the mortgagee of an agriculturist pay when the mortgagor himself cannot; because that is merely adding to the burden of the agriculturist, the necessity of whose protection is not at all denied. In connection with this question I may be permitted to mention that the action of Government in introducing the Land Revenue Code Amendment Bill has resulted in the ryots sinking very deep into debt. Cultivators, afraid to lose their right of alienation, ran for money to pay the Government arrears. The simultaneous rush for money by cultivators all over the Presidency at an unseasonable time had the effect of making the procurement of money very difficult, and the cultivators had to submit to unusually hard conditions in order to procure loans for saving their rights. No amount of the most oppressive measures applied to every village in the Presidency could have procured to Government a prompter payment of their revenue than the introduction of this

measure. It is doubtful whether the Act when passed will result in improving or spoiling the cultivator's condition, but it is undeniable that its introduction has added appreciably to his indebtedness and diminished the prospect of his speedy recovery. I do not mean to say that Government did intend this to be the effect of their action; but such an effect could have been very easily foreseen.

In connection with the question of remissions, I have to thank Government for accepting the necessity of large remissions. I have already submitted to your Excellency the claim of the districts of Gujarát to a remission of the whole of the revenue of the famine year. Even if that claim be not admitted, I trust that the same grounds will induce Government to treat it more liberally than it intends to do. I hope that Government will see their way to give larger remissions to Kaira. I think larger remissions will help much in setting up the agricultural population of that district. Again the amount of remissions on account of Broach appears to me quite inadequate. Out of the three lákhs and seventy-seven thousand rupees at which Government estimate the remissions, nearly two lákhs will go towards clearing the outstanding balances of the years preceding the famine. Before the famine, too, it had a succession of bad seasons, and the district suffered from the falling prices of cotton and cattle disease. Even then harsh measures on a large scale had largely to be resorted to in recovering the revenue. I do not know whether the amount of three lákhs and forty-five thousand, which is estimated as the collection in respect of past arrears, is likely to be recovered; but I am tolerably certain that the greater portion of the ten lákhs and fifty thousand rupees, the amount of the estimated suspensions, will in the end be found to be irrecoverable, I trust Government will see their way not to leave this poor highly assessed district with a mill-stone of debt, equal to almost half its entire revenue for one year, hanging about its neck.

I have next to draw your attention to a subject which has been brought before this Council several times. It is in connection with the large payments that have to be made for erecting buildings on agricultural lands. I have been informed that recently the Collector of Thána has been insisting on all persons who wish to build taking leases. The proprietary title of the occupant was indisputably recognised by the Act of 1865, and also by the Act of 1879. In the face of the occupant's legal right as owner, the Collector is not entitled to treat the State as proprietor and the occupant as merely a tenant and to insist on the occupant passing a lease. The other complaint is about the prohibitive conditions that are insisted upon. The Collector insists that if a residential building is to be erected the occupant should pay 4 per cent. on the market value of the land, and the minimum quantity for which he should pay at this rate should be half an acre, howsoever small be the area to be occupied by his building. These conditions are both hard and unjust, and discourage a large number of people from taking up land for building. It is regarded as exceedingly inconsistent on the part of Government that while lákhs and lákhs are to be devoted for relieving the congestion of Bombay through the Improvement Trust, Government would not modify its conditions in such a way as to encourage people to build outside the city, and help in carrying out the same desirable object. No one complains about Government receiving its proper share in the un-earned increment of the rent, but the proprietary right of the occupant in the land having been admitted, Government is not entitled to claim the whole of the increase of value. Again it is not right that Government should insist on payment of the heavy building rate on the whole of the 20 gunthas of land when about 3 or 4 are only to be covered by the

building. The policy that Government have adopted in this matter places unnecessary difficulties in the way of making big and congested cities healthier, and I trust Government will be pleased to re-consider this question in all its bearings. Even if revenue be their consideration, I think their revenue will gain more than lose by making the terms more encouraging to builders.

I find it necessary to say a few words against the administration of the Income Tax. In the mofussil I find complaints increasing of improper assessments. The ordinary people have been feeling a sort of helplessness against the action of those persons who have their hands in the preparation of the assessment lists. The Collectors are most unwilling to interfere in appeals, and a majority of people find it most difficult to obtain a fair hearing of their cases by the Collectors. Sometimes the appellants are required to appear for their appeals at distant and inconvenient places. All business gets paralysed during a year of famine, and persons who derive their income from the fourth head, *i.e.*, from sources other than salaries, pensions, annuities and gratuities, profits of companies, and interest on securities, are, after the agriculturists, the greatest sufferers from the famine. The decrease of receipts of income tax, however, from assessees of this class is quite in disproportion of the reduction of income from which the people of this class should have suffered during a year of famine. In the Central Division, in which the last famine followed another after a very short breathing period, one would naturally have expected a large reduction of the tax from assessees of this class; but the difference of the collection of the tax in 1899-1900 and that of the previous year comes to only Rs. 5,990, *i.e.*, less than  $1\frac{1}{2}$  per cent. of the receipts of the previous years. I think that the decrease of about Rs. 6,000 in income tax would very inadequately represent the great loss of income that more than 15,000 assessees of this class should have suffered during the famine.

I should like to say a few words in connection with primary schools. The budget of the last year provided Rs. 13,11,160 for 8,848 teachers and masters of vernacular schools. In this year's budget there is a provision of Rs. 12,75,000 for 8,712 teachers and masters, *i.e.*, 136 less than last year. Your Lordship will note that for some years a decrease in the number of teachers of vernacular schools has been going on. In 1897-98 the number of teachers and masters was 9,285, in 1898-99 it was reduced to 8,969, and in 1899-1900 it was further reduced to 8,750; I drew the attention of Government to this decrease in 1899. In the last year's budget provision was made for 8,848 teachers and masters, and again there is this reduction. There was an explanation that these reductions were made to provide for the salaries of the assistant teachers about whom there was a complaint that they were employed on starvation pay. That would not be a good ground for reducing teachers and closing schools, but such an excuse even does not hold good. This year the amount of the grant itself appears to have been curtailed; I also find that the starvation pay has not disappeared from the budget.

I find that I have trespassed considerably on your Excellency's time, and that I ought not to take more. I join in the wish that the next settlement will be coincident with the opening of a new era of prosperity, and that Government will be able, with their increased resources in future, to improve the administration and to devote more money towards promoting the well-being of the Presidency.

The Honourable Mr. DAJI ABAJI KHARE said—My Lord,—This year is the third of the current Provincial settlement. But on account of various circumstances over

which this Government had no control the finances of the Presidency have never been in a worse condition. We have existed on the charity of the Government of India and our acknowledgments are due to them. But I submit that the Bombay Government will take note of the present circumstances when the next settlement comes to be made. The Budget discussion is more or less, as far as the figures and their distribution are concerned, an academical one, and I shall not take up the time of the Council by making any comments on them. The past year has been a very bad one, and we have only to hope that Providence will be more merciful in the future, and the present season will be a very satisfactory one. I will, however, with permission, allude to certain matters which have attracted attention over the Presidency.

In the first place I will refer to the great out-cry about the wholesale deprivation of licenses for arms. My Lord, this policy has been, I am afraid, carried out to an extent which is calculated to put the safety of life and property into jeopardy. I am afraid there has been a great deal of misapprehension in this matter. The population generally have not shown that they are undeserving of the confidence reposed in them in the previous years; and this deprivation of the privilege has only resulted in depriving the peaceful inhabitants of the means of protection against robbers and dacoits, who in their turn are almost always found in possession of certain arms. The crops, too, are exposed to the ravages of the beasts of the jungle. In Ratnágiri and Kánara this deprivation has gone on to a very great extent indeed, and there seems to prevail, as it were, a rivalry between the officers in charge of various districts as to who succeeds most in beating down the number of licenses in the districts. In parts of Kánara this restriction is rendered still more irksome by requiring those few persons who are allowed to possess arms for the protection of their crops to bring those arms and deposit them in the *mámlatdar's kacheri* during the dry season. This requisition is made evidently without any regard to the inconvenience and trouble it entails on the arm-holders as well as with a complete ignoring of the fact that during the time the arms are deposited in the *kacheri* there is nobody to keep them free from rust and in proper order. In this connection I may also allude to the forest grievances of the poor population. The fee for head-loads is steadily increasing, and in Kárwár and other forest tracts this fee has risen from a few annas to some rupees. This really presses very heavily against the poor population and requires immediate attention.

Turning now to village administration, there is a great out-cry against the work of village officers. The Land Revenue Code has placed the *Inámdárs* bound hand and foot at the mercy of these village officials, and if the latter so mean it they can abstain from the work of collection and ruin the *Inámdár*. A typical case of this kind is furnished by a suit which came up in appeal to the High Court in Reg. Appeal 103 of 1898. I submit Government ought to instruct the district officials to see that these village officers do their work properly, and I submit some remedy should be provided against their want of diligence. In the case I have referred to the village officers by their tricky behaviour kept the *Inámdár* out of his money for years, and that the appeals of the latter to the higher officials proved fruitless, and in the result the *Inámdár* lost his remedy against the tenants, at all events for rent of some years by limitation. Speaking of village officers in some parts of Thána and Kolába these officers have not got their remuneration for the enhanced assessments for some years. Their complaints about this were ultimately listened to, but their past dues have not been awarded to them. I may here also refer

to the case of Mahár Vatandárs in Ratnágiri and Kolába. My friend the Honourable Mr. Chhatre called the attention of Government to the insufficiency of their remuneration and I would request Government to take the matter into their favourable consideration.

I would here take occasion to refer to the question of building fines. My Lord, the matter of these fines is, I am sorry to say, oftentimes pushed to extreme limits, and the rules in force now in Sálsette are operating upon the people in a very oppressive manner. This question has an importance of itself, apart from its revenue features. In these times of plague it is desirable that people should be encouraged to live, as much as possible, out of crowded localities. In fact, removal outside of towns has come to be accepted as one of the most effective preventives. But, while the Government in the Plague Department admit this truth, they, in the Revenue Department, do their utmost to prevent the people from living out of towns by imposing heavy building fines. Revenue, my Lord, ought not to be the sole consideration of an administration. A prosperous exchequer is not a more valuable possession than public health. Then, again, very frequently strange interpretations are put upon the provisions of law and the rules made in this behalf by revenue officials, and people are called upon to pay large sums illegally, and if the latter appeal to Government they get no redress. It is not everybody who can afford to fight Government in a Court of law, and for one who takes his complaint before a judicial tribunal there are many others who have to gulp down the injustice done to them. As a very glaring instance of the hardship and injustice of executive officials, I would cite the decision, dated 21st February, 1901, of the learned District Judge at Dhulia in Suit No. 2 of 1900. In that case it appears some factories were erected for ginning and pressing cotton upon land for which a fine, &c., was levied. But adjoining this factory there is agricultural land belonging to the owner of the factory. This land was and is cultivated every year and crops raised upon it, but after the crop was removed the owner used to keep his cotton bales, &c., upon it for some three or four months. This circumstance was fastened upon by the Collector as an excuse for demanding building fine upon this land at the rate of Rs. 1,000 an acre in addition to enhanced assessment, and, on the whole, some six or seven thousand rupees were demanded from the owner of the factory. The owner appealed to Government against this injustice without avail, and he then was compelled to go to the Civil Court which gave decision against Government with costs.

Talking of finances naturally brings one to the question of agricultural indebtedness. Government have under their consideration the question of agricultural banks. Mr. David Yule, in speaking at a meeting of the Bank of Calcutta in this connection, rightly declared that the Government of India are unable to take the place of the native *sávcár*, but I do not think he is right when he says that one cannot attach too much importance to the promises of well-to-do Indians to come to the rescue of their poor brethren. I am of opinion, my Lord, that if special facilities of recovery were offered, and if support from Government in particular matters be extended, bodies of native capitalists will be found ready to come forward to form banks with the object of advancing loans to agriculturists at easy rates of interest. Mr. Yule has indicated some of the lines on which these facilities and that support should be given, and I hope and trust that the subject will receive due attention. The example set by Mr. Maconochie, the Collector of Sholápur, in affording relief to the weavers will be studied with advantage in this connection. He has already formed a committee for relieving the weavers of their distress, and the matter has already become a success. I do not cite this instance as one of pure banking,

but I put it forward as showing that ventures like this, when they are carried on by native agencies supported by officials, do result in great benefits.

This year Government have thought it fit to create a new district in Sind. My Lord, I think a re-arrangement of districts is essential in the Presidency proper. If we compare the districts into which the Presidency is divided we will find such a disparity in area, revenue and work in each that it is really surprising to see how some of the districts have been as efficiently managed as others. The matter was once discussed in Council at a Budget debate some years ago, and at that time Government did promise that at the earliest opportunity this defect would be remedied. My Lord, I have done. I will only ask permission to acknowledge the great efforts made by Government to relieve the distress caused by famine. All officials of Government have worked in the matter of famine in a manner which speaks volumes for their humanity and sense of responsibility. They have not only worked hard to relieve distress, but have often spent from their own pockets, and, above all, your Excellency and that noble lady, who acts in all charitable matters as your right hand, have contributed from time to time sums, which, under the circumstances, must be admitted to be magnificent.

The Honourable Mr. S. M. Moses said—Your Excellency,—We must congratulate the Honourable Mr. Montearth for presenting us with so satisfactory a Budget at a time when the plague is still raging in the land, and we had to contend with another year of famine over an extensive area of this Presidency, as also to support about half a million of people on the Famine Relief Works. His task has, however, been made somewhat easy, by the ready and generous help rendered by the Supreme Government, which he is not slow in acknowledging throughout the Budget. It is gratifying to notice that owing to the continuance of famine Government were pleased to make liberal allowance for suspensions and remissions, and also under the Agricultural Loan Act made considerable advances to cultivators for the purchase of seeds, cattle, and implements necessary for carrying on agricultural operations. This is, indeed, a very laudable action, and speaks volumes for the paternal kindness and attention shown by Government towards the poor and struggling ryots. I am sure such humane actions on the part of our Government are much appreciated by the recipients, and they are very grateful to them. They are not likely soon to forget such kindness. I venture to believe it will leave a lasting impression on their minds. I trust that Government will show a continuance of such indulgence until more prosperous times favour the cultivators.

I regret we have not before us the report of Mr. Maconochie to discuss. We are, indeed, much indebted to our friend, the Honourable Mr. Parekh, for having devoted so much of his valuable time and attention in helping Government at the enquiry to unearth the malpractices of some of the subordinate Revenue Officers in connection with the collection of land revenue. I have no doubt that the enquiry will be productive of a great deal of good for future guidance should we again (God forbid) be visited by famine. This exposure will act as a deterrent against such illegal and un-warrantable practices as have been brought to light during the enquiry. But whatever may be the result of the investigation, I submit it has not detracted one iota from the gigantic efforts of Government, and the stupendous organization made by them to save thousands of human lives. All officers of Government worked with a will and zeal that could not be surpassed, and in combating the two dreadful enemies, the plague and the famine, their bravery and devotion to duty have excited universal admiration. It will be record-

ed by future historians as the most remarkable epoch in the annals of Indian History. I am convinced that it will long be remembered by the people of India with gratitude, and it will tend to cement more firmly their attachment and loyalty to His Majesty's Government.

My Lord, I notice that there has been a falling off of Rs. 22,000 in the Budget in the Educational Department. For my part I should like to see an increase gradually every year under this heading. Now that there seems every prospect of our entering into a new era of prosperity, judging from the favourable monsoon we are having all over the country, this should improve our finances, and enable Government to increase their grants to the Educational Department. I venture to suggest that Government should encourage education by opening up more Primary schools in Bombay and in the mofussil, as by means of education alone we can hope to enlighten the youths to view the beneficent actions of Government in their true light and not by hearsay and village gossip. My Lord, I would take the liberty of further suggesting that commercial education should be taught in all schools under Government control. As, after all, the majority of the students on leaving their schools seek employments in Government, railway, and mercantile offices as clerks, where a knowledge of book-keeping and correspondence is a *sine qua non*, a young man passing his B.A. examination would be quite at sea in a commercial office without having even an elementary knowledge of book-keeping or drafting a business letter. Although there are several institutions in Bombay such as the London Chamber of Commerce, Mr. Mistri, the Byramjee Jeejeebhoy Benevolent Institution, and others, yet may I ask how many of the poor parents could afford to wait until their sons have completed their education and then enter in one of these schools and pay their fees? I am afraid very few. My experience of the natives teaches me that the large majority of the parents are too eager to get their children as early as possible to add their quota towards their slender means in supporting their families. As soon as their children have passed, say the VI. Standard, they leave the school to earn their livelihood. I, therefore, suggest that the knowledge of commercial education should be imparted to them gradually along with their other studies, so that when they have reached the goal, they would be proficient in literature, arithmetic, book-keeping, and correspondence. They should then find a ready admittance into offices. I trust, therefore, that Government might be pleased to further the efforts of the honourable member, the Director of Public Instruction, by making a substantial grant to arrange for the introduction of this most useful subject in all public schools both here and in the mofussil, and I am sure that the students will gladly avail themselves of this important commercial instruction. With these remarks I support the Budget.

The Honourable Mr. GOPAL KRISHNA GOKHALE said—Your Excellency,—It is, I confess, a somewhat ungracious task to have to criticise a financial statement, such as it has fallen to the lot of the honourable member to lay before this Council. The statement contains, as usual, the actuals for one year, the revised estimates for another, and the Budget estimates for a third; and in every one of these three years a deficit has been averted only by a special contribution in aid from the Government of India. A position so desperate might ordinarily be expected to disarm criticism, and if the non-official members of the Council venture to offer to-day a few observations on the administration of the finances of the Presidency, it is not because they fail to recognize the great difficulties which the honourable member has had to contend with or that they do not appreciate



the hard work and unremitting vigilance and the honest desire to be fair to all interests which characterise the honourable member's discharge of his duties. My Lord, this is the only opportunity that we get in the course of the year to give expression to our views in regard to the several branches of the Provincial administration, and in our criticism, therefore, we naturally have in view not so much the particular work of the revenue member for the year as the general administration of the finances of the Presidency. The Budget discussion of last year, the Council will remember, turned mainly on the character of the land revenue administration of the Bombay Government. The question has assumed, if anything, even greater prominence to-day, and I think the more important objections to the present system might be usefully summed up on this occasion.

Our first contention is that the assessments are in some cases excessive, and that over large areas they are very uneven. That the poorer lands are in some cases over-assessed was admitted by the honourable member himself at Mahábleshtar, and the fact that the assessments in numerous instances are very uneven is, I believe, not denied; but the honourable member holds that, on the whole, the assessments are moderate and reasonable, and he relies on two phenomena in support of his opinion. The first is that the average selling value of land is now about twenty-five times the assessment, and the second is that money rents are from twice to seven times the assessment. Now, I would, in the first place, like to know how the average selling price is determined. The Deccan Agriculturists' Relief Act Commission of 1891 has given in its report figures of selling value for the four districts in which the Act is in operation for nine years—from 1883 to 1891—from which I find that while in the districts of Poona and Sátára the average selling value during the time was about twenty-five times the assessment, in Sholápur and Ahmednagar it was about eleven times the assessment. And since 1891 we have had a period of great agricultural depression, and the selling value of land could not certainly have gone up during this time. Assuming, however, that the average price of land to-day is about twenty-five times the assessment, that by itself, I submit, does not prove much. It is well known that our people, especially retired Government servants, when they have any savings to invest, invariably try to buy land, not merely because the possession of land carries with it a certain social status, and agricultural pursuits furnish the most congenial occupation to old men, but because these people do not consider any investment safe except investment in land or Government securities, and between the two they naturally choose the former wherever they can. Capital with us is exceedingly timid, and shrinks from the first risks to which a new industrial undertaking is exposed; joint stock enterprise is still very feeble, and thus we have the deplorable phenomenon that while the great want of the country is capital for industrial undertakings, a large portion of our savings comes to be locked up in land or Government securities. And these men who invest in land in haste, as a rule, repent at leisure. One constantly hears the complaint from those who buy land that taking one year with another they do not get more than two or three per cent. interest on their investment. The high market value of land, therefore, is more an indication of the competition among buyers than of low assessment. As regards money rents being twice to seven times the assessment, I admit that where such rents are realized, and where they are strictly economic rents, that is, where they do not trench upon what should go to the cultivator as his fair share of wages, they are an indication that the assessment is not high. But are these money rents always more than double the assessment? I have made inquiries in the Shevgaon and Nevása talukas of the

Ahmednagar district on this point, and I find that in several instances assessment is two-thirds or three-fourths of the money rent. I have got with me details of names and survey numbers which I shall be glad to supply to the honourable member if he likes. Then, again, as an able and indefatigable correspondent of the *Times of India* has been recently pointing out, there are large areas of very poor land which give hardly a fair return for labour, and which in consequence leave nothing to be paid either as rent or assessment. The whole question is, therefore, one which may fitly form the subject of a Government inquiry. The Bombay Government unfortunately does not recognise, as the Madras Government does, that there should be a direct connection between net produce and Government assessment. It was laid down by the Court of Directors in 1856 that the Government demand should in no case exceed one-half the net produce. The Madras Government has all along followed this direction in practice, but here, in this Presidency, it was considered that the net produce was difficult to determine, and that more reliable guidance was supplied by the productive capacity of the land itself. Now, my Lord Madras is governed by the same class of men that administer the affairs of this Presidency, and I wonder why the adoption of a standard which has been found practicable in Madras, and which is obviously based on reasonable considerations, should be found so impracticable in this Presidency.

Another observation which I would submit on this land administration question is that the time has now come when revision settlements should be made to follow automatically the course of prices, care being, of course, first taken to equalise the assessment where it is very uneven. Now that the Survey Department has been abolished and second revisions completed everywhere so as to secure what is called an initial settlement, there is no reason why this Government should not give the fullest effect to the policy suggested for its adoption by the Government of India in 1883. This is, I submit, not going so far as the British Government itself was prepared to go in the sixties when Viceroy, like Lord Canning and Lord Lawrence, and Secretaries of State like Sir Charles Wood and Sir Stafford Northcote, considered that in the best interests of the State and of the people it was most desirable to settle the State demand permanently wherever certain conditions were fulfilled. Thus your Excellency's father laid down in a famous despatch that where eighty per cent. of the cultivable land was brought under the plough, and there was no prospect of canal irrigation increasing the produce by more than twenty per cent., the State demand should be fixed in perpetuity. Unfortunately these statesmen were succeeded by others who came to think that such a permanent settlement of Government assessment involved too large a sacrifice of prospective revenue, and they, therefore, did not carry out the policy of their predecessors. And, finally, in Lord Ripon's time a compromise was arrived at, virtually intended to make the settlement dependent upon the course of prices taken every thirty years. I am aware that the Bombay Government resisted the adoption of the policy thus recommended by the Government of India, and it is an interesting fact that the correspondence on the side of the Bombay Government is signed by the Honourable Mr. Monteath, who then occupied the much humbler position of Under Secretary to Government. But the closing of the Survey Department and the completion of second revision settlements leave practically no justification now to the Bombay Government for postponing the adoption of that policy. Of course, it is understood that when settlements follow prices, not more than half the increase in prices shall be taken by Government as laid down by Sir Bartle Frere and Colonel Anderson as it is

only fair that the other half should be left to the agriculturist to compensate him, for the higher cost of production and the higher expense of living.

My next suggestion on this subject is that in granting suspensions of land revenue Government should abandon their present policy of making individual inquiries, and they should adopt crop-failure as their basis for granting the suspensions as is done in other provinces. The evils and hardships which are inseparable from the present policy of inquiring into the ability of each individual to pay, and the advantages which result from the adoption of the second method, cannot be better described than in the language of the present Chief Commissioner of the Central Provinces, from whose Famine Report for 1899-1900 I ask your Excellency's permission to read a few extracts:—"The two factors which most influence the principles on which revenue has to be suspended in the face of a calamity like the present are: first, that under the Tenancy Law of the Province a suspension or remission of land revenue must precede a suspension or remission of rent; and, secondly, that great promptness is essential if the full benefits are to be derived from the suspension. Theoretically, no doubt, the proper method of procedure would be to inquire into each tenant's capacity to pay his rent with reference both to the actual crops reaped and to other independent resources which he might possess, add up for each village the total rental realisable and demand the corresponding revenue from the landlord. This would be possible where a few isolated villages had been ravaged by locusts or damaged by hail. But it is practically impossible where the whole country side has been stricken by drought. And it becomes doubly impossible when the energies of the whole revenue staff are concentrated upon famine relief. The time taken in inquiries so minute would be so great that the date for a decision would have passed long before the inquiries were complete. In such matters delays must be avoided at all costs. In these circumstances capacity to pay independently of the crop must be disregarded so far as individuals are concerned..... It is the necessity of the tenants with which we have really to deal. Great masses of these have been severely stricken in the present calamity. There are some, no doubt, who could pay their rent independently of their crops, but (as has been said above) to differentiate would necessitate inquiries which it is impossible to make." Again, "the standing orders of the administration contained in revenue-book circular, 1 to 9, dealing with suspensions necessitated by losses caused by hail, locusts, &c., and contemplating detailed inquiry, holding by holding, lay down that if a crop amounts to four annas (thirty by the new notation) the full rent may be demanded. It was pointed out in famine circular 36 that this rule, though applicable to occasional failures in ordinary times, was much too strict a rule when the country is suffering under a wide-spread calamity. If a few individuals in isolated villages are called upon to pay a full rent out of a four-anna crop, it is very probable that they will draw upon savings or borrow. They may dispose of surplus cattle or pledge ornaments, but the chances are that, until the next harvest comes round, they will have added to their liabilities. It is, however, not unreasonable that they should be called upon to make such sacrifice. They will obtain fair prices for their ornaments or cattle, and reasonable terms if they borrow. But the case is different when the whole community is in this plight. It hardly needs demonstration that if the great majority of cultivators have to sell ornaments and cattle or borrow money, the blow to the community as well as the individual will be infinitely more severe than it was to the individuals in the hypothetical cases referred to above. The prices obtainable for surplus property fall, and it is disposed of at a ruinous loss; credit sinks to a low ebb, and those already involved are turned into applicants for famine

relief. Where the position is still worse than this, where the majority have not even reaped a four-anna crop, where credit is already low, and bad years have reduced surplus property to a minimum, it is quite evident that such a rule of thumb scales as the one that a four-anna crop justifies the levy of a full rent, must be abandoned." And again "whether the tract be malgujari or rayotwari, the general principle which has been followed in these proceedings,—and Mr. Fraser would submit that it is the best one,—is that where losses are isolated and few, it is proper to work from detail to aggregate, but where the calamity is wide-spread, the only possible course is to work from aggregate to detail."

It is quite true, my Lord, and we gratefully acknowledge the fact that this year the Bombay Government has not been illiberal in the grant of suspensions and remissions, as much as fifty-three lakhs of rupees being marked for remission and seventy-five lakhs being suspended. Government has also made tagávi advances to cultivators on an unprecedentedly large scale, and we see from the Financial Statement that it is intended to remit a portion of these advances. Unfortunately, however, the effect of these liberal concessions has been to a considerable extent marred by Government insisting on making individual inquiries, and by the great delay that has in consequence occurred in announcing the relief to the agriculturists concerned. I fear, my Lord, that owing to this delay and owing to the apprehensions that have been, on all sides, aroused in consequence of the introduction of the Land Revenue Bill, an appreciable number of those on whom Government must have intended to confer the benefit of remission or suspension must have made desperate efforts to pay the Government demand. Closely connected with the necessity of granting suspensions and remissions is the question of substituting a scale of fluctuating assessments, varying automatically with the out-turn of crops in place of the present policy of rigidly collecting a fixed amount in good and bad years alike. It strikes me, my Lord, as somewhat strange that a Government, which so often complains of the hopeless improvidence of the ryot, should at the same time credit him with such habits of provident thrift as to expect him to save out of a good year to make up the deficiency of a bad year. Both the Deccan Ryots' Commission and the Relief Act Commission have strongly expressed their disapproval of the present Bombay system, though the latter body have added, in a tone of helplessness, that "the Bombay Government have already decided against any system of fluctuating assessments, and the Commission have no desire to re-open the controversy." I have heard it stated, however, that recent experiences have at last led the Bombay Government to re-consider its position in this respect, and that there is some ground for hoping that the excessive rigidity of the present system will not long be maintained.

My last suggestion in this connection is that more suitable dates than those which are appointed at present should be fixed for the realization of the State demand. Both the Deccan Ryots' Commission and the Relief Act Commission have strongly recommended such a change, and I believe there are many officers of Government who admit that the present dates place the agriculturists at a considerable disadvantage in the matter of realising a fair price for his crop. It is true that if later dates than the present ones are appointed, the recovery of Government assessment may be a little more difficult, but such difficulty ought to be faced, as the present system causes a perfectly needless loss to many honest agriculturists. Thus, then, my Lord, if Government will abate the State demand

where it is excessive and equalise it where it is uneven, make revision settlements in future follow automatically the course of prices and prices only, abolish individual inquiry and substitute in its place crop-failure to regulate suspensions and remissions when droughts occur, thus practically introducing fluctuating assessments in place of the present rigid collections of a fixed amount alike in good and bad years, and fix more suitable dates for the payment of the State demand, the public will have no more quarrel with the Land Revenue Administration of the Presidency, and Government will have done everything reasonable to place it on a satisfactory basis. After all, the success of the Land Administration must be judged more by the incentives it supplies to agricultural improvement and the prosperity that it brings to the ryot than by the amount of revenue which it brings to the Exchequer of the State.

Having made these observations on the Land Revenue Administration of the Presidency, I will now, with your Excellency's permission, offer a few remarks on the working of some of the Departments. And first I will take the Irrigation Department, which is so intimately connected with land. My Lord, it is a matter for great satisfaction that Government has been pleased to appoint an officer of the standing of Superintending Engineer on special duty for the purpose of examining the feasibility of several irrigation projects in the Presidency. I earnestly trust that his labours will bear good fruit; but whether he is able to suggest projects of some magnitude or not, I hope Government will push well-irrigation much more than is being done at present. In this connection, I would like to know why there is in this Presidency such great disproportion between the total irrigable area and the area actually irrigated. From the Irrigation Revenue Report for the year 1899-1900, I find that while the total area irrigable by the major works in the Presidency proper is 230,685 acres, the area actually irrigated last year was only 67,227 acres, or less than 30 per cent. From a Resolution of the Government of India on the subject of irrigation works issued some time ago, I find that while the average rate per irrigated acre is in the Punjab about Rs. 3 $\frac{3}{4}$  an acre, in the North-Western Provinces nearly Rs. 4, in Madras less than Rs. 3, in Bengal and Sind less than Rs. 2, in our Presidency proper it is nearly Rs. 9 per acre. It is true that the crops grown here are shown as more valuable; still there must, I think, be some connection between the strikingly high average rate levied here and the comparatively small proportion of the total irrigable area which is actually irrigated. If this view be correct, would it not, I ask, be a better plan to lower the rate so as to lead to increased consumption of water. For the policy of high taxation and restricted consumption, which is considered to be specially suited to intoxicants, is certainly not the right policy here. Lower rates might temporarily lead to a diminution of revenue, but in the end such a policy is bound to succeed even financially.

In regard to the Forest Department I have only one suggestion to offer and one inquiry to make. The suggestion is that in view of the great depletion of agricultural stock that has taken place as a result of successive famines, the specially high fees which are levied for grazing from professional graziers should for a time at least be lowered. And the inquiry is why, while the extent of forest area in the Central and Southern Circles is nearly equal, the number of prosecutions for forest offences, as also the number of cases compounded in the Central Circle, should be so largely in excess of those in the Southern Circle. From last year's Forest Administration Report I find that in the year 1897-98, while the number of prosecutions in the Southern Circle was only 485, that in the Central

Circle was 1,580. Similarly the cases compounded in the former were 660 as against 3,389 in the latter. Also the total number of animals seized in the former was 12,968 as against 218,300 in the latter. For the year 1898-99 the figures are equally disproportionate. We have in that year 311 prosecutions, 1,199 compounded cases, and 14,297 animals seized in the Southern Circle, as against 1,046 prosecutions, 3,172 cases compounded, and 145,257 animals seized in the Central Circle. Such a striking difference between the figures of two circles, which have nearly the same forest area, calls for an explanation. The Central Circle, unlike the Southern Circle, is a source of net loss to the State, and a large portion of it is, I understand, of very poor value for real forest purposes. It seems to me that a considerable area of this circle might well be dis-forested, and this will not merely reduce the net loss to the State, but it will relieve many villagers from harassing restrictions and the oppression of the subordinates of the department.

As regards the Abkari Department I think it is deplorable that its operations should aim so much at safe-guarding the interests of Government revenue and so little at reducing drunkenness. Take, for instance, the cases of the Thána and Surat Districts. What has, I ask, the department done in all these years to reduce the excessive consumption of drink in these districts? The Abkari revenue has no doubt steadily risen, till in 1898 the taxation per head in these districts came to one rupee and twelve annas in Surat and one rupee and five annas in Thána, as against about four annas for the rest of the Presidency outside the Presidency town. When we remember that a large proportion of the population of these two districts must consist of total abstainers, we can easily understand how heavy a burden drink imposes on those classes in these districts that indulge in it. Government seems to imagine that its duty in this matter is done by simply making liquor as costly as it can be made by the imposition of a high duty, ignoring the obvious fact that unless facilities for obtaining drink are reduced, a high price in the case of such an article as liquor merely means so much more taken out of the pockets of the poor consumer. Last year's Abkari Administration Report says that in the case of Thána and Surat, drink "may be regarded as almost a necessity." If Government is really of this opinion, there is no justification for its taxing liquor so highly in these two districts. Meanwhile a gradual reduction in the number of liquor-shops ought to be tried with a view to testing if it is really impossible to wean the people from drink, and I, for one, am hopeful that such a policy will be attended with beneficent results.

I now come to the question of income-tax collections, and here I deem it my duty to bring to your Excellency's notice the great dis-satisfaction which prevails throughout the Presidency as regards the manner in which the assessments to this tax are fixed and the sudden enhancements which are from time to time made in these amounts, not only without adequate grounds, but in some instances without the least justification whatever. The following extract from the Government Resolution on the income-tax operations of last year shows clearly the purely speculative and, therefore, highly unjust and oppressive character of some of these operations. Speaking about the working of the income-tax in the city of Bombay, the Government Resolution says:—"In the year under report the original demand was raised from Rs. 20,52,926 to Rs. 30,88,435 with the object of throwing on many assesseees the responsibilities of furnishing evidence of their income. No less than 40.71 per cent of this demand, however, was reduced on inquiry, and the final demand was Rs. 18,31,302 against Rs. 17,82,980, or Rs. 48,000 in excess of the previous years. But the net gain in actual collections was only Rs. 12,080. The result of the

measure does not at first sight appear very satisfactory, but it is probable that without it there would have been a considerable decrease attributed to the effects of plague, famine, and the depression of the mill industry." Now, my Lord, it is monstrous—it is a strong term to use, but, I think, it is deserved—that in a year of general depression and widespread suffering, the original demand under the income-tax should thus be suddenly raised from 2,000,000 to 3,000,000 with no other object than that of preventing a fall in the revenue. What of the worry and anxiety and loss of time caused to the assesses by this speculative and wholly unjustified increase in the Government demand? It appears that the Bombay assesses were rather fortunate in the revision proceedings, but in the mofussil, while the assesses are subjected to equally arbitrary and unaccountable enhancements of the assessment, they are not so fortunate in their attempts to get the demand revised. In cities like Poona, Ahmedabad and Surat, the powers of revision are exercised by the assessing officers themselves, and even where they are exercised by other officers the proceedings generally are of a most unsatisfactory character. It is, I think, a significant fact that while the Presidency has, during the last five years, suffered grievously from plague and famine and a depression of the mill industry due among other things to the currency legislation of Government, the Provincial share of the income-tax which is half of the whole should still stand for the year 1899-1900 at Rs. 19,90,000 as against Rs. 1,99,700,000 for the year 1894-95. The evil about capricious and high-handed assessments and the virtual impossibility of getting redress is now so wide-spread and has become so intolerable that it is, I respectfully submit, the duty of Government not to allow this state of things to continue longer. If Government will be pleased to appoint a special officer to inquire into the grievances of the people in this matter, and if a native colleague speaking Marathi in the Deccan, Kanarese in the Carnatic, Gujarati in Gujarát, and Sindhi in Sindh, be associated with him, a six months' inquiry in a few selected places in each division will bring to light so many cases of hardship and injustice that Government itself will be surprised that such a state of things has prevailed so long.

The last department on which I desire to offer a few remarks is the Education Department, and here I would specially draw your Excellency's attention to the utterly in-elastic, and, therefore, highly unsatisfactory provision which is under the present system made for primary education. Outside the municipal towns the cost of this education is borne by Local Boards, which are required to spend on it one-third of the proceeds of the one-anna cess, Government ordinarily contributing a proportionate grant-in-aid. Now our assessments are fixed for thirty years, and therefore the proceeds of the one-anna cess must also remain fixed for that period. It is true that taking one district with another the Land Revenue is always showing some increase in consequence of Revision operations going on somewhere or other. But if we take each district separately, it will be seen that the provision which it can make for primary education out of its one-anna cess is absolutely fixed for a period of thirty years, and as the Government contribution ordinarily depends upon the amounts spent by the boards, the utterly in-elastic character of the provision for primary education will be at once obvious. In fact under this system no expansion can take place even to correspond to the normal growth of population. Now, my Lord, however adequate this provision might have been when public education in the Presidency was placed on its present basis, it must be admitted that we have now out-grown this system. In the leading countries of the West, the State has now definitely accepted the responsibility of supplying free primary education to all its subjects, and

the United Kingdom spent last year more than thirteen million sterling from the Treasury, that is, more than 10 per cent. of its total revenues on the primary education of the people. By the side of such expenditure, how painfully paltry is the contribution of Government to the cost of primary education in this country; I think the time has come when the Government expenditure on primary education, instead of being a certain proportion of the amounts spent by the boards, should be a certain proportion of the total Provincial revenues. There are those who ask what good this kind of education can do to the mass of people in this country. I think that it is a very narrow view to take of the matter. In individual instances primary education may not show very decided results, but taken in the mass it means for the bulk of the community a higher level of intelligence, a greater aptitude for skilled labour, and a higher capacity for discriminating between right and wrong. It raises, in fact, the whole tone of the life of large numbers, and I strongly feel that its wide diffusion is even more urgently needed in this country than elsewhere. My Lord, I do not wish to detain the Council longer. I sincerely join in the hope which the honourable member has expressed in the concluding paragraph of the Financial Statement that the Presidency has, perhaps, seen the end of its financial difficulties, and that it may now enter on a period of renewed prosperity and progress.

The Honourable MEHERBA'N NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji, said:—Your Excellency,—As the Honourable Mr. MONTEATH has stated in his Financial Statement this is the last year of the fifth Provincial contract. Four out of these five years have been years of famine and your Excellency's Government had largely to subsist on the liberality of the Government of India. We are, no doubt, grateful to the Government of India for the liberal treatment we have received at their hands. But at the same time it must be borne in mind that the Government of India have not done anything more than their duty. In previous years when our finances were in a better position this Presidency has contributed to the Imperial Exchequer more than its due share. And again as the quinquennial contracts are based on the expectation of normal seasons, it is but natural that the Imperial Government should come to the assistance of this Presidency if the anticipations are not fulfilled. Besides this Presidency had to incur a large expenditure on account of plague, which nobody had expected at the time of the Provincial contract, and thus many of the much-needed reforms had to be postponed to better times and some of the most necessary expenditure had to be curtailed. For these reasons let us hope your Excellency's Government will succeed in making a more liberal settlement with the Government of India at the time of the next Provincial contract than we have been able to do till now, and when the honourable members meet next time to discuss the budget, Government will have some balance in their hands and will thus be in a position to accept the proposals made by honourable members in the matter of carrying out the necessary reforms.

After the five successive bad seasons, Government will, as indicated in the Financial Statement, be pleased not to recover the arrears with rigour. The pressure must be applied gently and only when it will not injure the ryots. The ryots will not be able to regain their original prosperity after only one or two good seasons. But they will take a long time to recover. The Government of India have, in a statesman-like spirit, granted power to give remissions in respect of the principle of advances up to one-fourth of the sums advanced. I hope full advantage will be taken of this discretion for the



benefit of the poor ryots and postponements in respect of the payment of land revenue will be more generously given.

Now referring to topics which concern the interests that I represent, I must say that the complaints of the Inámdárs in the matter of revenue collection have not yet been completely remedied. No doubt the attention of Government has been drawn to the unsatisfactory condition of the revenue collection of the Inámdárs, and I am thankful to say that orders have been given to the District officers to pay more attention to the collection of the Inámdárs' revenue. But then much remains yet to be done. The village officers are required to send in quarterly statements of the arrears in Inám villages, but then, I understand, in some districts, notably in Ahmednagar, no action is taken on the statements furnished, neither are the village officers asked to give an explanation if they fail to send these statements. I hope Government will once more issue strict orders to the Collectors to take immediate action on the statements supplied, and unless the reasons for the arrears are satisfactory, to take notice of the conduct of the village and taluka officers concerned.

The remedy of assistance suits, as I pointed out last year, has practically been found ineffectual. The mischief has been aggravated by Government Resolution No. 1117, dated 12th February 1894, which directs that when the assistance directed has been given and the final order reported, the order is discharged whether the amount has been recovered or not, which often means practically nothing. No doubt, if anything remains to be recovered after the original order has been discharged, it is open to the superior holder to make a fresh application on which, provided it is made within the year in respect of which the balance is due, a fresh order can be given at the discretion of the Collector. This resolution has almost made the remedy of assistance suits in-operative. I have already pointed out that the disposal of assistance suits usually takes a very long time and in some cases several years. So it becomes impossible that a fresh application in respect of the sums that remain to be recovered should be made in the same revenue year. The Inámdárs have been held responsible for the delay in the disposal of assistance suits because they do not file the suits till the end of the year. But then it must be borne in mind that the Inámdárs are not supplied by the village officers with a statement showing the names of the defaulters and the sums due from them, and until the Inámdárs know this, they cannot file suits for assistance. Therefore strict orders to village officers to supply the statements immediately on the expiry for each instalment to Inámdárs are necessary. Similarly the above Government Resolution must be repealed and the orders in assistance suits must remain in force till the whole of the revenue demand is satisfied. The liability for the payment of Government dues as regards their ryots remains till the arrears are cleared. The Inámdárs are thankful to Government for their assurance to devise measures for the prompt disposal of assistance suits. The Collectors must not wait till they receive complaints against the delay in the disposal of assistance suits as people are afraid to send complaints against Government Officers. I trust Government will see that their good intentions in this matter will soon be translated into action. All these complaints about the non-realization of the Inámdar's revenue and the heavy work of deciding the assistance suits that at present falls on the Government officers would be saved, if a small amendment were made in the Land Revenue Code to the effect that on the application of an Inámdár, the Collector

should collect the revenue of the alienated village by issuing notices to defaulters by a certain day. If Government would accept the amendment, it can perhaps be done now and the large class of Inámdárs would be relieved from the hardships which they are suffering since the passing of the Land Revenue Code. At any rate I expect this Council will, before long, be asked to consider a measure that would remove the long-standing grievances of the Inámdárs.

The Inámdárs are often blamed for not advancing tagai to their tenants in time of distress. In connection with this I may observe that Government have enacted special rules for the recovery of the tagai from their tenants. It has been made a primary charge on land. But it is a matter of regret that Government are not willing to make the same provision for the recovery of the tagai advanced by the Inámdárs to their tenants. Some Inámdárs had shown their willingness to advance tagai if Government would give the same facilities for its recovery. But no reply has as yet been received by them. In reply to a question I was told that Government do not consider it desirable to proceed further than the issuing of a notification similar to No. 342 S. R. of the Government of India. I am really at a loss to know why Government, whose resources as compared with those of the Inámdárs are unlimited, should make special rules for the recovery of their own tagai and at the same time should think them unnecessary in the case of Inámdárs. In this way the tenants of the Inámdárs are not able to get tagai from the Inámdárs. Government also hardly make any provision for advancing tagai to the tenants of Inámdárs. Thus in times of scarcity the tenants of Inámdárs are worse off than the tenants of Government, and therefore Government would be pleased to remove the difficulty in the way of the Inámdárs' tenants from getting tagai. There is one more point to which I would like to allude. The village officers of alienated villages in which the survey settlement has been introduced, get remuneration at a certain fixed scale. If the assessment on the lands which are held for service is not sufficient for this purpose, the Inámdárs have to make up the deficit. In cases in which the assessment is in excess of the amount required to remunerate the village officers, the Inámdárs are not allowed to take it. In Government villages Government takes half the residue, if any, after remunerating the village officers. I am really unable to understand why the Inámdárs, who are called upon to make up the deficit, should not be allowed to take the excess. It may be argued that these being Kadim watans, the Inámdár has no right to them; but then it is only equitable that he should get the excess if he is called upon to make up the deficit. I hope Government would reconsider the orders on this point.

In an application made by Naro Bhaskar Devadhar and other Inámdárs of the Poona and Sátára Districts, a prayer was made to Government that the *judi* due to Government from Inám villages should be collected direct from the tenants and co-sharers. Last year the Honourable Mr. Monteath in his reply to my remarks said that, unless a change in the law had been made, this request could not be complied with, still he promised an inquiry into the matter. As far as I have been able to understand the present law, there is nothing in it which would prevent Government from acceding to this reasonable request of the Inámdárs. But even supposing that a change in the law is necessary, I hope Government would take the necessary steps without any delay. I know cases in which the holders of Inám villages have been required to mortgage their property to *sávkárs* for the payment of *judi*. In many cases the person in whose name the Inám is entered, is entitled to a fraction of the revenue of the Inám, but he is held respon-

sible for the payment of the whole *judi* and his property attached. In this way the present interpretation put upon the law works to the great prejudice of the Inámdárs.

They are also again sometimes blamed for not giving remissions to their agriculturists. But I know of a case in which an Inámdár was willing to grant remissions on condition Government be willing to forego the *judi* on the sums remitted, but they have not received any reply.

Similarly the Inámdárs are required to pay Kadim Hakdárs out of their own pocket, even though their own revenue is not recovered, and thus the Kadim Hakdárs get priority over the Inámdárs. Therefore in scarcity years, when the whole revenue of the Inámdár is not collected, the Hakdárs should also be rateably paid.

A complaint is received from some districts that the passes to use arms given to the Inámdárs are not renewed. The Inámdárs should, as a matter of distinction, be allowed to possess a reasonable number of arms without being required to take passes as is done in case of Sardárs. The traditions of this class are such as to justify the right if granted to them. They are the leaders of the people and this right is required by them for the protection of their property, and in cases of emergency they may even be expected to come to the assistance of Government. They have the instinct of wielding arms and, if they were to get this right, they would do credit both to themselves and to the Government which conferred this right on them. If, however, this Government is not able to grant a general exemption, orders should be issued to District Magistrates to give the Inámdárs passes more liberally and not to curtail them as is being done at present.

Government have, lately, passed a decision in the matter of succession to a share of the Hebli Saranjám. The Saranjám has been granted to a more distant member of the family, though the deceased has got lineal male descendants. Government has more than once given a general assurance that the Saranjáms and Jahágirs will be continued to the lineal descendants of the first British grantee. In the present case, the lineal male descendants have been set aside in favour of more distant members. The stability and continuity, which has been secured by the British Government to these Saranjám and Jahágirs, has been considered as the greatest boon by the people and Jahágirdárs of this country, and it is the duty of Government not to allow this confidence, created in the minds of Jahágirdárs and the people to be shaken. Government may have good reasons for their decision in this particular case, but they have not, unfortunately, been made public. Again the persons prejudiced by the decision have not been given an opportunity to show cause why their claims should not be set aside. The present decision of Government indicates a marked change in the policy hitherto followed by them and unless the people are assured that Government have not such intentions, there will be a general misconception and distrust of the intentions of Government. To remove them by all possible means is the duty of every statesman.

HIS EXCELLENCY THE PRÉSIDENT then adjourned the Council until 12 o'clock noon the following day.

*By order of His Excellency the Right Honourable the Governor in Council,*

A. S. A. WESTROPP,

Secretary to the Council of the Governor of Bombay

for making Laws and Regulations

Poona, 22nd August 1901.

*Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACTS, 1861 and 1892."*

The Council met at Poona on Friday, the 23rd August 1901, at 12 o'clock noon.

---

P R E S E N T :

His Excellency the Right Honourable Lord NORTHCOLE, G.C.I.E., C.B., Governor of Bombay, *Presiding*.

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. MONTEATH, C.S.I., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Meherban NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. IBRAHIM RAHIMTOOLA.

The Honourable Mr. GOPAL KRISHNA GOKHALE.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. SILAS MEYER MOSES.

The Honourable Mr. D. McIVER.

The Honourable Ráo Bahádur CHUNILAL VENILAL, C.I.E.

The Honourable Mr. E. GILES, M.A.

The Honourable Ráo Bahádur ACHYUT BHASKAR DESAI.

The Honourable Mr. A. CUMINE, I. C. S.

The Honourable Sir BHALCHANDRA KRISHNA BHATAWADEKAR, Kt., L.M.

The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.

The Honourable Mr. F. S. P. LELY, C.S.I., I. C. S.

The Honourable Mr. J. C. POTTINGEE, M.Inst.C.E.

The Honourable Mir ALLAHBAKSHKhan *valad* ALIBAKSHKhan SHAHWANI TALPUR.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.B.A.C., I. C. S.

The Honourable Mr. H. F. ASTON, I. C. S.

The Honourable Sardár GANPATRAO MADHAVRAO VINCHURKAR.

In resuming the debate on the Financial Statement, the Honourable Mr. GILES said—In the speeches that were made yesterday, criticism was made with reference to education, which required a few remarks. The honourable gentleman who first spoke and the Honourable Mr. Mehta both deplored the reduction of the building grant assignment made by Government. As Your Excellency is aware, it was found necessary when this Budget was framed, to reduce the building grant assignment of a lách and a half to Rs. 30,000; but owing to the recent windfall received from the Government of India, Government has been able to make a special assignment for buildings amounting to

Rs. 1,20,000, thus bringing up the total amount so assigned during the year to one l kh and a half. Of this sum by far the greater portion has been given to aided schools and only a certain amount reserved for the very necessary wants of Government institutions. The Honourable Mr. Mehta will, I am sure, be glad to hear that a large amount of this assignment has gone to Bombay, partly for students' quarters at Elphinstone College, partly to aided European Schools and partly to the Lord Harris Primary School. I will only add one word more with regard to the primary school accommodation in Bombay, which Mr. Mehta has told us is so deplorable. Even if Government are able to make in the future, as I hope they will be able to make, the ordinary assignment of a l kh and a half for building grants, there are still certain pledges to be redeemed and promises to be fulfilled, and it will not perhaps be possible for Government to undertake new responsibilities in the immediate future. But I may suggest for the consideration of the wealthy Corporation of Bombay that they might do as so many aided managers have done during the past five years and build at their own risk. It is also possibly worthy of suggestion that so large and wealthy a Corporation may expect in the future to become independent of the Government in its building operations for primary schools. If we look at home we find that last year the City of Manchester expended a sum of  300,000 upon one building, that of a Central Technical Institute for the City. I am not aware that the Government of England has been called upon to assist in that building. The whole expenditure comes out of the rates. The Honourable Sir Bhalchandra spoke among other things of the necessity of giving some education to medical men in sanitary engineering. This is hardly perhaps within my province, but I think I am divulging no secret when I say that a scheme is now under the consideration of Government with a view of affording training in sanitary engineering to men who have passed the L.C.E., and also to men who have passed the L.M. and S. Sir Bhalchandra made some further remarks in regard to the University and said it was a matter for regret that Government had withdrawn its patronage from the University. I do not understand that Government stands in relation to the University exactly as patron. I should have thought its relation to the University was rather that of father to son. Government created the University; and it was necessary in its earlier years that Government should see that it was adequately equipped for the battle of life. As the University grew and its finances increased, it was able more and more to stand alone: and the Government grant was gradually reduced until now the University is in the proud position of being able to pay its own way by its own fee receipts and also to have a substantial balance to its credit. I may add that lately it has been found possible to revise the scale of fees to be given to examiners, and the revision has certainly not been to the detriment of the examiners. Sir Bhalchandra made a further remark in regard to the expenditure on education being stationary. In the month of October 1896, I was acting Director of Public Instruction, and I received from Government orders that during the present financial crisis no proposals for further expenditure should be laid before Government. Those orders, five years old now, have not yet been countermanded. I think I need hardly state the reason why; it is known to every one here present. What the Government has tried to do has been to maintain its expenditure on education amidst very great distress and perplexity as to where to find funds. Some criticism has been made by the Honourable Mr. Gokuldas, who has deplored the fact that the number of District Local Board Schools appears to be decreasing. The explanation of this is very simple. The District Local Boards are in great straits for want of money. In many

cases owing to the famine their receipts for the past year have been far below the ordinary estimates, and it has been necessary for them to budget for the present year, with a view to the funds they possess. No one can regret more than I do the necessity for closing any primary school; but so long as the finances of the District Local Boards remain as they are and are collected on their present basis, so long it must necessarily be the case that in time of want, in times when the revenue is not entirely collected, the educational portion of the cess must be less than it was in previous years. I may here state that the criticisms of the Honourable Mr. Gokhale also point in the same direction. No one would be more delighted than I should be, if I could see the funds of District Local Boards expanded and a very great increase in the number of primary schools in consequence. But this is not within the range of practical politics, and it is impossible to suggest the raising of local rates in present conditions. The Honourable Mr. Gokhale has, however, failed to note that in the Budget there is an assignment for primary schools of Rs. 36,000. That has been given by Government during the past five years with a view of aiding private enterprise in villages, that is to say, where the District Local Board cannot open a school, the village may itself open a school and Government may assist it by a grant-in-aid. This grant was originally Rs. 40,000, but that malevolent person the Accountant-General stepped in and objected that on annual averages we could not budget for more than Rs. 36,000. That grant has been a very useful one, and I trust that in the future when more liberal assignment is possible, we may see that sum of Rs. 36,000 increased very greatly, at least to one lakh of rupees. In that case, we should be able to assist very greatly the village people themselves in opening village schools, by substantial grants-in-aid. The Honourable Mr. Moses made a strong appeal for larger assignments. I am sure that is an appeal in which everybody will concur. Education must be progressive if it is to do any good at all, and the expenditure on education must increase. I can only say that I trust that in the fresh contract now to be made it will be found possible, by the aid of the liberality of the Government of India, to make larger assignments for education than it has been possible to make in the past. The Honourable Mr. Moses made comments on the subject of commerce. During the past two years we have been able to do something with reference to that matter. Your Excellency is aware that examinations in commerce are now conducted by the London Chamber of Commerce at the Elphinstone High School. They have been held for the last two years. The first examination was fairly attended, and the examination held in May last was largely attended. Government has now consented to extend this system to Ahmedabad and to hold an examination there next year. I have no doubt that in a very short time we shall also be able to hold such examinations in a centre like Karachi. We have also in the revision of standards for secondary schools, which has lately received the approval of Government, entered the subject of Commerce as an optional subject, so that every high school, whether Government or aided, if it sees fit to teach this subject, will be able to do so. I do not think it advisable that Government should issue orders that this subject must be taught in every high school. There must be a large number of schools in the mofussil that could hardly gain by such a course of instruction being included in their curriculum. Such a subject must be more suited to a large town. I acknowledge very fully the kindly tone with which all the criticisms on the educational budget have been made, and I am quite sure that every member of this Council is well aware that if Government has had to suspend expenditure on education it has not been on account of any apathy or want of anxiety on that subject, but solely on account of those great

misfortunes through which the Presidency has been passing, and which we trust have now come to an end.

The Honourable Mr. MONTGATH, in replying on the debate, said—I cannot complain of the searching criticism to which the administration of the departments with which I am connected has been subjected, and I have to acknowledge the generous appreciation of parts of it and especially of the unremitting efforts of the officers of Government to combat famine. But inasmuch as the subjects dealt with range from the high politics of a permanent settlement to the fees charged for wood in Kánara, honourable members will hardly expect me to go into so much detail as they have done, although I have had a night to cogitate over their speeches. At one time it occurred to me that my honourable friend Mr. Parekh had brought with him by mistake an essay he had prepared for the Statistical Reporter in lieu of a proof of his speech, but I suppose that must have been a misapprehension.

The Honourable Mr. Ibrahim Rahimtoola and the Honourable Mr. Mehta have dealt with some matters which we are not competent to settle. It rests with the Government of India to determine the principles of the next Provincial Contract, and it would serve no good purpose if I expressed any opinion on the suggestions which have been made. Even the grants to local bodies in aid of plague expenditure are met from Imperial funds as matters now stand, and it is for the Government of India to decide on what basis they should be calculated. But inasmuch as the expenditure in question is primarily a charge on the local bodies, for such as is considered to be for the protection of the whole country, is directly borne by Imperial Funds, the contribution of a fixed percentage could scarcely be accepted as a satisfactory arrangement. Government come to the aid of the local bodies only to the extent to which they cannot meet their liabilities, and the exceptions in which a percentage contribution would be found inadequate would, I fancy, prove to be the rule. As regards the new settlement, we shall endeavour to get the best terms we can, but I doubt if it will help us much to put forward the need of assistance to the wealthy City of Bombay even for the important purposes mentioned as a ground for increased assignment. As regards the various questions connected with land revenue which honourable members have discussed, I do not purpose saying anything on the present occasion regarding a permanent settlement, which is not within the range of practical politics, nor regarding the system of granting suspensions and remissions and the desirability of fluctuating assessments which, it is understood, came within the range of the Famine Commission's inquiry. But I cannot admit any justification for the assumption of the Honourable Mr. Parekh that the method which was adopted in this Presidency led to measures of oppression by the subordinate officers. He seems to be rather premature in holding it proved that there was a general practice of adopting such measures. I can express no opinion on the point as regards even the two talukas of Surat and Broach to which complaints were confined because the comments of the Collector and the Commissioner on Mr. Maconochie's report regarding the complaints in the latter were received only a fortnight ago in manuscript and the papers are not yet ready for consideration. But even if it has been shown that there were grounds for such complaints in a corner of these two districts, the conclusion that the practices alleged were general is one in which I am quite unable to follow. The honourable member admits that there were orders that nobody should be required to pay who could not do so without difficulty, and that no warrant of distraint should be issued by an officer

below the rank of Assistant or Deputy Collector, but he asks what were such orders as compared with the feeling of the subordinate officers that their advancement would depend on the revenue collected? Are these officers so infatuated as to believe that a breach of Government orders would lead to their promotion? Government has nothing to do with their promotion. Could they suppose that the superior officers on whom their promotion does depend would reward them for violating orders which these officers were responsible for seeing carried out? If measures of oppression were largely adopted for the collection of the revenue they were singularly unsuccessful, for nobody can say that the amount realized was excessive. The honourable member further thinks that even when the remissions and suspensions were settled the announcement of them was kept back by the subordinate officers to extort money. I am sorry he finds reason to make so general an accusation against a large number of his countrymen. We have reason for thinking that in some cases the difficulties of the situation created by so great a famine were taken advantage of to make illicit gains of various kinds, but I hope there is no such general rascality amongst subordinate officers as he seems to suppose. If there is, would a difference in system prevent its having any effect?

The question of the general pitch of assessment is altogether of too complex a nature to be discussed exhaustively on an occasion of this kind, but there are a few considerations of a general nature which I must point out in connection with statements of some honourable members. The average prices and rents which I quoted in my speech on the first reading of the Land Revenue Code Amendment Bill were taken from the revision settlement reports. They are calculated from the entries in the Registration records. I believe the whole of the registered transactions in a year are taken into account and an average struck. But the Registration records for a considerable series of years have at various periods been examined with the same object and with the same general result. There cannot be a sounder method of forming an opinion of the general pitch of the assessment. There are, of course, disturbing factors which affect individual transactions, but they are not all in the same direction and the average of a *wide* series of prices must indicate the profit which remains after the payment of the assessment. If my honourable friend Mr. Gokhale would like an individual instance I will give him one. Some land is needed for the effluent experiment at Manjri. It is assessed at less than Rs. 2 per acre. When an attempt was made to rent it, the owner asked Rs. 30 per acre per annum, and inquiry showed that land is generally let in the neighbourhood at this rate. I understand that the village panch estimates the price which should be paid if the land is acquired under the Act at Rs. 500 per acre. Whenever land is taken up under the Act, the compensation is fixed at very many multiples of the assessment. The evidence that land is as a rule bought and sold throughout the Presidency at high prices is overwhelming. The Honourable Mr. Parekh and the Honourable Mr. Gokhale assign as a reason that it is a popular form of investment, especially amongst retired officials. But the retired officials must form but a small portion of the purchasers of land. And even they as well as the traders who return with savings would not invest money in land if they got no return from it. If the Honourable Mr. Parekh is correct in his view that the assessment in the Broach District is 50 per cent., not to say more than 50 per cent., of the gross produce, then according to the general idea on which crop rents are based, a man who purchases land as a speculation can get no return from it at all. Are the retired officials and traders who have saved so eager to hold land that they



will pay a large price for the pleasure of looking at it? The honourable members have represented that the Land Revenue Code Amendment Bill induced people to pay the assessment. I think if there was any such result it was rather due to the travesty of the intention of Government which was industriously circulated. But why should those interested in land be so eager to have the assessment paid if the assessment leaves little or no profit. The Honourable Mr. Parekh speaks of the difficulty in recovering the assessment in Broach in years before the famine. If that is a test then the assessment in the Presidency generally must be exceedingly light as compared with that in other provinces. I find, for instance, that in 1877-78 the proportion of coercive processes to holdings in Madras, which the Honourable Mr. Gokhale puts forward as a model to follow in fixing the assessment on the net produce, was 9.93 per cent., while in Bombay it was only .38; in 1878-79 the figures were, respectively, 13.27 and .43 and in 1899-1900 12.25 and .34. Comparison with other provinces is equally favourable to Bombay. Another test applied by the Honourable Mr. Parekh and a very proper test is the area relinquished. But the assessment according to that test also is throughout the Presidency generally light, for even in years of famine the relinquishments are insignificant. As regards the formidable figures quoted by the honourable member to show the average out-turn and the ratio of the assessment to it, I prefer to rely on the results of crop experiments, which have, year after year, been analyzed by so competent an authority as Mr. Mollison, whose conclusion was that although the assessment of fertile land is relatively high in Gujarát, a larger profit is left to the cultivators of such land than to the cultivators of poorer land more lightly assessed. In special areas, of which part of Wagra is one, relinquishments are regarded as indicating over-assessment, and as I have already stated steps are taken to reduce the assessment in such cases. I have heard nothing to affect the correctness of the general view I have before expressed that while there may be over-assessment in certain areas the assessment generally is light. We shall take steps to apply a remedy where there are indications of over-assessment and I do not think that a Commission is needed for the purpose.

My honourable friend Sir Bhalchandra has asked whether a failure of rain is enough to account for famine. Well I think it is. It means that 60 or 70 per cent. of the population are for at least 12 months deprived of employment and income. I doubt whether there is any country in the world where large numbers of the population under such deprivation could pull through so long a period without relief from the State or from private charity. When a strike occurs amongst labourers in Europe they seldom hold out even with the aid of funds for as much as three months. Why such utter helplessness was shown in Gujarát is a question which the Famine Commission has probably tried to answer.

As regards the question of building assessment to which several honourable members have alluded, I can only say that Government are most anxious to encourage buildings in the suburbs of Bombay and are willing to make any reasonable allowances likely to have the effect of preventing overcrowding. The suggestions before made by the Honourable Mr. Ibrahim Rahimtoola as regards the latter point are under inquiry. As regards those now made by him, I must point out that while in some places where the ground is uniform and the demand for land for building is not very great a system of multiples of the assessment may fairly be adopted and indeed is adopted as a rough and ready method of determining building assessment, it would be most unsuitable in such places as Salsette.

The high land which is most valuable for building is least valuable for agriculture and *vice versa*. I have said that we are willing to make all reasonable allowances to encourage building on sanitary principles, but we cannot on that account sacrifice a large amount of public revenue for a long period or for ever for the benefit of landholders, and ground-rent charged at the same rate on the situation value as distinct from the agricultural value as has been found a suitable rate in the large towns of Bombay and Karachi does not seem unreasonable. The Honourable Mr. Ibrahim Rahimtoola says that the idea of 50 years' leases has scared people, and the Honourable Mr. Parekh contends that such leases cannot be imposed where people have a proprietary right. It is possible that there is some misapprehension on this point. By a 50 years' lease it is merely meant that the building assessment is guaranteed for 50 years. The occupant of land formerly assessed for agriculture and appropriated for building does not of course lose the right of holding in perpetuity subject to the payment of the assessment lawfully due for the time being. If, however, it is meant that the term of 50 years is not long enough, surely the term which is suitable in the trading centre of Bombay cannot be unsuitable in the suburbs.

In connection with the question of appropriating land for a purpose other than agriculture, the Honourable Mr. Khare makes a singularly rapid induction from a solitary instance. The case was peculiar, probably unique. Land which properly should be included within factory premises, being used for stacking cotton brought to be ginned, was cultivated in the monsoon, and on that account it was held that it was not appropriated for a purpose other than agriculture. The suit was decided on exceedingly technical grounds, and I cannot see that it forms a reasonable basis even for a surmise that in this matter Executive Officers frequently act inequitably. Mill-owners are fairly well able to look after their own interests. I can hardly say I am surprised to hear from the Honourable Mr. Gokhale and the Honourable Mr. Parekh that there is dissatisfaction with the income-tax assessments. One seldom does find people satisfied with the demand made on them for income-tax, but His Majesty's Government must be carried on, and it cannot be carried on without revenue. If we can get neither land revenue nor income-tax we shall be in bad case. I do not think it can be contended that the income-tax yields all that it should in this country. The method of imposing a higher assessment in order to get some evidence of the income is no doubt irritating, but as the law stands there is no other way of getting any evidence. Certificates of income are not required in this country, and I am afraid that if they were in the majority of cases little reliance could be placed on them. In this matter also I do not think that a Commission could help us much. The question put by the Honourable Mr. Gokhale why there are so many more prosecutions for forest offences in the Central Circle than in the Northern Circle is easily answered. In the former the forest areas are to a large extent intermingled with cultivated and populated areas; in the latter there is practically no access for man or beast to a very large proportion of the forests. The lands which the honourable member says are valueless as forests are or will be classed as pasture and not managed by the Forest Department at all. I do not know whether my honourable friend was serious when he suggested that the price of liquor should be reduced in Thana and Surat. It is stated that in malarious parts of these districts some of the people could probably not live without alcohol, but that is no reason for encouraging intemperance. The honourable member on a former occasion expressed his dissent from the theory that

increase of price results in a decrease of consumption. That theory is founded on a pretty wide experience of human nature, and I think that even in this country it is found that cheap liquor leads to drunkenness. I remember correspondence in the seventies, when the principle of taxing liquor as highly as it can be taxed without encouraging illicit consumption had not been put in force, from which it appeared that in numerous villages in Koláha and Thána there was seldom to be found a man sober after 7 or 8 in the evening. My honourable friend thinks that the best way of checking consumption is to reduce the number of shops. But if consumption is legitimate there is no justification for putting people to great inconvenience to get liquor. Nor, according to our experience, would his remedy have much, if any, effect. It is found that on the borders of Native States and Portuguese territory people will go long distances—often as much as 10 or 12 miles—to get cheap liquor, and many people go, or used to go, from Bombay to parts of Salsette to drink, because the price is a trifle lower. The consumption in any place is immediately affected if the rate of duty is lowered in a neighbouring area.

The Honourable the Chief of Ichalkaranji continues to show a commendable zeal in the interests of the inámdárs whom he represents. We consider that in alienated villages into which survey rates have been introduced, the collection of the dues should be carried out, as far as may be, on the same principle as in Government villages, and we have issued orders which will, we trust, secure this object. I hope these orders will also have the effect of checking such misconduct on the part of village officers as the Honourable Mr. Khare alludes to. We have forestalled the suggestions of the Honourable the Chief of Ichalkaranji that the orders of 1894, to which he refers, should be modified; it is not clear that they were properly interpreted, and we have pointed out that if a principal sharer fails to pay what is due to Government, it is not necessary to resort to coercive processes against him before proceeding to recover from co-sharers or inferior holders. I do not think under the existing law we can do more than we have done to secure prompt assistance to inámdárs to recover their rents. Some amendments of the law have been suggested, and they will be carefully considered, but they cannot be adopted without much consideration. Other suggestions of the honourable member are such as cannot suitably be discussed in a meeting of Council, but if discussed at all, should form the subject of official correspondence. I cannot, however, hold out any hope that the quit-rent payable under settlement or hakdars' dues payable under the settlement or provisions of the law will ever be allowed to depend on the rents collected. The suggestion that the rules for the recovery of advances by Government should be applied to the recovery of advances by private individuals has been held to be open to objection, and obviously great caution would be needed before Government undertook to recover private debts of any kind by executive process. But any measure which gives promise of an opportunity to agriculturists to obtain what they need for cultivation on reasonable terms is worthy of careful consideration, and we shall gladly give such consideration to any detailed scheme which may be put before us. These remarks apply equally to the inámdárs referred to by the Honourable the Chief of Ichalkaranji and to the other native gentlemen referred to by the Honourable Mr. Khare.

These are, I think, all the comments which the speeches of honourable members call for from me. Some minor and, indeed, minute points have been touched on, but I think it will be agreed that if any suggestions are made regarding them, they will be more suitably made in written representations from the persons concerned.

His Excellency the PRESIDENT said :—My honourable colleague has dealt so fully with all the points that have been raised in connection with the Budget that I do not propose to occupy further time by adding any word to it, more especially as the Council are aware that we have an important Bill which we are about now to discuss. The only single suggestion which I would make is really in the nature of a repetition of what I said last year, when I suggested whether some means might not be taken by which a not unreasonable curtailment of our Budget proceedings may be effected. I do not say that any single member should not have the freest possible opportunity of ventilating any subject that he may desire to do, but I think it would be for the great convenience of my honourable colleague, who is in charge of the Revenue Department, if, when any honourable member desires to speak in such detail upon the Budget as necessitates the printing of his remarks, he would very kindly allow the major portion of those printed remarks to be put in and taken as read, and furnish my honourable colleague with a copy of them, my honourable colleague would then be put in a better position to reply to any criticisms which those speeches may contain.

**BILL No. IV OF 1901 : A BILL TO AMEND THE BOMBAY LAND  
REVENUE CODE, 1879.**

His Excellency the PRESIDENT said :—Before asking honourable members to proceed with the further consideration of the Land Revenue Code Amendment Bill, I desire to offer a few remarks upon the measure, with the hope that I may thereby remove to some extent some of the misapprehensions which its introduction has aroused. I may, I think, take the representations of the Deccan Sabha as typical of the fears excited by, and objections entertained to, the Bill, and, though I do not wish to recapitulate the correspondence which has already taken place between that body and Government, some of the leading questions raised by it seem to call for further comment. In the first place the Sabha protests against the haste with which this Bill has been introduced, and pressed on, and claims that four months should have been given before its second reading. As a matter of fact, Government have given three months; and the papers laid before the Council yesterday show that the Bill has been pretty well discussed in all parts of the Presidency. Government's contention is that the objects and effects of the Bill have been and are being if not deliberately misrepresented, at all events misunderstood, and they think experience of its operation when passed into law will be the most effective reply to such misconceptions.

The Sabha suggest Government should have awaited the publication of the Famine Commission and Mr. Maconochie's reports before dealing with the question. I would point out to them that, had the Bill been inconsistent with any recommendations of the Famine Commission which may have commended themselves to the Government of India, we should certainly not have obtained permission to proceed with it. And we can say with full authority that there is nothing in Mr. Maconochie's report which we hold to be incongruous with the principles of the Bill. Then it is argued that, instead of introducing such a Bill as this, we should "institute an inquiry into the whole land revenue problem," and so on. The Sabha's suggestion would mean an indefinite postponement of any tangible benefit to the poor cultivators. Let me once more repeat what I said at Mahá-bleshvar, namely, that this Bill is not, and never has been, intended to represent the Bombay Government's sole contribution towards the settlement of the land revenue ques-

tion; but we believe it will be of considerable value in helping the solution of the question, how far it may be possible to introduce increased elasticity into our system of land revenue collection since it seems reasonable to suppose that cultivators under the new tenure will not, as a rule, be capitalists; and in their cases, at all events, it will be possible to make remissions or suspensions of assessments without minute inquiry into individual cases. We do not say that other classes should not benefit by any changes we may make in our assessment policy, but such changes will require some time to work out in detail, during which time many tenants under this Bill may hope to enjoy such relief as I have just indicated.

Now let me revert once more to the objection of "haste" urged against this Bill—that it was introduced to forestall the Famine Commission's recommendations, and so on. As a matter of fact the Central and Bombay Governments have been discussing the question of restrictions on land alienation for the last six years, though plague and famine exigencies have caused the correspondence to be somewhat intermittent. Ultimately the Bombay Government had prepared a Bill—practically this Bill—which they would have introduced in the ordinary course at this meeting of Council had not the suggestion of the Commissioner, Northern Division, that certain forfeited agricultural lands should be re-granted on a restricted tenure, commended itself to Government. As they had not power to grant such new leases without legislation, Government determined to introduce their long-matured Bill at once, let a Select Committee consider it during June, and be ready to discuss it in Council at the ordinary summer meeting. I would remind the Council that, however important they may deem the principle, it is little more than a one-clause Bill—not a Bill, for instance, like the District Municipalities Bill, and we considered, and consider still, that three months was sufficient time to allow for its consideration. Now let me recur to some of the specific charges made against the Bill.

The Sabha apprehend that it is intended to be an attack on the money-lender. We can find no justification for this supposition. Personally I have no wish and certainly Government have no intention to direct legislation against that body as a body. But do we do so by this Bill? The Honourable Mr. Gokhale has admitted we do not touch vested rights, and has praised us for not disturbing them. Therefore, if the money-lender thinks it worth his while to pay the assessment due from the land to Government he will be untouched by the Bill. If he has made a bad bargain with the cultivator, and advanced money on land not worth redeeming that is not Government's fault. We have inserted a provision in the Bill to insure that he shall have full notice of contemplated forfeitures, so that no dishonest debtor shall cheat him without his having warning. It is quite true that a cultivator under the new tenure will in the future have less security to offer the money-lender; but the obvious reply is that the *soucar* will lend less money. The Sabha admits that there are some black sheep amongst money-lenders, if so, under this Bill they will not be able to treat the cultivators who come under the provisions of this Bill with excessive severity. The next criticism on the Bill is that the Bill is inopportune—and, as I gather, its critics think that the whole solution of the agricultural question is to be found in suspensions or remissions of assessment. We acknowledge that times have been exceptionally bad; and Government are in favour of liberal suspensions and remissions where necessity for such concession can be established.

But we cannot admit that the unfortunate condition of many of the ryots is solely due to recent hard times. As the Honourable Mr. Monteath pointed out when intro-

ducing the Bill there are a considerable number of people who are not intelligent enough to have absolute control over their holdings. If they can borrow on them they will and they do become, what we, none of us wish to see them, serfs of their creditors. Well we propose to offer these people the chance of a fresh start in life at the expense of the general tax-payer. In his interests Government are entitled, nay, bound to see that we do not allow them to place the tax-payer again in the same plight. I think the Sabha's misapprehension as to the 75 lakhs cost of the scheme has been sufficiently corrected. As a matter of fact, the assessment on nearly all valuable lands with regard to which suspensions or remissions have not already been promised, has been or will be paid up; and the experiment of the new tenure will only be tried on a comparatively small quantity of inferior land. The next criticism I have to deal with is the charge that this Bill has been introduced to put the screw on people to make them pay up arrears. Government had no such intention, and the Council will do us the justice to remember that we immediately cancelled a circular issued inconsistently with our orders by a Collector, which we thought might give rise to such a misapprehension. But we have gone further—may I once more quote our latest order—*viz.*, that no *bond fide* agriculturist who can show that he has paid during the last two years such proportion of the revenue as might reasonably be expected of him, having regard to the character of the seasons, and the proportion of whose payment equals or exceeds the normal proportion of the produce of the taluka, shall be affected by this Bill.

The Deccan Sabha ask if Government are only going to remit arrears on condition that cultivators agree to come under the new tenure. No such condition will be imposed. On the contrary we recognise, notably in Gujarát, that there is a large class of cultivators who are respectable, hard-working men, able in good times to pay their way, who have been temporarily hard hit by the famine, but who, with a good season or two, will be restored to prosperity. We have no desire to diminish such men's power of dealing with their land. Then we are charged with tampering with the ryots' rights of occupancy. The right is incontestably conditional on his paying such assessment as Government see fit to impose on his holding, and he has no legal ground for complaint if he suffers through making default in this respect. But humanity and policy alike dictate that Government's rights should be generously construed; and we think the orders I have quoted just now, and many previous ones, show that we do not intend to act harshly in this matter. When the Bill becomes law, and we shall ask the Council to pass the Bill during the present session, our instructions to our officers as to how its provisions are to be applied will be drawn up with the utmost care, and will be strenuously impressed upon them; and it is our hope and confident belief that in a short time the misapprehensions which have surrounded this measure will be permanently and effectually dispelled.

The Honourable Mr. MONTGATH, in moving the second reading of the Bill to amend the Bombay Land Revenue Code, 1879, said—The innocent little Bill—I prefer this phrase of the Honourable Mr. Gokhale to that of the Honourable Mr. Mehta “the innocent *looking* little Bill”—of which I had the honour to propose the first reading at the end of last May, has elicited an unexpected volume of writing and oratory. I cannot say criticism, for nine-tenths, or perhaps it would be more accurate to say ninety-nine hundredths, of what has been said and written does not touch any of the questions at issue. We should have

welcomed real criticism and endeavoured to profit by it, but no reasonable man or body of men can be influenced by speech and writing which, however vigorous in language, are entirely beside the point.

We do not expect either Aristotelian or Baconian logic from ryots, as my honourable friend Mr. Mehta seems to suppose. We do not even expect exuberant orators to refrain from parading the *idola theatri* and *idola fori* which the greatest, wisest of mankind so especially abhorred. But we do expect those who take the part of leaders of public opinion to adhere to the first principles of reasoning. Now, my honourable friend presided at a public meeting to protest against this Bill, and he denounced it as more formidable in its revolutionary character than the Punjab Land Alienation Act. How did he set about proving his assertion? He quoted the provision of the Land Revenue Code, which we contend to have been made too absolute in its terms through pure inadvertence, and his conclusion was that, as through it land to which a survey settlement has been applied is impressed with the essential quality of heritable and transferable property held in perpetuity irrespective of the occupant for the time being, to provide that unalienated unoccupied land may be lawfully granted on special conditions is to absolutely undo the settlement. A more flagrant *petitio principii* was never perpetrated. According to that form of reasoning every amendment whatever of an existing law would be revolutionary. If anybody declares a measure to be revolutionary or unconstitutional, he is bound, I take it, to show that it is a violation of common law or immemorial custom. What, then, are the facts as regards this point? It has never been denied—at least until this discussion commenced—that in this country, whatever may have been the nature of the rights in occupied land, the Rájá was from the earliest times the absolute owner of waste or unoccupied land. Under, at any rate, the more recent Native dynasties the area of Miras land was limited—in some districts did not exist at all, and the Sarkár could undoubtedly adopt any method it chose of dealing with Gatkuli land. It was judicially determined in the Kánara Forest case that waste land belongs to the State and is at its unfettered disposal. Indeed it could not be otherwise. Land in which no private rights subsist must of necessity be at the disposal of the Government as the trustee of the public for the public benefit, and there can be no restriction on the method of its disposal except such as may be imposed by custom or law. In this case there is no such custom or law except the provision in question. And the immemorial custom or common law is embodied in the Code of which let me read part of Section 37: “and all lands wherever situated, which are not the property of individuals or of aggregates of persons legally capable of holding property, and except in so far as any rights of such persons may be established in or over the same, and except as may be otherwise provided in any law for the time being in force, are and are hereby declared to be, with all rights in or over the same, or appertaining thereto, the property of Government; and it shall be lawful for the Collector, subject to the orders of the Commissioner, to dispose of them in such manner as he may deem fit, or as may be authorized by general rules sanctioned by Government, subject always to the rights of way, in all other rights of the public or of individuals legally subsisting.”

The Honourable Mr. GOKHALE, in his minute of dissent from the report of the Select Committee, said that the proposal to empower Government to give waste relinquished or forfeited lands on such leases as they think best is open to grave objection; that it is unsafe and not in harmony with the spirit of British administration; that such vast powers should be conferred on the Executive Government, and that a most important branch of

the administration of the Presidency should be removed from the regulation and control of express statutory provisions and put simply under the direction of executive authority. He added: "In no province of British India is the choice of the land tenure thus left to the discretion of the Executive Government." On this foundation there have been based numerous denunciations of our unconstitutional action, and it has been gravely alleged that the Bill is an appeal to the Legislature to part with its functions. Again, what are the facts? In no other province in British India, including Burma, is the State fettered by statute in regard to the method of disposal of waste land or, as it is often put, land over which no person has rights or to which no rights are proved. Let honourable members read the Acts and they will see. In several of them authority is expressly given to the Executive to make rules for the disposal of such land, and in all the provinces rules of the most various tenor prescribing the conditions on which land may be granted in specified circumstances, and sometimes reserving power to deal as the Government pleases in any case have been promulgated. Let me further call the attention of the honourable member to Section 3 of the Crown Grants Act: "All provisions, restrictions, conditions and limitations ever contained in any such grant or transfer as aforesaid (*i.e.*, any grant or other transfer of land or of any interest therein heretofore made or hereafter to be made by or on behalf of Her Majesty the Queen-Empress, her heirs or successors or by or on behalf of the Secretary of State for India in Council to or in favour of any person whatever) shall be valid and take effect according to their tenor, any rule of law, statute or enactment of the Legislature to the contrary notwithstanding." That provision extends to the whole of British India. It would, indeed, not be unreasonable to hold that it over-rides the absolute nature of Sections 68 and 73 of the Land Revenue Code, in which case the amendments we propose are not necessary; but it is, no doubt, desirable that we should bring these provisions into harmony with the general law of the land. It must, however, be obvious to the honourable member that in these circumstances he is rather wide of the mark in representing the measure as unique.

My honourable friend instances the Chenab Valley Act, III of 1893, and the Sind Special Occupancies Act, III of 1897, as precedents which should have been followed to tie the hands of the Executive. We might have expected from him a discrimination of the different circumstances. These Acts were enacted to deal with definite areas and specially for the purpose of providing a convenient system of registration of conditions and saving the necessity of separate leases. They, moreover, leave the Local Government full discretion to determine the conditions, except that a restriction of the power of transfer is prescribed as one of them. The object of the amendment we are considering is to make it clear that Government have the power of granting the use and occupation of land on suitable conditions in special cases. The idea of the honourable member apparently is that the cases and the conditions should be specified in the Bill. But that is clearly impossible. Will he undertake within any given time to produce an exhaustive list of the various uses to which land may be put and of the terms which it would be appropriate to attach in each case? Would he think it reasonable if the use of land was applied for an omitted case, say, for a cricket pitch near a school or college or (to take one more likely to be omitted) for drying the boys' linen, that the Principal or Council or Committee should be told that it could not be granted until a special Act was passed by the Legislature? It would even be a task of some difficulty to collate the cases in which land has been given out on special terms within a few past years in oversight of the absolute



nature of the provisions contained in Sections 68 and 73 of the Code. Whatever grounds honourable members may have for distrusting the power or the wish of Government and Government officers to exercise a reasonable discretion in the public interest, there are cases in which such discretion must be allowed and this is one of them. You cannot foresee all circumstances which may arise and provide for them by statute. It has never been suggested that in the town and island of Bombay, where land is of enormous value, and where, if anywhere, one might expect that anything approaching unconstitutional action would be quickly detected, Government should or could be bound by statute as to the conditions on which such land as is at its disposal should be granted in all classes of cases. Is it revolutionary to restore (if, indeed, it was ever lost) to Government the power to do in the mofussil what it has done in the island of Bombay without demur ever since it was ceded? In fact, the power is one of which the Government cannot be divested without the gravest public inconvenience and disadvantage. I have said before that there are strong reasons for believing that it was not the intention of the Code to deprive the Government of the power to grant land on special terms in special cases, and that the doubt which we purpose removing is merely as to the effect of the wording. The absolute terms of Sections 68 and 73 are not consistent with the apparent intention of Section 37, which I have already quoted, and there is nothing in Section 62 taken by itself to limit the conditions which a Collector may annex to an occupancy before granting permission to take up unoccupied unalienated land. In 1875 special rules were made for the grant of occupancy rights in Government land in certain parts of Násik, the Konkan, Khándesh, Surat and Ahmedabad to wild tribes, and in 1883, after the Land Revenue Code was passed, it was directed that the agreement should contain a clause to the effect that the person to whom the land was granted should not lease, mortgage, sell or otherwise encumber the occupancy without the previous sanction of the Collector. I pointed out at the first reading that Mr. Naylor, who drafted the Code, approved of the clause. Could there be a more convincing proof that it was not the intention of the framer of the Code by the terms of Sections 68 and 73 to debar Government from granting land on special terms? I may add that in a case decided by the late Chief Justice, Sir Charles Sargent, and Mr. Justice Fulton in 1894 (Dhabu walad Chaina *versus* Harring and others) it was held that the use of the word "Bhogwata" (enjoyment) in a Kabuláyat, taken along with a recital that no purchase-money was paid, indicated that the intention, as understood by both Government and the Bhil, was that the right of occupancy created by it was to terminate with the Bhil's beneficial interest in it, and therefore nothing could pass to the purchaser of the Bhil's interest in the land. Although the plaintiff purchased the land at a Court's sale, he was not allowed to recover possession. The grant was made before the Code was enacted, but the Court sale took place long after in 1890, when presumably the provisions of the Code would apply. My honourable friend Mr. Mehta respects the palladium of our liberties and the names I have mentioned, and when he finds that these learned Judges decided a case on the assumption that Government could legally exercise the power which we are taking steps to put beyond doubt that they can exercise, I think he must feel that he was using exceedingly inappropriate language when he talked of our sowing the seeds of revolution, and characterized the Bill as particularly formidable in its revolutionary character.

I need say little of the other amendments, which have not elicited much comment. So far as I have seen, the provisions intended to make it clear that the maintenance of

visible boundaries can be enforced have met with no objection. A feeble attempt has been made to show that by the amendment of Section 48 Government are endeavouring to acquire a new power, and the Honourable Mr. Gokhale, in his minute of dissent, expressed the view that this amendment is calculated to strengthen the hands of Government in enforcing their theory of State land-lordism to the fullest extent, and he thinks that this claim is of comparatively recent date, because there were neither building fines nor special assessments of building areas before 1865. It is true that special building assessments were seldom, if ever, imposed in the mofussil before 1865, but that was because land was not much in demand for building. But what was the law? It is contained in Section II of Regulation XVII of 1827: "All land, whether applied to agricultural or other purpose shall be liable to the payment of land revenue to Government according to the established principles which govern the assessment of that description of land to which it belongs." There is, however, not much advantage likely to arise from discussing the history of the question. The fact is that, under the existing law, special assessment can be imposed on land appropriated for building, and can be revised after the expiry of any term for which a guarantee has been given. It is not within the competence of this Government to fix an assessment in perpetuity, and any person who supposes that a building assessment cannot be revised if the law remains as it is will have to be undeceived. Possibly, under the law as it stands, the altered assessment would be liable to revision on the expiry of the term of the Survey Settlement instead of being at once guaranteed for a long period; but, if so, the amendment is beneficial to the holders. The whole effect of the amendment of Section 48 is to make it clear that Government can authorize the Collector or other officer to fix and revise assessments on lands of which the appropriation is altered without going through the cumbrous process which otherwise might be required under Chapter VIII of the Code.

That is the Bill. Whether or not it is to be made clear that the maintenance of visible boundaries can be enforced, whether or not it is to be made clear that Government can authorize the Collector to fix and in due course revise assessments on lands of which the appropriation is changed, whether or not it is to be made clear that Government has the power of granting occupancies on special conditions in special cases—a power which it is essential for administration in the public interest that it should have, a power which it has always exercised, and a power which is held by every other Government in India—these are the questions which this Council has to decide. These are the questions on which honourable members have to vote. If they can conscientiously answer these questions in the negative, let them vote accordingly. But they cannot properly vote against the Bill because they disapprove of a particular policy which may be adopted on the passing of it. It is open to them as to all members of the community to discuss that policy, but the question whether or not it should be adopted is not to be determined in this Council. The passing of the Bill does not necessarily involve the adoption of that policy, and the amendments are required in the public interest whether that policy is adopted or not.

Much of what has been said and written with regard to that policy is not much more relevant to it than it is to the provisions of the Bill. With some of it I am quite in accord, as those who have done me the honour to listen to or read my speech on the introduction of the Bill must have seen. We have never supposed or represented that we

have discovered a panacea for all the ills which afflict the cultivators in this Presidency. If any of our leaders of public opinion will point out practicable methods of promoting non-agricultural industries and the organization of real credit we shall most willingly do our best to put them into practice. We shall gladly co-operate in any feasible measures for the amelioration of the condition of the agricultural community. But it is surely unreasonable to condemn the restriction on the power of transfer which we purpose imposing in certain cases because it will not bring about the millennium. I have endeavoured to show that this Presidency has on the whole prospered under the ordinary survey tenure and I should be sorry to see anybody deprived of the power of transfer who is capable of making use of it to his own advantage. But I don't think that any sensible person acquainted with Bhils, Kátkaris, Thákurs and Wárlis would contend that they can make a good use of it or that the possession of it does not lead to their ruin. The great majority of the Káliparaj people in Gujarát and of several classes elsewhere have no greater capacity for protecting their own interests. These people will submit to any terms rather than leave the lands of which they are the nominal occupants. They are left in all years only enough to keep them alive and in years of famine they are of course thrown on public charity. They would be better off as day-labourers. They would be infinitely better off if they were free to make a bargain to be tenants of other lands. That is the canker which the measure we have in view may help to remove. We claim for it no more than that, but it surely would be a boon to such people to be given an opportunity to hold either the lands of which they are the nominal occupants or other lands without a right to transfer or encumber at will, but with a right to the full produce except such as is needed to meet the State demand. And if the opportunity existed for such agriculturists to obtain land on these terms, there can be little doubt that creditors would find it necessary to treat more liberally those whom they wished to continue cultivating for them. I am told that the Kolis of Ambegaon in this district have bound themselves by a general agreement not to sell or mortgage their lands, and although the lands are of poor quality, these people have kept their heads above water through years of scarcity or famine, while their brethren holding richer lands are irretrievably embarrassed. That is one of the numerous instances which might be cited to show that a restriction of the power of transfer may be very beneficial to members of the less advanced classes.

That is the main object we have in view—an object necessarily limited in its scope and of an extent which cannot yet be estimated, but giving promise of being beneficial so far as it goes. I stated at the first reading that we are giving effect to a recommendation of the Commission appointed to inquire into the working of the Deccan Agriculturists' Relief Act, after an exhaustive inquiry, which apparently some gentlemen would like repeated *ad infinitum* without any action at all. The accuracy of that statement has been denied, and it has been stated that the Commission never recommended any such radical change in the land tenure of this Presidency as is capable of being accomplished under the proposed legislation. I will read the passage and let the Council judge: “Although, however, the Commission are not at present prepared to recommend the withdrawal of the power of transfer where it already exists, they do not see why in the case of future grants or alienations of Government land such a power should be conceded to the occupant. (That, it will be observed, is going much further than we contemplate. Even in making fresh grants of unoccupied land a condition of restriction of transfer will not be imposed in cases in which the Collector considers the ordinary tenure

more suitable.) There is not in the four districts much Government waste land available for cultivation, and escheats and resurreptions (that is, forfeitures) of culturable land, are few. But outside the four districts there may be places where the experiment could be tried on a fairly extensive scale. The Commission understand that the one great difficulty in the way of inducing jungle tribes to settle on the land is to keep them from falling into debt and losing their holdings. The grant of the land without a power of transfer seems the natural remedy." The recommendation of the Commission has been described as one to grant lands in future to jungle tribes without the power of transfer, but if it is meant that the recommendation applies only to jungle tribes, the very general terms of the first part of the paragraph which I have quoted must have been overlooked.

What I stated at the first reading as regards the possible extent of the measure has been misunderstood, as what I said on most other points. It was not possible to give any indication of that extent except a statement of the arrears on account of which land would be liable to forfeiture if they were not paid off. But it was most distinctly pointed out that if the payment of arrears was offered, it must be accepted, the land on account of which they were paid, of course, continuing on the ordinary survey tenure, and that occupants whom it is desirable to retain on that tenure would be allowed time to pay their dues. It did not occur to me that it was necessary to explain that any promises of remissions or suspensions would be strictly fulfilled, as I did not suppose anybody would suspect that such promises would be broken. The action which has been taken will, I hope, convince the most suspicious of cultivators that there is no intention of taking advantage of their difficulties to force on them a tenure which they do not desire. Nevertheless the opportunity is a suitable and proper one for imposing a restriction on the power of transfer on a considerable scale. In ordinary times there is practically no such opportunity at all. There have already been forfeited, and there will hereafter be forfeited in the ordinary course of revenue administration, lands of non-agriculturists who in existing circumstances do not care to pay the revenue. There will, no doubt, be forfeited lands of occupants who are completely insolvent and whom it is not in the public interest to retain on the ordinary tenure. We hope and have reason to believe that many of the poorer and ignorant classes when they understand the conditions will prefer to have the power of transfer restricted rather than continue liable for arrears; some have indeed already applied to have such an arrangement carried out. There have not been many lands relinquished, but after such calamities as have occurred there are, of course, many left without occupants. But for an agitation based on misunderstanding, and I fear in many cases on misrepresentation, which we thought it best to let spend itself, considerable areas might have been given out on the restricted tenure for cultivation in the current year with advantage to individuals and to the community. We hope that even yet some can be made available for the rabi season.

As regards this agitation I wish to say as little as possible, but I cannot admit that it is justified by anything which has been said by or on behalf of Government. At the first reading some honourable members gave expression to the pre-conceived idea, for which there was no foundation, that the intention was to give out all unoccupied lands on short leases, and in spite of all that has been said to the contrary, this idea has been in the forefront of the agitation. It has been urged that rack-rents may be imposed and that the scheme amounts to a nationalization of forfeited lands. There was subsequently pro-

pounded the extraordinary doctrine that, inasmuch as it is provided that when a sum in excess of arrears and expenses is realized by the sale of forfeited land, the surplus, if any, shall be paid to the former occupant, it becomes the duty of the State not to derive from the forfeited holding anything in excess of the amount which is necessary to satisfy its own claim, and that unless the land has been put up to auction Government cannot dispose of it otherwise. We have accordingly been roundly and widely accused of endeavouring to get land, the value of which a speaker said is sometimes 50 times the assessment, for the amount due for a year or two and thus to make a very profitable bargain. Our measure has been characterized as a piece of financial ingenuity of a rudely selfish character. It has been alleged that the effect of the proposal would be to reduce a large proportion of the agriculturists to the position of mere tenants of the State. That view has been the burden of many articles, and there has been widely propagated a report that Government desire to make all the poor agriculturists of the Presidency tenants-at-will, bond-slaves, labourers or serfs. At a public meeting in Bombay a resolution was proposed to the effect that the Bill is calculated to revolutionize the essential character of the tenure on which survey lands are held in the Presidency, and it was declared that the measure effects the same object which Mr. Henry George had in view in his socialistic scheme of land nationalization.

Now to begin with this doctrine regarding forfeited lands, may I ask those who have put it forward what is their idea of forfeiture? According to all I have ever read on the subject private rights are extinguished in property which is forfeited to the State. The argument that because Government provides as an equitable arrangement that if on the sale of lands there is a surplus after arrears and expenses are paid it should be given to the former occupant, therefore Government cannot dispose of the lands as it chooses strikes me as a curious *non sequitur*. It is said that when no sale can be effected Government have the power to dispose of the holding in such other manner as they please. But that is not the law. It is clearly provided in Section 56 of the Code that on forfeiture the Collector may levy all sums in arrear by sale of the occupancy or may otherwise dispose of such occupancy under rules or orders. All this, however, has nothing to do with the Bill. There has been no attempt to alter the law on this point. The proviso to Section 68 deals only with unalienated unoccupied land as do all the provisions in the chapter affecting the grant of occupancies. If forfeited land does not come under that category, it cannot be dealt with under the proviso, but that is a matter for the Courts to settle if there is any real ground for doubt regarding it.

It has been repeatedly and most emphatically declared that the short leases are to be granted for alluvial lands and lands within forest limits which from the nature of things cannot be given on a permanent tenure, and that when lands are given out for permanent cultivation on the restricted tenure the occupant will have all the rights of an ordinary occupant except the free power of transfer. The process of reasoning by which the conclusion has been arrived at that occupants on the restricted tenure will be mere tenants and that they may be rack-rented is not intelligible to me. They will hold on precisely the same tenure as Talukdars in Gujarat and Watandars generally. Are people of these classes mere tenants or in danger of being made tenants? The occupants in question will have the same right of holding in perpetuity as other occupants, and the guarantee of the survey assessment will be as binding in their case as in any other case.

Are the gentlemen who have taken a leading part in the agitation aware of these facts? If they are not, do they contend that they have not had full opportunity of ascertaining them? Whether or not, do they consider that it was for the good of the community to indulge in inflammatory oratory regarding revolution and State land-lordism and land nationalization, unless they were perfectly sure of their ground? I do not understand how men of their intelligence could believe that there was a general measure of confiscation on foot, and in my estimation such as did not believe so would have acted a better part if they had endeavoured to remove the misunderstanding which was being vigorously propagated. I am glad to say that people for whose benefit we are acting show no fear of the effect of the measure when it is properly explained to them and have more confidence in the desire of Government to help them than some who undertake to speak on their behalf.

The Honourable Mr. MEHTA then moved the following amendment :—

“ That the Bill to amend the Bombay Land Revenue Code, 1879, be referred for opinion to all District Judges, Collectors and Commissioners of the Presidency, the Chief Justice and other Judges of the High Court of Bombay, to the Advocate-General and the Legal Remembrancer, and to such native gentlemen and public bodies and Associations as Government may select, and that the Bill be recommitted to the Select Committee for further report after consideration of such opinions and representations as may be received in respect thereof within six months from this date, with instructions to submit their report within two months thereafter.”

He said—Your Excellency,—I confess that I rise to speak on this occasion with a certain amount of trepidation. I am afraid that I shall again lay myself open to the indictment which my honourable friend Mr. Monteath has brought against me that I am wanting in the discussion of this question in the very elements of reasoning. But, my Lord, I seek help and consolation in the reflection that human nature is so constituted that in a controversy you are always convinced your opponents are always wanting in the very elements of reasoning if you don't fall in with their views. My Lord, I may add that it is easy to see that my honourable friend is a bit angry that we are not able to follow his reasoning in this matter, and therefore in his anger it is that he thinks that we are not capable of reasoning rightly and properly and, may I add, honestly. However I must dare my honourable friend's wrath. Formally and technically I am supposed, in what I am going to do, to move an amendment to the proposition made by the honourable member in charge of it for the second reading of the Bill before the Council. Stripped of its ceremonial vestments, my supposed amendment is only an appeal to your Excellency in Council. It is an appeal for caution and patience. It is an appeal for justice and sympathy. Above all, it is an appeal for that candour which overcomes the insidious bias which every man, officials not excepted, is liable to contract in the zealous discharge of the duties of his work in life by virtue of that very occupation and by virtue of that very zeal. We, the non-official elected members of your Excellency's Council, cannot command votes. Our place in its constitution is generally to trot along the Government triumphal car, grateful for such largess as may be generously thrown out. But if we are not to sit in utter helplessness, if we are not to feel that our absence would almost be better than a presence which would be open to misconstruction, I trust that we may be allowed to invoke earnestly that the determination of a

question fraught with momentous issues of the greatest magnitude to the present and future well-being of this Presidency, may be controlled and guided by the wise exercise of those attributes of all true statesmanship which I have mentioned above, without which no great problem affecting the interests of large masses of the people can be adequately and successfully treated. My Lord, I have said that I plead for patience, for caution, for sympathy and justice, and unbiassed candour. At the very outset, my Lord, I will freely and frankly speak out that it is most unfortunate that the attitude and feeling of the public towards this Bill are misinterpreted and misconceived. We cannot help keenly deploring that an idea should prevail in the highest quarters that the agitation against the measure is owing only to the money-lending classes, that it is not *bonâ fide*, that the agricultural classes have little or nothing to do with it, and that what little alarm and consternation does prevail, have been fanned into a flame by sedulous and interested misrepresentation. My Lord, if the Government of this province entertain such notions, I will venture respectfully to say that they are making the same superficial mistakes, and falling into the same precipitate blunders, on information and reports coloured by one-sided predilections and vitiated by hasty and prejudiced generalizations, as the mistakes and blunders founded on imperfect and prejudiced information into which they fell in reading and interpreting the feelings and actions of the people in connection with the earlier measures for treating the outbreak of plague in this Presidency. At that time, too, it was hastily believed, though in all such honesty, as is often consistent with deep prejudice, that the opposition of the people to plague measures was due to interested agitation and dishonest misrepresentation. It was long before Government realised that the commotion among the people had its real origin in the violence unconsciously done to their most cherished ideas, feelings and sentiments. Government were repeatedly and emphatically assured by officers who were supposed to know the natives more intimately than their brethren who had lost caste by their education that the people could not be, and were not, really averse to measures taken under the dictates of sanitary science and civilized benevolence for the security and preservation of life. We have all ultimately discovered the sincerity of their opposition, the impotence of sanitary science, and the innocence of the accused classes. I am afraid a similar phenomenon is being enacted in respect of the measure now before the Council. It is judged that there could be no genuine opposition from people in whose interest it was conceived and in whose protection it was designed. It is judged that if there is a show of opposition, it must be factitious and instigated by wicked and interested people. Even the honourable gentleman in charge of the Bill expressed in introducing it the hope "that advantage will be taken to a large extent of the opportunity which on the passing of this Bill will exist to give a right of occupancy without an unrestricted power of transfer." In the same speech my honourable friend protested, and very rightly, against the rather too common assumption "that human nature is different in this country from human nature elsewhere," and I would ask him where in this wide world will he find an agricultural population who will receive with favour such agrarian changes as are proposed to be carried out by this Bill. I venture to say that everywhere the agricultural masses would pray to be saved from being compelled to accept favours and benefits which their habits of mind, their ideals and their sentiments have taught them to regard with invincible repugnance. The ryots of this Presidency are no exception to this rule. However much you may tell them that they are, as Mr. Monteath graphically puts it to them, "the oppressed serfs of exacting money-lenders," they will persist in considering

themselves as holding and enjoying the status and dignity of peasant proprietors, and in preferring that dignity and status with all its drawbacks and burdens as infinitely preferable to being mere yearly or short-period tenants of an absolute State landlord; howsoever much you may assure them, as again my honourable friend earnestly does, that they will thus become "contented occupants, enjoying the full fruits of their industry, except the moderate share due to the State."

To hold, my Lord, that the commotion throughout the Presidency in regard to this Bill is owing to the action of the money-lending classes, is to strangely ignore all real knowledge of the most cherished feelings—prejudices, if you like to call them—of the ryots of this Presidency in common with all agricultural people in their position everywhere. And is it certain that the new nostrums will be more efficacious than the plague measures which, it was at one time dinned into our ears, were sure to stamp out plague? Will they really stamp out the terrible plague of indebtedness, which, it is alleged at the same time is principally owing to the inveterate habits of extravagance in-grained in the people themselves? Or is the parallel, which I have drawn likely, to prove true in this respect also? However that may be, let me assure you, my Lord, that the alarm and consternation prevailing in the Province are just what would be naturally expected under the circumstances, and that the agitation against the Bill is not factitious but genuine and sincere. Of course, it is also true that the money-lending classes contribute their share to it. Their legitimate interests are largely involved in the proposed measures, and their securities in many cases may be seriously affected. Even against their will they would be reduced to the necessity of pressing hardly on their debtors and taking steps to sell them up. The worst is that the good and the bad are indiscriminately involved in the common treatment on both sides. The *sávcárs* are entitled to agitate as any other class of His Majesty's subjects in defence of their rights and in vindication of their character. They may be said almost to have a special claim on the consideration of Government. It is the fashion with the Revenue officials of this Presidency to denounce the *sávcár* as a Mephistopheles tempting the ryotwári Faust within their jurisdiction. But leaving alone the question of his share in agrarian indebtedness, about which people will talk without waiting to gather facts and statistics, it must be remembered that in this province of a rigid system of revenue collection and a rooted dislike of remissions and suspensions, the *sávcár* has admittedly occupied a most important and useful place in the agricultural system of the country. This was very effectively put by the late Finance Minister, Sir James Westland, in the debate on the Amendment of the Indian Contract Act in 1893. He said: "I should like to say a word in support of the remarks which have fallen from my honourable friend Mr. Rivaz. I deprecate any idea going abroad that this Bill, as far as my connection with it is involved, is based upon the theory that the village *sávcár* is a man to be put down. I believe him to be a very necessary element in Indian political economy, and that he exercises a profession which is extremely useful, so far as I am concerned. My revenue comes in punctually, mainly because the village *sávcár* is willing to convert a debt owed by the ryot into a debt owed by the ryot to himself." It is not uninteresting to quote the observations of Sir Charles Rivaz to which Sir James Westland referred. He said: "I am not among those who consider that every money-lender who has any business transactions with a member of the agricultural classes in this country is necessarily an unprincipled extortioner, or that every agricultural borrower is a poor simpleton who is unable to under-



stand whether he has been treated fairly or unfairly. The money-lender, as my honourable friend Sir Griffith Evans has just said, is a very useful and even indispensable element in the composition of rural society in this country, and I am ready to believe that in the main the money-lending classes are reasonably fair and just in their dealings with their agriculturist clients." Then, again, it has to be borne in mind that many agriculturists themselves both lend as well as borrow money. It is not possible to say how many, for unfortunately no statistics are available on this point, and the Bombay Government have not been fond of instituting inquiries and gathering statistics that would have set at rest many vexed questions regarding the agrarian problem. Such statistics as were collected by Mr. Thorburn in four selected tracts in the Punjab by taking typical villages and working out each original peasant proprietor's debt and mortgage history for about the last twenty-five years, would be invaluable. As it is, it is not possible, for example, definitely to verify the observations made by the custodian of this Bill, when in pointing out that the transfer of large areas to usurious money-lenders was undoubtedly a public calamity, he added: "These people use their capital to get possession of the land, they use none for the improvement of it." I have very little doubt that my honourable friend must have felt dreadfully handicapped by his inability to cite definite statistics in support of this as well as many other statements in his opening speech, especially that one in which he revives and resuscitates what I believed was an exploded fallacy, that light assessments lead the ryot to extravagance and pave for him the way to hell, without, however, telling us up to what exact point the heaviness of the assessment should be carried, just as the physician forgot to define the last straw in the experiment to sustain a horse without almost any food in consequence of which the horse died before the experiment was completed. I have a few remarks to offer later on with regard to the alleged extravagance of the ryot on festive occasions. But I will now proceed respectfully to submit to your Excellency whether it would be wise and statesman-like to ignore altogether a *bona fide* and legitimate agitation in which both ryots and *sávcárs* have joined, and to press on without pause with legislation the prospect of which has evoked wide-spread consternation among both these classes alike. Whether the agitation is altogether intelligent or unintelligent, the issues involved in the proposed changes are so momentous and, as admitted frankly by my honourable friend, they are of so difficult and important a character, that "they have exercised the wits of all who take an interest in the prosperity of the country, and views have been expressed regarding them differing as widely as the poles asunder by those who have an equal opportunity and power of judging," that no statesman would be justified in treating an agitation on such questions except with infinite patience, caution, and even tenderness. In speaking on the first reading of the Punjab Land Alienation Bill, His Excellency the Viceroy remarked that "the issues at stake were, in his judgment, as momentous as any that could attract the attention of the Government of India." But, my Lord, the issues at stake in the Bill before the Council are immeasurably more momentous, far-reaching and radical than those involved in the Punjab Bill. The Land Revenue Code Amendment Bill now before the Council is a far more formidable measure than what is now "the Punjab Alienation of Land Act, 1900." The latter Act prohibits permanent alienation of land except to defined agriculturists without the sanction of a Deputy Commissioner, permits temporary alienations only within certain defined limits, and forbids execution sale of land. It does not affect land tenure in any other way. The present Bill not only deals with the question of transfer, but provides powers by which the tenure of land in this Presidency would be in time completely altered by executive action. The honourable

member in charge of the Bill says that the original intention of the Land Revenue Code of 1879 was in the direction to which it is now proposed to revert. I must say that he does not produce a single argument worth the name to establish this proposition. Surely that Mr. Naylor who drafted the Act approved the form of lease given to Bhils in Khândesh can scarcely be called an argument. Feeling the weakness of this argument he has now tried to press into service Section 37 of the Land Revenue Code. (Reads the Section.) It will be seen that there are express saying words in the section which *leave* no room for the contention of the honourable member. On the other hand, there are express words in the Act which are incapable of explanation, except on the theory that land tenure was deliberately settled according to what is somewhat lightly called the present opinion of their law officers. There can be no doubt that opinion is right. The combined operation of Sections 68 and 73 show that every occupant of land has an heritable and transferable right in it, and if the survey settlement is applied to that land the occupant is entitled to the use and occupation in perpetuity. It is impossible to explain away the final words of Section 73: "the right of occupancy shall be deemed an heritable and transferable property, &c., and shall immediately pass to the person whose agreement to become occupant shall have been accepted by the Collector." The last words would never have been allowed to form part of the Act unless it was deliberately intended to render impossible annual or short-term tenancies of land brought under settlement. My honourable friend has told us a great deal in his speech about individual existing occupants and their vested rights and interests. But he quietly gives go-bye to the fact that leaving individual occupants alone the effect of Section 73 is to permanently impress the land with occupancy rights, the tenure in perpetuity being the most essential of them. Individuals may hold and individuals may relinquish it, but the land itself can be held only, whenever held, by a tenure in perpetuity. It is this deliberate character impressed upon the land which this Bill is framed to destroy. I venture to say again, in spite of my honourable friend's inability to appreciate it, that in endeavouring to do so it certainly deserves to be designated as revolutionary. And be it remembered that the honourable member himself fully admits that under the existing settlement "the prosperity of the Presidency has advanced by leaps and bounds." I know that the honourable member has urged that the provisions of the Bill will only apply to unoccupied land, which is the absolute property of the State, and that forfeited lands rightly come under this designation. I have already pointed out that Section 73 absolutely prevents forfeited lands from being regarded the absolute property of the State, to be dealt with as the State liked. And it is here that the worst sting of the Bill lies. From amongst a certain confusion in the use of the words waste, unoccupied, and forfeited lands, the intention of the Bill shoots out clear. It is to be a declaratory Act establishing the absolute right of the State as sole landlord of all soil in the Presidency. Government seem to be taking a lesson from the experience of the War in South Africa. Frontal attacks are superseded in favour of flank movements, and this Bill may be described as a flank movement by which the declaration of the sole ownership may be quietly and effectively established and declared. I do not propose to go into the old wearisome discussion on this subject. It is sufficient to note that in this Presidency the view laid down by Elphinstone in his history of India, as established in Hindu Polity, was deliberately and legally accepted and adopted in its main lines, the view that "the King possesses the exclusive right to a proportion of the produce (the *rajbhag* as it is still called). This right is permanent, and the King can dispose of it at his pleasure, but he cannot interfere with the soil or its produce beyond

this limit." It would not be just or right to endeavour now to subvert this final settlement. Zealous revenue officers have for some time been talking of what they ingeniously call the non-agricultural value of unalienated land, and claim it as the exclusive property of the State, alleging that the occupants can claim nothing more than a portion of the agricultural rent.

This pretension, if I may take the liberty of calling it so, has now culminated in the full assertion of State ownership in the Bill, which would thus go back upon a solemn adjustment of rights sanctioned by legislation years ago. It will be thus perceived that the agitation caused by this Bill is not entirely ignorant. The people have instinctively gone to the very root of the matter and realized fully the action proposed to be taken by Government. The Bill is thus fraught with issues more momentous, more far-reaching, more revolutionary than the Punjab Land Alienation Act. Now let us see with what patient care and caution the Government of India proceeded with the Punjab legislation. When the Alienation Bill was read a first time in the Supreme Council, how did His Excellency the Viceroy propose to proceed with it? After pointing out that minutes had been written, and resolutions passed during the last twenty-five years, his Lordship spoke as follows :—" Does not this fact illustrate in a striking manner the method and deliberation with which we proceed? I am one of those, as may be known, who find that the machine of Government is apt to move somewhat slowly in this country, and to be a little ponderous and rusty in the revolution of its wheels. But for caution and slowness, in a matter affecting vast areas of territory, relating to the concrete rights of property, and touching the livelihood of hundreds of thousands, if not of millions, of the population, I have nothing but praise. Our studies and investigations can scarcely be too protracted; our action must, on no account, be flustered or precipitate; if our proposals are to be successful, full opportunity must be afforded to public opinion to digest and to accept them, provided, that is, that they are deserving of acceptance. It is very important that the mills of the Sirkar should grind slowly, because in the long run they are apt to grind exceedingly small. Let me apply these observations to the present case. Mr. Rivaz has just asked leave to introduce this Bill, which has, I may almost say, been for years in course of incubation. It represents the unanimous views of the Government of India. It has been accepted by the Secretary of State. It is supported in the brief but powerful argument, to which we have just listened, by the Lieutenant-Governor of the province to which it is proposed to be applied. Yet so conscious are we of the importance of the precedent that we are setting, and of the far-reaching consequence of the solution that we propose, that we have resolved to give the amplest opportunity for the expression of the opinions, and even of the criticisms, of those whose interests will be affected by this measure. In my opinion, legislation in this Council, which is invested with the law-making prerogatives of the Government of India, should be deliberate in proportion to its facility. Laws that are made in haste are apt to be repented at leisure. For these reasons we now introduce this Bill, which public and expert opinion will have an ample opportunity of discussing during the next six months; and fortified, as we hope, by this outside assistance, we shall then take up the measure when we re-assemble at Simla next year." My Lord, I ask for this Bill—far more formidable than the Punjab Bill—the same ample, if not ampler, opportunity of discussing and criticising it, at least during the next six months, and to proceed with it further only next year. The only reason which was given at the first hearing for hurrying on the Bill has now ceased to exist. By

the Resolution recently issued, your Excellency in Council has been pleased to direct that until the expiry of a year no measures shall be taken for the recovery of arrears from any *bona fide* agriculturist who, in the opinion of the Collector, has paid during the last two years such proportion of the revenue due from him as might reasonably have been accepted, having regard to the character of the seasons. How far the search for this *bona fide* agriculturist will prove successful under the conditions under which the search has to be carried out, may be open to interesting speculation. But it is now certain that Government have now abandoned their intention to take advantage of the opportunity which they believed the existing famine conditions in the Presidency gave them. There is no special reason, therefore, for refusing to give to the people the same ample opportunity for discussion and criticism as was deliberately and wisely given in the case of the Punjab Bill. Indeed, there is now an additional reason for a long pause. It would give time for the unfortunate impression which was produced by the announcement, that after having promised liberal suspensions and remissions, Government propose to create an opportunity under which suspensions would be unnecessary and remissions generally possible only after forfeiture. The time which could be gained by my proposal could be utilized for purposes of a most important character. In his speech in moving the first reading of this Bill the honourable mover said: "It is not infrequently alleged that the widespread agricultural indebtedness is of our making." After referring to various facts he added: "These facts constitute an effective answer to those who allege that excessive assessment is the principal cause of agricultural indebtedness," and he concluded that "the evidence that the assessment is generally moderate or light, and that it is on that account, and not the reverse, that land is passing into the hands of capitalists, is overwhelming." I cannot help saying that I am surprised that my honourable friend has not recognised that the problem is far more complex and requires deeper probing than he has attempted to give to it. While he denies that the excessive assessment is the principal cause of agricultural indebtedness, he has refrained from saying to what it is that he attributes it. Does he mean by implication to go with those who attribute it to the extravagant habits of the ryot with regard to marriage ceremonies and other festivals? Now, I wish that this assertion was subjected to a statistical inquiry, such as that carried out by Mr. Thorburn in some villages of the Punjab. To my mind there is no economic phrase which is more heartless than that of the ryot's extravagance on festivals. It seems to be completely forgotten that, humble as he is, the ordinary ryot, the small peasant proprietor, has a soul which requires to be nourished in some small way, as he has a body which requires to be fed by at least one simple meal a day. What is his daily life but one of daily drudgery with nothing to brighten it? Is it possible to grudge him the relief of a few moments of enjoyment on a few festive occasions in a lifetime? And what is the extravagance in which he indulges on those occasions? It has been well said that in the case of an average ryot,—of course there are exceptional cases,—a few new earthenware, a few wild flowers, the village tomtom, a stomach-full meal, bad areca-nuts and betel leaves and a few stalks of cheap tobacco, and in some cases a few cheap tawdry trinkets, exhaust the joys of a festive occasion in the life of a household which has known only an unbroken period of unshrinking labour from morn to sunset. Wherever inquiry has been made the ryot's extravagance in this respect shrinks into very small proportions and is a very small portion of his aggregate indebtedness. In the official inquiry carried out by Mr.

Thorburn in certain Punjab villages, he reported that "of 742 families only in three cases was marriage extravagance the cause of their serious indebtedness, showing that the common idea about the extravagance on marriages is not supported by evidence." In Madras there are figures to show that out of 66,396 people who sought loans of professional money-lenders in the three years, 1889, 1890 and 1891, only 3,025 borrowed for marriage expenses, *i.e.*, 4.50 per cent. of the total number seeking loans. Of this number it is only ten persons who have borrowed over Rs. 10,000; only 62 that have borrowed between Rs. 500 and Rs. 1,000; 1,528 borrowed between Rs. 100 and Rs. 500; and 1,425 ryots borrowed up till Rs. 100. Is this extravagance, and do those who glibly talk of the ryot's extravagance on festivals as being the cause of his indebtedness and his ultimate ruin, mean that the ryot should go through life like the dumb animals he drives? The subject is of such importance that Government might well utilise the time which would be secured by my amendment by an inquiry in typical villages of the sort Mr. Thorburn carried out in the Punjab. The whole history of the ryot's indebtedness requires to be so probed. We have had enough of economic inferences and dogmatic assertions, but they will never really solve difficult economic problems. For all these reasons I solicit a favourable consideration of my amendment, which would enable opinion and criticism to be elicited from all quarters. I solicit it the more because, without meaning the slightest offence, I venture to say that at the present moment your Excellency's Government is composed in a somewhat one-sided way. I have the highest respect for the able and accomplished colleagues who support you on the right and the left. But they both belong to the Revenue side of your administration, and cannot but have taken impress from its traditions and its predilections. A colleague taken from the Judicial side might have brought some equipoise. But as things are, I respectfully submit that there is greater need than usual for proceeding with such circumspection as may secure a dispassionate judgment. My Lord, if this amendment fails, I do not see how we, the non-official elected members, can make ourselves useful in the subsequent stages of a Bill which, from our point of view, cannot be improved by amendments dealing with details. Our presence would be absolutely useless, and there would be nothing left us but to retire.

The Honourable Mr. IBRAHIM RAHIMTOOLA said—May it please your Excellency,—I do not think I would be justified in giving a silent vote on the Bill now under consideration; but it is with considerable diffidence that I address the Council on a matter of this importance, because I lay no claim to any special knowledge of the subject. The Bill contemplates three amendments. The first is regarding boundary lines, the second is in reference to building sites, and the third is in regard to withdrawing the right of alienation of land to which the survey settlement has been extended and which may have become forfeited. I do not refer particularly to the lands in Sind, alluvial lands, waste lands, forest lands, and relinquished lands, though they also form part of those proposed to be granted on the condition of non-transferability. There can be no question that the object with which Government have introduced this Bill is a very good one. They think that agricultural indebtedness is an evil which should be remedied. They are of opinion that one of the causes of the growing indebtedness of the cultivators is the facility which they possess in alienating their lands which could be mortgaged or on the security of which loans could be obtained. Government, therefore, think that it would be desirable at all events to try an experiment and see whether the withdrawing

of the right of alienation would prevent indebtedness or not. To my mind, any experiment undertaken with the object of making our peasantry prosperous would be eminently welcome. Government further think that the best time for carrying out this experiment on an extensive scale is the present season, which follows two successive seasons of scarcity in the Presidency. To my mind, my Lord, this does not appear to be the right course. I do not think Government are justified in taking this opportunity of experimenting in regard to land forfeited for non-payment of assessment. I echo the sentiment that has already been expressed in the Council, that the present Government have done much towards extending liberal help and assistance in the matter of remissions and suspensions, and I therefore think if the experiment is conducted at the present moment on the lines indicated, their object will be entirely misconstrued. Another point which has to be carefully considered before launching into the experiment is whether there are any prospects of its proving successful. I think there are none, as my idea is that within the time of grace Government propose to grant for the payment of arrears, most of the arrears will be paid off. I will give my reasons for saying so. It is admitted that there is a deep-rooted desire or anxiety amongst the occupants to retain proprietary rights in the soil. If that feeling exists it is but natural that the occupants will put forward most strenuous efforts to meet Government arrears in order to retain their lands on the existing tenure. The next reason I have to urge is supplied by the speech delivered by the Honourable Mr. Monteath at the first reading of the Bill. In the course of a very lucid and able exposition of the principles underlying the Bill he pointed out that, taking various talukas and districts, the right of alienation is worth from 8 to 45 multiples of the assessment. If that is so, it stands to reason that occupants would not allow their rights to be forfeited for one or two years' outstanding arrears of land assessment. Then again I am informed that there are numerous cases in which holdings are mortgaged and the *sávcárs*, having regard to the narrow margin between the selling value of each holding and the amount advanced on the mortgage of it, do not feel justified in advancing any further sum for the payment of the new assessment. Finding that under the new law, forfeiture *meant the entire wiping off of their advances*, these *sávcárs* would undoubtedly come forward and pay up the assessment rather than allow the holdings to be forfeited and thereby lose altogether the money they had advanced on the security of such holdings. The result of such payments will be that the right of alienation will be safe and the *sávcárs* will have sufficient time to foreclose and sell and become the real owners. It has been admitted by the honourable member in charge of the Bill that it would be a great public calamity if the lands should pass into the hands of the money-lending classes on an extensive scale. But it appears to me that the effect under the Bill will be identically the same, as there can be no doubt that a large number of holdings will pass out of the hands of the agriculturists into those of the *sávcárs*. If the agriculturists by putting forth supreme efforts and incurring further debt, and the *sávcárs* to safeguard their interests in the holdings pay up the outstanding arrears of land assessment, the question arises whether any land would come under the operation of the forfeiture clauses of the Bill? To me it appears that very little, if any, land would come within the operation of those clauses. If some holdings are allowed to be forfeited, they will in my opinion be only those, the selling value of which does not exceed the amount of assessment due. If such holdings fall in, let us consider what kind of land will be thereby obtained for the purposes of the experiment? It will

clearly be of a very inferior quality. Government have themselves admitted in their reply to the Deccan Sabha that such will be the case. That being so the experiment will have to be confined to inferior holdings. The object with which it is undertaken is, as has been stated by the Honourable Mr. Monteath, to have side by side two classes of holdings, the one under the existing survey settlement tenure and the other under the new tenure. It will be obvious to everyone that the data drawn from an experiment conducted on these lines, *viz.*, that in one case the class of land is admittedly superior in productiveness to that of the other cannot be considered conclusive. For the purposes of the experiment it is necessary that the holdings subjected to the test should be about equal in point of productiveness. It may be urged that, admitting the inferiority of the soil on which the experiment will be made, if the ryots holding these inferior lands are found to be more prosperous than those occupying the richer lands on the existing tenure, it will be a distinct proof that the experiment has succeeded. Quite so, but would Government be justified in drawing the conclusion that because the holders on the new tenure were not more prosperous than or not equally as prosperous as the others, that the experiment had failed? I do not think Government would be justified in drawing that conclusion. Such being the case, I do not see what practical good could come out of an experiment conducted on admittedly defective lines.

My objections to the Bill may be summarised as follows: (a) the experiment would involve the ryots into greater indebtedness; (b) a large number of holdings would pass into the hands of the *savcárs*; (c) the experiment will either not be possible at all or would have to be confined to very inferior land; and (d) that, in case the experiment fails and the holdings have to be re-granted on the existing tenure, a large sum of money will be lost to the State. With regard to the fourth objection I have raised, it has been stated that if full effect is given to the new measure, the amount of revenue which Government will have to forego will be something like three-quarters of a crore. It amounts to this, that Government are prepared to pay that sum for the purpose of acquiring the right of alienation in regard to a given area of agricultural land in the Presidency, or in other words, they propose to give up land revenue to that extent, if full advantage is taken of this measure. Government being prepared to forego land revenue to the extent stated, I would suggest a way of carrying out the experiment where the chances of success, or, at all events, of obtaining conclusive data are possible to a greater degree. I am sure that if my suggestion is acted upon, it will do away with all the objectionable features of this measure. I would suggest that the amount which the Government are prepared to forego should be devoted to acquiring holdings in the different *tálukas* and then letting them to the agriculturists minus the right of alienation. I would put it in a different way by saying that I would urge Government to acquire the right of alienation over as many holdings as possible for the amount they are prepared to forego. As far as my information goes, it will be possible to acquire a few thousand acres in each *táluka* of the Presidency for the amount which I have mentioned and all these holdings will then become the absolute property of Government. The advantage of this plan is, that in acquiring the holdings they will get for the purposes of the experiment land of about equal productiveness as compared to other holdings in the same *táluka*. I understand that within the amount mentioned something like 25,000 acres or more of land can be acquired in each *táluka* of the Presidency which, I think, should be considered ample for the purposes of the experiment. If effect be given to my

suggestion, Government will have in each taluka holders of land on the existing tenure and holders of land on the new tenure working side by side on soil of about equal productiveness and the data so obtained will be quite conclusive. If advantage is taken to a considerable extent of the present measure, three-quarters of a crore will be lost to the State for all time. Of course, that would not be a heavy sacrifice if the much needed improvement in the condition of the ryot can be effected by the measure before the Council. But under my suggestion that money will be paid for valuable assets. In the present case, if the experiment proves unsuccessful, the result will be, as the Honourable Mr. Monteath said at the Mahableshvar sitting of the Council, that Government will have to abandon the experiment by a stroke of the pen. But in that event the whole amount of revenue foregone will be lost to the State. Under my suggestion if the experiment is abandoned the holdings secured will remain a valuable asset which can be easily realised. There can be, as far as I can see, no objection to this course because the holdings can be acquired on the same principle as land is acquired for railways, roads and other purposes. If the experiment can be conducted on these lines and if Government introduce fresh legislation, I think the Council will accept it as an honest endeavour on the part of Government to find a remedy for an admitted evil. If the suggestion that I have taken the liberty of placing before the Council is carried out the experiment will be worked on business principles and the results will be more than convincing otherwise. I submit that there is everything to recommend my suggestion, as all the objects of the Bill will thereby be attained. Government having under that arrangement acquired the right of alienation for the purposes of public good, I don't think there can be any objection to their action. In regard to the other classes of land, namely, the lands in Sind, served by the Indus, waste lands, forest lands, alluvial lands, &c., I think the honourable member in charge of the Bill has made out a very strong case. Most of these lands have to remain fallow for a considerable time, and I agree with the mover of the Bill that these are special classes of lands and should be specially treated. For this reason I would support this part of the Bill. But as regards forfeiture, I think the time is most inopportune for advantage to be taken of forfeiting the right of alienation for one or two years' arrears of assessment. If Your Excellency would agree to put in a few words in the Bill making it clear that the Government did not take power to apply this measure to forfeited lands, I will have no hesitation in supporting it. But if Government wish to take that power on the present occasion, the best plan would be to postpone the consideration of the matter and refer it back to the Select Committee. In that event my suggestion would be most carefully considered, the object Government have at heart would be met and the objectionable features of the Bill would be done away with.

The Honourable RAO BAHADUR CHUNILAL VENILAL said :—Your Excellency,—It has been denied that there is any extravagance on the part of the ryots or the agricultural class, but I can give instances of my own knowledge which should satisfy the Council of the extravagance of that class of the people. A very few years ago when I was out driving I met a funeral procession. It was that of a woman who had died while delivering three children at one time. The body was being carried with great pomp and ceremony. It was covered with a costly sari, torches were lighted and trumpets were being blown. On inquiry I was told that the body had been brought a distance of about ten miles to be cremated on the banks of the Nerbudda. On asking why the body had been



brought that distance, the answer was that the husband was very fond of his wife and he considered it a great honour to cremate the bodies of his relatives on the sacred banks of the Nerbudda river. I told the person that the custom was when a dead body was brought to be cremated on the banks of the Nerbudda from the village where the death took place the relatives had to feed the whole village. The population of the village numbered a thousand, and I asked had the husband got money? The reply was that he had about 100 acres of land, but he did not hold it all. When his old father died he mortgaged some of it to feed the whole village. A third of it was now mortgaged, and of the remainder perhaps half would be mortgaged for the expenses of his wife's funeral. Ordinarily the people are frugal I admit, but on occasions of marriages and funerals they become excited and reckless. There are certain classes of people living in the interior, among whom it is the custom when the death of a parent takes place to invite all connections from various parts of the country and treat them for three days with food, opium or liquor, because status is judged by the amount of money spent on these articles. There are many instances in which Kolis, Boras and Girásias had mortgaged their lands to meet the expenses on the occasion of marriages. I have witnessed marriage processions in which there was a cavalcade of horsemen, besides a string of fifty or sixty carts containing men, women and children, and men with kettle-drums. The horsemen were got from certain Thakors at so much per man. To pay for all this money had to be borrowed and the land mortgaged. The sávcárs are quite willing to lend the money and do not press for repayment. They are ready to renew the bond twice or thrice, and when they think they have gone far enough they press for the money, obtain a decree of the Court, and obtain possession of the land. In some cases the transactions were fraudulent. Probably the bond is drawn up for Rs. 100 at 24 per cent. compound interest: the cultivator gets Rs. 80. After three years the bond is renewed and a second bond is drawn up for, perhaps, Rs. 200. A third bond is drawn up and perhaps a suit is filed on that. Thus the debt goes on increasing until the ryot is unable to pay. I can say from personal knowledge that in the Broach District, of the lands in two talúkas, more than half the area is now in the hands of the sávcár in consequence of the indebtedness of the ryot, the main cause of which is their unrestricted right of transfer. These sávcárs do not even pay the annual assessment. They lease the land to the original holder on condition that he pays the Government assessment and also pays the sávcár more than twice the assessment as his rent. Now, if the assessment on the land is heavy how can the ryot afford to pay more than twice that amount to the sávcár? There may be mistakes here and there and the assessment may be a little more than it should be in some places. But all lands in a district are not heavily assessed. It is said the sávcárs will lose the land if the present Bill is passed into law. But if the sávcárs want to take care of their interest they can pay the Government assessment. The land will not be forfeited if the demand is met. If the land is forfeited on account of the arrears, the sávcárs will have to thank themselves. If they pay the Government assessment their right will be secured. It is said that the land does not belong to the State. I ask then in regard to the waste land who is the owner of it? I don't suppose every one of us can go and plough the land and fight amongst ourselves and be prosecuted criminally. The land belongs to the State. If a man wants to cultivate he goes to the Mámlatdár to ask permission to be allowed to cultivate it. If the State is not the owner of the land, then who is; and why is the Mámlatdár's permission required? If land resigned does not belong to Government, to whom does it belong? The land is resigned to Government and therefore Government

are the owners of the land; and the owner can do as he likes. I own a house and let it for fifty rupees, and if the tenant fails to pay I have a right to thrust him out and let it to another or on any condition I like. I don't see any logic in the argument that Government have no proprietary title to the land. The whole argument is based on misapprehension. The present Bill, if passed into law, will not touch any land on which the Government assessment has been paid and will otherwise apply only to land which has been lying waste from time immemorial and land resigned and forfeited. The present Land Revenue Code authorises a Government officer, when failure to pay the assessment takes place, to declare the land forfeited to Government. Since Government have graciously issued a Resolution giving the ryots a full year's time to satisfy the Collector that, according to their abilities, they have paid so much and then they will be allowed two years to pay the arrears. Therefore there can be no injustice whatever in the matter. There is a good deal to be said about the agitation. When the Bill was referred to the Select Committee, I ascertained the wishes of the cultivators in my district. The people whom I met I asked what they thought about the Bill, the provisions of which I explained to them. The ryots who were involved in debt seemed to approve of it. They expressed to me personally that they would be glad to be free of their debts and have the land and all their rights except the right of transfer. The subsequent agitation changed their minds. The people who were not in debt, the richer class of landholders, believed that it is the intention of Government to make the Bill applicable to their lands and they did not want it. As regards the proposition of my honourable friend Mr. Mehta, it seems to me that he has embodied the language used in the representation of the Bombay Presidency Association, that the principle of the Bill be referred for the consideration of High Court Judges, District Judges and Commissioners. That seems to be altogether unnecessary. Two of the three Commissioners are members of this Council; they are present here to express their opinions. The High Court and District Judges are Judicial Officers; the present Bill is a Revenue Bill, and I don't suppose they are much concerned about it (laughter). To ask them to consider this Bill and for that purpose to defer it for six months and then for another two months means that the Bill will be shelved for eight months. I don't think that is necessary, and I shall vote against the amendment.

The Honourable RAO BAHÁDUR ACHYUT BHASKAR DESAI said—Your Excellency,—I have but few remarks to make in connection with the Bill before the Council. I am going to place them before honourable members for this reason, that both by hereditary occupation and official duties, which now extend over 33 years, I have had something to do with the cultivators. For the last 29 years my duties have required me to be on tour for at least six months in the year. I state this qualification as my honourable friend to the left, Sir Bhalchandra Bhatavdekar, has dropped a note of warning that officers should not give an expression to optimistic ideas. He asked Lord George Hamilton to visit an Indian village in order that His Lordship might know the condition of the people. If therefore I slip into an expression which falls under the head of optimism, I am going to say beforehand that it is not by visiting one Indian village; it is not by one railway journey, viewing crops and people through the Railway windows and then pronouncing an opinion about their condition; but it is by a systematic tour repeated every six months in the year continuously for the last 29 years; it is by mixing up with the village people, agriculturists or non-agriculturists, lenders or borrowers, landlords or tenants, that I claim to have had some idea of their economic condition, their standard of living, their general wants and

their relations with each other. I may also say that my opinion as to the necessity for some protection such as is offered by this Bill was formed long before anything was known of the Bill or the intentions of Government with regard to it. In this connection I take the liberty of reading what I said in this very hall twelve months ago. I then said :—

“The question of the incidence of the assessment on land has been touched. If the assessment on land in Gujarát is really high as it appears to have been, let it by all means be reduced at the earliest date possible: but the one important point I would ask Government to bear in mind is this, that when they revise the survey rates in order to make them moderate, they must see that the benefit reaches the persons for whom it is intended, because it has been stated somewhere, perhaps in one of the letters recently published in the *Times of India*, that the wealthy Bania of Gujarát has already absorbed nearly 80 per cent. of the occupancies. This fact, be it remembered, he has accomplished against adverse circumstances. It was when the assessment was high and the famine did not come to help him by impoverishing the cultivator and forcing him to borrow that the Bania has possessed himself of so much land. When, therefore, the land becomes lightly assessed, it will be a temptation for him too powerful to resist; because I know my friend the Kunbi cultivator intimately for many years. He is the same thriftless man whether he belongs to Gujarát, the Deccan or the Konkan. He has an elastic pipe of expenditure which contracts and expands with the means at his disposal. If he gets more, he spends more. If his land fetches more value in the market, it only raises his credit with the savcar. In these circumstances, if Government really wish to help the poor cultivator, let them take care that they do not help him out of the possession of his small occupancy.”

I may claim therefore at least this: that if I support the Bill, I support it not because it is a Government measure, but because it is a measure which meets a long-felt want—a want which considering the large interests involved, could no longer be ignored.

I now proceed to the consideration of the motion made by my friend the Honourable Mr. Mehta. I am somewhat surprised that an advocate of his eminence and experience should go in for opinion-evidence in preference to facts. In short, what would be the value of the opinions collected? They would be vague, conflicting, irrelevant and indecisive, and, consequently, to a great extent absolutely unreliable. A learned counsel like my honourable friend Mr. Mehta instead of introducing a piece of doubtful evidence in a case would exclude it altogether. A motion, therefore, for the collection of such evidence is not one which should have emanated from my honourable friend.

But apart from the question of the value to be attached to the evidence, let us see what time it will take, because time is of great importance in connection with this Bill. Looking to the number of official and non-official gentlemen to whom the Bill is to be referred for opinion, it will not be a matter of surprise if it takes more than one year instead of six months before the opinions are submitted. The voluminous record will then have to be printed, indexed and summarised. The Select Committee will then have to report upon it. If in such small matters as the Karáchi Port Trust Bill extensions have to be applied for, it will not be over-stating the period to say that the Committee will take at least six months to send in their reports. Thus it will be about a year and a half or two years before the honourable members meet for the second reading of the Bill; and what will be the state of things by then?

The forfeiture and the short leases clauses, the wrong interpretation or misinterpretation of which has produced so much alarm and created so much prejudice

amongst the ryots, will sit heavily on them all this time and their friends the money-lenders, who within 2½ months have achieved phenomenal results, would take full advantage of the situation. When, therefore, honourable members meet again for the second reading, they will find themselves in exactly the same position in which the Russian and Austrian Generals found themselves on the day of Austerlitz. These wise men had the previous evening drawn instructions for the guidance of their officers and soldiers and issued them to be printed. The next morning, however, the battle began and the army was in full retreat before the printed copies of instructions were ready for distribution. So when honourable members meet for the second reading of this Bill a year or two hence, the indebted agriculturists would not be within the scope of this Bill. They will have lost their land and the question will be not for maintaining the broken peasantry, but of creating a new one by buying back lands from the money-lenders for distribution among the landless classes. We must, therefore, choose between a piece of practical legislation such as the Bill now before the Council, and an attempt at creating a new peasantry class by purchasing land. I hope, therefore, that honourable members will reject the motion.

Proceeding now to the consideration of the criticism, the one feature which cannot fail to strike even the most superficial observer is that it beats past record as regards the amount of interest evoked. Within the comparatively short time of 2½ months that the Bill has been before the public there is not one important place in the Deccan which has not sent in its memorial. No doubt the criticism is one-sided, but it could not be otherwise. Of the two interests touched by the Bill—the money-lenders and the petty landholders—one alone could speak, and it has spoken. The ryots will understand the Bill only when it becomes law and begins to operate. I would mention an instance within my knowledge. In 1872, when agitation was going on in the Ratnágiri District against the survey rates, the tenants joined their voice to that of the Khots. Not only this: later on when the guaranteed survey rates could only be set aside if the tenants consented thereto, they signed applications to that effect and realized the situation when their crops were appraised. On this point the Poona memorialists, with a candour worthy of mention, admit that the ryots will take a long time to realize the consequences of the Bill. If, therefore, Dhondo Patil and Raghu Bhosala attended the memorial meetings here and there and joined in the chorus—even if petitions after petitions against the Bill come in purporting to emanate from Kunbis—the voice is that of their friends, the money-lenders, and not the genuine voice of the ryots themselves.

But even if the criticism is one-sided, it is nevertheless entitled to very great consideration, because it has done one great service by putting together all the arguments that could be urged against the Bill. All that could be said against the Bill from the money-lenders' point of view has been said. So let us see what it is that it tells us. What new points, if any, does it make out? The fact of the agrarian indebtedness has not been disputed. The dissenting members of the Select Committee admit that the agrarian situation is such as to demand the most anxious attention of Government. The Belgaum and some other memorialists follow suit. So there is no difference of opinion as to the existence of the disease. It is the diagnosis of the disease in regard to which there is difference of opinion. In the opinion of the memorialists as well as of some of the honourable members who spoke yesterday the indebtedness is due not to ancestral debt, not to the ignorance and improvident habits of the cultivators, not to the pressure of

population forcing the cultivator to stick to his land even on a bare margin, but solely to the high incidence of assessment and the rigidity with which that assessment is collected in bad as well as good years. In their opinion the money-lender is undeservedly maligned and if only the survey assessment is reduced and greater elasticity is introduced in the system of collecting the revenue, no further protection is needed for the Kunbi and the Bill might be dropped.

The question about the general incidence of the survey assessment has been too exhaustively dealt with only a few minutes since to call for any further remarks on my part. I would only refer to one or two points of minor importance. One is, how do the rates in British villages compare with those in the adjoining villages belonging to Native Chiefs. In the Belgaum District there are villages side by side: one set belong to Government and the other to one or other of the Princes and Chiefs in the Southern Marátha Country and Kolhápur. Out of the 140 cases in which I had the *average* rates compared, in 139 the rates in British villages were found lower than those in the adjoining villages belonging to Native Chiefs. By itself this would not signify anything. If, for instance, the Chief of Ichalkaranji were to impose a rate of Rs. 15 per acre, that would be no justification for the British Government for imposing a rate of Rs. 10; but that is not my argument at all. What I say is this, that our rates are lighter than the survey rates, which are not considered to be heavy and about the high incidence of which not a word of complaint has ever been heard in this hall or outside of it.

Another point I may refer to is this, that if the survey rates leave a very small margin of profit, how is it that it finds a competition for its purchase? My honourable friends, Messrs. Parekh and Gokhale, attribute it to the fact that to retired Government servants land is the sole resort for investment. It is not of such investments I am speaking of. When a man with money wants to build a house, he pays a fancy price for the site: but when he wants to build a house for letting, he enters into the calculation as a business man. I therefore refer to transactions on the part of professional money-lenders. We all know that no money-lender ever cultivates the lands either himself, through servants or hired labour. He always lets it on periodical leases. He thus finds a margin for the survey assessment plus interest, and while the actual cultivator, the lessee, finds some margin for himself. It may, therefore, be safely said that, taking the Presidency as a whole, the incidence of survey assessment has absolutely no connection with the agricultural indebtedness. As regards the need for the introduction of greater elasticity in the collection of revenue, the matter has already attracted the attention of Government.

It is, therefore, unnecessary to remark that the analysis of the agrarian situation furnished by the honourable member in charge of the Bill is correct. There is only one point in what he said at the first reading of the Bill which, in my opinion, requires a little amplification. He was correct in stating that agricultural indebtedness was a legacy from the former Government. I do not dispute it. I am prepared to go even so far as to admit that the agriculturist was more deeply indebted under the Peshwas than he is now; but what I feel constrained to point out is that he enjoyed under the Peshwas far greater protection against the money-lender than is offered by the present Bill. On account of perpetual disturbances in the country there was no competition for land. Instead of the cultivator wanting land as at present, it was the land which wanted cultivators. Special inducements were offered to Kunbis in order that they might come and settle in the village. How

many instances there are in which when the ryots found that the Patil or the Khot was oppressive they complained to the Sarkár and got them changed. There are interesting documents showing that sometimes the ryots in a body would threaten to abandon the village unless they had such a Patil or Khot as would treat them well, as would repair the village temple, as would give them food to eat and advance them money not only for seed and cattle but for payment of debts when dunned by creditors. All this is now changed on account of the great competition for land. Not that the British Government is less solicitous for the interests of the ryots, but its methods of fair dealing place the weaker members of the commonwealth at a great disadvantage. When, for instance, the Government made provision in Regulation V of 1827 restricting the rate of interest to 12 per cent., side by side it arranged for the preparation of village records and registration of title-deeds, established Courts and provided establishments for the speedy enforcement of their decrees. It is for these reasons that, even though it may be taken for granted that the ryot may not be as involved in debt now as he was under the Peshwas, he needs special protection such as is now offered by the Bill.

It is pointed out that the withdrawal of the survey occupancy is a retrograde movement inconsistent with the high value bestowed upon it in the past. I quite agree that the occupancy right should not be wantonly taken away from those who deserve to retain it; but it would be quite otherwise with those who have abused it. We have, for instance, conferred borrowing powers on Municipalities. If they abuse them by building Town Halls of marble and thus handicap the future generations, will they be allowed to do it? Will not the power be withdrawn? Has not the Kunbi recklessly used up the security of his land, discounting profits of future years? If you withdraw the power in one case, why should you not do it in the other? And what is law after all? As eminent jurists have held it, it is but a system of adjustments and compromises founded on experience and trial. As legislators are not infallible men and as experience shows that the Kunbi has abused his power, there is nothing wrong in depriving him of that power.

The one strong objection urged against the measure is that a large number of petty landholders will be quite resourceless as regards their non-agricultural wants. Government will certainly grant tagai so far as the agricultural needs go, but the other wants will have to be met elsewhere, and in regard to them it is feared that the money-lender will hold back his hand. This fear is groundless, and the question as to how such wants will be met need cause no anxiety.

A tenure of the kind, which the Bill intends to create, is not new to India. It prevails, I am told, in Kashmir and elsewhere. But we do not know how it is working there, and, if possible, we must find a precedent nearer home. I know of a British Collectorate where there are now about 64,000 occupants, whose lands are heritable but not transferable. Not a rupee of tagai is ever advanced to them. This notwithstanding, they have been able to meet their agricultural as well as non-agricultural wants without Government aid. A large number of the tenants are indebted, and they get the money from the village money-lenders on personal security, and one is often more careful of personal security when he has nothing else to stand upon. There are not instances wanting in which one cultivator assists another. No doubt the Bombay labour market also serves them well. But Bombay is accessible to Ratnágiri only 7 months during the year, while all the Deccan and Gujarát Districts traversed by the Railway have Bombay

accessible any time during the year. If want has forced the superfluous agricultural population of Ratnágiri to emigrate temporarily to Bombay, the same will occur in other districts.

My Lord, I have now only one word to add as regards the amendment made in the Select Committee of Section 153 of the Land Revenue Code. With great deference to the members of that Committee I must say that the amendment in question will, in many cases, virtually help the money-lender to dispossess the cultivators of their land. The issue of a notice previous to forfeiture is provided for by the Select Committee in the interest of the money-lender who advanced his money before he knew of the present Bill. It is only fair that such money-lender should be entitled to its repayment; but your notice enables him to keep paying the assessment until he can go to the Court, get a money-decree, and by its execution take possession of the land.

In order to give some idea of the kind of money-lenders we are assisting by the provision for the notice, I would read an extract of a few lines from an official report submitted 18 months before the Bill was read for the first time:—

"The information specially obtained from the Sub-Registrar of Athni shows that between 6th November 1899, and 6th December 1899, *i.e.*, within the space of one month, 128 land mortgage-bonds were registered, 44 of these were for mortgage with possession, containing no mention of rate of interest. The profits were to be enjoyed in lieu of interest. In the remaining 84 cases the rates of interest were as follows :

Rate of interest.	No. of cases.
9	1
10½	1
12 to 20	42
21 to 37½	40."

When a loan is given on personal security one can understand the high rate of interest, because it is, after all, a risk for the money-lender to advance the money. But when money is given on the security of land and after the deed is registered, the rate of interest on the transactions just mentioned seems exorbitant, and it is these generous money-lenders who are so anxious to assist the ryots by advancing them money on the security of their land at 37 per cent.; it is these generous Shylocks whom you are going to enable not only to take their agreed pound of flesh, but authorizing them to bleed their victims to death in the course of the operation.

With these remarks I vote in favour of the second reading of the Bill.

The Honourable Sir BHALCHANDRA KRISHNA BHATAWADEKAR said—No Bill of this Legislature within recent memory has excited such widespread alarm and opposition among the people at large as the Bill at present before the Council. The alarm is not ignorant or factitious. It is not the work of any agitation conducted in the interest of any particular class. As far as I have been able to gauge public opinion, I believe it is a genuine feeling pervading the entire agricultural community of this Presidency. The pile of memorials placed on the Council table is an uncommon experience. The public meetings, too, and the representations proceeding from them are unusual in their extent and magnitude. It has been said by the Secretary of State for India that the meetings are the creations of the money-lending classes. But with

all deference to so august an authority, permit me to say the statement is based on an erroneous assumption. There is reason to believe that the ryots are truly moved. I have met some genuine agriculturists expressing alarm at the changes proposed, and I could trace no artificial taint in their fears. I should, therefore, ask your Excellency's Government to take the present outburst of opposition as a real and spontaneous expression of popular feeling. Ráo Sáheb Kelkar, Mámílatdár, at the instance of the Collector of Ahmednagar, called a meeting of the agriculturists of 50 villages at the Lakh Station, and over 4,000 people were present. They were seated in the mud under the canopy of heaven. The Mámílatdár was seated on a chair. He tried to explain to them the Bill, but all of them refused to listen to him and said that if the Sirkár wished to kill them let them take a sword and cut their throats. I would crave your Excellency's indulgence to briefly examine the grounds of the opposition. If the fears are based on mere ignorance or prejudice, Government, as the guardian of the people, may disregard the people's wishes and adopt a measure which, in its superior wisdom, it deems imperative. But if the people have fair grounds for their apprehensions, there is at least reason for Government to pause, and consider whether there may not be something amiss in the course it has determined to pursue. Speaking for myself, I have no hesitation to say that the people's apprehensions are by no means erroneous or ill-founded. The ryots are usually called ignorant, but though illiterate they are by no means wanting in a true perception of their interest. They observe in the present Bill a distinct lowering of their status. They at first enjoyed and long cherished the Mirási tenure as a highly-prized possession. When the Survey tenure displaced the Mirási tenure, the people looked upon it as a fall, but they found in it certain countervailing advantages and reconciled themselves to it. The present Bill involves a further fall, and the people have naturally taken fright at the coming degradation. Under the Mirási tenure, subject to the payment of a customary rent, the holder was practically complete owner. There was certain dignity attached to the holding. The rent was, in practice, little liable to enhancement, and there was no interference from the landlord, whether the land vested in the State or in an Inámdár. The rights of transfer and hereditary succession were unquestioned, and ancient custom had made the people to look upon the tenure as an inalienable birth-right. The Survey tenure secured the rights of hereditary succession and transfer, but made the rent liable to be raised at each revision after thirty years. The romance of the Mirási tenure was gone and the feeling of ownership and fixity of tenure diminished. But it was felt that thirty years was a fairly long period, and there was a gradual reconciliation to the new position. The present Bill takes away one more element of ownership. It virtually abolishes the right of transfer and introduces a shade of uncertainty in the period of holding. As the Bill stands the holder may, in fact, be reduced to the position of a mere tenant-at-will. There is, moreover, a greater aggressiveness in the assertion of the landlord's title. The Bombay Revenue official is never weary of reiterating the absolute ownership of the State in the soil of the land. The Government of India in 1880 clearly disowned such a claim. But in spite of such disavowals from the supreme authority, the claim for absolute ownership has been resuscitated in the present controversy. If the proposal to introduce short-term occupancies is not expressly limited to particular descriptions of land and classes of people as has been assured, there is a danger of the terms being wide enough to be extended to all lands. In that case even the thirty years' settlement may gradually be abolished, and a complete subversion take place in the position of the agriculturists.



These causes are enough to upset the agricultural community and their alarm is easily intelligible. The Bill, to my mind, is more harmful in its implication than in its expressed intentions. Thus clause 3, which amends Section 48 of the Bombay Land Revenue Code, makes changes in the law of building sites, which are apt to be passed over as unimportant, but which will in effect put new embarrassments in the way of building on agricultural land. In addition to the fines which have been found to be almost prohibitive and insupportable in Sálsette and other places there is a new liability imposed of the assessments being increased from time to time at the discretion of the Collector. To my mind, my Lord, there is a danger of this mode of taxation being overdone, and the discretion of the Collector requires to be put under legislative restraint. The fine which is levied at the outset ought, I think, to be held to include all prospective increments in the value of land. There ought to be no further liability to periodical enhancements. The transfer of assessing authority to the Collector makes him the sole arbiter; whereas when the assessment was made by the survey officer there was a chance of redress from the Collector. Clause 6 substantially re-enacts the old law under Section 56 of the Code, but is apt to be abused by defaulting occupants. Instances have already occurred in which the ryot, with the object of defeating an encumbrance, has made default in paying assessment, and has thus courted a forfeiture in the hope of getting rid of the encumbrance. It could not be the intention of Government to put such a premium on fraud, and some means ought to be devised to prevent the operation of such fraud by granting an opportunity to the creditor to save his interest. As regards the freedom of encumbrances there is a proviso in favour of Government dues. This is an exception which, I think, is not justifiable. Clause 8 makes an apparently inoffensive, but really highly important, change in Section 68 of the Code by inserting the word "conditions" and adding a proviso which authorizes the letting out of unoccupied land "for such period and on such conditions as he (the Collector) may, subject to the orders of Government, prescribe." It is not by virtue of this amendment, together with the amendment in Section 56 respecting forfeitures, as well as a further addition to Section 73, that the chief reform contemplated by Government is intended to be carried out. In the amended copy of the Bill the offensive words "temporary occupancies" and "restriction of transfer" in the original Bill, which openly expressed the meaning of its framers, have been omitted, and the real object is left to be surmised from the explanatory statements made by the honourable mover of the Bill. It has been stated that the proposal to grant short occupancies is intended for certain backward classes of people and for lands in particular situations, and that the period of settlements in case of survey occupancies would still be maintained at thirty years. If so, I respectfully submit that the intention should be expressed in clear terms in the section itself. The statements of one Executive Government, however well-intentioned, are apt to be treated as not binding on another Government at some future time. For the protection of the subjects it is desirable that the statements should be embodied in legislative form. The portion of the Bill, however, which, my Lord, is the head and front of the offence, is the one which puts restrictions on the right of transfer. It has been explained that to save the impecunious agriculturist from his distress, the only remedy possible is to stop him from getting into further debt, and with a view to check the ryot's borrowing tendency, it is proposed to disable him from parting with his land. There is a great divergence of view as to the precise value of this remedy. The fact of indebtedness, the gravity of the evil, and the necessity of a cure, are not denied, but there is not equal agreement as to the appropriateness and

effectiveness of the particular remedy proposed by Government. How far such a remedy is applicable will depend upon a correct appreciation of the symptoms and diagnosis of the disease. The advocates of the Bill contend that the chief cause of the ryot's indebtedness is the money-lender. It is supposed that the ryot has an inveterate appetite for borrowing, and when he gets into the toils of a money-lender, he is sucked dry and rendered helpless for life. If the money-lender is wiped off it is believed the ryot would be happy. In any case, if the ryot could be prevented from going within reach of the money-lender, he would be saved from his lot of misery. This supposes that the relations of the ryot and the money-lender are alone answerable for all the evil. It ignores the antecedent causes which bring the relations into being, and compel the ryot to seek the aid of the money-lender. In my judgment the indebtedness is not a prime cause, but only a symptom. The true operative causes lie deeper beneath the surface. When a man gets an enlarged liver or spleen he often suffers from fever: the fever is symptomatic. It is the liver or the spleen, as the case may be, that must be effectually treated, and the fever will disappear as a consequence. In any case, it will not do to treat the case for fever alone and ignore the other causes. So in the present instance, the chronic indebtedness is the result of other causes, and any measures which confine themselves to indebtedness and exclude from view the other causes are bound to fail. These causes are: (1) the diminished productiveness of land, (2) the increased cost of living, (3) the want of non-agricultural occupations and means of living, (4) a succession of bad seasons, and (5) the faults of the revenue system. When one speaks to cultivators about the state of agriculture, the most common remark one hears from them is that the land has lost its old productiveness. This is not due merely to the common habit of praising the past. It is a matter of hard and bitter experience. Whether from continuous cultivation, the absence of manure, or the washing away of the soil from want of embankments, the land now yields less and inferior crops than some generations ago. Thus for the same labour there is less return. The increased cost of commodities is a matter within the knowledge of us all. In our own memory prices of all articles of food and clothing have nearly trebled. The rise in the price of agricultural produce is put forward as an advantage to the agriculturist, but a general rise in prices is never an advantage. If the agriculturist gets more for his produce, he has to pay more for the other articles which he has to purchase. The need of occupations, other than agriculture, is also sorely felt. I have observed that persons living solely upon agriculture are often hard up for cash; and in bad seasons the best of them finds himself in difficulty. Those who join to agriculture an extra means of living are well off. For cash transaction the pure agriculturist has need to resort to the money-lender, and thus begins a course of dealings which often ends in disaster. The pressure of famine is too recent an experience to need dilating upon. This is a cause which cannot be provided against by human foresight, but it has to be taken into account in judging the condition of the agriculturist. The faults of the revenue system which, I dare say, will not be admitted by my honourable colleagues of the Revenue Department, are nevertheless real and potent causes of hardship. These faults are three-fold: (1) A too heavy assessment, (2) unsuitable time of payment, and (3) rigorous collection. The heaviness of assessment is a question of eternal divergence between the official and the non-official view. The real test, to my mind, is to be found in judging the cases of individual holdings and not in averages derived from figures extending over large areas. When one finds that at each revision survey the assessment of individual holdings has frequently been doubled and even quadrupled,

while the soil has deteriorated, and the cost of living has increased, one may well imagine how severely the pressure of assessment is felt by individual holders. For the two other causes there is express official recognition. The Deccan Agriculturists' Relief Act Commission has remarked: "There can, however, be no question that the rigidity of the present system is one of the main causes which lead the ryot of the Deccan into fresh debt, and that the dates on which the revenue is realized are in some places unsuitable and place the ryot at an unnecessary disadvantage. It is by the combined effect of these causes that the agriculturist is driven to rush into the arms of the money-lender. He has no abnormal longing to run into debt, nor is he constitutionally extravagant. His ordinary living is miserable. He lives on coarse and scanty food, and has usually very little of clothing. On marriages he is somewhat improvident, but his expenditure is only extravagant relatively to his means. Except where he has some other means of living the agriculturist is invariably in want of cash. Whenever, therefore, there is any occasion for payment of cash, such as the payment of his instalment of assessment, the purchase of cattle and his feed of corn during the rains, his only recourse is to get a loan from the nearest money-lender. He is, therefore, not a debtor by choice but by sheer necessity, and unless the circumstances which cause this necessity are altered, his need of borrowing will never abate. The present Bill makes his property inalienable. That will only reduce his credit but will not lessen the occasions for incurring debt. He must find money for paying his assessment or for the purchase of cattle as before. His produce is generally not enough to support him beyond the fair season, and he must, therefore, borrow for seed as well as the maintenance of himself and family. If the *sávcár* is not to give the aid, the Government or some other institution such as an agricultural bank must take the place of the *sávcár*. I have found, however, by experience that an outsider finds it impossible to meet all the demands of the ryot that are perpetually cropping up from year's end to year's end. The local money-lender, however unkindly we may think of him, is the true friend in need of the ryot and to him he runs in preference to any well-intentioned outsider. But when the ryot's land is made non-transferable his credit will be diminished, and he will cease to get a ready response from the *sávcár*. The situation will soon become unworkable. The ryot will want loans to meet his cash demands, and being unable to offer security, will get no help from the money-lender. In that event for want of assessment he may lose his holding, for want of cattle or seed he may fail in cultivation, and for want of food he may starve. The right to transfer is a portion of ownership, a long recognized and highly cherished portion, and when it is taken away there is to that extent a deficiency in title. In claiming to have the right of transfer it is not meant that the ryot must needs use it forthwith, but the mere possession of it increases his solvency and enables him to obtain good terms. The Bill under consideration proposes to take away that right, and is fraught, in my view, with the most momentous results to the ryot. The consequence, I apprehend, will be to throw the land out of cultivation and to drive the ryot from the land into hopeless penury. The Bill will affect non-agriculturists too. There will always be an uncertainty hanging over the tenure, and holders possessed of means will hesitate to spend money on improvements. Thus the land, which has already deteriorated, will suffer yet further for want of the application of capital to it. It is stated that the restraint on the right of transfer is not an innovation. It already exists in the case of Vatan property, and in the case of *Tálukdári* estates. It is also said to be in operation in certain Native States. It is, moreover, recently introduced in the Punjáb. These cases are not on all fours.

with the measure before the Council, and to my mind do not warrant the experiment on the extensive scale which it is proposed to make under the Bill. The *Vatandárs* as well as the *Tálukdárs* are numerically a very small class. They are generally substantial people, and have for the most part other property to offer as security in case of borrowing. In Native States, where the restraint may exist, the community is comparatively primitive, and is habituated to the idea of property being not transferable. In British India the community is progressive, and has long been accustomed to the use of property by way of alienation. The experiment in the Punjab is too recent to justify any conclusions from it, but there are not wanting complaints even at this stage. The present legislation is avowedly put forward only as an experiment. Its promoters are by no means sure of its effect. Nevertheless, as at present intended, it will, I apprehend, affect a third of the cultivable area of the Presidency. If the experiment is to be tried at all, why may it not be restricted to a smaller area? If it succeeds there, it may be extended on a wider scale hereafter. When the Deccan Agriculturists' Relief Act was introduced, four of the worst affected districts were chosen to try the measure. In the present case a like selection may be made to begin with. A wholesale experiment may prove disastrous, and it may then be too late for the Government to mend matters. A word as to the *sávcár*. He is a much-abused individual and possibly deserves the abuse in some cases. But every *sávcár* is not the village *Shylock* that he is painted. I have noted instances of the most cordial and trustful terms subsisting between the *sávcár* and his *kool* for many generations. The *sávcár*, moreover, is often an object deserving pity rather than anger. He gives his good money to the *ryot* to help him in his distress, and is often rewarded with ingratitude and loss. He is, moreover, not in very affluent circumstances himself. His resources are limited, and he generally trades on borrowed capital. The policy of forfeitures and non-transfers will make a clean sweep of such dealers, and will only add them to the multitude of paupers. It is a policy of cutting down the tall poppies which, in my judgment, is highly detrimental to the community and to the State. The village money-lender is as much a subject of the State as the *ryot*. He fills quite as useful and indispensable a place in the economy of the village as the other members of the community. His funds are by no means plentiful, but by superior intelligence, industry and resource he supplies the money-wants of the villagers, and is a useful intermediary between the *ryot* and the State. But for him the Government, I fear, will find it hard to collect all its assessments, even in good years. If the *sávcár* is abolished, as seems to be the ambition of some friends of the *ryot*, it will be doing as much dis-service to the *ryot* and the *sávcár* as to the State itself. I am prepared to admit, my Lord, that the objects of Government in bringing forward this measure are most benevolent. The very fact that Government is prepared to part with over sixty lákhs of arrears proves its benevolence, although I must not conceal the fact that Government has laid itself open to the charge of using the Bill as a means of expediting the collection. I have not, however, the slightest doubt that the Government are actuated with the best of intentions and the kindest regard for the happiness of the *ryot*, but I say the remedy is mistaken. The benevolent intentions of Government cannot stop the economic effects of the measure such as I have pointed out. Moreover the benevolence of the Central Government is often defeated by the over-zeal of subordinate officers. We have had instances already of how quick subordinate officers are to further a supposed policy of Government. The illegal and injudicious acts of local officers take a long time to be corrected by the Central Government. It is a far cry from

the village to the Government head-quarters. Meantime the harm done remains. Even when an official act is condemned, it results in a transfer or censure of the officer, but rarely brings restitution to the injured. Noble as the motive of the Bill may be, its economic effects will, I fear, be disastrous. Its political effects, too, I feel bound to add, will be far from desirable. A ruined peasantry and an impoverished middle class are not an element of strength or stability to the State. I am speaking in no spirit of exaggeration or alarm, but as a well-wisher of my country and of the Government I feel it is my duty to raise my voice of warning against the rocks and shoals ahead. In view of these considerations, my Lord, my prayer is that your Excellency will be pleased to drop the Bill in its present form. It will be no weakness or concession to popular clamour. The Government is strong. Its strength to enforce its will is unquestioned. If with such strength it yields to popular prayers out of the deference to well-grounded apprehensions, it will be doing an act of grace which will be an ornament to its strength rather than a sign of weakness. By the resolution of June last, and the recent circular, your Excellency's Government has given an assurance that forfeitures will not be unduly hastened and enforced for at least a year more. That circular especially will have a most reassuring effect. I only hope it will be carried out by subordinate officials in the true spirit of sympathy and magnanimity in which it is conceived. The postponement of forfeitures removes the urgency of passing this measure in a hurry. If the Government is determined to proceed with the Bill in the present form there can be no objection at least to refer it to the Select Committee, as proposed by the Honourable Mr. Mehta, for fresh considerations in the light of the representations received in such numbers. Mr. Mehta's amendment is, in my view, excellently conceived. It only seeks greater publicity and consideration of the Bill. If the opinions invited support the Bill they will strengthen the hands of the Government. The acceptance of the amendment will greatly conciliate public opinion as regards the Bill, and may smooth the way for its further progress. If the eloquent and impassioned appeal of my esteemed friend, the Honourable Mr. Mehta, on behalf of the elected members and our individual appeals do not have the effect of melting your Lordship's heart and those of your Excellency's honourable colleagues, I feel it will serve no useful purpose for me to take any further part in the consideration of the Bill, the principle of which I do not approve.

The Honourable Mr. LELY said—Most of the memorials against this Bill ask specially for its consideration to be postponed, and I understand the Honourable Mr. Mehta's amendment is an endorsement of that appeal. But it seems to me that the Associations and public-spirited gentlemen, including the honourable member who moved the amendment, in making that request, do scanty justice to themselves. For I understand that the duty which they assume as publicists is not the barren one of lying still indifferent to the wants of the ryot and only rousing themselves when any measure is brought forward for their benefit. They would resent, and justly resent, any such description of their function in the body politic. Rather their object, as I understand it, is to watch the developments that occur from year to year, to observe and register the wants of the ryots, and to discuss and consider the various panacea that are brought forward from time to time for their benefit. But, Sir, this principle of restricting the power of the ryots to alienate their land has been before the public for years. It may be sound or unsound; it may be in accord with the views of the memorialists or not, but there is no more novelty in it than in one of the items of an omnibus resolution. To go back to 1892.—We might go back still further—in 1888, for instance, the principle

was applied by legislation to the Tálukdárs of Gujarát, and applied, I may say, with most excellent effect. In fact that important class of landed proprietors has been saved by it mainly from ruin. But I will start from 1892. In that year the report of the Commission for enquiry into the indebtedness of the Deccan ryots was issued and in that report the principle was formally placed at the bar of public opinion. It was shortly afterwards proposed to apply it to the Punjáb. It was publicly discussed in Council at Simla and was passed into law with the expressed intention of applying it to other parts of the country if it proved a success. Speaking for my own class, I may say that for at least the last ten years the idea has been ever present to the mind of the District Officer as he went to and fro among the villages seeing the unnatural load of debt under which the ryot laboured. Everyone who had the welfare of the ryot at heart has pondered over the pros and cons, and I have no doubt the associations of the country, including the honourable member who moved the amendment, have done the same, and that they are just as prepared to discuss the proposal now as they will be six months hence, even with the assistance of the able authorities mentioned in the amendment. I intended to say a great deal more this afternoon, but to cut a long story short, I wish to lay before the Council as briefly as I can the reasons for the faith that is in me in favour of restricting the power of the ryots to alienate their land: I don't expect it to do so very much; perhaps some authorities are inclined to expect too much from it. It certainly won't by itself drag the ryot from the pit into which he has fallen, but it will be a useful strand in the rope.

I do not aspire to the gifts of oratory of my friend Mr. Mehta, or to the power of lucid argumentation of Mr. Gokhale, but I trust they will concede to the supporters of the Bill credit for at least heart-felt sympathy with the ryot in his distress. Without going into the theory of the ultimate proprietorship of land in this country, there is no doubt that in pre-survey days it was not as a fact transferred and was not liable to attachment by the Civil Court. In Native States of the more old-fashioned sort we may to-day still see a survival of what was formerly the practice of the country by which the Rájá maintains his absolute power to control the transfer and disposal of the land, and the cultivator has no proprietary right. The ordinary Rájá who takes an interest in his subjects would certainly not permit the *sávcár* to enter on the ryot's land and rack-rent him, possibly in some cases on the principle of the man who will allow no one to beat his wife but himself. But in some of the more advanced States such as Baroda, Gondal, Rájpipla and others which have been permeated by modern ideas, the British practice has been introduced. In the important State of Baroda the full proprietorship of the ryot has been recognised subject only to this reservation, that the transferee must be a resident of the Baroda State. I believe this alteration on the old practice has not been introduced by a formal statute, but it has been recognised by custom and embodied in authorized rules since the survey of the State in the eighties. But the sequel is rather interesting. Before the survey was well finished, His Highness the Gáekwár and his advisers saw reason to believe they were going too fast, and in 1888 an order was issued having the force of law to the effect that when a sale of land was ordered by the Civil Court the Munsiff should apply to the Revenue authorities for information as to how much of the land was necessary for the maintenance of the holder and his family, and so much was exempted from sale. In other words, in a country where holdings were mostly small, this amounted to general exemption of the land from sale by the Civil Court. In my humble opinion His Highness and his

advisers showed prescience in issuing such an order. But unfortunately they did not go quite far enough, and I understand that the transfer of the land into the hands of non-agriculturists is going on almost as fast in the Baroda territory as in the British. The little State of Sachin is worth a reference. In that State the Nawáb always claimed the right to control or, at any rate, to have a voice in the transfer of his people's holdings. In token thereof he levied a nazarána on every transfer, including even devolution by inheritance. But several years ago the State, being under administration, the Bombay Government of those days, was pleased to confer on the ryots the inestimable boon of full proprietorship. But it was not taken quite as was expected. The ryots began to make petitions that the boon was no boon at all. They went so far as to say, in somewhat uncourtly language, that it was "zoolum," for they explained that they were all more or less in debt to the *sávcár*. That is to say, they were down in his books for more or less fancy sums which they never intended to pay and the *sávcár* never expected to receive. The only effect of this indebtedness was that the *sávcár* appeared every year with his account books and carried to their credit sums varying in amount either in cash or kind with the bountifulness of the year; and so they rubbed on contented enough, although, as a matter of fact, the assessment was and is one-and-a-half times as high as in the adjoining British villages. But they said with the new order all was changed; the *sávcár* now had a grip on the land, and, as a matter of fact, the easy-going old gentleman was transformed into an ogre, who, armed with a decree of the Civil Court, threatened to oust them from house and land unless they paid up their ancient debt to the full.

Coming to British territory, the great change, as we know, began in 1847 and was continued until 1865 when it was formally sanctioned by legislative enactment. As soon as both sides began to realise what had happened the result was this. Every man who had an acre of land found his command of ready-money multiplied many times over. The Koli, who had hitherto-extracted from an unwilling Bania by much entreaty a beggarly thirty or forty rupees for the marriage of his daughter or the obsequies of his father, now found himself accommodated without demur with 200 or 300 rupees. The consequence was only natural. I doubt if even a member of Council, if he woke up one morning to find his available assets trebled or quadrupled or quintupled, could be absolutely relied upon to do nothing that was foolish. At any rate, the ryot could not. Where his father had spent one rupee, he began to spend two or three. The swagger of giving a feast that would be the talk of the country side for days was irresistible. The *sávcár*, who on his side had hitherto, in estimation of the amount to be lent, looked to the social position, the private character and the current means of the borrower, now only fixed his eye on the market value of the land or, perhaps more correctly, the value which he knew the holder would set upon the land. In the district of Surat—I mention Surat because, perhaps, it lies about half-way between the excessive extravagance of Gujarát and the comparative frugality of the Deccan—in that district within the last thirty or forty years domestic expenses have more than doubled. In Broach it was quite the usual thing before the famine for an ordinary Borah cultivator, owning ten or twenty acres of land, when he gave a feast, to dispense twenty-five maunds of ghee, which meant an expenditure of 300 to 400 rupees on that article alone. The upshot was that in 1897, when an inquiry was made in certain selected villages in every *táluka* with a view of ascertaining what amount of land had passed into the hands of non-agriculturists, in other words, I am sorry to say, too often into the hands of the rack-renting middleman, the percentage was found to range

from 74 per cent. in the Máhim Táluka of the Thána District downwards. In one táluka of Ahmedabad it was 38, in others it was less, and the process is still going on. Here, perhaps, I may be allowed to notice a rather ingenious argument put forward by a correspondent in one of the English dailies that the Deccan ryot loses his land in a time of famine and regains it in a time of prosperity. Such an argument must be at present baseless, because, until we have a record of rights, it is impossible to say how much land, táluka by táluka, is in the hands of the cultivators and how much is in the hands of the sávcárs. It is true Mr. Woodburn in his report gives a statement purporting to show it, but the statement is avowedly compiled from the Government Rent Rolls, and, as every one knows, innumerable transfers take place every year, which do not find a place in the Government records at all. Now, Sir, I come to the main question—what induced and still induces the ryot to waste his credit? I quite admit that he often borrows to pay assessment in a bad year; he sometimes borrows to dig a well or to buy manure for a sugarcane crop. But the whole of the money borrowed for these purposes does not form more than a small fraction of the heavy load of debt which is dragging him into serfdom. The root fact—and I speak after having lived among the people for 31 years—is that the facility of getting ready-money has tempted the ryot to gratify his social vanity, to increase his personal comfort, and in some few instances to foolish litigation. This is true in the Deccan; it is still more true in Gujarát. In the Deccan the evil is great; in Gujarát it is appalling. In tendering some evidence of what I say, I am confronted by more than one difficulty. One is that my evidence not being the result of any formal inquiry is somewhat disjointed. It is, in fact, an interminable string of instances. To go from one end to the other of them would intolerably tax the patience of the Council. I can, therefore, only ask of Your Excellency to accept my assurance that the instances which I select are not exceptional. They are in no way picked out as the worst, but are typical samples of thousands and thousands of others.

The best proof that the ryot does not spend his credit in paying the assessment is to be found amongst those who have no assessments to pay.

I take the case of the Barots in A, not because it is singular, but simply because it happens to be one of the last cases which have come to my notice. They are 65 families holding 152 acres assessed at Rs. 816, but paying to Government only a salámi of Rs. 129. They have run up debts amounting to Rs. 24,607 all secured on their land, an average of Rs. 161 of debt per acre. They incurred these debts according to their own account (1) for dinner parties on the death of various members of their families, (2) for dowries and other marriage expenses, (3) to pay interest on debts previously incurred for similar purposes on Sán mortgage. They also add that they had to borrow for household expenses, but it is clear that men who held some of the most fertile land in Gujarát at 13 annas an acre would not need to borrow for household expenses if they were kept to a reasonable scale. A detailed account of their debts was taken down, from which it appears that the whole of this debt of Rs. 24,600, except Rs. 586 for building a single well and Rs. 300 for buying cattle, was incurred on social extravagance, and could not have been incurred without the security of the land. Without that the sávcár would have tied up his bags before the total reached a fifth of that amount. They would have had to adjust their dinners and their dowries to their means and would to-day have been solvent instead of ruined and landless men. Take the village of B. C., a low caste cultivator, held 14 acres of land. On the death of his father he spent Rs. 500 to 600 in feasting his neighbours. His son is still heavily in debt. D. has 9 acres. On the death of his father he spent Rs. 200 and in



marrying his daughter he spent Rs. 300. Part of his land is mortgaged with possession. E. has  $7\frac{1}{2}$  acres which he shares with 3 others, giving to each about 2 acres. He spent Rs. 150 on the death of his father and Rs. 100 to 150 on the marriage of his sister. His land is mortgaged. F. has a small share in about 9 acres. He spent Rs. 100 on the death of his father and Rs. 100 on marrying his sister. He is now deeply in debt. G., a holder of about 13 acres, on his father's death fed the whole village at a cost of Rs. 1,200, mortgaging away 6 acres for the purpose. The father had previously spent Rs. 1,200 in marrying his daughter. The son now ekes out a miserable living on 2 acres that are left him. H. spent Rs. 250 on his father's death and Rs. 600 on marrying his daughters, and is deep in debt in consequence. His uncle spent Rs. 1,200 in marrying his daughters, into a family higher than his own; and almost all his lands are mortgaged. Another case on my notes is that of a Patidar of J., who 35 years ago spent Rs. 20,000 to marry his daughter into a family higher than his own, and he and his sons are now ruined. In the Prántij Táluka, Ahmedabad District, it was found in 1897 that 33 per cent. of the land had passed into the hands of *sávcárs*. At my request Mr. Edalji Byramshah, a trustworthy officer, paid a visit a week ago to two typical villages, Raslod and Uchha, where the people are known to be heavily in debt. At Raslod he got together all the landholders then at home to the number of 46, all were in debt. Of these 36 had borrowed for marriages and 32 for funeral feasts, 11 for cultivation purposes, 6 for building new houses, and 2, who owned no land previously, had borrowed in order to buy. One, who was a bachelor, had run deeply into debt purely for extravagant living. In no instance was Government assessment even mentioned as a cause. In Uchha 30 landholders appeared. Of them 25 had borrowed for marriages, 22 for funeral feasts, one for building a new house, 2 for cultivation, 2 for buying buffaloes, 12 persons who had no land borrowed in order to buy. Four borrowed during the famine for maintenance. One for legal expenses. The Government assessment was not once mentioned. Passing to the Broach District I may give a reminiscence of the famine. On the way to visit a famine work near the town of Broach with a traveller from England who took an interest in the country he asked me: "Why are all the cultivators so much in debt?" I said: "Wait for a while and we will get the answer from their own mouths." Arrived on the work all the landholders within call were got together, about 30 in all. Being questioned they one and all said that they paid land assessment varying from Rs. 10 to 100; that their land was in possession of the *sávcár* for debts ranging from Rs. 300 to 800. All the debts without exception were stated to be for social ceremonies and feasting. No one said a word about the Government assessment or indeed about any other expenditure.

On our way back we met a man who told us he had been a landholder, and was now a puggee or watchman at one of the mills. He had a share in a holding and thought he was entitled to inherit another share. He went to law about it and won his case, but had to sell both the shares to pay his lawyer's bill.

I note a few typical cases in the Jambusar táluka. I. had  $12\frac{1}{2}$  acres of exceptionally rich land and was thoroughly well off and prosperous. He married four daughters at a cost of Rs. 5,000 and in 1930, *i.e.*, 27 years ago, he married his grand-daughters at a cost of Rs. 2,000. He built a new house for Rs. 600 and on his death his son spent Rs. 500 on funeral feasting. Soon after the mother died, on which he spent Rs. 300. Afterwards he himself died, and his son, though he had other land left him and is an industrious man, is so poor that he cannot afford to get married, though 38 years old. He received last year *tagái* for subsistence. K. spent Rs. 3,000 on the marriage of each of his two daughters.

with the result that all his land—75 acres—is mortgaged and his widow is destitute. L. had an estate of 50 acres. He married a wife at a cost of Rs. 2,200. Ultimately the creditor foreclosed and his son became landless. M. is the most respectable landholder in the village. In 1894 he borrowed Rs. 2,000 for the marriage of his daughter, and has ever since been in debt. N. was left 50 acres by his father, who died 30 years ago. He spent Rs. 500 on the funeral feast and took to extravagant courses. This obliged him to mortgage all his land, and he now lives upon a part of it as tenant. O. a man of position in the village, on his mother's death, 29 years ago, spent Rs. 6,000. In four dinners he fed the whole village and a large number of his own caste from elsewhere, besides all the Dheds and lower classes, who chose to come. He died 8 years ago, leaving his son in debt. But he, *i.e.*, the son, raised Rs. 2,500 for funeral dinners, and consequently is still Rs. 2,500 in debt, and had to come to Government for subsistence during the famine. P. a headman of the village 20 years ago, had 90 acres of land and kept 3 ploughs and 3 domestic servants. He has now only 10 acres and is very poor, having had to sell off or mortgage 80 acres. The reason is that both when his father died and when his mother died he fed the whole village and all his caste-people of the neighbouring villages at a cost of Rs. 2,000, which he borrowed. Q. of the same village. His holding of 60 acres is now reduced to 10, owing to dinners on the death of his mother, a brother, and his uncle—each costing Rs. 800, which he borrowed. R. held 90 acres and was prosperous years ago. He borrowed largely for litigation and marriages, and lately died Rs. 10,000 in debt, leaving his family destitute. S. had 54 acres and was well-to-do 30 years ago. He spent altogether Rs. 6,400 on marriages, deaths, and building a house. He has mortgaged 12 acres and has Rs. 3,000 of other debts to-day. Similarly, T. was well-to-do 30 years ago. He spent Rs. 6,000 on marriages and died last year, leaving a debt of Rs. 3,000 and two boys, who are destitute. U. built a house about 6 years ago for Rs. 800, all of which he borrowed. It increased with interest to Rs. 1,500, and this year he has had to sell both house and all his land (15 acres) to the creditor. V. is a typical instance of the Gujarát cultivator, who collapsed at the touch of famine. He was to all appearance well-to-do, but he only got through with the help of a grant of tagavi. And what was the reason—15 years ago he made a pilgrimage to Benares, and on his return gave a big dinner to all Bráhmíns who came, and distributed metal pots to them, costing in all Rs. 3,000. Six years afterwards he spent Rs. 1,000 on the death of his mother. It was all borrowed and the famine found him weighted with debt. W. is one of the biggest cultivators in his locality. Yet he could not pay his assessment in the famine year. For beginning with his father's death, 40 years ago, on which he spent Rs. 4,000, he has spent on domestic ceremonies Rs. 11,000, much of which he still owes. So X, of the same village has spent Rs. 8,200—a man whose father, 60 years ago, living on the same land bought a turban for Rs. 7, but never wore it as he thought it too good for ordinary use. Such is the change in manners. T. mortgaged his land for Rs. 900 to get his son married, with the result that he now cultivates a few acres as tenant, and both he and son had to go last year upon the Government relief works.

A very intelligent Mámlatdár, Mr. Gopalji Gullabbhai, writes:—"I have not seen more industrious cultivators than those of this taluka, but they are most of them in debt. The simple reason is that they spend money on marriages. If they did not spend beyond their means in this way they would soon be rich even with their small holdings."

In the Panch Maháls, among the Bhils and other such cultivators, the increased credit of the survey holder has simply meant one thing—that is more drink. The marriage feast

and the funeral feast is little more than a drinking bout, and the result of his full proprietorship is that instead of Rs. 5 or 10 he can spend Rs. 50 or 100. Z. in Dohad taluka owed Rs. 200 20 years ago. He spent Rs. 200 on four dead relatives and Rs. 100 on his son's marriage—all on drink—and this with interest has amounted up to a debt of nearly Rs. 900. A. in 10 years spent Rs. 300 on the deaths of his father, mother, and brother. Half was borrowed and now stands with interest at over Rs. 300. B spent during the last 10 years Rs. 2,100, all on social ceremonies, and all borrowed. With interest he now—a low-caste cultivator—owes Rs. 3,000. C. borrowed Rs. 192 for one son's marriage and Rs. 202 for another, and would have borrowed more if the *sávcár* had allowed him. Ordinarily he borrowed Rs. 50 every year for current expenses and repaid it easily. The loans for the marriages have now mounted up with interest to Rs. 2,000. D. owed Rs. 345 12 years ago. He then borrowed Rs. 155 for his son's marriage, which has risen with interest to nearly Rs. 1,000. E. borrowed during the last 10 years Rs. 1,050 on the deaths of his brother, mother, and father, and his son's marriage. He is now Rs. 1,300 in debt. F. spent Rs. 500 after three deaths in his house and had to sell part of his holding. Since then he has incurred Rs. 700 further debt for his own marriage. G. lost all his land before the famine by similar expenses.

To be brief, the story of almost every house in the district is the same—a heavy debt that should never have been incurred and would not have been incurred if the *Bunia* had not the land to go upon, swollen by interest, the people parting with one head of cattle after another, with one field after another—on the whole slowly breaking down.

Now, Sir, it passes my understanding how patriotic men who undoubtedly have the good of the country very near their hearts, are content to accept this state of things with equanimity and to oppose or defer measures, however cautious, which are devised to apply a remedy. If it had been proposed, as in the Punjab, to modify the tenures of almost all the holdings in the Presidency, then I could have understood that there was room for discussion; there would have been reasonable ground for arguing that possibly such a drastic and extensive remedy might be worse than the disease. But this measure is careful and cautious to a fault. It won't touch any land but that which has come into the hands of Government free from private rights. It won't touch any of the better class of cultivators who can hold their own against the *sávcár*. From the lower and thriftless classes it will not take away all credit but only that which leads to destruction. If a man is so thoroughly hard up that his only resource is to mortgage up to the hilt or sell his land, nothing that any law can do can make his condition worse. Surely it is no hardship to say to such a man "We shall allow you to borrow for current needs, but we forbid you to alienate the birth-right of your children." No one but a reckless man would consider that to be a limitation, and no man not over head and ears in debt would be affected by it. I say with some confidence that this would be the view of the cultivators at large not universally, but very generally, if they once properly understood the matter. I hold in my hand a letter from the Collector of the Panch Maháls, dated the 17th July. He writes as follows :—

"I held a meeting of the Godhra Taluka Patels to-day and it is no exaggeration to say that they welcomed the restricted tenure. They understood it thoroughly and were quite willing to accept the restriction. They represented a great many different castes and both the upper and lower cultivating classes. So far as this district is concerned, the measure will be very well received, so I hope that there may be no setting back after the hand has been put to the plough."

In a subsequent letter Mr. Cadell reports the information he had received from his assistant in other parts of the district. Mr. Rothfeld had held meetings in Kálol and Hálol to explain the proposal and "on the whole the reception was decidedly favourable." Unfortunately the other Collectors in the Northern Division have not found time to call meetings for the purpose of talking over the matter. But I am informed that in the Kaira District petitions have already been presented to the local officers praying that land might be forfeited and restored on the restricted tenure. Lastly, I may be allowed to mention a little episode from my own experience. A few days ago I was walking near the City of Ahmedabad and overtook two men of the cultivating class who were returning to their village. Asked if they knew anything of the new law they said: "O yes, it is very bad, very bad!" Asked if they understood what the purport of it was they said they had been told in the City that Government were going to pass a law to confiscate all the land in the country. Naturally I objected to this version of the Bill and explained to them what the object and scope of it was. Whereupon they said: "We do not object to that, it is just what many of our people want."

The Honourable Mr. MEHTA—Naturally they would say that to you.

The Honourable Mr. LELY—The point of my story is that they understood the object and the purport of this Bill to be that all the land in the country was to be confiscated. If that is a fair representation of the Bill I have no more to say. The dissenting members on the Select Committee, in the able and temperate memorandum which was affixed to the report, expressed a doubt in one of their paragraphs whether Government have any right to modify the tenure of waste and forfeited land. I myself have similar doubts but with a difference. There is no doubt that in pre-survey days Government had a powerful voice over the transfer and disposal of land. If it had not been so the concessions made at various times from 1847 to 1865 would have no meaning. We all cordially recognise that the Government of those days and their advisers were magnanimous men, animated by the loftiest sentiments and intentions, but all the same it is a question whether they had a right to abjure their responsibilities, to divest themselves of their overlordship and to leave the land to be scrambled for by any one; it is a question whether they were justified in standing aloof, in withdrawing from their position, and declaring that it was nothing to them whether the land was held by an independent yeomanry or by a race of bonded debtors, nothing to them whether the fruits of the earth were enjoyed by the men whose labour had won them, by men who were proud to till the fields of their fathers and to hand them down to their sons, or by men who sat in their shops caring not one tittle for either cultivators or land except to squeeze the uttermost farthing out of the one and the last grain of fertility out of the other. Your Excellency, in my view Government can no more afford to be indifferent to these things than a house-holder can afford to be indifferent to the foundations of his house.

His Excellency the PRESIDENT then adjourned the Council until 12 o'clock noon the following day.

*By order of His Excellency the Right Honourable the Governor in Council,*

A. S. A. WESTROPP,

Secretary to the Council of the Governor of Bombay  
for making Laws and Regulations.

Poona, 23rd August 1901.

*Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACTS, 1861 and 1892."*

The Council met at Poona on Saturday, the 24th August 1901, at 11 A.M.

*P R E S E N T :*

His Excellency the Right Honourable Lord NORTHCOTE, G.C.I.E., C.B., Governor of Bombay, *Presiding.*

The Honourable Sir E. CHARLES K. OLLIVANT, K.C.I.E., I. C. S.

The Honourable Mr. J. MONTEATH, C.S.I., I. C. S.

The Honourable the ADVOCATE GENERAL.

The Honourable Meherban NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji.

The Honourable Mr. IBRAHIM RAHIMTOOLA,

The Honourable Mr. GOPAL KRISHNA GOKHALE.

The Honourable Mr. P. M. MEHTA, C.I.E., M.A.

The Honourable Mr. SILAS MEYER MOSES.

The Honourable Mr. D. McIVER,

The Honourable Ráo Bahádur CHUNILAL VENILAL, C.I.E.

The Honourable Mr. E. GILES, M.A. (Oxon).

The Honourable Ráo Bahádur ACHYUT BHASKAR DESAI.

The Honourable Mr. A. CUMINE, I. C. S.

The Honourable Sir BHALCHANDRA KRISHNA BHATAWADEKAR, Kt., L.M.

The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.

The Honourable Mr. F. S. P. LELY, C.S.I.; I. C. S.

The Honourable Mr. J. C. POTTINGER, M.Inst.C.E.

The Honourable MIR ALLAHBAKSHKHAN *valad* ALIBAKSHKHAN SHAHWANI TALPUR.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH, B.A., LL.B.

The Honourable Mr. J. W. P. MUIR-MACKENZIE, M.B.A.C., I. C. S.

The Honourable Mr. H. F. ASTON, I. C. S.

The Honourable SARDAR GANPATRAO MADHAVRAO VINCHURKAR.

The Honourable Mr. ASTON, in resuming the debate on the second reading of the Land Revenue Code Amendment Bill, said—I oppose the amendment and I welcome the opportunity afforded to me to answer an objection which has been raised, or rather suggested, that judicial experience will not endorse the policy underlying this Bill. The course of litigation depicts in the clearest possible manner the conditions of life and the habits of the people who resort to the Courts, and a long continued acquaintance with that litigation, extending for over a quarter of a century, has confirmed the belief which I have formed and have all along expressed that it is the forced sale through the Civil Courts of occupancies at the instance of the middlemen, who have interposed themselves between the State and the occupant, which forms one of the main causes of the degradation of the agricultural classes. The honourable member who moved for the postpone-

ment of the consideration of the Bill based his argument chiefly on an appeal for caution and patience. The history of the Agrarian question, if looked at, will, I think, show at once that that caution and patience have been exercised during a period of over half a century. But in order to have clear ideas of what is the real question before us, I think it will be necessary to understand exactly the history of the evolution of the right of transfer; and with the indulgence of the Council I propose to say a few words, because there appears to me to be some misconception of what was really the change when the survey tenure was introduced. For the labours of the Survey Department, in so far as the mapping out of the country, the classification of soils, and the registering and putting to use fixed data for a settled assessment are concerned, there cannot be anything but praise, and their labours form a monument of the industry and ability of that Department, to which this Presidency, as is acknowledged by all of us, owed a very great deal. But there are some features in regard to the mode of collecting the assessment which was adopted, which have given rise to criticism, and the soundness of that criticism is acknowledged now by the policy underlying the Bill.

It has been sometimes considered that the survey tenure was a new tenure. But when that survey was introduced, it has already been pointed out, there existed persons called "mirás" tenants, and there also existed a large number, acknowledged by one of the honourable members who recorded the minute of dissent to the Bill to be the greater number, of temporary annual tenures. What appears to have been done was that these annual tenants, or tenants-at-will, were raised to the position of the "mirásdár," and it is difficult to see what difference there is between the survey tenure and the "mirás" except that statutory recognition was given to the "mirásdár" already acknowledged in the village community to have a heritable and transferable right as between members of that community, to his holding. A statutory right was given in regard to all the occupancies that came under the survey tenure and the number of "mirásdárs" was increased to include as survey occupants all the tenants-at-will. But there was a difference introduced, because instead of collecting the revenue after appraising the produce or by placing the responsibility on the heads of the village communities—or the village patels—the new responsibility was enforced as between the occupant and the Government and the assessment having been fixed, for a term of years—fixed now for thirty years—that assessment had to be paid and the land was held conditionally on the payment of that assessment. Government recognising at the time the incentive given to enterprise and industry by giving to all occupants alike of State land the transferable heritable right in the occupancy, increased the number of persons who had those rights; that is to say, the tenants-at-will became tenants on the conditional right under which the tenure was based. The assessment was to be collected from individuals and it was collected according to the rate fixed for a term of years. The authors of that Revenue Survey, as it is called, looked forward without fear to evicting pauper tenants—men so encumbered by private ancestral debts that they were not able to fulfil their public engagements. But they very soon saw that a private creditor could go into Court and could realise and threaten eviction because the right of holding the occupancy was heritable and transferable—so the tenant of the State would be liable to be evicted by the Civil Courts. Sir George Wingate wrote very strongly on the point and urged that the tenant of the State should not be evicted by private creditors in the Civil Courts. There was one other defect which was recognised, and it was that when these holdings became subdivided, a smaller portion came at last to be left in the occupancy of a person who could not possibly

fulfil his public engagement to the State. An attempt was made at the time to avert that difficulty, but it did not succeed, and since then the only step that has been taken, as far as I am aware, has been to recognise only a fixed area as the minimum in the revenue record. But that in no way protects the member of a joint family, even though where there are joint interests in the land only one member of the family may be recognised by Government. Well, after that the fears which Sir George Wingate had already expressed were becoming realised, and middlemen were intervening between the Government and the occupancy tenant. All the history of the Agrarian problem shows how, from time to time, this matter received serious consideration, but in consequence of almost unlimited caution the evil of forced transfers to the trading and money-lending classes was for long years met only by palliatives instead of by some more radical measures. The Secretary of State, Lord Stanley, as far back as 1858, drew attention to the change worked by the multiplication and increased power of Civil Courts among the landholders and agricultural communities. He observed that the legislation of 1831, which enlarged the powers of petty Civil Judges, had greatly promoted the rapid transfer of landed property from old to new hands. While fully recognising the impolicy of putting a restriction upon the ready transfer of property, His Majesty's Government considered that the circumstances were such as to call for palliative or remedial measures. I hold in my hand, my Lord, a compilation which shows the correspondence which ensued, and all who care to wade through the pages, somewhere near 450, will find that in the face of a great consensus of experienced opinion in favour of restricting the right of alienation of occupancy right the matter was disposed of, practically by a phrase, the phrase that "it is economically unsound to interfere with the free transfer of property," the real fact of the matter being that the question was not that of interfering with free transfer but of interfering with forced sales.

Further the true economic theory as set out, as I understand in text books on political economy, is that it is unsound to treat land as security for short debts. I have listened with interest to all that has fallen at this debate and it has interested me to notice that that argument has not again been revived. We hear nothing more now about the economic unsoundness of interfering with the free transfer of land, because it is recognised that it is not free transfer. Then coming to the Deccan riots. It is well known that a wide-spread feeling of dissatisfaction against the middlemen and the money-lenders in the Deccan was evoked and there was a series of Agrarian riots. Then there came certain remedial measures in the Civil Procedure Code. Those remedial measures took the shape, so far as the agriculturists were concerned, of exempting from attachment by the Civil Court for private debts the implements and cattle of the cultivators and the materials of their houses and also re-moulding the provisions of the insolvency law. It has never been clear to any person, as far as I understand, how an agriculturist who earns his livelihood from the land can continue his occupation with his cattle or the materials of his house but without land. Nor has it been made clear how insolvency provisions can be of any benefit whatever if the cultivator, though he may realise that he is in a bankrupt condition, is obliged to bring into Court as one of his assets the land from which he gains his livelihood and without which he cannot further continue his occupation; and also how he can be expected if he is a Hindu to avail himself of insolvency provisions when according to his own religious law he is condemned to eternal punishment if he does not pay off the debts of his father and grandfather. Then coming to the Deccan Agriculturists' Relief Act,

it does not in any way protect the agriculturist who has already mortgaged his land. It gives the Civil Court certain powers to reduce the rate of interest and to what is called go behind the bond. As it has been long recognised that this measure is a mere palliative, and does not go to the root of the evil, I need not say more about it. I refer to it because it has evoked considerable discussion and it is an answer to those who say that this question has not received sufficient public attention. In regard to that I may draw attention to a series of articles which appeared in the "Journal of the Poona Sárvajánik Sabha," in which the whole question is very ably discussed, and these articles show how far public attention was drawn to this matter at the time. Then came further discussion and this caused some divergence of opinion in which Sir Raymond West took a firm stand. That was followed by the Land Indebtedness Commission, and we all know what that Commission reported. It drew attention to the evils of the transfer of the rights of the occupant to the middleman, but after that there was a period during which there was some hesitation about adopting the recommendations of the Commission and ultimately the different Provinces, Administrations, and Governments were left to propose their own schemes. Lord Lansdowne, in a well-known minute on that report, remarked strongly on the evil of alienation of occupancy right. Then there came the Land Alienation Act in the Punjáb, and it is well-known how much discussion that measure evoked. As regards the changes which were introduced by the survey tenure, I have not heard in the remarks which have fallen in this Council, attention directed to what to a semi-civilized people, conservative in their ways, must have appeared the almost revolutionary methods which were adopted by the Government in regard to the occupants in trying to extend fixity of tenure without preventing them from being ousted from their occupancy by the private creditor.

The condition in which the peasantry were has already been referred to in the speech of the honourable mover of the Bill at Maháleshvar. It is well-known into what condition these tenants had fallen, but I have not heard attention, as I think, sufficiently directed to the law under which they lived. They were obliged to pay the debts of their fathers and grandfathers; they were already, therefore, burdened with this debt, under stringent obligations to devote their life-long labour to discharge ancestral debts. If at that time with regard to the powers of the Civil Courts to oust them from their holdings Government had extended to this peasantry that policy of clemency which has been announced as the policy of Government with regard to public dues and has met with such strong expressions of approval from so many members of this Council, there can be no reason to doubt that the condition of the peasantry would be far better at the present time. I have not heard any reason advanced why private creditors ought not to have that consideration for their debtors which they urge so much should be extended to them in regard to public demands. I think I have shown sufficiently that in regard to the plea for caution and patience that this matter has been before the Council for a very long time and ample opportunity has been afforded for those interested in the matter to make up their minds, and it must be a subject of congratulation to the supporters of this policy to find that after all the time and attention that has been devoted to the matter, all that has been brought forward is a plea for further time as the strongest plea to be made in this Council. Something has been said about the interests in which this advocacy is raised. As far as that is concerned, it appears to be the case that a certain number of cultivators are very much in the position of the fly in



the spider's web, and any argument for time and further postponement in order to consider the matter further cannot be brought forward in the interests of the fly. Besides the plea for time there are some little objections which have been urged, and which I am glad of this opportunity to deal with, because for a long time I myself have been a strong advocate of the policy of restricting the forced sale of occupancy rights. First of all the constitutional question has been raised. I do not know whether I exactly understand what basis there is for the belief that any constitutional question is raised at all. When the Land Revenue Code became law, Government, having adopted a certain policy, gave certain statutory powers to their subordinates to carry out that policy. But Government having seen fit to alter that policy it is difficult to find any constitutional reason, as far as my humble opinion is concerned, why Government should not give fresh orders to their subordinates and authorise them to carry out the new policy. The question of the "Mirásdár" has been raised. It has been said that the "Mirásdár" was placed in a lower position by the revenue policy of Government. I believe that that statement is founded upon remarks made upon the fact that in a village community even if the "Mirásdár" had gone away for thirty years, when he returned he resumed his place and was allowed to cultivate the same land. That is a very different thing from saying that the "Mirásdár" had a right as against Government to the resumption of his land for cultivation if he did not pay his share towards the public revenue.

Mayne, in his "Indian Village Communities," has already reminded us: "The village community of India is at once an organised patriarchal society and an assemblage of co-proprietors. The personal relations to each other of the men who compose it are indistinguishably confounded with their proprietary rights, and to the 'attempts of English' functionaries to separate the two may be assigned some of the most formidable miscarriages of Anglo-Indian administration." I have not heard the argument advanced that an Inámdar is not entitled to evict a "miras" tenant if he does not discharge his obligation to the Inámdar. The argument seems to be that the proprietary rights of some persons not very clearly indicated are threatened by this new policy underlying the Bill. I do not know whether any profit can be expected from the discussion as to whether the occupant is or is not the proprietor. For a long time there was a very unprofitable discussion as to whether the share which Government takes is a tax or a rent. But it has been said over and over again that in some way Government parted with their proprietary rights in the soil by granting the conditional right of occupancy in unalienated land. A despatch of the Government of India has been quoted in support of that view, but no reference has been made to a subsequent remark by another Viceroy that "in no period in the history of India has the demand for a share in the produce of land to which Government are legally and by immemorial custom entitled been so moderate as at the present time." That is a confident statement of the legal and immemorial right of the Government to a share in the produce of the land. I am aware that the Bombay Government does treat the tenant as the proprietor of the soil, but I think that if that question is worth raising at all, attention may be usefully directed to the occupancy right as referred to in the Code. It deals with unalienated land, and the distinction is kept up all through between alienated and unalienated land. There is a very interesting passage in Mayne's "Ancient Law" where he points out that in a certain phase of Roman history "The municipalities began the practice of leasing land for a perpetuity to a free tenant at a fixed rent and under certain conditions. The plan was afterwards extensively imitated

by individual proprietors and the tenant whose relation to the owner had originally been determined by his contracts was subsequently recognized by the Prætor himself as having himself a qualified proprietorship which in time became known as an Emphyteusis . . . The Prætor, as has been said, treated the Emphyteuta as a true proprietor. When ejected he was allowed to reinstate himself by a Real action, the distinctive badge of proprietary right, and he was protected from disturbance by the author of his lease so long as the canon or quit-rent was punctually paid. But at the same time it must not be supposed that the ownership of the author of the lease was either extinct or dormant. It was kept alive by a power of re-entry on non-payment of the rent, a right of pre-emption in case of sale, and a certain control over the mode of cultivation. We have, therefore, in our emphyteusis a striking example of the double ownership which characterises feudal property, and one moreover which is much simpler and more easily imitated than the juxta-position of legal and equitable rights." Baden Powell in his treatise on Indian Land Tenures, which is accepted as an authority, appears to treat the Bombay survey occupant as a proprietor; but Baden Powell also admits that "the concurrent existence of several interests in the soil is rendered possible by the fact that property or interest in land is more concerned with the produce and with dividing it than anything else." It is somewhat difficult to follow the argument of the honourable mover of the amendment that owners may come and owners may go, but the land is held in perpetuity. The honourable member does not say by whom it is to be held in perpetuity.

The Honourable Mr. MEHTA—Section 73 says that.

The Honourable Mr. ASTON—I understood the honourable member to say holders may come and holders may go, but the land is to be held in perpetuity. If there is a break in the chain of holders Government comes in, but I have not heard the argument used as to what the rights of Government then are, nor have I heard the argument that if a middleman acquires the right of occupancy he cannot transfer the occupancy on any terms he chooses. An attack has been made on the assessment levied by Government, and it seems to be seriously proposed that if the object of Government is to have a contented and prosperous peasantry, able to pay the public demands, Government ought to forego that demand. I don't know whether any one will be expected to deal with such an argument seriously, but financially it seems to be less sound than the argument of the school boy who would provide funds to support a particular object by not going to school for a week and devoting the fees to that object. I have long been familiar with the cry that the reason why the cultivators are in debt is because of the State demand. More than twenty-five years ago it happened to be my duty to deal with certain reports by subordinate Judges in a district, and in every one of them almost a remark was made about the poverty of the ryots being due to the State demand. The subordinate Judges in these reports stated their conviction that the ryots were really too poor to pay the revenue demands. I asked for further information as to why, if the subordinate Judges held that belief, they were day by day in their Civil Courts granting decrees for immediate execution for private debts very greatly more than, sometimes ten or a hundred times more than, the public demand. No answer was offered. Well, it has been said that some vague fears are held that the credit of the ryot will suffer. In order to deal with such an objection, it is necessary to have clear ideas of what is the actual right of the ryot in his village. He cannot carry on the cultivation of his occupancy without incurring at the same time a burden of ancestral debt, and it is a well-known fact that although

that obligation, which is recognised as a legal obligation, extends only legally to the debt of his grandfather, accounts are easily manipulated so that it is disguised when the debt arose, and so it becomes continued from generation to generation.

The occupancy is so small that the holder finds himself continually involved in litigation to maintain his right. I have continually seen the remark by a Subordinate Judge when dealing with witnesses, that witnesses of a sort could be got at two annas per head in any number, and in these conditions of life the real owner of the occupancy has to fight against all sorts of attempts to deprive him of the right. He is taken to the Criminal Court, then taken to the Mámlatdár's Court, and to the Civil Court again with endless appeals. It is very obvious how very large an amount of the profits of agriculture in this country go towards litigation. Consider the persons with whom the ryot has to deal. Few agriculturists can read and write. The ryot has to deal with a writer belonging to the trading classes; he signs documents on the facts supplied to him by other persons, and when he is taken into Court, he is confronted again by persons of the money-lending or trading interest. The very person who comes to him to effect process is one of this same class. A fear has been expressed in the minute of dissent recorded by honourable members, that Government may ultimately desire to evict the occupant. I have not seen, nor have I heard any argument why that should be feared by persons who appear to be perfectly indifferent at what rate of speed the occupant is evicted by the Civil Court at the instance of the private creditor. A great deal has been said about the improvidence of the ryots. Something was said about the fact that when they were given this right of transfer, they were immediately encouraged to launch out into extravagant expenditure. But I think it is generally recognized that the period when there was some rise in the status of the ryot and some increase in his expenditure was during the American war when his produce went up very much in price and the ryot found himself in very much better circumstances. From my experience of the litigation that has come before me, I am convinced that the ryot is a hard-working, industrious person. He is liable by custom to incur certain expenditure on occasions, but it is not right to accuse him of improvidence. If he were to enjoy the hospitality of his caste-fellows and on the occasion of a marriage or a funeral in his family did not show similar hospitality, he would suffer in status and in the estimation of his fellows. He looks to the money-lender for assistance on these occasions and also for money to meet his agricultural demands. All these are added together and he finds it impossible to meet the debt. The money-lender is called the friend of the ryot, but there is a very great difference between borrowing money on a pledge, redeeming the pledge at the end of the agreement or afterwards leaving it unredeemed, and lending money on the pledge and then when it is not redeemed, adding accumulated interest from generation to generation. The debts accumulate in such a way and the hold which the middleman or the money-lender has upon the occupant is so strong that the whole pursuit of agricultural industry becomes burdened with the load of ancestral debt in a way which would convert traders and money-lenders themselves into slaves of the capitalists, if the same rules and laws were applied to them. What has to be distinctly borne in mind when we talk about the value of land is that when the creditor gets the producer into his toils, he is then in a position to exploit the labour of the occupant. There was a remarkable case in Europe only the other day, where there was some public agitation, because nuns in a convent were made to embroider and do such work through the day and into the night. A bishop of the

church called this Christian slavery and called it exploiting the labour of the nuns. That, my Lord, is the condition of the cultivating tenant when he is in the grip of the middleman. If any lesson is needed, that lesson has been writ large on the province of Gujarát, of what is the result, when the cultivator is in that position. The Honourable Mr. Lely has given a number of instances of the position of the ryot in this respect. If reference is made to cases in Civil Courts, those instances could be very largely multiplied. But I give one instance of how it is that the labour of the debtor is exploited, which came under my own observation. That was an instance in which the debtor had no longer any land. A creditor, in consideration of his signing a bond agreeing to pay an ancestral debt of Rs. 50, advanced him a sum of Rs. 30, and took a bond, called a service bond, under which the debtor was to serve the creditor for a period of six years for one good meal a day, two blankets and two cloths per year, in any sort of service the creditor ordered him to perform. After three years, he left the creditor's employ and a suit was brought against him to recover the whole amount without taking into consideration anything whatever for the three years he had worked, or otherwise have him put in jail. That may appear rather a strong instance, but if reference is made to the report of the Deccan Riots Commission, there will be found very many instances of similar service bonds, and the remark that the practice is very prevalent in Khándesh as between the middleman and the ryot. The load of ancestral debt grows from year to year and enterprise in the pursuit of agriculture is shackled. It has been said that encouragement should be given to other industries, but I agree most heartily with the suggestion thrown out by the Honourable Mr. Lely that it might well engage the attention of all those interested in the welfare and prosperity of the country to see how far the welfare of the State generally and not only mere private interests can be promoted by the policy underlying this Bill. That is a subject which must appeal to the patriotism and the undoubted desire for the welfare of the country, which not only the members who oppose the Bill, but also those who are in its favour, must feel. Such an argument may well appeal to those who agree with the opinion, expressed at a meeting of the National Congress, that there are fifty millions of people in India on the verge of starvation and that Government should take the right step to remedy that state of affairs. I am confident, my Lord, that such a policy as is embodied in this Bill will go further than anything else towards altering the conditions of life for a hard-working, industrious, and important branch of the community.

The Honourable Sardar GANPATRAO MADHAORAO *alias* ABASAHEB VINCHURKAR said— It is with great diffidence that I rise to speak on a subject which is most important, and which has created so great an agitation throughout the Presidency. Looking to the noble object of Government in placing the Bill before the Council, I would be wanting in that sense of duty which has devolved upon me as a landlord as well as an agriculturist, if I do not express on their behalf their sincere and grateful thanks to Government for taking a step to ameliorate their present deplorable condition by making the land inalienable, and by making such other provisions as would tend to improve their present impoverishment. It is not my intention, My Lord, to take up your Lordship's valuable time in discussing the *pros* and *cons* of the Bill, as they have been already discussed in the Council, as I had not sufficient time at my disposal to go over the whole literature on this important subject. As remarked by my honourable colleagues, the agrarian situation in the Presidency demands the most serious attention of Government, and as far as my own opinion is concerned the present measure taken up by Government is likely to

gain the desired object. I am of opinion that the deplorable condition of our ryots is principally due to the reckless extravagance on account of several pernicious caste customs. It is needless for me to say, as the honourable members are already aware, that our agriculturists are as a rule a set of ignorant people, and unless and until they are made to understand the rules of moderation their condition will never be improved. The present Bill is calculated to teach them these precepts, and will, I consider, make them cut their coat according to their cloth. It goes without saying that so long as the illiterate agriculturists could borrow money from any source, they will not leave a single stone unturned to contract debts on any interest extorted by the greedy usurers. Borrowing beyond their means is the sole reason of their impoverishment. The very fact that as much as 50 per cent. of the land in the Presidency has passed into the hands of *sávrás* is a conclusive proof of these observations of mine. It is necessary that our agriculturists should learn to lead their lives economically and never to outstrip their own limited resources. I beg further to observe, my Lord, that the Bill leaves discretionary powers to Collectors and I would add, without any fear of contradiction, they being officers of considerable experience, have always wielded such powers with integrity of purpose and for the benefit of both the rulers and the ruled. Taking all these circumstances into consideration, I am not inclined to vote in favour of the Honourable Mr. Mehta's amendment, and I most heartily support the measure proposed by the Honourable Mr. Monteath.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH said—Your Excellency,—I feel it my duty to join in the earnest appeal that has been made to your Lordship by my friends the Honourable Mr. Mehta and the Honourable Sir Bhaichandra Krishna. With every consideration for the arguments that have been urged in favour of the measure, I feel strongly that it will bring no good, but on the contrary will cause a good deal of irremediable mischief to the agricultural community, whose protection is declared to be its object. I must tell your Excellency that the measure has created the greatest discontent among the agricultural population of this Presidency. The discontent is spontaneous in its character and deep and extensive in its operation. It is not the result of any misapprehension. It is quite open to a strong Government ruling over an exceedingly peaceful and law-abiding population to take no notice of the discontent; but I trust your Lordship's Government will not allow itself to be persuaded that this discontent has no existence in the cultivating classes, or that it has been fomented by the money-lending classes.

My honourable friend, Mr. Lely, has referred to a letter of the Panch Maháls Collector to show that the measure is favourably received in that district; but could one expect poor and ignorant cultivators to give an expression to their genuine feeling at official meetings convened by the *mámlatdárs* and presided over by the Collector or his assistants? They always feel constrained in opening their minds with reference to the actions of Government. Had we not last year instances of officers saying that no complaints were ever made to them, when, as a matter of fact, improper measures had been used? As regards the two men my honourable friend Mr. Lely conversed with, one cannot forget that he is the Commissioner of the Division. It is just possible that his persuasive eloquence might have forced them for the moment to admit the benefit of the measure; but who knows whether the impression he created continued after they had time to think over it? My honourable friend Mr. Chunilal ought not to forget that he is still associated in the minds of the agriculturists with the office he held in the district

for a considerable number of years; and he is speaking of a time when the effect of this measure was not fully understood. We have been told that the recent trend of official opinion has been towards the conclusion, that the grant of unrestricted property in land, subject to the payment of assessment, has been the main cause of the agriculturists' embarrassment, and that the remedy most likely to be effectual is a restriction on the transfer of land. We are not told, however, whether the opinion referred to is only that of the Commission about the Deccan Agriculturists' Act and that elicited in the enquiry in connection with the Punjab Land Alienation measure. We are not informed whether there has been any enquiry on this matter in this Presidency, except the limited one in connection with the Deccan Agriculturists' Act. If such an inquiry was made, the views of the officers consulted should have been placed before the public. If such enquiry has not been made with reference to the whole of the Presidency, it seems to me that a law on such an important matter with far-reaching future effects ought not to be made without one. The views of administrators and statesmen of the highest ability and reputation ought not to be set aside except on the most convincing grounds.

On certain questions about the condition of the people of Gujarát, the views of your Lordship's Government were not able to stand testing; and it is most essential that no final steps should be taken except on materials which are ascertained to be perfectly reliable. It is said that the *vatandárs* have no right of alienation, but their lot is not any way better than that of persons who have alienable estates. With reference to the *Tálukdárs* of Gujarát, if there have been any improvements in their condition, it is not the result of depriving them of the right of alienation; it is the result of the special care and attention with which their interests are looked after and the education that is given to them. Some sort of restriction on alienation is found in the *bhágdári* villages of *Hánsot* and *Ankleshvar*, and it was observable that the condition of the *bhágdárs* was even of greater distress than that of the occupants of *Seja* village. We have been given instances of agriculturists of Native States and in *Tálukdári* villages. They are bred under conditions which prevent them from developing like the cultivators of *Kaira*, *Broach*, and *Surat* and they are economically inferior to them. No Government will like to exchange the cultivators of North Gujarát and Native States under unalienable tenancy right, for the self-relying cultivators of corresponding classes of *Kaira*, *Broach*, and *Surat*. My friend, *Mr. Desai*, remarked that the cultivators of Gujarát may go to *Bombay* to earn their living; that would be a very desirable thing; but we have to deal with things as they exist. It is well known how difficult it was to induce them to go to another part of the same district for the purpose of avoiding starvation.

The most important question involved in this Bill is whether the Executive Government should have at its discretion a power of creating any sort of land tenure it likes, or whether the power of creating new tenures, and particularly in surveyed areas, ought to remain with the legislature. According to the Bill as it is presented to the Council it would be quite open to the executive, if they so desire, to give away all the forfeited lands within surveyed areas on annual tenancy, tenancy for short periods, tenancy for life, or any other terms, to let out lands at rates higher than survey rates, or to apply its provisions to superior as well as to inferior class of cultivators. We are assured that it is not the intention of Government to grant lands generally on short leases, or to let out lands at rates higher than survey rates, or to apply its provisions to superior classes of lands. We must accept the assurance; but the individuals who form Govern-

ment change; their views about public policy often change. What may appear bad to one Government may appear good to another. We have now and then to appeal to assurances of the members of former Governments, and how futile they prove. If the present Bill became law and a future Government thought it was desirable to act in opposition to these assurances, there would be nothing whatever to prevent them from so doing without resorting to legislation. Let Government, if it thinks necessary, bring a Bill embodying its present assurances. Weak as may be considered the voice of the country, it still ought to be allowed to pronounce itself before any important change in the land tenures of the country is made.

The Bill, again, is objectionable because it saps at the very foundation of the idea of the occupants' proprietary title in their holdings subject to his liability to pay an equitable assessment. Whatever disputes might have arisen with reference to the character of the ancient rights of occupants in the Deccan, I do not think, though my honourable friend, Mr. Lely, takes a different view on the question, that there ever was any doubt about his proprietary interest in Gujarát proper. But whether doubts existed or not, an unequivocal recognition of his proprietary right was made by the Survey Act of 1865, which was rightly described as the charter of the ryot's rights. In the Act of 1879 the ryot's property in the land was again admitted. The highest authority, the Secretary of State, has recognised that the State is no more the owner of the cultivated land than the owner of a rent-charge is in England of the land upon which it is charged. A complete extinguishment of the occupant's right or that of his mortgagee on non-payment of assessment is inconsistent with his position as a proprietor, and can only be justified on the assumption of his being a tenant of Government. It is the right of the occupant and his mortgagee to have the property brought to sale. Under the existing law, the tenures, encumbrances and rights created by the occupant, continue in force till the property is brought to sale, and he is entitled to the return of any surplus that is left after the claims of Government are satisfied. To go further than this is to ignore altogether the proprietary interest of the occupant. It is said that this measure would affect no vested interests; I am unable to see this. It aims at destroying the interests of the mortgagees. I have shown already that the mortgagees's rights according to the existing law are not destroyed until the property is brought to sale. If the property is given back to the occupant after forfeiture, the encumbrances continue under the present law. This Council is called upon to wipe off this debt.

A large number of Government officers have strong prejudices against persons who lend money to agriculturists, whether the lenders be themselves agriculturists or not. They think that it would be a most meritorious work to destroy them. They consider that the *sávcárs* with Government being sharers of the ryot's produce, the ryot's dues to Government would flow in more easily if the *sávcárs* were not in the way. They forget that if it were not for them the greater portion of the produce would not have been existing. My honourable friend, Mr. Mackenzie, last year expressed surprise that any member of this Council should say a word in favour of the *sávcár*. I have not a word to say for any Shylocks that may exist among them; punish them in any way you like, but for the sins of a few Shylocks it is not right that every member of that useful and necessary body of the community should be visited with punishment. In the existing condition of agriculture and the agricultural population in the country, *sávcárs* are indispensable. My honourable friend Mr. Mehta yesterday cited passages from the proceedings in the

Imperial Council, showing that the members of the Supreme Government recognize that in an Indian agriculturist society is at present constituted the money-lender is the capitalist and an essential factor of it; we have no desire to eliminate or unduly harass the people who make loans to the agricultural and poorer classes. Such is the policy of the Government of India. I trust it is accepted in this Presidency. If the descriptions of my honourable friends, Mr. Chunilal and Mr. Desai, be accepted as true, with reference to a majority of the class by this Council, it is not at all right that we should content ourselves with half measures, and to leave them to rob with impunity by far the larger class of cultivators, whose lands have not been forfeited and who have in them still blood left to be sucked by these leeches. Among the *sāvcar's* loans some are secured by mortgages with possession and some by *san* mortgages. In the *san* mortgages there is no liability on the mortgagee's part to pay the Government revenue. In the case of possession mortgages, there is almost in all instances a condition that the mortgagor should pay the assessment. Now as the result of the great disaster caused by famine, both the mortgagor and the mortgagee were unable to meet the Government demands. The arguments that are now advanced by the mover to induce us to accept this Bill practically amount to this. There is a lazy and improvident cultivator; it was his duty, in the first instance, to have paid the Government dues, but the famine has prevented him from paying it. Then you have an industrious and thrifty man, who has been able to advance money to the cultivator; after the mortgagor it was also his duty to pay. Though the same circumstances that prevented the mortgagor from paying should have prevented him, the Council should make a law to reward the occupant by wiping off his debt to the *sāvcar*, and punish the *sāvcar* by the extinguishment of his outstanding. I do not think it would behove Government to follow in the wake of objectionable *sāvcars*, and to take advantage of the temporary difficulties of the people caused by universal calamity and deprive them of their rights, because they would be unable to pay the assessment for a year or two. I am sure no economic or political benefit can ever be attained by the statutory pauperisation of a large number of industrious and thrifty class of people for the purpose of trying an experiment. The honourable mover has said that if the experiment failed, the matter can be remedied by a stroke of the pen; but he has not shown how he will be able to restore the large number of persons who will practically be ruined at the commencement of the experiment.

If the operation of the measure had been limited with reference to *sāvcars* whose claims had been swollen by very ancient debts, and who had cheated the agriculturists, who had taken advantage of their necessities and who had received for their advances big returns, there might have been some justification for the measure, but the Act would touch alike the innocent and the guilty. The Revenue officers make no distinction; they treat the good and the bad alike. Then, again, it should be remembered that during the seven or eight years of agricultural depression from which many of the districts of the Presidency have suffered from famine, plague, cattle disease, and other misfortunes — the *sāvcars*, till their means and their credit got exhausted, maintained agriculturists and saved them from resort to famine works, supplied them with funds to replace their cattle, to feed them, and to purchase seed and field labour, and they mostly paid the assessments of Government, and sometimes even the assessments were levied from them, and they got nothing or very little in return from their tenants. It is no doubt very hard that they should be made to lose their security.



But the harm apprehended from the measure will not be confined to cases where lands have been forfeited for non-payment of Government demands. It will extend to all mortgage transactions with agriculturists whether the lands are forfeited or not. I have already shown that while under the existing law, if after forfeiture, the lands are given back to an occupant, he takes them burdened with all prior encumbrances; it is now proposed that he should be able to get the lands freed from all encumbrances. Under the existing law the occupant himself does not gain anything by non-payment of Government dues; but under the provisions of the Bill there would be a conflict between his interest and that of the mortgagee. In most cases the mortgagees let the lands to the mortgagor on the condition that he pays the rent to the mortgagee and also the assessment to Government; if the mortgagor by non-payment of his rent could get the property forfeited and obtain it himself free of the mortgage, he is much benefited in making a breach of his contractual duty to his mortgagee and omitting to pay the assessment. I submit that legislation that weakens the moral constitution of society and sets a premium on fraud and dishonesty should be avoided, even though the benefits be more substantial and certain than are expected to be derived from this measure.

The earlier administrators were of opinion, that it was always the interest of the State, that lands should leave the hands of indigent, indolent, unskilled, and improvident cultivators, and go into the hands of those that were thrifty, skilled, and industrious. The principle of this Bill is quite the reverse of it. Even if both the mortgagee and the mortgagor are agriculturists, the lands have to go back into the hands of the insolvent mortgagor and not into the hands of the industrious and thrifty mortgagee. It is for this Council to decide whether they should give their assent to a legislative measure in which the indolent, the unskilled, and improvident are to be helped at the expense of the industrious, the skilful, and the thrifty. Is it to be understood that Government think that accumulation of capital in the hands of agriculturists should be discouraged? Again, Government in preparing this measure appear to entertain so much dread of mortgagees that even when the lands for some reason or other are not to be given over to the occupant, they would allow the Collector to give them away to strangers, but they would not restore them even to an agriculturist mortgagee, and even as against a stranger without the slightest equity in his favour they would extinguish the mortgagee's right.

Having shown that the measure will inflict much injury on the mortgagee, let me consider whether it will bring any benefit, not to say of corresponding benefit to the occupant, or whether it is likely to prove harmful to him also. Let me here say that the agriculturists throughout the Presidency unanimously decline to welcome it as a boon. They condemn it as a thing which will be very harmful to them. Government say the lands have become very valuable, they are worth several times the assessment. The agriculturists regard the right of sale and mortgage as an essential element of ownership, and think that when that is taken away from them they sink from the position of owners to that of tenants. Government are aware that we are yet at the lowest pitch of agricultural depression. The Presidency has not yet even commenced to recover from the effects of the famine. The agriculturists are ruined and so are the *sávcárs* from whom they have been getting their assistance in the time of difficulties. In such times the agriculturists find it difficult to procure money. They feel that Government, notwithstanding their promises of liberal remissions and suspensions, are backing out, and now want to

force them to borrow money on any condition for payment of their dues, and take advantage of their misfortunes, and take up their rights for trifling sums, say, the assessment of one year or two years at the most. I shall now request the Council to consider whether the agriculturists when they feel that they would be much worse under the new scheme than they are at present, they are in any way to be blamed. The agriculturist, who has been unable to pay his assessment and would, therefore, be obliged to accept an inalienable occupancy, must presumably be a man without any means. He is, however, sent out not at all freed from his debts. His debts would cease to be a charge on the lands, but they continue his debt notwithstanding, and he would personally be liable to pay them. The only property available to the *sávcár* for the recovery of the debts would be his crops. Deprived of all other security would not the *sávcár* use all means at his command for the purpose of realising as much of his dues as he can possibly do out of the crops? So even in a good year, if the agriculturist is able to save anything after payment of the Government assessment and the *takávi* instalment, that would go to his creditor. He would, no doubt, require money for the purpose of maintaining himself and his family, for the purpose of replacing his stock, and for paying the Government dues, if they have not been recovered already out of the crops before they were taken hold of by the creditor. Where is he to get this money from? The risk of losing in dealing with him becomes so great that no respectable *sávcár* who makes safe investments on moderate interest would make him advances. He would not be able to obtain loans. Having no security to offer under the Agriculturists Loans Act he would be unable to get any *takávi* from Government. Without means to carry on his agricultural operations he must necessarily sink into the condition of a day labourer, unless Government chose for the sake of their experiment to maintain, as Sir James Peile observed, a class of pauper farmers without means, whom it would be bound to prop up with public money. It is impossible to conceive how these people would be able to weather even an ordinary bad season. Their lot would be far worse than of the persons who have been spoken of by the officials as the *sávcár's* serfs. Are the agriculturists unreasonable in expressing their dislike of a measure in which they see so much danger? But why should Government desire to press this measure in the face of so much public opposition? It may be applied to all classes of lands in Gujarát. Have Government attempted to satisfy themselves that the agricultural distress in Gujarát is not mainly the result of a very high pitch of assessment, a long succession of bad seasons, fall of the price of produce, deterioration of soil by exhaustion and formation of saline deposits, plague, cattle disease, and famine at the top? Have they not witnessed that high assessments have brought on great distress, as under the settlement of Mr. Kirkland in Broach, and a reduction of assessments or rise of prices has at once brought an appreciable improvement in their condition? Can the evil effects of these causes be met by improved or by diminished credit? Should not the combined operation of these causes have been felt more severely if the Gujarát agriculturists had not attempted to help themselves by loans so long as they were able to procure them.

With reference to the question of the agriculturist's extravagance and improvidence, I do not like to detain your Excellency by any criticism on the remarks of my friend, Mr. Desai, who ridicules the idea of a non-official forming an opinion about the condition of the people by short sojourns, but considers that an official is able to see things in Gujarát with his telescopic eyes viewing from his office chair at Belgaum, without putting his foot on the Gujarát soil or conversing with a single Gujarát cultivator. With reference

to the observations of my honourable friends, Mr. Lely and Mr. Chunilal, I am glad that Mr. Chunilal admits that the Gujarát agriculturists are frugal except when giving caste feasts, and it was not many months back that we had an official communication from Mr. Lely that agriculturists in Gujarát during good years saved money and utilised it in purchasing lands, taking mortgages and in buying cattle. Mr. Lely's information principally comes from Revenue officers whose eyes rivet at once on cases which support best their theory that agricultural indebtedness is not the result of heavy assessments. The cases of extravagance that are noted and referred to are generally of patels of villages or of persons who hold positions similar to that of the patel. My friend, Mr. Lely, rules over an area inhabited by several lakhs of agriculturists and the number of cases that he cites does not at all indicate the cause of general agricultural indebtedness. I think to one agriculturist ruined by expenses of caste feasts you will find a hundred to whose indebtedness the expenses of caste feasts should not have contributed appreciably. This point was specially urged at the Ryots' Commission enquiry, and the following is what they stated with reference to it:—"The result of the Commission's enquiry shows that undue prominence has been given to the expenditure on marriage and other festivals as a cause of the ryot's indebtedness; the expenditure on such occasions may undoubtedly be called extravagant when compared with the ryot's means, but the occasion occurs seldom, and probably in a course of years the total sum spent in this way by any ryot is not larger than a man in his position is justified in spending in social and domestic pleasures. The sums usually spent on these occasions have probably been over-estimated or the operation of other causes in producing debt have been overlooked by the officers who have attributed the ryot's burdens so largely to this cause. This oversight would indeed be a natural consequence of the fact that it is only on marriages or similar occasions that expenditure by a Kumbi comes under observation. The constantly recurring small items of debt for food and other necessaries, for seed, for bullock, for the Government assessment, do more to swell the indebtedness of the ryot than an occasional marriage." I am glad that the advocates for the application of the proposed measure to Gujarát attribute the ryot's indebtedness to this cause. They think they have diagnosed the disease and I now ask whether the treatment is a proper one. One of Mr. Lely's predecessors, Mr. Shepherd, attempted to remedy this evil and with his sympathetic advice and encouragement the kumbis and patidars of the Kaira District made systematic strong efforts to put a stop to customs which involved them in expenses.

The following is what Mr. Shepherd said with reference to this work of reform: "So long as I live I shall remember the scene at my camp at Dakor when 7,000 patidars assembled there from Kaira, Baroda, and Cambay, and with one voice gave their assent to the proposed rules for the regulation of marriage expenses, and prayed for the sanction of legislature thereto. Their assent was confirmed by the signatures of 81 per cent. of the adult males of the whole community, a proportion which, allowing for those absent and the sick and infirm, represented practical unanimity among the caste. Ten years have passed since the rules were legalised, and I rejoice to hear that they have been productive of good." This is certainly not the class of people who deserve to be treated as extravagant and have limitations put upon their power of borrowing. Improvidence and extravagance are, I submit, in most cases the result of circumstances. If a class of people has very precarious means of living, and when for long periods they have to live on insufficient food, they must lapse into improvidence. This is the lot of the

majority of the aboriginal classes. In order to make them provident one has to see that their means of living become less precarious. The new measure is more likely to increase precariousness than diminish it. A different set of causes creates improvidence among Inámdárs and Rajput Girasias, who are not in the habit of earning their bread by the sweat of their brow, and in whom foresight has not been developed by education or knowledge of the world. Improvidence is not the necessary concomitant of agricultural pursuits or the ownership of land. A hard-working and skilful peasantry, about whose means of living there is ordinarily no uncertainty, is seldom found to be improvident as a class. Among the superior castés of Gujarát cultivators who are known to be intelligent, and industrious and calculating, who receive the benefit of education and who supply both the British and Gáikwár Governments with a large body of capable officers in every grade of the service, and who form respectable traders and merchants, reform of this character is not difficult, provided the local officers take interest in encouraging the movement. It is not proper to adopt drastic measures without resorting to the natural ways for curing evils of the character.

I fully appreciate the solicitude of Government for the welfare of the agriculturist population of the Presidency. I think there are many directions in which the ryot's condition may be improved. Consider the large increase of Abkári revenue during the last twenty-five years. The average Abkári revenue for liquor and toddy for the five years ending 1876-77 of the Ahmedabad District was Rs. 53,000, in 1898-99 it was Rs. 1,93,000, in the same period in Kaira it rose from an average of Rs. 15,000 to Rs. 52,000; in Broach it rose from Rs. 65,000 to Rs. 1,78,000; in Surat from Rs. 3,73,000 to Rs. 11,16,000; in Thána from Rs. 4,65,000 to Rs. 11,19,000; in Násik from Rs. 85,000 to Rs. 1,77,000; and in Khándesh from Rs. 2,59,000 to Rs. 3,06,842, and in this district it was much larger before 1897-98. Does not the greater portion of this revenue come from the poorest of the agricultural population? This heavy drain on their slender means must be weighing them down considerably. In some places Government have for the protection of their Abkári revenue prohibited the extraction of the innocent toddy, or placed a heavy duty on it. Government can do much in relieving the agriculturist in this direction. A great portion of the Court-fee stamp revenue also comes from the poorest of the agriculturists. Cannot some reduction be made in this direction by providing for a reduced scale of fees on litigations in which the agriculturists are concerned? A few years ago a new scale of process-fees was fixed under which the fees on rent suits were raised four times. It is the agriculturist who principally suffers by the change. In this way there are many directions in which Government may take measures for improving his condition.

These are some of the grounds from which I feel that the proposed legislation will do much mischief to the agriculturist instead of doing him any good. The way to improve his condition would be by lowering the pressure of assessment, by more liberal remissions and by lightening some of the State burdens which he has to bear either directly or indirectly. I strongly feel that the measure must prove very harmful. Feeling as I do, I do not think that if the measure is to be proceeded with, I ought to take any share in the deliberation. In adopting this course for my guidance, I do not mean the slightest want of respect to your Lordship, the members of your Government, or to the other members of your Excellency's Council.

The Honourable Mr. DAJI ABAJI KHARE said—Your Excellency,—The Bill which is now proposed to be read for the second time is fraught with such pregnant

consequences and such far-reaching results that in my opinion it ought not to be passed into law now or in the near future. At the least I may say that the principles upon which it proceeds and the lines of procedure it lays down to carry those principles out are of such a novel and untried nature that they ought to be more fully inquired into and considered than has yet been done, and I, therefore, very heartily support the amendment proposed by my friend the Honourable Mr. Mehta. My Lord, there can be no question that this Bill has thrown the whole of the agricultural population of this Presidency into great anxiety and alarm and the feeling of dissatisfaction has been growing instead of lessening, as its provisions are becoming more and more understood and their import more and more realised. The number of petitions submitted against it testify to that. It has been said, however, that this feeling although real is not due to knowledge but ignorance and misapprehension, and the Honourable Mr. Chunilal and the Honourable Mr. Desai made some remarks which went to show that they think that the ryots, if only the real objects of the Bill were explained to them, would welcome the passing of this Bill. We have all heard what they said about this and how they were met by some ryots with whom they had conversations and so forth. I quite admit the dramatic effect of these stories, but I for one receive them as statements not accurately describing the general position of the ryots with respect to this Bill. We do not know accurately what happened at those interesting conversations and consequently we cannot appraise them at their proper value. I for myself can say this, that, whatever feeling there existed at the time this Bill was read for the first time, it was due to ignorance, but the same cannot be said about the popular mind some time afterwards. The sudden springing of the Bill on the Presidency resulted in even knowing men not seeing fully through its mischievous tendencies at first, and even at this Board there was not full apprehension of them. But by the time the Bill came before the Select Committee it was seen in its true and real proportions, and at all events two out of those honourable members who were present at the first reading had no doubt left in their minds about the undesirability of this legislation and recommended that it should be dropped entirely.

My Lord, what is it that makes people not accept this Bill as a boon and a blessing that it has been intended to be? This Bill for one thing lays the axe at the root of those principles of land laws prevailing from times immemorial in this part of the country, and suddenly by an arbitrary method solves the problem of ownership of land in a manner which entirely sweeps away the rights of the people and which endows Government with full proprietorship. Now, at all events in the Bombay Presidency, there cannot be any doubt, whether you look to the ancient customs and text law or you look to modern understanding and conduct, that the cultivator is the owner of the soil and the King only a sharer in the produce, and that the former had both a heritable and a transferable right in the land. My Lord, I did not intend to go into the history of this question on this occasion, but some remarks made by the Honourable Mr. Lely and the Honourable Mr. Aston compel me to go into it. The Honourable Mr. Aston admits that Mr. Baden Powell asserts that the ownership of land belongs to the cultivator and not to the King. He also admits that the Government of India have expressed some such opinion. But he referred to some remarks made by one of our Viceroys in which he said that the Sovereign had an indefeasible right to a share of the profits and tried to argue therefore that the land belonged to the Sovereign. My Lord, nobody disputes the right of the King to a share of the produce, but that is very different from ownership of the soil, and it is

difficult to understand the argument founded upon this right to a share. The Honourable Mr. Chunilal argued in the same strain. He began by asserting that waste lands belonged to the King and from that assertion leapt to the conclusion that the cultivated lands also belonged to him. One cannot follow such a process of reasoning and I give the attempt up as hopeless. This right of ownership of the ryot has practically been admitted by the Honourable Mr. Monteath at the time of the first reading of the Bill. The land belonged originally mostly to Mirasdars and even when Upri tenantry came into existence on a large scale the aim and object of every Government was to allow them the same rights as those of a Mirasdar. The question was fought out again between 1845 and 1860, and the opinions of those most competent to judge of the matter were clear and unambiguous, in favour, not only of recognising this right but of taking, if necessary, legislative steps with the object of formally and solemnly recognising that right. Mr. Goldsmid, Captain Wingate and Captain Davidson, the great authors of the Surveys, the value of whose lead and direction was only the other day solemnly recognised by Government in a Resolution, laid the greatest possible stress upon this fact. They did not speak of granting to the cultivator these rights, but of preserving to him "all the proprietary rights" in the soil, and they stated that the object of the Survey Rules was, even as regards *gatkuli* land, to give them in full proprietary and saleable rights and not to allow any power in Government which would induce them to interfere with the attainment of what they called an end very important. The Statement of Objects and Reasons for introducing Act I of 1865, an Act which was introduced after mature deliberation embodying principles which were discussed for more than twenty years before, laid it down that the object of that Act was, among other things, to preserve the proprietary and other rights connected with the soil in the ryot. When that Act was debated in Council His Excellency the President took occasion to remark that there could be no doubt as to the existence of proprietary rights in land in the Deccan in former ages. The object of the Act was not to create any new rights, but on the one hand to recognise them where they existed and on the other to give no opportunity to create tenants at will or an agricultural population without these rights. In fact the Survey system was described by him as the great charter of the rights of the agricultural population. I may here take the opportunity of dealing with some remarks made by the Honourable Mr. Lely. He questioned the right of these officers to give up the overlordship of land which was vested in Government. Questions like that cannot and ought not to be asked by the present officials. Perchance their own present doings might be questioned ten years hence and some honourable member might rise then and ask what right had the present Government to divest the people of those rights which were so solemnly recognised to belong to the people in 1865. Moreover, there was really no giving up of any rights in 1865. The Act of 1865 only recognised by legislative enactment the rights which belonged to the people from ancient times. I may here also state that in the discussion that went on for some years before the introduction of that Act, the present difficulty, as a solution of which the present Bill futilely aims, was fully foreseen and considered. Sir George Wingate, in his letter to Mr. Townsend, Revenue Commissioner, Southern Division, distinctly mentions it. He says: "The real danger to be guarded against as well as the greatest obstacle to permanent tenures of survey settlement will arise through an increase of population which will result in ultimate subdivision of the whole land into very minute occupancies accompanied by the impoverishment of the whole agricultural class." "The most effective means," he said "for preventing the land becoming the inheritance of a pauper or at least poverty-

stricken peasantry was to afford the greatest possible facilities for its conveyance from one party to another, so that when a cultivator becomes impoverished and by his inability to cultivate his land properly deprives the community of the wealth it is capable of producing, that land may get into the hands of some one better able to turn it to advantage." He also recommended that such impoverished cultivators ought to be ejected from the land and that land be granted in perpetuity by sale to the highest bidder, so that it should fall into the possession of a person of means. By thus bringing land into the market, traders, pensioners and other parties having capital would probably be induced to lay it out in its purchase to the great benefit of agriculture and the community at large.

Thus then the principles upon which land legislation in this Presidency has hitherto proceeded have been the recognition of proprietary and saleable rights in the ryot and the conferring of such rights where they did not exist, and to prevent land being held by persons having no heritable or saleable rights in it. The Land Revenue Code of 1879 proceeded upon the same lines although it dropped the word "owner" from its definitions, and the same principles were recognised as sound ones till 1885. The Land Revenue Code of 1879 by its forfeiture clauses did not at all give to Government any proprietary right in forfeited surveyed land. If the forfeited lands are sold the purchaser becomes an occupier with full transferable and heritable rights. If they are not sold it is incumbent upon the Collector to dispose of them according to the rules. But the moment they are given to a holder he at once got them with full transferable and heritable rights. The position is this. Surveyed lands when disposed of after forfeiture remain surveyed lands and when either sold or given pass to the holder with full transferable and heritable rights. Reading sections 56, 57, 62, 63, 73 and 153 together, and taking the scheme of the Act into consideration, you will see that there is no escape from the position I have stated. If the forfeited land is returned to the previous holder, it does not even become free from the encumbrances created by him, and if it is sold or given to somebody else, the latter takes it as transferable and heritable property. I would only request attention in this connection to the Full Bench Case reported in I. L. R. 22 Bom., p. 389, particularly to the remarks at pp. 402 and 403.

But now in 1901 it seems that the authorities of the day think that it has been all a mistake and that a peasantry who have no hereditary or transferable right would be all the better for the country. Of course it has not been put so bluntly in the provisions of this Bill, but the end is there all the same: The Honourable Mr. Desai stated that those tenants who had no such rights were more prosperous than the survey occupants, and he cited the instance of Khoti tenants in the Ratnágiri District in this connection. My Lord, I shall ask honourable members to compare the present remarks of my honourable friend with the remarks he made at the Council at the time of the first reading of the Khoti Bill about three years ago. He was then very full of the description of the miseries of these same tenants. He depicted them in gloomy terms, and expatiated upon their poverty, their helplessness, and their utter want. These tenants were very bad then. Now they are said to be in a prosperous condition. In this connection I shall only say this that some people are accustomed to fashion their arguments and shape them more according to circumstances than according to real facts. But strangely enough even those who want to change all the old principles do not seem to be perfectly convinced about this matter themselves. The honourable mover at the first reading called this Bill an experiment only which can be cancelled with a stroke of the pen. Surely such a matter does not

admit of being made the subject of an experiment. The present Bill itself exceeds by far in proportion only by an experimental measure. I can quite understand an experiment being carried on a small scale; but it is too fearful an experiment when you expose to its operation a whole Presidency. For experiment you always use a small model, and if the trial gives a successful result then only you think of reducing the experiment to practice. And speaking of cancellation with a stroke of the pen, I am afraid that it is easier said than done. You can never undo the disastrous effects caused in the meantime, even supposing that you are sufficiently strong minded to admit the failure of your experiment.

The Honourable Mr. Monteath, no doubt, in his speech said that although as regards surveyed land the old principles held good under the legislation in force hitherto, yet as regards some surveyed lands in Sind and West Khándesh and forest lands in Kánara temporary occupancies have already been in vogue. The honourable member, however, said that it was necessary that Government should have the legal power to lease those lands on temporary leases. Have they got that power or have they not? At all events Government have been dealing with those lands in that fashion for more than 40 years. Have they been doing so without legal authority? I should think not. The authorities quoted by the Honourable Mr. Monteath show that Government do possess this right as regards unsurveyed land. He cited a case decided by Sir Charles Sargeant and Mr. Justice Fulton in 1894. That case you will find reported at p. 152 of the Printed Judgments of that year. It supports the proposition that a tenant to whom such lands were given was not invested with transferable rights. His reference to Section 37 also supports the same view. But it is said doubts have been raised with respect to the legality of such dealings. Who has raised those doubts? The members of this Council have not seen any statements of such doubts in tangible cases. I should certainly like to read the opinions of those who think that Government have not even now got the power to grant temporary leases of unsurveyed lands. If the object of this Bill is only to invest Government with legal power to grant temporary occupancies of lands which have never been granted to anybody on the survey tenure, I think this Bill is superfluous. If, however, this power does not rest with Government, let it be taken after making it out to the satisfaction of the Council that it does not exist.

I am afraid I must say the speech in which this Bill was moved is not very clear. It speaks of many things, but avoids telling the particular object of this piece of legislation. The reply to the Deccan Sabha also leaves the public very much in the dark about it. All that we have heard about this is that the public have misapprehended the real object. But a mere statement like that does not give any intelligent information about the object. If the only object is to invest Government with power to lease lands in West Khándesh and some alluvial lands in Sind, let the Bill say so. The Honourable Mr. Monteath said that the principal provisions of the Bill will apply to particular parts of Western Khándesh, where cultivation has been carried on by Bhils. I ask why not put such a provision in the Bill. The Honourable Mr. Monteath spoke about unsurveyed lands, while the amendments provided by the Bill apply to both surveyed as well as unsurveyed lands. The mover spoke about Western Khándesh, Kánara forest and Sheri lands in Ratnágiri and some alluvial lands in Sind, while the Bill embraces the whole Presidency in its scope. Evidently there is no correspondence between the words of this



Bill and its objects as stated by the honourable member. Yesterday again the Honourable Mr. Monteath tried to explain the real object. But even then I could not follow him. Once he said that Government wished to deal by this Bill with forfeited lands surveyed and not surveyed. But at the same time he gave an assurance that this Bill would chiefly operate on lands unsurveyed in West Khándesh, &c. I need not say that a law is interpreted by its words and not by the intentions of the speakers in debate and their assurances. This has been very well shown by the extracts quoted by the Honourable Sir Bhalchandra yesterday. I would say that if these assurances and intentions are worth anything they ought to be translated into words and embodied into this Bill.

Again other portions of the speech show that the Bill only aims at restricting the rights of transfer. But does it leave the rights of inheritance intact? Does the Bill say that even when a survey occupancy has been forfeited, the land will not be taken away from the holder or that it will be given to another holder as heritable property? I do not find any provision like that in the Bill. The reply to the Deccan Sabha does say that this legislation will not take away heritable rights. The Honourable Mr. Monteath told us yesterday that these tenants will hold their lands just as Vatandárs and Tálukdárs hold theirs. The Honourable Mr. Chunilal also gave assurances to the same effect. I again ask is that stated in this Bill? You tell us that it will be so. But how is that to be gathered from the Bill? It speaks of giving land to holders on any terms the Collector pleases. It may be, the grant may be made on short terms. How then is the principle of hereditary right and perpetuity to come in? Looking at the Bill itself, I find that it deals with surveyed as well as unsurveyed lands in every part of the Presidency and destroys the original intention of recognising or granting proprietary heritable and transferable rights in the soil.

Looking again to the speech of the Honourable Mr. Monteath let us see what he says as to whether the fact of possession of such rights by agriculturists is beneficial or otherwise. He says it would be a mistake to suppose that what the Government in old times expected to be a boon has turned out an unmitigated evil. But in this both the Honourable Mr. Lely and the Honourable Mr. Chunilal do not agree with him. They say with Mr. Desai that the possession of these rights has caused great harm to the agriculturists and the Honourable Mr. Lely gave us a long list of the holders who has suffered on this account. The Honourable Mr. Monteath, however, admits that under the Survey system the prosperity of the Presidency has advanced by leaps and bounds, and he further states that for industrious occupants the improvement of the land would be impossible without a power of giving it as security for loans and that the more enterprising and substantial landholders have substantially been benefited by the enlargement of their proprietary rights. If so, why are such people to be not allowed to hold land on the full proprietary tenure? It is true there can be no forfeiture unless there is default in payment of assessment. But is such a failure at all times an indication that those who fail are not enterprising cultivators or will not become so? Who is to judge of this? Is such a scrutiny to be made in such individual cases and by whom? What guarantee is there that the opinion of executive officers in such cases will be correct? Is not this Bill tantamount to introducing what was so much deprecated in 1848? The experts of that day wanted to exempt the ryot from pupilage and surveillance of Government officers, while the experimenters of to-day want to subject the ryot to that same evil.

Then as regards another aspect of the matter looking at it from the experimental point of view, I shall here give the example of Bhils occupying unsurveyed lands in answer to the Honourable Mr. Lely's Bhils of surveyed lands.- Does the Honourable Mr. Lely mean to say that the Bhils of Western Khándesh are much better off than his Bhils of Gujarát occupying surveyed lands as survey occupants? Let us see how that is. It is admitted that for a long time in Western Khándesh Bhils have held unsurveyed lands on temporary tenures. Has any information been furnished to the Council as to how have those people done hitherto? We have had this experiment. How has it succeeded? If we are to judge from the Bhils of Western Khándesh and the cultivators for Kánara forests, we cannot but come to the conclusion that it has failed. The Bhil of West Khándesh is as bad as ever. He has not been good to himself, nor has he assisted in the development of land or prosperity of the country. Even the Honourable Mr. Monteath has admitted that so far as the development of the resources of the tracts and the Government revenues are concerned, the application of the survey settlement would probably not be a disadvantage. But he said it was incumbent on Government to give such people an opportunity of raising themselves in the scale of civilization instead of being pushed down to lower depths by the operation of the usual economical forces. Here is again something that is difficult to understand. The very institution for creating which this Bill has been introduced has existed in this tract for a very long time. What is the result I ask. If any evidence were wanted why such an institution should not be introduced anywhere, the circumstances of the Bhils in West Khándesh supply it. Has not sufficient opportunity been given to them? How have they profited by it? Is it intended to reduce the whole peasantry of the Presidency to that scale of civilization to which these Bhils have raised themselves?

In the second place this Bill deprives the ryot of all credit practically. A temporary occupant cannot obtain requisite loans on the credit of his crops alone which after all are a very uncertain and insufficient security. It has now become the fashion to cry down the savcars. The agitation against this Bill has been stated to be a money-lending agitation. Now is that a correct statement? My friend, the Honourable Mr. Mehta, has taken a conspicuous part in this agitation, but I have yet to learn that he has given up his professional career and adopted that of a Marwari money-lender. The suggestion appears to be—well I cannot characterise it properly. In this connection the Honourable Mr. Chunilál said many things about extravagance of the ryot and the guile of the savcar who took advantage of it. He brought forth his woman with her three children, and trotted out his marriage and funeral feasts. The Honourable Mr. Desai too called the savcar many hard names and the Honourable Mr. Lely gave a long list of extravagant Kunbis and others who simply through their extravagance at feasts placed themselves under the power of the savcar who ultimately crushed them. The burden of their speeches was that it was not the assessment or any legitimate expenditure which drove the ryots into the clutches of the money-lender and that the latter took advantage of the spendthrift habits of the people to crush them. In fact it appeared that they view the savcar as a person who served no useful purpose, but one whose extinction would result in benefit to the cultivator of the soil. Now let us see what is the real truth of the matter. I do not deny that the statements made by these honourable members may be true in individual cases. But that they are not generally true and the fact that the savcar is a necessary and beneficial institution would appear from the extracts read by the Honour-

able Mr. Mehta from recent speeches in the Supreme Council. The same fact appears from the extracts quoted by the Honourable Mr. Parekh from the report of the Deccan Ryot Commission, Chapter III, page 38. I was going to quote it myself. But now I shall only content myself by adding to these testimonies the testimony of the Bombay Government given in their Administration Report for 1878-79. In that Report they say :—

“ In proposing remedies for the existing state of affairs amongst the agriculturists of these districts, this Government has never lost sight of the real interests of the money-lenders, a class whose aid is an essential factor in the social system of the Deccan, and whose value and utility became manifest to a remarkable degree in the recent famine. The principal object of legislation in this matter has been throughout to reinstate the transactions between lender and borrower on an *equitable* basis.”

I may also be permitted to quote from the same Report what the Bombay Government said about the extravagance of the ryots in matters of marriage feasts, &c., leading them into the clutches of the savcar. They said :—

“ To social observances a comparatively small portion of the total burden of the ryot's debt is, in the opinion of this Government, to be attributed, since, in the Deccan, as in many other countries, the number and cost of marriages, the most expensive ceremony amongst the Marátha peasantry, is found to vary with the harvest.”

I may, therefore, notwithstanding heated denunciations to the contrary, say that the savcar is a necessary force in the development of a country. How can you develop any country without capital? The savcar will always exist in some shape or other. Why, it has been admitted that the ryots cannot go on without some capitalist to help them. So it is really not possible that the savcar can be removed off the face of India. If he were to be so removed we might enjoy the spectacle of a fertile country lying barren throughout for want of monetary help. I do not think anybody is bold enough to contemplate such a spectacle with feelings of satisfaction. The question is who ought to be the savcar? The present action of Government will compel Government to become themselves the savcar. Thus then the competition lies between the Marwari and the Government. Now ought Government really to take up the *rôle* of savcar? Can it do so with advantage to itself and to the people by trying to become the savcar? The only achievement that can be accomplished is to undo the legitimate influence of the saving classes. In this connection I will only quote from an essay written by the greatest Indian economical thinker, the late Mr. Justice Ranade :—

“ The forcible prohibition of all transfer of real property, voluntary and involuntary, can never mend matters—it can only stereotype existing poverty and aggravate existing helplessness. The Government of such a large Empire cannot afford means to be the Banker of its millions of insolvent tenants, and cannot equalize the changing conditions of bad harvest and scanty or irregular rainfall. As we have said above, it can only adopt temporary expedients, and watch anxiously the effects of its experiments. It must accept as inevitable the tendency to concentration of landed capital of the country and only limit its agency to the minor work of smoothing the gradual change. The only settlement of the problem that is possible is not to its taste. It should withdraw from its position as landlords and look upon the land tax as tax like any other monopoly taxes. A permanent Ryotwari Settlement fixed in grain which the land produces and commuted into money values every twenty or thirty years, can alone furnish a solution of the agricultural problem. If differences subsequently spring up between class and class, as they have on occasions sprung up in Bengal, the Government can interfere as a mediator and right matters by protecting the weak against the strong. It will not, however, for fancied political considerations accept this position or allow middle men to come between itself and its pauper tenants, and its attempts to undo the legitimate influence of the saving classes can only end in a great disaster. The Dekkhan Agriculturist's

Relief Act can hardly bring any permanent real relief, while the standing cause of all the embarrassments of the ryots continues at work with untempered rigidity."

If then money is necessary for these people it must be found somewhere, and if Government wish that the ryots should get their loans at a reasonable rate of interest they can do so without entering into the competition themselves. I am quite sure if special facilities of recovery be given, there would be found persons ready in the country to agree to advance loans at the rate at which Government themselves ordinarily advance them. In fact about four or five years ago an application like that was sent to Government from the Nagar District, but I am told it was rejected.

Now apart from its merits, how the provisions of this Bill will be worked is foreshadowed by the fact that the authorities evidently consider that the present juncture affords the best opportunity for its introduction. If the Bill was to be confined to Western Khándesh and to other tracts, the present position of affairs is entirely immaterial. At the present moment many ryots in other parts of the Presidency are in arrears from no fault of theirs, and some of these arrears instead of being remitted as it would be just and proper under the previous promises will be the cause of forfeiture of the holdings, and then will come into operation those mischievous principles which, apart from the disastrous effects they will have on the well-being of the ryots and the improvement of their lands, will involve a politico-economical condition which it is appalling to contemplate. A peasantry without any inducement to improve their lands, for at best they will be temporary tenants and without any credit, will never rise but sink down notwithstanding this Bill, to very low depths indeed—and then you will have the whole country cultivated by paupers. Already we know how the very fact of the introduction of this Bill has been used by the revenue subordinates in forcing people to pay up arrears and it must be admitted that large numbers of holdings have passed into the hands of money-lenders by its very introduction.

My Lord, I shall not go further into the matter. I shall not take up more time by dealing with the other items as they are of very subordinate importance. But I will say this in conclusion that this Bill revolutionises the whole land law of this Presidency and tends to make holders of land mere temporary occupiers instead of proprietors. It tends to reduce the whole of the Presidency to the level of development of the Bhils of West Khándesh, and under the garb of an experiment turns the whole agricultural position upside down. It deprives the agriculturist of all credit and aims at the extinction of the saving classes, and further it invests the Executive with powers too great to be entrusted to such authority, making individual propensities prevail over principle. Consequently, I would appeal to your Lordship and members at this Board not to allow the second reading to be passed, but pass this amendment which will make it possible that all the points which have been suggested and all the assurances given at this Board might properly be embodied in this Bill. My Lord, the Honourable Mr. Desai said that to pass the amendment would mean a long delay in passing this Bill. He graphically told us how the various officials whom this amendment proposes to consult would delay sending their opinions notwithstanding repeated reminders. Whatever ideas the honourable member may have about the idleness and procrastination of these high officials, I must say I give them greater credit for despatch and sense of responsibility. Then the Honourable Mr. Aston said that after all these years of consideration the Honourable Mr. Mehta had no objection to bring forward to this Bill and that he only wanted more

time for consideration. I humbly submit that the Honourable Mr. Aston is wrong in supposing that we have no fault to find with this Bill. I think the Honourable Mr. Mehta has taken a much stronger position in proposing this amendment than he would have taken if he had offered an uncompromising opposition to the Bill. He and we do not wish to say anything more than this, that this Bill, containing as it does such revolutionary principles, ought to be considered at greater length and ought not to be rushed through in hot haste. And after all we do not wish to postpone its consideration indefinitely. I would further urge that when disinterested gentlemen in the Honourable Mr. Mehta's position ask for time, this Council ought to consider the request to be a reasonable one. It has been, moreover, said that the principles underlying the Bill have been before the public for many years. If so I ask what difference would a six months' delay make. My Lord, it has been said that if we are really patriotic we ought not to oppose this Bill. I say with permission that because we look at the Bill from a patriotic point of view we pray that a fuller consideration be given to it. There is one more matter which I might mention. When the Punjab Alienation Act was passed it was expressly stated in the Supreme Council that the measure would be tried for some time in that province and the results would be utilized in taking legislative action as regards other Provinces. My Lord, there has not yet elapsed sufficient time to judge of the results of that Act in the Punjab. We do not yet know whether it has resulted in good or otherwise there. In this view also, I submit, the amendment is reasonable. It was said that the opposition to the Bill is due to misapprehension. My Lord, that misapprehension can be removed if it really exists during the period of postponement. I know the Government have got at their back votes and they will over-rule us on any point they like. But I ask would it not be a better procedure to allow us time to grasp the truths about this Bill, which it is alleged we have not yet grasped, and thereby to make it possible to pass this Bill into law in an unanimous Council than to pass it in the face of the present opposition. There would be no loss to Government or any body by this postponement, while on the contrary much will be gained by passing the amendment.

My Lord, in conclusion your Lordship will permit me to say that in case the amendment, which has been proposed, be not carried, my presence at this Board will serve no useful purpose in the further deliberation of this Bill and I shall, therefore, retire from the Council while that deliberation is proceeded with.

The Honourable Mr. CUMINE said :—At this late hour, your Excellency, I will ask permission to say merely this—that, coming from the Southern Division, I am in entire agreement with the views so ably expressed by my brother Commissioner of the Northern Division. The necessity for trying the experiment of imposing some restriction on the right of transfer has, in my opinion, been amply demonstrated by the experience of many past years. The proposal in the Bill is, I believe, one that will operate to the advantage of those of the cultivating classes to whom it will be applied; and I am confident that they themselves will think so when they understand the Bill properly—which, in my Division at any rate, they do not yet do. Reference has been made by several speakers to West Khándesh; and it is gratifying to me to think that a representation made by me when Collector of that district has, to however humble an extent, contributed to the getting of the legal wording of the Land Revenue Code brought into accord with what I cannot doubt was the intention of the original framers. I have seen the Bhil of the unsurveyed tracts of that district, and I have seen the Bhil of the surveyed tracts of it,

and it was to prevent the former from falling into the condition of the latter that I made the representation. For I have no doubt that it is the former who is the happier man and the better citizen. I hope that your Excellency and the Council will pass the Bill at once.

The Honourable Mr. S. M. Moses said:—Your Excellency,—The most remarkable feature about the Bill is the strange chaotic misconception entertained by Government and the public at large as to its effects on the agricultural classes of this Presidency. Whilst Government upholds the view that it would confer a great benefit on the ryot, the public think it would be an instrument of great *zoolum* on the poor cultivators whose interests they wish to protect. When this Bill first saw light on the Olympian heights of Maháleshwar, a protest made by the honourable non-official members spread like wild fire throughout the country. Public meetings were held and numerous petitions were addressed to Government by various influential bodies. So much has been said and written on this subject that it may indeed form an “interesting literature.” We have seldom witnessed such a spontaneous outburst of feelings of alarm and distrust as has been created by the introduction of this Bill among the people. I trust that in deference to the earnest solicitations of millions of His Majesty’s loyal subjects Government may be pleased to grant their prayer and postpone the consideration of this Bill in order to afford more time to ventilate the subject and have all the pros and cons well thrashed out and the condition of the agricultural population thoroughly investigated before it is passed into law. It is, at any rate in my humble opinion, an in-opportune moment to introduce it, as the country is only just emerging from successive years of scarcity, famine and plague. The ryots are overwhelmed with debts to the *sávcárs*, and over-due taxes to Government. They are not now in a fit state to face such radical changes in their land tenure. They look askance, wondering whilst Government were so excessively kind to them during the years of their trouble and showed them paternal affection, fed them, clothed them, made liberal remissions in their taxes, &c., and they cannot realize why they should now so suddenly change their policy and introduce a Bill which they apprehend is calculated to deprive them of their lands, to which they cling so fondly, as being the only source of sustenance for themselves and their families. They, therefore, warmly appeal to the beneficent Government and throw themselves on their mercy imploring that they should be given more time to recover from the effects of famine and plague which have sorely tried their resources and brought them to the last stage of poverty. I think their request is not unreasonable, and trust that Government may graciously be pleased to accord it to them. We are told that one of the objects of the proposed Bill is to extricate the ryot from the grip of the money-lenders. This is indeed a very laudable motive, but I maintain that until Agricultural Banks are established throughout the country the existence of these money-lenders is a necessary evil. Where else could these poor ryots go but to them for means to purchase seeds and cattle, to till the ground, and with the produce thereof to support themselves and their families? There is not a shadow of doubt that the establishment of Agricultural Banks, such as are in existence in Europe, would be a great boon to the ryots, and they are sure to be a financial success. They will be the means of providing funds to the cultivators at much more moderate rates of interest than they are able to obtain now from the usurious *sávcárs*. I trust that the Report of the Commission which is now sitting at Simla to inquire into this important subject will be such as to induce the Supreme Government to establish these

Banks all over the country without further delay and thus utilise the vast accumulated funds in the vaults of Government Treasuries now lying idle. Surely these funds could be employed with advantage for the benefit of the country and at the same time form a useful credit item of interest in the Indian Financial Budget. I am glad to notice from the telegraphic advices of the discussion in the House of Commons on the Indian Budget that Lord George Hamilton is reported to have said "the experiment would be made of establishing Agricultural Banks." I observe that the ryots are charged with extravagance. My Lord, I have travelled a good deal and have come across people of various denominations and creeds. I can say without fear of contradiction that I have never met with a more peaceable, loyal and frugal race than the people of India. It would be wrong, in my opinion, to charge them with extravagance, and at the same time it would be uncharitable on our part to reproach them with poverty, as the majority of them unfortunately are poor. We should do all in our power to help them in their distress, ameliorate their condition by reducing their assessment, &c.; otherwise Government will be obliged to open permanent relief works for the support of the poor cultivators who will be thrown out of employment when the operation of the Bill comes into force. It is, however, an acknowledged fact that following their ancestral custom (and no amount of preaching on our part would induce them to depart from it) they do spend money freely on their marriage ceremonies and funeral rites. So that if a man has a large family and has to perform these ceremonies (even by borrowing if he has no cash) then in all human probability he will die in debt. These baneful customs of spending money recklessly whether they can afford it or not are greatly to be deprecated. I trust that with the help of their elders, who ought to counsel them against this most improvident and injudicious habit of spending money, and with the spread of education and civilization those customs may in time be abolished, or at any rate modified. My Lord, we must not lose sight of an important factor that militates against success in emancipating the ryots from the clutches of the money-lenders or enabling them to pay off Government overdue taxes. For, in addition to a series of calamitous years of plague and famine with which they had to contend they have to meet an even more formidable enemy which affects their purse as well as their prospects in life. It is the exchange question. Since the closing of the mints, brought about by currency legislation some seven years ago, these poor ryots have been handicapped to the extent of about twenty per cent. in the sale of their produce in the race of competition with the products of Europe, America and the Argentine. Exchange, as you are aware, has been artificially forced up to the level of 1s. 4d. per rupee, whilst its intrinsic value in relation to silver is under a shilling, so that if exchange was allowed to take its natural course our cultivators would have earned considerably higher rates in rupees for their produce than they do now. On every sovereign worth of produce exported they are compelled to receive Rs. 15 instead of about Rs. 21 to which they are entitled with an open mint. Whilst their income is thus curtailed, the taxes that they pay remain unaltered as in the days prior to the closing of the mints. I submit, my Lord, it is a very hard case, and deserves the commiseration of Government. But at the same time I am perfectly aware that this is an Imperial question, and one we cannot deal with here. So that I am only alluding to it in passing, but would leave it with confidence in the hands of our able friend the Honourable Mr. Gokhale, who will, I hope, place this very important subject clearly before the Imperial Council with his accustomed eloquence, and I feel convinced that that wise and sympathetic Viceroy who rules over the destinies

of the Indian Empire, with the fertile resources under his command will discover some remedy to ameliorate the unhappy condition of the poor ryots scattered all over India who are always loyal and pray for the well-being of their rulers. My Lord, the Bill provides that at the end of each short lease the Collector for the time being will revise the assessment. I, for one, have no faith in the clemency of the Collectors, who have to depend mostly upon the misleading reports of their subordinates, especially in the mofussil. Several cases have come within my knowledge which illustrate the enormous increase in the assessments made in Bombay. For a plot of land in the Military Square, Fort, of 264 square yards, the owner has been paying since 1877, Rs. 16-5-0 per annum; now Rs. 391-8-0 is demanded. At Girgaum a plot paid 9 pies; it is now increased to 8 annas, and the same thing has occurred at Chowpatty and Mahaluxmi, which is an increase of 950 per annum. There is a large plot of land of about 28,000 square yards, owned by us and situated in the heart of Byculla, near the Victoria Gardens, and it is simply laid waste owing to the uncertainty of what increased assessment will be charged when its lease expires in a few years. We can therefore neither build, lease, nor sell it. I can quote several more cases, but will not occupy the valuable time of the Council. Although we are now discussing this Bill, I find from the local papers that an over-zealous Bhiwandi Mámlatdár has already taken upon himself the responsibility of acting upon it. The letter says that "no less than Rs. 2,00,000 worth of lands were thus recklessly snatched away from the cultivators in a day." It appears that the owner was living at a distance of 100 miles from his fields; although the Government notice was served on the tenant in whose name the land nominally stood on the Government register, yet the owner was ignorant of the fact that his tenant had failed to pay the taxes, consequently his fields were forfeited. I would, therefore, suggest that the 15 days' notice, as is now proposed by the Select Committee, should be extended to 3 months, so that an absent owner will have ample time to be apprised of the default and will make good the payment. In the meantime I am glad to see that the Government Resolution of the 8th instant will stop further in-roads into the rights and privileges of the cultivators for at least a year. What I contend is that if the rich feel the pinch of the abnormal increase in the assessment and are able to contest it in a Court of Law (though I confess with little chance of success) what can the poor illiterate ryot do but to submit to his fate with resignation? Taking everything into consideration I reiterate what I said before, that in my humble opinion it is premature to attempt this "interesting experiment" just now. It would be far more expedient to defer the consideration of the Bill than to enact it and have to rescind it after a short trial which would be, I believe, almost without precedent in the annals of legislation. Let us see how the Punjab Alienation Land Bill works before introducing a similar one in our own Presidency. I am, therefore, in favour of the Honourable Mr. Mehta's amendment.

The Honourable MEHERBAN NARAYANRAO GOVIND *alias* BABA SAHEB, Chief of Ichalkaranji said:—Your Excellency,—Though the Bill is but a small measure and though it has been before the Council for a very short time it has evoked an amount of interest and hostility that few measures of Government have elicited for many years past. It deals with three different points which I shall take in order.

The first provision of the Bill is to amend the definition of the term "boundary mark." It is necessary to amend the definition in the way proposed, as, according to the present interpretation of the term, the long established practice of maintaining visible



boundary marks cannot be enforced, and the strips of land are being ploughed up. It is quite necessary that the boundaries of the different Survey Numbers should be maintained intact as otherwise the result of the operations of the Survey which have been carried out at a very great expense would be undone, and the disputes about boundaries would again be increased and it would be very difficult to decide them. No doubt some area will have to be thrown out of cultivation, but then the property in these unploughed lands is with the owner and he will have full rights over the grass and the trees growing on such strip of land, which are a great help to the cultivator.

The next provision of the Bill is to amend Section 48 of the Land Revenue Code. This amendment is evidently brought forward with the object of determining who is to fix the new assessment on land appropriated for one purpose when such land is appropriated for any other purpose. The necessity of this provision in this Bill has nowhere been made clear. As the law now stands Government can, I think, alter the assessment on lands appropriated for building purposes, but in the rules framed for the purpose, it has been laid down that no alteration in the assessment shall ordinarily be made. I think that this is sound policy. There is a general complaint that the building fines at present imposed are excessive, and it would be a hardship if the assessment would be altered and revised periodically. It is true Government can lay claim to a portion of the unearned increment, but it is very difficult to settle whether there is such increment, and if there is, what proportion of it should be claimed by Government. However, the details of such alteration and revision should be fixed here in this Council. In these days of epidemics and when there is peace and security in the land it is but natural that expansions of suburbs should take place and it would not be a sound policy to impose very hard checks upon such growth.

The third and the most important provision of the Bill relates to the restriction on the right of the agriculturist to transfer his land. The view that such a restriction will tend to the benefit of the agriculturist is based on two assumptions, first that the agriculturist is a spendthrift, and second that if his credit is curtailed he will be prevented from borrowing. Now both these assumptions cannot be said to be true in the same sense of all the agriculturists alike and in some class of cases it may be desirable to restrict the right of transfer. The conditions of the life of the agriculturists differ in different parts of the Presidency, and the opinion of each individual would depend on the state of things existing in the locality in which he lives and on his sphere of action, and there is room for honest difference of opinion. The honourable mover at the time of moving the first reading of the Bill has admitted that widely different views have been expressed by those who had almost equal opportunity and power of judging on this very difficult question. I am of opinion that in the abstract this restriction would be of use in bettering the condition of the agriculturists in some cases. But it is one thing to put such restriction over a large area in the beginning, *i.e.*, at the time of giving waste lands for cultivation for the first time, as has been done in the case of Jamrao Canal in Sind, and it is quite another to curtail this right of free transfer when it has been enjoyed without interruption for a period of more than 50 years in only some detached occupancies. But even taking for granted that a case is made out for the view that restriction on transfer in the way now proposed is good for the cultivator the present Bill is not limited to that object alone. The Bill as framed gives a very wide discretion to executive officers. Section 68, as proposed to be amended, makes it lawful for the Collector to grant permission to any

person to occupy any unalienated unoccupied land for such period and on such conditions as he may, subject to the orders of Government, prescribe. These are really very wide powers and they are not at all necessary to carry out the object which the Government have in view in bringing forward this Bill. According to this new amendment there is nothing to prevent the executive to give out land on short leases and for increased assessment. Investing the Executive with unlimited powers is, in fact, transferring the duties of the Legislature to the Executive. If so many things are to be done by executive orders the object of having the Legislative Council would be frustrated. When a measure has to be passed by the Legislative Council it gives rise to public criticism about the merits of the proposed measure and thus tends to educate the people and brings the state of public opinion before Government. The intentions of Government in proposing the present Bill and the way in which they are going to work it have been declared in the speech of the honourable mover, and in the reply of Government to the memorial of the Deccan Sabha, and have been now emphatically declared at yesterday's sitting, but unless these weighty pronouncements are embodied in the Bill itself there is reason to fear that they will not always be carried out. The Courts of law think it is their business to interpret the letter of the law and are not bound by the expressions of opinion of the mover of the Bill. Besides the personnel of Government changes and the authorities who would be called upon to administer a given measure would be different from those that framed and passed it. The Bill when passed into law may be worked so as to increase the revenue of Government, but that is surely not the object of Government in bringing it forward. Again, I think it will have to be admitted that the present Bill by itself is not calculated to improve the condition of the agriculturist. For instance some provision must be made to advance him money for the hundred and one occasions on which he has the necessity of borrowing. The complicated machinery of the advance of tagái by Government is not suited to the purpose. Nor can the Government officers accurately ascertain when the credit of an individual ryot is and how much money would be necessary for him to borrow for a given purpose. In order to get tagái the agriculturist has to apply to the Mámíatdár, and several days, and at times months, are required before he receives it. And, therefore, some private agency working under Government control is necessary for this purpose, and until steps are taken to open such an institution it is no use passing the Bill.

Under the new tenure the personal liability of the agriculturist remains, and though the land would not be liable to be sold in execution of the decree of the sávcár, still the crops would be liable to be attached as soon as they are reaped. The only benefit to be derived from land is the crops that are raised on it, and the agriculturist can maintain himself only on the crops, and if these are as much liable to be attached now as they were before, the present deplorable state of the agriculturist still remains. He would have the nominal satisfaction of being in possession of the land.

Again, it is contended that the agriculturist under the new Bill will be in the same position as the watandár. It must be borne in mind that the officiating Watandár has to render some service to Government for which he has to receive certain remuneration which he is supposed to receive from the enjoyment of the land, but in case the land is not in his possession but in the occupation of a co-sharer or of the money-lender, Government have the power of taking from the sávcár or the co-sharer a reasonable amount and pay it to the watandár or to take the land out of the possession of the money-lender and the co-sharer if it is unauthorised. Whereas in the present case the whole of the

produce of the land is liable to be attached. There is again this material difference, that the Watandárs can sell or mortgage their property to sharers of the same watan. I wish the new tenant would have been given the right of transferring his land to *boná fide* agriculturists without the intervention of the Collector.

Then again, supposing that the condition of the occupant is bettered by this restriction, I think unless these occupancies are made impartible beyond a certain limit within a generation or so, the good effects of this measure of benevolent intentions would vanish, the occupancies being sub-divided into small shares so that it would be unprofitable to cultivate them. I have said what I had to say on this point at the time of the first reading and I do not want to add anything to it now. At best this measure would serve as a palliative, as has been the case in the opinion of competent authorities, with another similar measure passed with the intention of relieving the agriculturists from the clutches of money-lenders.

The amelioration of the agriculturists is a vast problem which can only be solved by bringing into existence a number of moral and material forces. Your Excellency in the debate on the first reading of the Bill trusted that it was not by any means Government's last word on the revenue question and that promise was repeated yesterday. But no indication has yet been given as to what further measure Government has in contemplation.

But the greatest objection to the present Bill, as it stands, is on the score of the sudden change of policy, which it involves. For more than fifty years past the ryots in the Bombay Presidency have been accustomed to hold lands on survey tenure, which was declared to be best suited to the circumstances of the people. Under this tenure the ryot has till now practically enjoyed a full proprietorship in his holding. It is but natural for him to be disturbed in mind when he sees that Government intend to interfere with the right of free transfer hitherto enjoyed by him. No doubt according to the Land Revenue Code the holding can be forfeited if a default in paying the assessment is made. But then, even in such cases, the land is almost always sold as the property of the defaulter and the surplus, if any, after paying off the assessment, is paid to the defaulter. Whereas there is nothing in the present Bill to prevent the Collector from giving the land to another person without the defaulter getting anything for his interest in the land. The ryotwari tenure is even more highly prized than a holding free of assessment, as it is more secure. Under these circumstances, I do not think it statesman-like to at once change the policy followed by Government for a very long time.

It is a bad thing in itself to have the nature of each individual occupancy settled by the discretion of the officers under rules, whereas it was settled by law before. And the rules that will be made are to be worked not by independent Civil Courts who have no concern with the diminution or increase of Government revenue, but by revenue officers who are trained in a department whose principal function is to watch the revenue interests of Government. The evil would not even stop here. When the Collector has to get information or to make some enquiry as regards the condition of any occupant, it is really the village officers who gives the information or makes the inquiry and every one I suppose will admit that this is not always free from village politics.

Besides much depends on the policy of people who are at the head of authorities. Every one knows the plague rules which were in force when plague first made its appearance and the rules which were lately published are nearly the same. But in the

working of the old rules so much rigour and hardship was caused to the people while those very rules are now being worked without unnecessary inconvenience to the people. The same was the case in respect of inoculation. In one or two districts the over-zeal of some officers carried them so far as to enforce it on the people, while in other districts nothing was practically done to push it forward. All this depends on the policy which people believe Government wants to follow. One more instance of the dis-similar working of the rules I will bring to the notice of this Council. It has been said in this Council that the rules for the collection of revenue of alienated and unalienated villages are the same. But the Inámdárs know to their cost that while the whole of the revenue in Khálsa villages is recovered without any difficulty even in famine years they have not been able to realise even a portion of their revenue. All this depends on the policy of Government.

It has been said that the widespread agitation against the Bill is the money-lender's agitation in concert with the pleaders. I am really at a loss to know on what this opinion is formed. From what one hears and sees it is impossible to believe that the agitation is not the real expression of opinion of agriculturists and again it is not the money-lender who would be hit by the present Bill. Whenever it would be to his advantage he would not allow the lands to be forfeited. He would at once pay off the arrears and keep the land under the old tenure. I wish the large and useful class of money-lenders had some one to represent their case in this Council, he would have been able to put before us what could be said from their point of view. Much can be said from their standpoint in favour of the transfer of lands from poor cultivators who are not able to make any improvement on the land into the hands of capitalists.

Then again as the field of the operation of the new tenure will be very limited and the idea underlying it would not receive a fair trial. The scheme would be launched at a very unfavourable time and even its well-wishers would like to defer the experiment to some suitable occasion when all the arrangements for insuring its success would be complete. The only justification for bringing in the Bill in such hurry was that it was desirable to seize the opportunity which had offered itself for trying the interesting experiment. Now that the revenue year has already run out and that Government in their Resolution dated the 8th instant have said that the arrears would not be recovered from *bond fide* agriculturists for one year more, it is no longer necessary to pass the Bill in haste. There would now be sufficient time for the inquiry which has been proposed by my friend the Honourable Mr. Mehta. As His Excellency Lord Curzon, in his remarks on the Punjab Land Alienation Act, observed, it is not safe to undertake a legislative measure affecting (as the Bill before the Council does) millions of people without protracted and searching inquiry into the condition of the agriculturists and the remedies that are calculated to improve it. The results of such an inquiry must be definitely known before it can be ascertained whether the present Bill would permanently improve the condition of all classes of agriculturists in this Presidency and nothing would be lost if an inquiry of the kind proposed were ordered. With these remarks I support the amendment of the Honourable Mr. Mehta.

The Honourable Mr. GOPAL KRISHNA 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. The Honourable Mr. Monteath complained yesterday that the Bill had been widely mis-understood and mis-represented. 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 Honourable 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 Honourable Mr. Monteath 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 *sávcár* and who were practically his serfs. The Honourable 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. 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 *sávcár*, and under the present Bill, Government are bound to give at least 15 days’ notice before forfeiture so that any one who is interested in the holding may pay the assessment. The *sávcár*, 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 *sávcárs* 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 *sávcár*’s serf. My Lord, “in vain the net is spread in the sight of any bird.” A *sávcár* here and a *sávcár*

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 *sávcárs* unawares. 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. But I will ask Mr. Desai this :—Supposing you are able to catch a few *sávcárs* 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 *sávcárs* 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 *sávcár* 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 Honourable Mr. Aston. He does not till the lands himself. All he cares for is to exploit the ryot's labour. In the first place, therefore, no *sávcárs* will allow the lands in their possession to be forfeited, which means that this Bill will be inoperative, and, secondly, even if a few *sávcárs* 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 *sávcárs* 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 *sávcárs* 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 *sávcár's* clutches, out of those clutches till the debt is paid off, and the present Bill can bring him absolutely no relief. My Lord, the Honourable 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 *sávcárs*, 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. 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 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 everyday 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 anyone 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 honourable member rose to move the second reading of the Bill. Can anyone seriously maintain that there is not a single suggestion, a 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 as responsible for any misapprehension of the intentions of Government as anything else. My honourable friend, Mr. Chunilal, told us yesterday that agriculturists who were in the beginning favourable to the Bill are 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 *sávcárs*, 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 *sávcár*;—that their land 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 anyone who is already in the hands of the *sávcár*? 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 misrepresentation and misapprehension, 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. 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 *táluka* 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. / Then, again, it has been stated that only the *sávcárs* 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 is, in this matter, 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 Honourable Mr. Mehta would ever associate themselves with an agitation started in the interest of money-lenders and against those of the ryot? 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 interest 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 interest of the 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 the 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 Ratnágiri 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. 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 ex-

pect 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  $2\frac{1}{2}$  crores, of which Government had already decided to suspend or remit  $1\frac{1}{2}$  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 45 lakhs have been already paid, and probably more would have been realised 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 the survey tenure on those who have been *upari* tenants previously practically added to the wealth of the agricultural community nearly £35,000,000 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 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 *sávcár*. 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 ryots the opposition to it is a genuine and spontaneous opposition, and is strongest among those for whose benefit the Bill is avowedly

intended, namely the agriculturists themselves. I will now come to the question whether the Bill is really likely to do any good to anybody. 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 savaars; (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. 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 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. As regards the second class, that is 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 7 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. 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 *sávcárs* who have already advanced to them money will not, as I have already showed, allow the land to be forfeited but will pay the assessment themselves and thus add to the liabilities of the occupants. The third class is of those who are hopelessly involved and whose lands are at present in the hands of the *sávcárs*. 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 practically 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, 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 at all; 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. Then, again, the apprehensions of *sávcárs* 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 *sávcárs* 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 only party whose position is improved by the Bill are the Government themselves. 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 Honourable Mr. Monteath 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 sávcárs 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 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 Honourable Mr. Monteath's own testimony is twenty-five times the assessment. And what is this, my Lord, but nationalization of land 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? 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 sávcárs 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 sávcárs, 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 our 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 savcar or do not advance anything from the coffers of Government for helping him, how can you give any relief to the ryot? It is, I submit, not possible to improve the position of the agriculturist by a mere manipulation of the legislative machine.

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 Honourable Mr. Monteath and the Honourable Mr. Lely in the course of this debate. The Honourable 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 this 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 tenure 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, my Lord, 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 recognized 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 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 Honourable 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 centralized 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 anyone 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 we 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 régime, 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.

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 Honourable 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 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 Honourable Mr. Monteath at Maháleshvar for rushing the Bill through the Council no longer exists. The honourable member told us at Maháleshvar 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 past; 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. Ranade, 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 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 interest 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 any one 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. 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 Govern-



ment 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 'tis excellent to have a giant's strength  
But 'tis 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 savcars 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? 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 Honourable 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 in 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.

The Honourable the ADVOCATE GENERAL said—The mover of the amendment, my honourable and learned friend Mr. Mehta, based his argument that this Bill was revolutionary and radical in character upon a statement of his as to the present position of land in this Presidency. He said that the deliberate character was impressed upon the land of hereditability and inalienability; that is to say, there is an inherent character in the land which must attach to every occupant immediately he becomes an occupant. Whether he will or not he gets a title which is hereditary and inalienable. I challenge that statement entirely. Let us examine the sections of the Code which appertain to this point. It is admitted by Mr. Mehta that Section 73, upon which he relies, is made subject to the provisions of Section 56. Now, the effect of a forfeiture under Section 56 is to put an end absolutely to the rights of the present occupant in the land, although he may possibly receive some payment on sale if there is a surplus after paying off the Government revenue and the costs of the sale. That is the effect of a forfeiture under Section 56 as regards the present occupant. Then on the forfeiture, somebody else must come in. It must be either the purchaser at the sale, or Government if there is no sale. Now the position of Government when there is no sale on forfeiture is exactly analogous to the position of a mortgagee who has obtained a foreclosure decree. He is in the position of the owner of the property, and that is recognised by the rules made under Section 214 of the Code, for those rules provide that where there is no sale, land should be entered as unoccupied and unalienated land. Section 37 of the Code declares that all

unoccupied and unalienated land is the property of Government, and it is not contended by Mr. Mehta or by the supporters of his amendment that Government has not the power to lease out on short terms unalienated and unoccupied land to which the survey settlement has not been extended. Mr. Khare goes further and says there is no question on the point. Mr. Mehta apparently bases his contention upon the words of Section 86 because, he said, it was by the joint operation of Sections 68 and 73 that the deliberate character of inalienability and hereditability is impressed upon the land. There is nothing whatever in Section 68 which in any way expressly limits the rights of Government in land; but, apparently, the argument which Mr. Mehta would raise is based upon the expression "if a survey settlement has been extended to land." Now if there is anything in Mr. Mehta's argument, it must apply equally to the purchaser at a Court-sale or a Collector's sale as to Government. Such a purchaser is in the position of a purchaser at a mortgage-sale. Government is in the position, when there is a forfeiture of a holder of land under a foreclosure decree. They both stand in the same position. I am not aware that it has ever been contended that a purchaser at a Court-sale is not at liberty to make his own terms with a land occupant and put him in as a tenant at a rack-rent. That, I believe, is what is generally done by purchasers at Court-sales all over the Presidency. If such purchasers at Court-sales are entitled to do this, why should Government not be entitled to do it?

The Honourable Mr. MEHTA—Because of Section 73.

The Honourable the ADVOCATE-GENERAL—Section 73 is subject to Section 56, which provides for the forfeiture of land. I understand that any doubts which have ever arisen as to the position of the occupants after forfeiture have arisen in consequence of the words "if a survey settlement has been extended to the land," and, as I understand the provisions of this Bill would remove such doubts. I do not think it will be contended, if honourable members impartially and judicially examine the provisions of the Code, that there is anything radical or revolutionary in this Bill, or anything which in any way alters the original position of the Government. I will, therefore, vote against the amendment.

The Honourable Mr. MUIR-MACKENZIE said—Your Excellency—When in general it falls to me to express any views on public affairs of this Presidency, it is in my honourable capacity as mouthpiece of your Excellency's Government. But in the few words which I have now to utter on the subject of the amendment of the Honourable Mr. Mehta, I shall play a humbler rôle and voice my own individual opinions. To meet the criticisms which have been made upon this Bill, this Council must not look to me. Explanations and replies on behalf of the Government on all material points have been given by my honourable friend Mr. Monteath, whose lucidity, terseness, comprehension of principle, and mastery of detail render my assistance wholly superfluous. But I cannot resist the desire to state in this Council that such experience as I have derived from several years of close and intimate contact with the agricultural population of the Deccan has convinced me most heartily of the wisdom of the policy so closely associated with this Bill. I would also observe that the opposition as expressed in the Press, memorials and other representations which I have seen is voiced by persons who are not in close contact with the people. On Thursday the Honourable Sir Bhalchandra Krishna suggested that for the cure of the optimism which he attributed to the Secretary of State he would recommend his Lordship to reside for a few days in an Indian village. But

how many of the gentlemen who have criticised the proposed measure of the Government have spent any long portion of their life in contact with the Indian ryot in his villages. Can the honourable mover of the amendment, can the eloquent Professor Gokhale or despite his recent experiences, the Honourable Mr. Parekh, compare even faintly in their knowledge of village life, in their intimacy with the ryot, the son of the soil, with my friends Honourable Mr. Lely and Honourable Mr. Cumine, with the Collectors and their Assistants, most of whom not only support but have long begged for a measure of the kind. Have my honourable friends, ridden from village to village, chatted with the people in the chavri, in the field, by the roadside? What do they, after all, know of the poorer Deccan Kunbi, or the Gujaráti Koli, except, perhaps, as a defendant in a money suit, or a witness in the courts. With all my admiration for their talents, I respectfully doubt whether, despite identity of race, the familiarity of language from birth, they know as much of the true people as the District Officer, keen on that first essential of his business the discovery of the wants of the people. It is said that we are not to place confidence in the opinions of all District Officers in this matter, because errors have been discovered in some of the plague measures. Now the extent of error which has been discovered in those measures is still a matter of debate. But the cases with regard to plague measures and the present proposals have no analogy. Government, when plague occurred, had to take decisive action on a large scale to meet a great emergency, without experience of any sort to guide them. In the present instance they are making a most cautious experiment supported by the recommendations of their District Officers, who have had their attention concentrated on the question for generations. Government attribute no more infallibility to those officers than they do to themselves. In resolving, however, on any measure Government must be guided by the obviously sound principle of relying on the advice of those who have most attentively studied the question and had the closest and longest experience of the conditions with which it is desired to deal, and I maintain that just as in matters affecting the City of Bombay great deference should be paid to an expert in municipal administration like the Honourable Mr. Mehta, so in a matter affecting the welfare of the rural community, Government are justified in following, nay bound, to follow the advice of their District Officers of judgment and experience. I congratulate, indeed, Your Excellency's Government on the character not merely of the support but also of the opposition shown to the Bill. It is supported by those who know the cultivators best, opposed by those who know them least. There is a class opposed to the Bill, the class of people who invest money in land and lend on the security of it. That class has succeeded in enlisting the advocacy of several honourable members, who know its interests well, but see little possibly of its more oppressive elements. These honourable members, therefore, believe and are ready to exclaim, like the ingenuous cultivator of Kolába at the public meeting, that the *sávcár* is father and mother to the people, though they might not follow the cultivator in attributing, as he did, similar parental feelings to the Government.

Now I noticed with some interests that honourable members differed materially in the views as to the effect of the Bill, or rather of the policy associated with it. The Honourable Mr. Parekh declared that it spelt ruin to the *sávcár*; but the Honourable Mr. Gokhale seemed to think it would scarcely affect his operations. Which of these divergent views is Your Excellency's Government to accept? For my part I should be sorry to believe that the measures which are to be taken when the Bill has passed into law will

be without effect; and that they are not likely to be so is shown by the attitude of the money-lending interest towards the Bill. The usurious classes dread the Bill, because they apprehend that it is a blow to their power over the poorer and more ignorant class of cultivators.

But the critics of this measure would have us believe that a truly usurious class hardly exists. They admit that the cultivator is in debt, heavily in debt, but that his creditor is oppressive or exacting, they refuse to allow. He is the benevolent helper who pays the Government assessment where it is excessive, who gives money for seed, cattle, improvements, family festivals and ceremonies. But that there exists such a thing as the remorseless usurer piling on debts at exorbitant rates of interest is a fact not admitted, or glossed over in favour of a cry against the severity of assessment. In support of the money-lender apparently, the Honourable Mr. Mehta quotes Sir James Westland and Sir Charles Rivaz. But he forgets to mention that the latter proposed and the former, I think, voted for the Bill, which became the Punjab, Alienation of Land Act. Neither of these officers ignored the notorious fact of the usurious character of debt and the tendency of the ryot to the recklessly improvident alienation of his land. Now, Your Excellency, the ignoring of this notorious fact is something which I cannot comprehend. From the very first years of my service the Deccan ryot has rung in my ears the familiar protest against the exactions of the *sávcár*. Innumerable petitions have I received at my tent-door clamouring for relief from him—many is the man to whom I have had to say I can do nothing. I start as a cardinal axiom from the fact not merely of the existence of indebtedness, but the widespread oppressiveness and over-reaching character of many members of the *sávcár* class.

I repeat it is surprising how little attention this aspect of the matter receives from those who would have us believe that in opposing restraints upon the alienation of land, they are advocating the cause of the people. The reports of the Commissions are ransacked for proofs that the indebtedness is due to pressure of the assessment or rigidity in its collection. The fact that whether these causes help to increase indebtedness or not they and all other circumstances to which the cultivator is exposed are taken advantage of by a class of remorseless usurers to grab all that is most valuable to him, is ignored or thrust into the background. This is the fact which has everywhere impelled the administrations of British India to take thought whether some check cannot be placed on the power of this class. Even if it be proved that the assessment is too heavy or collected too rigidly and the proper remedy applied, the usurious *sávcár* will still have to be dealt with. By all means let honourable members press the Government to adopt that revenue policy which in their judgment will make the demand easiest to bear, but let not their anxiety in this direction blind them to the other serious evil for which some remedy has to be found.

As to the extent to which the Government assessment and the exactions of the *sávcár* press upon the ryot, I would venture to make the following observation again based on experience in the Deccan, which will, I believe, be fully confirmed by the many officers who have the advantage of similar experience, far riper and more prolonged than mine. Rarely, if ever, have I received a petition against the severity of the Government assessment, nor in my wanderings about the villages inspecting fields and crops have the people begged for a reduction of their burdens. Often on the other hand have I been met with the cry for more land taken out of cultivation, it may be for forest,

backed by the ready offer to pay in full any assessment which Government may see fit to demand. No, My Lord, in the Deccan and Karnátak, where my experience lies, this cry for a reduction of assessment is not the cry of the people. They may cry for remission in time of famine. But for reductions they have rarely if ever asked me at any rate. Their cry is "Deliver us from the usurer, why does the Government place itself on the usurer's side, why has the Government supported him in taking our land?" The suggestion that the vast sore of debt has been caused by the flea-bite of the assessment is, in my judgment, ridiculous and imaginary. It is much more likely to be true that the entanglements of the ryot with the money-lender are the cause of such difficulty as he has in paying the assessment.

But in the face of these everyday experiences of officers who live for months together among the people we are told, and the ryot is being taught to believe, that the object of the Government is to make him out of a mirásdár into a tenant-at-will. It is then the Government and not the sávcár which is about to annex his mirás and his land! This is indeed a strange travesty of the truth. It might have been expected that the records would bristle with sales of land not for private debt but for Government arrears. But if for a moment we were to compare the figures for the two classes of sales, by decree of Court at the demand of a money-lender, and by order of Government to satisfy its arrears of revenue, what would be the result? Take the worst famine year with all the forfeitures ever known and compare the sales in it or immediately following it with the Court sales for money decrees in the very best season that can be chosen, and it will then be seen who desires to appropriate the ryot's mirás, Government or the sávcár. My Lord, I desire to protest with all the energy in my power against this reckless and perverse misrepresentation of the intention and effect of the policy of your Government. It is indeed, in some ways most unfortunate that the condition which is to be attached to the special tenure has to be described as a restriction on the power of the occupant to alienate his land. What it really is is a hindrance placed in the way of the usurious sávcár to dispossess him of it. Once the people understand this they will bless the Government for its actions. In some districts they have already begun to understand it.

In the leading of the cry for remissions, we are invited to regard certain persons as champions of the people. They need no such champions. Their Collectors and Commissioners asked for the suspensions and remissions long before the champions ever thought of the question. But what I wish to ask is, why is there no champion for the reduction of private usurious debt? Why does not my friend Mr. Parekh lead a campaign against the usurious sávcárs. Will no unofficial gentleman take up a brief against them? Will this part always be left to Government and their officers to play? Why are not the lenders urged like Government to remit large portions of their standings in times of famine? Government is offered commendation for their liberality in advancing tagai, but why are not the usurers held up to scorn for refusing to advance to their old clients in their time of trouble? Suppose it to be true that the assessment is here and there too severe, and that the collection of it is too rigid, does that render untrue that usury is rampant and that there are creditors who ought to be made to forego a portion of their extortionate demands? Suppose that there are two sides to the shield, why do my friends fix their frowning stare on the one and turn away with a mere smile and shrug from the other?

Again why should the Government be regarded as unwise or ill-intentioned in their

desire to place a restriction upon the power to alienate on the part of their ryots? Is here a single private landlord in India who does not object to his tenants possessing the right of alienation? They are not too fond of seeing him possessed of the perpetual occupancy right, but to a man they are opposed to allowing him the right of alienation. This right is denied, to virtually the whole class of tenants in the zamindari provinces of Northern India; and in what position are the occupancy tenants of Northern India? In precisely the same position in relation to their landlords as the ryots of this Presidency are in relation to Government. They are perpetual owners of the soil subject to the payment of a fair rent which if not fixed by agreement is determined by an officer of Government. But have they any of them the right of alienation? Not one. Have they any difficulty in borrowing sufficient for their humble requirements including their marriages, obsequial ceremonies and the like? Not at all.

Now the position of Government is this. They do not say like the zamindár we object *in toto* to our ryots having the power to alienate. But we do wish at any rate in the case of the less advanced and instructed to know what they are about. Among the many misapprehensions as to the intention of Government is the idea that alienation is to be totally prohibited, but the endeavour is merely to prevent its being performed without the consent of Government.

In conclusion I should like also to speak a few words with reference to the other familiarly alleged cause of indebtedness, the rigidity of the collection, by which term is understood the endeavour to enforce in poor seasons as well as in the good ones the full collection of a moderate assessment instead of having a demand fluctuating with the season. Now whatever there may be to say in favour of the fluctuating demand it is absurd to allege that it will have any appreciable effect in preventing debt. For in this very Presidency we have the two systems working side by side—in the Presidency proper we have the low assessments of the Deccan and a fixed levy, and in Sind we have annual remissions varying with the season. But nevertheless I suppose that if there is any part of the Presidency in which the cry of the debtor is bitter it is Sind. It is the one part to which the Deccan Agriculturists' Relief Act has been extended, and it has in addition an Incumbered Estates Act in active and extending operation. I believe that in the Punjab and the Central Provinces the assessment is admitted to be low and the system of remission and suspension is highly approved. Yet in both these Provinces restrictions upon alienation have been introduced. In the former a far greater advance has been made than is at present contemplated in this Presidency, and vested rights have been freely interfered with. The evil of indebtedness had grown formidable in both in the former to such dimensions as to constitute in the opinion of competent judges a serious political danger. No, my Lord, no system of remissions will stop or materially alleviate indebtedness. Not the abolition of the Land Revenue itself would have that effect. There is but one thing which will have that result and that is the gradual learning of thrift, and the first essential in the education required to quicken the learning process is restraint upon the disposal of valuable property. The ryot must be taught to think twice before he mortgages and thrice before he sells, that most valuable property, his land. It is in this, its educational aspect, that I venture to regard the proposed measures as of value. They are no panacea against indebtedness. But they will force the ryot to think, to cast about in his mind for some other way of meeting his necessities or procuring himself his

humble indulgences than by pledging his most fundamental assets on usurious terms which will eventually spell his ruin.

The Honourable Mr. MONTEATH said—I will explain in a few words why Government are unwilling to accept this amendment. Your Excellency has already shown reasons why this Bill should be passed without delay, and I have but a few to add. I have mentioned that some lands may yet be given out for rabi cultivation and the conditions of restriction of transfer could possibly not be legally imposed if the Bill has not become law. But apart altogether from this question of restriction we cannot carry on the administration as we think it should in the public interests be carried on without doing what is of doubtful legality unless the law is amended. The Honourable Mr. Khare supplies me with a powerful argument in support of my statement that the object of the Bill is rather to remove doubts as to the wording of the Code than as to its real intentions, for he questions the soundness of the opinion given by the law officers of Government. These officers have, however, expressed the view that section 73 of the Code applies to all land, alike to that to which a Survey Settlement has been applied and that to which it has not. Consequently it is argued, the use of no land at all can be granted without thereby conferring a right of transfer, though that right may be limited to a term, if a Survey Settlement has been applied. I do not quite follow the honourable member in his statement that if forfeited land is the property of the Government, then there is no reason for the Bill. I have already pointed out that the proviso to section 68 makes no reference to forfeited land at all. If he admits that Government can grant unoccupied land on special terms he admits all we want, and if his view be correct there would be no need for the Bill. Why then does he object to making the point clear? Thousands of acres must shortly be given out on the banks of the Indus for temporary cultivation, to many if not all of which a Survey Settlement has been applied, and an admission of a right of transfer would upset the whole arrangement. Officers are engaged in making allotments of land within forests to forest tribes in Thána and Kolába; the whole object would be defeated if the land could be sold. We are constantly asked to grant portions of survey numbers for purposes connected with schools, and obviously we cannot give the managers a transferable right in perpetuity. The right of grazing on waste lands—surveyed land—is constantly sold by auction, a temporary use which may not be admissible under the terms of the provision we wish to amend. There are many other cases in which Government must go on attaching special conditions. And surely honourable members must recognize that when a great deal of land on the whole has been disposed of on conditions which may not be authorized by the existing law, what has been done should be legalized with the least possible delay. Now that the defect is known, if it is not remedied for months to come, we might be overwhelmed with claims which could not on the one hand be admitted without great injury to public interests, but on the other hand could not perhaps be legally resisted. I have seen it stated that if Government have acted illegally they must bear the responsibility, but the loss will have to be borne by the tax-payers in general. The correspondence on the subject is mixed up with that on other questions and is not in a form in which it could be published, but I can assure honourable members that Executive Officers have had full opportunity of expressing their opinion, and that there is not amongst them any dissent from the view that legislation to put it beyond doubt that Government have the power to attach special conditions is urgently required. I have listened with the greatest attention to the speeches

of honourable members, and I have admired as I always do the suave eloquence of my honourable friends Mr. Mehta, Mr. Khare and Mr. Gokhale. But I have failed to notice that they have shown any consideration which would justify our incurring the risks and inconveniences which I have shown to attach to delay. The Honourable Mr. Mehta urges caution, and I quite agree with him that the utmost caution would be needed before doing anything affecting private rights as in the case of the Punjab Act. But surely a legal limitation of the measure to lands in which no private rights subsist is the acme of caution. My honourable friend says: "Suppose the Bill fails?" I do not know in what sense he can speak of the Bill failing. The experiment, which is not necessarily bound up with the Bill, may fail. What then would be the result? The *status quo ante* would be simply restored. The restriction on transfer would be simply removed. Surely that is not a very appalling prospect. The Honourable Sir Bhalchandra and other members seem to be still labouring under the misunderstanding which has agitated a portion of the public; at least many of their arguments seem to me to be based on the supposition that a general restriction on transfer is to be imposed. Even the Honourable Mr. Gokhale seems entirely to overlook that the substantial occupants will not be affected by the Bill, and has no good reason for his belief that such will get remissions only on condition of occupying on the restricted tenure. With such a limitation as I have shown there is no reason for pausing. The suggestion of my honourable friend Mr. Ibrahim Rahimtoola that Government should buy up rights in land for the purpose of the experiment is akin to one which has been pronounced financially impracticable. It might be carried out on a limited scale, but for the purpose special legislation would be needed as the land could not be acquired under the existing Land Acquisition Act. A somewhat similar suggestion of the Honourable Mr. Gokhale could not, as it seems to me, be carried out without an amendment of the law such as we are proposing. But that suggestion can be considered entirely separately and it affords no ground for deferring this Bill. The Honourable Mr. Khare has also suggested that the measures we have in view should be tried on a small scale. But it can no more be tried on a small than on a large scale under the law as it stands if the legal opinions I have referred to are correct. There is only one further point on which I wish to make a statement. On the borders of the Presidency there is a district of the Central Provinces in which the occupants have not the right of transfer. These people, we are informed, find no difficulty in getting enough of money for their necessities, and on the other hand they have an independence which very large numbers of occupants with free power of transfer have not. That is a fact which I commend to the consideration of honourable members who have made statements of a somewhat contradictory character.

I will not inflict on the Council any further arguments. I have met by anticipation from my point of view almost all that has been said and there is no use in repeating it. But I will ask honourable members to consider how we now stand as regards opinions on the part of those who are not immediately connected with Government. The Honourable Mr. Lely has spent the best part of his life amongst the cultivators, and the whole Presidency knows with what singleness of purpose he has worked for their benefit. It has formed a large if not the main part of his duty to study their condition and their needs, and his speech yesterday will have convinced the Council how thoroughly that duty has been discharged. Much the same statement may be made of the Honourable Mr. Cumine, whose sympathy with the agricultural community is a by-word. The Honourable



Mr. Chunilal and the Honourable Mr. Desai have had longer or nearly as long official careers of working towards the same end, and they have spent the rest of their lives amongst the agriculturists. The Honourable Mr. Aston has had an equally long judicial career and he has gained an intimate knowledge of all classes of the rural community in adjudicating on their disputes. The Honourable Mr. Ganpatrao Vinchurkar has spent his life in intimate relations with the cultivators. The views of these honourable members are based on long direct personal experience and they are all to the effect that in some cases a restriction on the right of transfer is desirable. The Honourable Mr. Ibrahim Rahimtoola may be held to be at least neutral. Now what are the opinions on the other side? They are almost all those of honourable members who dwell in cities. I do not, I trust, undervalue those opinions. They are those of gentlemen whose intellectual acumen I admire, whose zeal and self-sacrifice in the public interests are in the highest degree praiseworthy. Some of these honourable members are engaged in the practice of the law and they must, I think, recognize that it is not too exaggerated a statement to say that the views of the honourable members on the other side are based on a wide consideration of direct evidence, while their own are for the most part based on hearsay or secondary evidence. Can there be any reasonable doubt as to the set of opinions to which it is incumbent on Government to attach most weight?

The Honourable Mr. MEHTA, in replying to the debate, said:—Your Excellency, I was congratulating myself in the course of the debate that from the position to which the Honourable Mr. Monteath had assigned me and those who think with me we were getting somewhat rehabilitated. According to him we were incapable of comprehending the very elements of reasoning and therefore, my Lord, I was elated when I heard that Mr. Aston had promoted us at least to the reasoning powers of a school-boy. But my exhilaration has come to a premature end since the Honourable Mr. Muir-Mackenzie has spoken. The Honourable Mr. Monteath and the Honourable Mr. Aston deprived us only of our reasoning powers. The Honourable Mr. Muir-Mackenzie has thought fit to charge us with reckless and perverse misrepresentation.

The Honourable Mr. MUIR-MACKENZIE—I made no conscious imputation against the *bona-fides* of any honourable member of the Council.

The Honourable Mr. MEHTA—That is what I understood the honourable member to insinuate. Perhaps it was done unconsciously. So far as I could understand the honourable member, I gathered that he said that in the way we explained and represented the Bill, we were guilty of perverse and reckless misrepresentation. My Lord, I acknowledge, as I said in answer to the remarks of Mr. Monteath, that it is open for people who take another view of a question to be intolerant enough to doubt the capacity, ability, or intelligence of their opponents; but it is going altogether beyond the bounds of decorum and propriety, to say nothing stronger, to question their honesty. My Lord, speaking on my own behalf and on behalf of my colleagues who think with me in this matter, I lay an emphatic claim to having devoted such ability and intelligence as we possess to the consideration of this question and to laying the view which we have thus formed before this Legislative Council. My Lord, I lay a still stronger and more emphatic claim to the integrity and honesty of purpose as well of myself, however egotistical it may seem, as of those colleagues who hold the same views as I do upon this subject. Now, your Excellency, in the course of the various speeches which have been made on this question,

one thing has been harped upon by official member after member and the Honourable Mr. Monteath ended his speech with the same point. We have been: "What are your opinions to weigh against the opinions of members who are in favour of the Bill; members who have an official experience of the agriculturists of this Presidency extending over the best part of their lives? Who are you, you men living in cities, practising in courts and gathering your information from second-hand sources?" In making these observations, they were forced to exclude one member and then another from their purview. The Honourable Mr. Gokhale had to be specifically given up; and Mr. Parekh had at least to be classed with the doubtful instances. But as for poor me, every official looked at me as if my case was hopeless. To their minds I was a confirmed Parisian who knew nothing of the provinces and nothing of the country and its village population; I was only a practitioner in the High Court and could never come in contact with the realities of village life. Mr. Desai proudly spoke of having lived, ridden, and gone among the ryots, for the best part of 30 or 40 years. Mr. Lely—and when I speak of him he knows I speak of him with respect and with appreciation of his kindly feelings towards the people—he also told us the number of years he had been going round speaking and chatting constantly with the ryots of his districts. Mr. Muir-Mackenzie put in a similar claim, and he could hardly contain himself at the presumption of people like me standing up and controverting the views and opinions of men so intimately acquainted with village life. It is a pity, however, that these honourable members have not stopped to ascertain the real facts. Will they be surprised to learn that I make a double claim; I claim to know village life not only intimately and at first hand, I claim to know it far better and far more truly than English officials, including among them the honourable members who have once again ventured to repeat a pretension which has been often exploded. I myself have had occasion to expose the real inwardness of this pretension more than once on public platforms. In the first place, let me inform my honourable friends, that I whom they contemn as a mere dweller of cities, have gone from one end of the Presidency to the other, from village to village, from town to town, mixing with people of all classes as no European officials can ever hope to mix with them. (My Lord I have passed a large portion of an active professional life in practice in the mofussil.) What that means is, that I was taken from village to village by the peripatetic Assistant Collectors, Collectors, Mámíatdárs, and Maháلكaris before whom I happened to have cases. The knowledge and experience which could be thus gained was various. You could gauge the natures and characters of the men with whom you come in contact as clients, witnesses as parties in those cases, in a way no judicial officers could ever do. Then, during your stay, you perpetually come across the various people forming village life, and they would come and speak and talk to you with a freedom and sincerity which no official could ever expect from them. I have had all sorts of people, small trades people, sávcárs, ryots, questionable characters, and even the famous outlaw Mor Sadhyani among others, come and talk to me and discuss the varied problems of every-day life with freedom and confidence. I could talk to these people in their own language and idiom; and they could talk back to me without laborious attempts to suit English peculiarities of pronunciation and expression. I think my honourable friend, Sir Charles Ollivant, will remember how he on several occasions took me from village to village in the Jalálpur and Vijalpur and Ránderi tálukas, and once through those of the Nawáb of Sachin. I think Mr. Lely cannot have forgotten my appearances before him in and about Bulsár during the en-

quiry he conducted in the well-known Surat riot cases. Our former colleague, Mr. Pansé, now Collector of Broach, is responsible for making me acquainted with the British villages near Daman and Udvádá. In this way, I went up in pre-railway days to Pálanpur, Rádhanpur, Deesa, and even as far as Mount Abu, staying in the villages, along the long route, and even sometimes putting up in village huts. I never lost an opportunity thus gained to mix with the varied peoples I came across; and I always met with the sympathy and confidence inspired by the fact that I was a native of the same land with them. My Lord, I thus claim to know the thoughts, the feelings, the habits of mind of the people in the mofussil, more truly and more thoroughly than any English official, than even a sympathetic officer like Mr. Lely. Mr. Desai may say that, though he is an official, he is not a foreigner but a native like myself. But officialdom is a badge which repels confidence and sincerity; and officialdom puts a distance which he cannot cross over. Now, my Lord, let us examine the claim which has been set up for the European official. In many respects, I have very great respect for him. I appreciate highly many good and great qualities which distinguish him. But he is generally totally unable to get over what are conveniently called his insular proclivities and his insular stiffness. In no respect is his insular inelasticity more marked and incorrigible than in his inability to learn foreign languages. The continental languages are bad enough for him; but when he comes to Indian languages and dialects, his jaws are absolutely unmanageable. Of course there are and have been exceptions,—Sir Theodore Hope and Mr. Justice Pinhey and some others in the old days, Mr. Lely in present times. But as a general rule the English official never learns a native language in a way to be able to carry on a decent conversation with the ryot whom he claims to know so intimately. The ryot's *patois* and his idiom and his humour are quite beyond him. I have myself had the pleasure of hearing attempts at conversation between English officials, Revenue and Judicial, and ryots and other natives. I will not describe my feelings on those occasions. I am sure I have succeeded in controlling them, thanks to my strict sense of decorum and propriety. But there are hundreds of stories all over the country-side of the humorous *contretemps* that were the result of the Englishman's linguistic accomplishments. It is owing to this unfortunate drawback that the English official finds it beyond his power to get into the real mind of the rural native. It is perfectly true that for eight months of the year he travels throughout his *táluka*, riding out in the morning for sport and business combined, a little shooting as well as a timely appointment about some village matter, and then a couple of hours of revenue and a couple of hours of Magisterial work in his tent. Such a life could not but afford unrivalled opportunities for coming into contact with all sorts and conditions of men and getting an insight into their natures and characters. But alas the avenue through which alone such knowledge can mostly come is closed to him; and the English official moves among the natives, isolated even when not unsympathetic, ignorant even when not uninquisitive, a stranger and a foreigner to the end of the chapter. My Lord, I can therefore truly say that it is I and my native colleagues who can claim to speak at first hand and of our own personal and intensive knowledge and experience of the feelings and thoughts of the ryot, his prejudices, his habits of thought, his ways of life, his ambitions and his aspirations. In speaking on this Bill, it is we who represent the real views of the agricultural masses, not the insular and isolated English official. He failed to understand native feeling, as I said in my speech in moving my amendment in plague time; he equally fails in comprehending the

ryots' view of their agrarian legislation which is sought to be pushed through this Council on the strength of a knowledge and experience which he has never really acquired.

I will now deal with Mr. Lely's singular argument to show that there ought to be no delay in proceeding with this Bill. I will not stop to point out that it is not delay that my amendment asks for but that it is only a plea for avoiding undue haste and precipitancy, an appeal for allowing only the time which is ordinarily allowed for consideration of measures of equal importance. Mr. Lely says that there is no reason why we should want time to form our opinions about this Bill, because he says—I take it he says it without any background of sarcasm—that we as public men and as patriots must have gone on forming our opinions about the matters dealt with by the Bill as they came under public discussion. My friend, Mr. Gokhale, was disposed to put it modestly and plead want of time and opportunity. My Lord, I will boldly say some of us who do devote themselves more or less to public affairs have been exerting ourselves to form our opinions on these topics, and I have no hesitation in declaring that those opinions are opposed to the policy, the wisdom, and the appositeness of the empirical legislation which is embodied in this Bill. But we know at the same time that it would be hopeless to expect to convince officials to accept our arguments and our facts. Therefore it is that my amendment seeks for time to bring home to them the real views of the people on the Bill as well as the considered opinions of officials of all classes, under the responsibility of their own names and under the guarantee of their own reputations. At present we are treated only to general statements of what the views of officials as a body are in a way elusive of all critical verifications. For example, I am not prepared to accept the Honourable Mr. Aston as the representative spokesman of District or High Court Judges. It is amusing to see how differences come out among official representatives on this small Council. Take the question of the ryots' inveterate extravagance, Mr. Lely and Mr. Aston differ on this point as the poles asunder, and the wonder is that they both undertake to speak from long official experience. I will therefore repeat that I have brought forward my amendment not because we have failed in our duty as public men to form our opinions on the problems in the Bill. Personal reminiscences were the order of the day yesterday, and I may make bold to indulge in one myself as showing that it is not recently that we have been paying attention to these problems. I was in the Viceroy's Council when the Deccan Agriculturists' Relief Amendment Act was passed and took part in the deliberations on it. I had put myself in communication with my friend the late Mr. Justice Ranade on this Bill, who joined to his study of economic problems a special knowledge of the Agriculturists' Act. It was in conformity with his views that I then appealed to the Government of India to deal with the question of agrarian indebtedness in a large and comprehensive way. When the announcement was first made to begin with restrictive land legislation in Punjab, I was still in correspondence with Mr. Ranade on the subject, and I remember distinctly the emphatic opinion which he expressed to me on the measure in contemplation. He wrote to me that nothing would be more disastrous—disastrous was the word used by him—than the measures of restriction which were in contemplation. It will be remembered that Mr. Ranade was in favour of the policy of the Deccan Agriculturists' Relief Act; and still this was his deliberate opinion about the policy of restricting transfer of land.

After pointing out that we should be prepared with cut and dried opinions on all public questions, Mr. Lely next turned to denounce us as being only destructive critics.

But I would ask Mr. Lely if that is really so. If he has been doing what he hopes we must have been doing, *viz.*, following the discussion of public questions in the press and on the platform, has he not known that though our cries are cries in the wilderness, we have been bold enough to propose constructive measures as well, and have been doing all that helpless non-officials could, to induce Government to try them. Of course we have been denounced for our pains as clumsy artificers and amateur statesmen. But the charge of being only destructive critics is absolutely unfounded. I will give a few instances. We struggled with Sir W. Wedderburn for the establishment of agricultural Banks. We struggled for years, extorted even the approval of the local and supreme Governments, and still a proposal which might have to a certain extent helped in solving the money-lending problem and in controlling the *sávcár*, has been shelved and shelved, and it is only after years of disappointing inaction, that it is now being again resuscitated, and Lord Curzon has only recently appointed a commission to report upon the question of these Banks. Take again the question of the heaviness of revenue assessments. Of course the official view is that it is light. We have repeatedly asked for a commission of enquiry—the only proper course when opinions differed on so important and vital a question. But the Bombay Government is not fond of granting enquiries to establish the correctness of differing views. There is another subject regarding which we have been hammering away for years, *viz.*, the rigidity of the system of revenue collections. On this point we have been supported by official authority. Sir Theodore Hope, one of the great revenue officials of this Presidency, openly and frankly admitted in the Viceroy's Council that the rigidity of the Bombay system of revenue collections is one of the main causes of the ryots' indebtedness in the Bombay Presidency. The report of the Deccan Agriculturists' Commission assigns it also as the main cause of agricultural indebtedness in the Deccan. We have appealed over and over to this Government to modify this rigidity. But our appeal has been made to deaf ears. It is well-known that the Bombay Government had nothing to offer, when moved even by the Government of India, but indignant resentment, at such criticism of its revenue policy and scouted as meddling impertinence the audacity of revenue officers of other parts of India to condemn any portion of it. Then again, there is the policy of the Bombay Government with regard to remissions and suspensions of land revenue in times of scarcity and famine. Over and over again we have pointed out to Government that the effects of famine were intensified by the melancholy illiberality which characterized it, that the determination to follow the system of individual discrimination destroyed nearly all its just utility, and we have time after time implored them to abandon so impracticable a policy and adopt in its place the system followed in other parts of India, notably in the Central Provinces. But all to no purpose. And now we find that while we have been treated to the large figures of the total amounts of remissions and suspensions sanctioned by Government to meet the exigencies of the last famine, the fact turns out to be that no expectant ryot was allowed to know what his fate was to be. Mr. Lely will thus see that there has been enough and to spare—and I could multiply instances—of constructive statesmanship on our side. What he ought to have condemned was the utter supineness of Government in giving it a fair hearing and test its soundness by adequate enquiries of a public, formal, and representative character. It is to enable Government to do what they should have done before bringing in this Bill that my amendment asks for time. As for ourselves, we have formed very definite opinions regarding its operation. So far as its ostensible object is concerned, it will be inoperative for a long time to come. No ryot will consent to forfeit his hold-

ing if it will be possible for him to save it by incurring any amount of debt. Only the *sávcár* will be able to exact more severe terms. The Bill will in this way only be instrumental in increasing the load of agrarian indebtedness. It is true your revenue collections will come in rapidly, as the tables placed before the Council already show. The moral effect of the Bill will be most unfortunate. The ryot, as I have pointed out on another occasion, will recognize in your philanthropic intentions only a device to push the collection of your revenue and to escape the fulfilment of your promises of remissions and suspensions. Then again, the Bill in many cases will force the *sávcár's* hands. Where ordinarily he would have found it to his interest to show forbearance, he will now endeavour to seek safety by obtaining the protection of decrees and sales and other proceedings in Civil Courts. In the end, while your experiment of relieving the indebted ryot by tying his hands and feet and taking away his power of transfer and depriving him of the perpetuity of his tenure, will have hardly any scope, the Bill has already operated harshly and disastrously on the ryot, and seriously affected the moral hold of your Government on him. The only gain, if gain it can be called, is a rapid collection of revenue in times of famine.

My Lord, I heard with great pain and regret the strong language employed by Mr. Lely in speaking of the men who organized the land settlement of this Presidency. I cannot imagine anything more unjustifiable than his attack on those who founded and consolidated this Presidency. Let me tell Mr. Lely that, contrasted with the present race of officials, they were great men, men who possessed high qualities of statesmanship. They brought to the settlement of land in this Presidency, not simply considerations for aggrandizing the Government and collecting as large a revenue as possible in the present, but they were capable of bringing to bear upon the settlement far-sighted views of economic and political expediency. Therefore, it was that, instead of stocking the Presidency with tenants and labourers without any incentive for improvement of the soil, and without the attachment which a proprietary tenure engenders, they fixed upon a policy which left to a large extent to the agriculturists their ancient rights of property in land. Therefore it was that first under Act I of 1865, and subsequently under the Land Revenue Code of 1879, they impressed the soil for ever with the rights of occupancy, and made it impossible for the zeal of the revenue department to transform occupants into yearly or short-term tenants. It is not for revenue officials of the present day to set up for their critics. They are, many of them, capable administrators; they possess admirable qualities in many respects as administrators; but statesmanship of any sort, they no longer possess, and large and many-sided views of great problems of Government are unknown to them. It is not because of want of ability in themselves. But the position in which they are placed, and the conditions of life and work by which they are surrounded, train them into narrow and contracted official grooves. As is the case under such circumstances of hide-bound bureaucracy, the present day officials are no longer the giants of old, but they are narrow in their views, dogmatic in their opinions and assertions, and I think I am justified in saying from what we have seen in this debate, intolerant of difference of opinion. To differ from them is not only to be wanting in the very elements of reasoning, but it is also to be wanting in honesty. I must say that Mr. Lely's attack upon the great men who were his predecessors was as painful to hear as it was undeserved and altogether unjustified.

Before I pass on, I will very briefly deal with that portion of Mr. Lely's speech in which he read out his terrible list of instances of the ryot's extravagance. As he was

going through it, I felt as if an avalanche was rolling over me, but as soon as I had time to look about me, I felt that I was left quite unhurt: a little examination shows that his list does not prove his case. Mr. Lely has not told us how he collected them. From a remark he let fall, it seems that he employed his revenue subordinates to go about collecting them. We can understand how zealously the subordinates would perform the task, and how they would unconsciously adapt facts to prove foregone conclusions in a way best to please their superior. Again, we have not a tithe of the surrounding history of the men who were the heroes of the tale. As Mr. Lely went through his list, it was easy to observe that many of them were exceptional cases, cases of patels and chief men of villages and special communities which have no doubt acquired in some parts of Gujarát an unenviable reputation for unhealthy rivalry in caste distinction. These are not typical instances at all. I do not think Mr. Lely has gone the right way in collecting his statistics. Mr. Thorburn has pointed how difficult it was in the enquiries he instituted to get at the truth without a public enquiry in which all parties were represented. It is futile for Mr. Lely to get up and suddenly place his lists before the Council without time for examination, verification and criticism. If he wants to prove his case, let him obtain from Government such an enquiry as Mr. Thorburn was authorized to institute in selected tracts of the Punjab. But assuming for a moment the validity of these instances, what does Mr. Lely hope to prove by them? They will only establish that extravagance is engrained in the very nature of the ryot. How will you alter his very nature by your legislation, by restricting his credit, and taking away his power of transfer and cutting down his perpetual tenure? I know that Mr. Muir-Mackenzie complacently speculates that the Bill will prove an educational agency in this respect. He thinks that having less means of borrowing, he will change his nature and grow thrifty and frugal. I can scarcely compliment my honourable friend on a statesman-like treatment of economic and social questions. I cannot conceive a more empiric way of dealing with such problems, which are far more complicated in their incidence than he seems to imagine. Let me assure my honourable friend that he will not thus succeed in altering life long habits, if such habits have seized the ryots, and in changing their nature, if such is their nature. If the ryot is extravagant by nature, he will be extravagant on small means as on large means. We know the sage precept of Mr. Micawber. It is not the circumstance of possessing £100 or £1,000 that makes any difference. The man possessing an income of £100 will be ruined just as much as the man possessing an income of £1,000, if the one spends one shilling more than £100, and the other spends one shilling more than £1,000. Take English Society. Does not Mr. Lely know that people with small incomes ruin themselves in the race for social distinction just as easily as people with larger incomes, by going beyond their means whatever they are. If the ryot is inherently extravagant according to Mr. Lely, he will ruin himself on his restricted credit as easily as on his larger means. Even if Mr. Lely's diagnosis is correct, the remedy for the disease does not lie in this Bill.

But, my Lord, I note with pleasure that the honourable speaker who immediately followed Mr. Lely completely cut the ground from under his feet. The Honourable Mr. Aston has completely repudiated Mr. Lely's delineation of the ryot as absolutely unfounded, and opposed to nature, and he also professes to speak from a long official knowledge and experience. I was so glad to hear Mr. Aston's emphatic and unqualified vindication of the simple and frugal and thrifty habits of the poor ryot that I am quite prepared to forgive his comparison of our arguments to those of a school-boy.

The Honourable Mr. ASTON :—I wish to say I have no recollection of having made any comparison with a school-boy argument.

The Honourable Mr. MEHTA :—Surely the Honourable Mr. Aston has not forgotten the use of the word school-boy in criticizing some of our arguments. But I am quite willing to accept his repudiation of any intention to compare us to school-boys.

The Honourable Mr. ASTON has argued that there is no constitutional question involved in this matter. In the sense in which he uses the phrase—constitutional question—it is perfectly true that there is no such question involved. He lays down that if Government want to change the most solemnly established policy, it is legally competent to them to do so by legislation. Nobody in his senses denies such a proposition. If Government chooses to carry out a policy of the naked and unmitigated confiscation, nobody denies that they can legally carry it out by legislation. But the real question that has been raised is different. The question is one of justice and righteousness. The question is, is it right, just, fair, and equitable that a deliberate settlement of the rights in the land of the Presidency, solemnly legalized and repeatedly affirmed by the highest authorities should be nullified by the abrupt and precipitate use of the practically absolute powers possessed by Government to carry out any legislation they choose? Nothing could justify such an invasion of established rights except an urgent and pressing case proved after the careful and deliberate consideration. Nothing could justify such legislative confiscation until the fullest and completest opportunity was given to the parties whose interests were to be affected to be heard? Does Mr. Aston think that a moment's notice would be sufficient for such a purpose? Does he think a few weeks' or months' notice more than ample for such a purpose? Honourable members have been gravely talking of my amendment as one for unnecessary delay? Now, what are the real facts. The first reading of the Bill was, contrary to all precedence and tradition, taken at Mahaboshvar at the end of May, in a way to necessitate the suspension of the standing orders. The Select Committee to report on it was appointed at the same sitting. In the Viceroy's Council, a Bill is sent for opinion after the first reading; and no Select Committee is appointed till *after* all opinions are received. Here the Select Committee proceeds to consider and report on the Bill before there is time for the public to make its representations. My honourable friend, Mr. Gokhale, has described the course of procedure and deliberation in the Select Committee and how it made its report without waiting for so useless a thing as the expression of public opinion and the representation of interests affected.

Indirectly the Honourable Mr. ASTON has let out the secret of another aspect of the Bill. The Bill alters the settlement of rights in land by quietly assuming the sole ownership of land. Mr. Aston said that it was argued that the State was not the landlord and proceeded to show that it was. In the first place, Mr. Aston has missed the point of our present contention which disputes the claim of the State to be *sole* landlord. I should think that it was too late in the day to dispute that contention. I confess that I was surprised that the Honourable Mr. Monteath should have thought it right to raise the old ghost again. It had been laid at rest by legislative enactments and by the most solemn pledges and declarations of the founders and consolidators of British rule in this country and by the assurances and resolutions of the highest authorities of the State. I yesterday pointed out what was the rule of Hindu and Mahomedan law even as regards waste lands.



I referred him yesterday to Mr. Baden-Powell's work. Mr. Aston has admitted that Baden-Powell has taken the opposite view. He has pointed out that until a comparatively recent date, and except during a comparatively short period of anarchy and unsettlement previously to British rule, the feudal conception that the sovereign is the ultimate lord and proprietor of all land was one unknown to the rulers and people of this country. Manu in Chapter IX, v. 44, lays down: "The sages declare a field to belong to him who first cleared away the timber, and a deer to him who first wounded it." In Chapter VIII, v. 237, we read, the case of one man sowing seed in a field which is owned by another. There is also reference to the formalities of sale (the sale by pouring out water) which is noticeable among the ancient deeds collected in Logan's *Manual of Law*. Mr. Baden-Powell, in his book on Land Systems of British India, Vol. I, page 227, cites these authorities. His own opinion on the point is important. He says:—"If we date the institutes of Manu about the 5th Century B. C., and also assume that what is said about landed interest is hardly a new idea of the author enunciated for the first time, but more or less represents accepted ideas on the subject, it will be obvious that a right (of whatever nature) in the land is a very ancient idea. It is also represented as attaching to the individual or rather to the family, of which the individual was only the head, the manager or the representative" (page 226). He further points out that, according to Manu, the king is no conquering lord, driving the "aborigines" into the hills or making serfs of them. He is created as the protector of all those classes and orders of men who from first to last discharge their duties. The king is to draw moderate taxes from his realm "as the calf and the bee take their food little by little." He is to take a sixth, an eighth or a twelfth part of the crops (Chapter VII, v. 129, 130, foot-note page 227.) In regard to this matter it may be noted that the preamble to the Punjab Land Revenue Act, XXXIII of 1871, runs: "Whereas the Government of India is by law entitled to a proportion of the *produce of the land of the Punjab* to be from time to time fixed by itself; and whereas it is expedient to consolidate and define the law relating to the settlement and collection thereof, and to the duties of Revenue-officers in the Punjab; it is enacted as follows:—

Coming to Mahomedan law, the author of the *Hidaya* also has adopted the same rule as the law of Manu asserts, *viz.*, "the land is the property of him who first clears it," Colonel Vans Kennedy says that "all Mahomedan jurists agree that the person who first appropriates and cultivates waste lands becomes *ipso facto* the lord of the soil." Further on he says:—"It is noteworthy that in 1668 A.D. the Emperor Aurangzeb's orders show that a private right in land was then recognized. And as late as 1715, when the Company applied for a grant of the *talukdari* of thirty-eight villages near their Bengal Factory, they were told they had to purchase the rights of the owners. And when Mr. Shore put rather a leading question to Gulam Hassan, the historian, the author of *Sayyar Mutakhirin*, assuming the right of the ruler, and asking whether therefore he ought to pay for land he required to take possession, the author replied "The Emperor is proprietor of the revenue; he is not proprietor of the soil."

It is this theory of proprietary right in the land which has been from time to time embodied and confirmed in the resolutions and despatches of Governors-General and Indian Secretaries of State. And now the abandoned and discredited theory of *sole* State land-lordism is quietly and indirectly revived and the Bill assumes and proceeds upon it as an uncontroverted and incontrovertible principle. The Honourable Mr. Monteathe angrily

presents that a Bill of such a character should be denounced by us as revolutionary, and official members are surprised that anybody should for a moment question that the theory of sole State land-lordism was not as old as the sun and the moon and the stars. To my mind this assurance is astonishing; and it is I and my non-official colleagues who have reason to be surprised that such a question should be raised at all at this time of day. But my honourable friend, Mr. Aston, is perfectly right when he says that it is perfectly competent to Government in its Legislative Department—and after all this Council is practically only a small bureau of this department—to wipe off the past and change its policy as it likes. But it is too much to ask that such a Bill should not be rushed through the Council in the way this Bill is being rushed through.

In this connection my honourable friend, Mr. Aston, says that he could not understand what I meant by saying that landlords may come and landlords may go, but the land remained impressed with the rights of occupancy. I asked him to read the last portion of Section 73 of the Code of 1879 and tell me what they meant, and he would then understand the meaning of my words which have so puzzled him. He did not venture to do so, and I leave him to study the section at his leisure and put a judicial interpretation upon it.

My honourable and learned friend the Advocate General tried to get over the difficulty in a new way. He sought the assistance of Section 57 and discovered an analogy between lands forfeited and lands disposed of under a mortgage. He cited no authority for holding such an analogy applicable. He proceeded to argue that there was nothing in the Sections 67 and 73 which, he thought, had been cited by me to support my contention. When I pointed out to him that the section I had referred to was Section 68 and not Section 67, he did not pursue his argument. In fact it was evident that, after looking at the right section, my honourable friend practically abandoned his argument. And, indeed, he was in a difficult position. Government in their perplexity as to how to defend their action in this respect, have been blowing hot and cold. The honourable member in charge of the Bill distinctly admitted in his introductory speech that all the law officers of Government upheld the contention which I have ventured to submit to the Council. And still he could not resist the temptation of doing something to break the fall. At the first reading he trotted out Mr. Naylor's appeal of a lease for the Bhihs. Yesterday he trotted out Section 37. And now come the Advocate General and Section 57. But everybody could see how these attempts have proved utter failures. There can be no doubt that the Bill gives new powers to Government, not only to restrict the power of transfer of occupants, but also to reduce the perpetuity of their tenure to annual or short-term tenancies.

This brings me to one of the most important and significant—perhaps the most important and significant—feature of this debate. We have had a torrent of eloquence on the mischief of leaving the ryots' power of alienation unrestricted. Every official member, one after another, has made long speeches on the urgent necessity of taking away his power of transfer. But it is most wonderful that they each and all have severely left alone the other twin feature of the Bill, the power of depriving him of his perpetual tenure. Wataas and similar tenures to which illustrative reference has been made, are perpetual though inalienable. Is it not most significant that every official apologist of this Bill has had not a word to say in justification or vindication of this most essential part of the Bill, that they have not found it possible to justify it on the ground of bene-

volent philanthropy or to vindicate it on the ground of the ryots' necessity? They have all taken refuge in discreet silence, I directly challenged my honourable friend, Mr. Lely, as he was speaking, not to sit down without delivering himself on this part of the Bill. I challenged him to say that even if according to his contention it was necessary to take away the power of alienation, why was it necessary to further emasculate the ryot and his heirs by taking away at the same time his perpetual tenure? My honourable friend had, in the course of a lengthy speech, not one word to offer in defence of this confiscatory action. This part of the Bill is a flagrant reversal of the policy deliberately embodied in the last portion of the Land Revenue Code of 1879, and still my honourable colleagues who cannot conceive why anybody in his senses should hesitate to pass this Bill without pause or delay, have not ventured to tackle this section or even to refer to it. All that we have got is the feeble and halting pronouncement of my honourable friend, Mr. Monteath, that this section was required only to empower Government to stack timber or to build a school-house on a piece of agricultural land. Do honourable members accept this as a grave or serious argument for placing the perpetuity of an occupancy at the mercy of the Collector? Surely it is easy enough to frame a section giving power to Government,—if they have it not at present in several ways,—to sanction such uses of agricultural plots. Is it to be gravely argued that this object cannot be attained without revolutionizing the land settlement of this Presidency? If you are determined to take away the power of transfer, do so, but why in God's name, are you depriving the ryot of the status of which he is so proud, on which depends his self-respect and his dignity, and reduce him from at least a life tenant with unalienable succession to his heirs to the status of a short-term tenant. It is no answer to legislation of this character that Government do not at present intend to use to any large extent the extensive powers they are taking. It has been already pointed out by previous speakers that intentions are a frail reed to rely upon and bind nobody.

But, my Lord, we have mixed up the debate on the merits of my amendment with a full debate on the merits of the Bill itself. Your Lordship's ruling has enabled honourable members to speak on the amendment as on the motion for the second reading. But the point before the Council is at present the point raised by my amendment. Whatever opinions honourable members may have themselves formed regarding the Bill, the question is whether we should proceed in respect to it in the manner pointed out by my amendment. At Máhableshtar the honourable member in charge of the Bill gave as his reason for hurrying with the Bill, that the occasion for taking advantage of famine conditions would be otherwise lost. That reason has now altogether ceased to exist, so much so that Government have seen the propriety and the wisdom of proclaiming publicly that no such advantage would be taken. No reason now remains for haste. My honourable friend faintly suggests that it is necessary to legalize certain acts of their officers. You have been able to bear the burden of the illegality for years. If you cannot wait for a few months more, you can easily pass a small measure for that purpose. But as official members have indulged in references to honesty of intention and integrity of purpose, I will take the liberty of appealing to my honourable colleagues if they feel that they can honestly and conscientiously refuse time—the ordinary period of time allotted to measures of similar magnitude and importance—for the full consideration, examination, and discussion of a measure fraught with such momentous issues to the welfare and prosperity of this Presidency. No words were found sufficient to eulogize the patience and fortitude with which the ryots bore the accumulated evils of famine and

plague. Such appreciative words from the highest in the land could not but have gone to their hearts and raised grateful hopes of support and assistance. They received gratefully repeated promises of *adequate* remissions and suspensions. But scarcely had they emerged from the effects of the dire calamities overtaking them, they are presented with this Bill. Its very introduction has already done them incalculable mischief by exposing them to the pressure of their alarmed and impatient creditors. And now they are confronted with the prospect, at least so they believe, of losing their cherished proprietary status, or of avoiding forfeiture by raising moneys on any terms to pay off arrears. I implore honourable members seriously to consider the moral and political effects of such a situation. Is it statesmanlike under such circumstances to hurry on this Bill without at least giving them the fullest time to make their representations, and proving to them that no possible enquiry as to its economic operation has been neglected or refused? We have been told that the ryot gladly accepts the measure as soon as it is properly explained to him. Then by all means send out your official missionaries throughout the length and breadth of the Province, gain their good-will and approbation, and pass your Bill. But I appeal to honourable members if they will reject my amendment under the present circumstances. Even if it was all that their advocates claim for it, even then it will be a grave misfortune to pass it on an unwilling and suspicious people, and press it on them before they are ready for it. It is this serious question that is now before the Council.

His Excellency the PRESIDENT then put the amendment and declared it negatived.

The Honourable Mr. MEHTA—My Lord—I will have to ask for a poll.

The Council then divided—

*Ayes.*

The Honourable Mr. Ibrahim Bahimtoola.

The Honourable Mr. Mehta.

The Honourable Sir Bhalchandra Krishna.

The Honourable Mir Allahbakshkhan Talpur.

The Honourable Mr. Parekh.

The Honourable Mr. Khare.

The Honourable Mr. Moses.

The Honourable Mr. Gokhale.

The Honourable the Chief of Ichalkaranji.

*Noes.*

The Honourable Mr. Muir-Mackenzie.

The Honourable Ráo Bahádur Chunilal Venilal.

The Honourable Mr. Desai.

The Honourable Mr. Lely.

The Honourable Mr. Aston.

The Honourable Sardar Venchurkar.

The Honourable Mr. Pottinger.

The Honourable Mr. Cumine.

The Honourable Mr. Giles.

The Honourable Mr. McIver.

The Honourable the Advocate General.

The Honourable Mr. Monteath.

The Honourable Sir Charles Ollivant.

His Excellency the President.

His Excellency the PRESIDENT thereupon declared the amendment lost.

The Honourable Mr. MEHTA, the Honourable Sir Bhalchandra Krishna, the Honourable Mr. Parekh and the Honourable Mr. Khare at this point withdrew from the Council Hall.

The Honourable Mr. GOKHALE said:—Your Excellency,—May I offer a word of personal explanation? In the remarks which I made this afternoon I did not like to say anything as to the course I should take if the amendment were lost. I think it my duty, my Lord, now to say that I must follow the course which has been taken by some of my honourable colleagues. I take this course with the greatest reluctance and regret. I mean no disrespect to your Excellency or your colleagues personally. It is only an overwhelming sense of duty which urges me to take this step because I am not prepared to accept even the remote responsibility of associating myself with this measure which my further presence here would imply.

The Honourable Mr. GOKHALE then withdrew.

His Excellency the PRESIDENT then put the motion that the Bill be read a second time.

This was agreed to, and the Bill was read a second time.

The Council then proceeded to consider the Bill in detail.

Clauses 1 and 2 stood part of the Bill.

The Honourable The CHIEF of ICHALKARANJI then moved the following amendment:—

After the second paragraph of clause 3 to add the following:—

“Provided that the rate shall not be more than 5 per cent. on the profits received and provided also that this rate shall not be liable to be increased for 50 years. The provisions contained in the foregoing section shall be extended to alienated villages provided the holders thereof apply to the Collector for the extension.”

He said—The proper place for clause 3 would have been in the general revision of the Land Revenue Code. The object of this Bill, as explained by the honourable mover and as stated by Government on different occasions, is to restrict the power of transfer indiscriminately enjoyed by all survey tenants. The clause 3 of this Bill has nothing to do with this object. This clause enables Government to alter the assessment on land appropriated for non-agricultural purposes and fix it at a different rate. The operation of this section is modified by section 102, which lays down that the assessment on land appropriated for building purposes shall be fixed for a term not exceeding 99 years. What Government now proposes to do by amending this section is to take powers to make a periodical revision of the assessment fixed on land appropriated for one purpose when such land is appropriated for any other purpose. There is no objection to Government taking a share in the unearned increment which the occupant derives from the ownership of the land in the vicinity of large towns. However, in the absence of any idea about the rules that may be made on this subject, one does not know how much assessment will be charged on such lands. Government are at present taking building fines on such lands at rates varying from Rs. 50 to Rs. 5,000 an acre. If one may form a notion as to what the new assessment will be from the rate at which building fines are imposed, there is reason to entertain apprehensions that if the executive were allowed uncontrolled discretion, this section may work at times to the hardship of house-builders. Really speaking, Government ought not to raise the assessment on such land when they once impose heavy building fines. Because Government get interest on the building fines which they impose and, therefore, they need not ask to participate in the enhanced profits of the owner of the land. A person who

invests money in building houses in suburbs can hardly get as interest on the capital invested four per cent. If Government were to add to his liabilities by increasing the assessment of the land, it would discourage people from erecting new buildings. In these times of epidemic Government ought to give facilities for expansion of towns and thus remove the congestion of population in them.

The Inámdár is entitled, as is the case with Government, to a reasonable share of the unearned increment in the value of lands in his village. As, according to section 218 of the Land Revenue Code, no section which applies to unalienated land only is deemed to affect alienated land, this section would not apply to alienated villages unless it were in terms made applicable. According to the Land Revenue Code, the Inámdár is entitled to get assistance in collecting his land revenue, and as revised assessment on land appropriated for any other purpose would be a part of the land revenue of the village, the Collector should be empowered on the application of the Inámdár to realise it for him. This section should, therefore, be made applicable to alienated villages on the application of an Inámdár.

The Honourable Mr. MONTEATH said—Government are not able to accept this amendment. It is altogether of too vague a nature to be embodied in the Bill. The determination of the question what may be the profits on any building would be an exceedingly difficult matter and a matter which would give rise to constant disputes. So that to provide that the rate should not be more than five per cent. of the profits received would be almost impracticable. As regards the proviso that the rate shall not be liable to increase for fifty years, as a matter of practice the rate will not be so increased, but Government cannot tie their hands by laying down in the Statute that the rate is not to be increased. With reference to the second part of the amendment, the question is one which will be more appropriately considered when the general revision of the Land Revenue Code is taken into consideration.

The Honourable the CHIEF OF ICHALKARANJI suggested that the term "rent" should be substituted for the word "profits."

The amendment was rejected and clause 3 stood part of the Bill.

The Honourable the CHIEF OF ICHALKARANJI then moved the following amendment:—

After the second paragraph of clause 4 to add the following:—

"Provided that the assessment shall not exceed the survey assessment on neighbouring land of the same description."

He said—This clause is, I take it, intended to enable the Collector to give for cultivation lands which have not been assessed though measured at the time of the survey—probably because they were too poor to enable them to be cultivated with profit or because they were entered as forest area. Now as the prices rise and population increases people have begun to ask for such lands for cultivation. It is but proper as these are generally poor lands that they should be taxed, at least not higher, if not at a lower rate, than the neighbouring lands of the same description. I hope advantage can be taken of this provision for de-foresting a reasonable area of land in such districts as Sholápur and giving it for cultivation in pursuance of the recommendation reported to have been made by the Collector of Sholápur. This would confer a boon on the people in these hard times and bring in some revenue to Government.

The Honourable Mr. MONTEATH—This amendment also, Sir, cannot be accepted for a somewhat similar reason to that which I have given as regards the previous amendment. As a matter of fact, the Collector will be guided by the scale of the assessment on neighbouring land when he is assessing land which has been thrown out of forest or other land which may fall to him to be assessed. But a provision of this kind in the Bill would simply give rise to disputes. "Survey assessment in neighbouring land" is altogether too vague a phrase in my opinion to be embodied in an Act.

The amendment was rejected and clause 4 stood part of the Bill.

Clause 5 also stood part of the Bill.

The Honourable Mr. MONTEATH moved that in clause 6 in the proposed addition to Section 56, lines 15 and 16, between the words "shall" and "be deemed to be freed" to insert the words "unless the Collector otherwise directs."

He said—The object of this amendment is to add a further safeguard against fraud on the part of an occupant against his mortgagee. We have already sought to prevent such a result, and to any person who is interested in the land full opportunity of maintaining that interest by providing that notice of forfeiture shall be given. But it is just possible that in some cases though a person may have an interest in the land he has through some oversight not taken steps to maintain it; and if this comes to the notice of the Collector we wish him to have power to direct that in such a case rights shall not be extinguished by the forfeiture.

The amendment was agreed to and clause 6 as amended stood part of the Bill.

Clause 7 stood part of the Bill.

The Honourable the CHIEF OF ICHALKARANJI then moved the following amendment:—

After paragraph second of sub-clause 2 of clause 8 to add the following:—

"Provided that, except in the case of land liable to be affected by diluvian or land in the cultivation of which intervals of fallow are necessary, the permission shall be heritable and in perpetuity and the assessment shall not be higher than the survey assessment on similar land,"

He said—This is the most important provision in this short Bill. In fact this is the clause by which the Collector will be able to put unoccupied, unalienated lands under the new tenure. What Government intend to do in the case of indebted agriculturists whose lands have been forfeited for non-payment of assessment is to give the lands to them on exactly the same conditions as before, but only with the right of transfer taken away. I hope the amendment I am going to propose will be acceptable to Government, as it only makes it compulsory on the Collector not to give agricultural lands on short leases and for enhanced assessment, and consequently is in conformity with the declared object of Government. The honourable mover at the time of the first reading of the Bill said: "We purpose giving the Collectors authority to forfeit any lands for which revenue is in arrears and to re-grant such lands without encumbrance to cultivating occupants subject to the condition that the right of occupancy will lapse if the lands are alienated without permission." Government have in their reply to the Deccan Sabha said—

"But, in the case of agricultural land under a survey settlement the grants will be made without any variation of existing conditions with the exception that where the cultivator does not possess sufficient intelligence to protect his own interest in his holding the right of transfer will be restricted,

the view that such occupants will be mere tenants of Government is entirely erroneous. They will have a hereditary and as permanent a right as any other occupants. Subject to the payment of the survey assessment they will be in precisely the same position as almost all *Watandárs*."

Clause 8 of the present Bill, however, is not specific and enables the Collector to give these lands to any person on any conditions. Of course, he will be bound by the rules prescribed in this behalf, but then those rules are to be made by the executive, and no one can be sure that they will not be changed at any time. Whenever it is possible the Legislature should lay down some limits beyond which the executive cannot go. I need not say anything more on this point, as much has been said already. If this clause were allowed to remain as it is, different classes of tenures would be created under it, which cannot have been contemplated by the Legislature. It is not the intention of Government to re-grant forfeited lands on short leases and for enhanced assessment. The present amendment is proposed with the view of defining more clearly the declared objects of Government. In the case of lands affected by diluvion and lands which have to be kept fallow for several years, it would not be to the benefit of the agriculturists to take the lands on survey tenure, as in fallow years he will not be able to pay the assessment, and so there is no objection to giving the land on short leases. But, as far as agricultural lands are concerned, they must be given on no other but survey tenure. In proposing the amendment in order to enable Government to give such lands for so many different purposes, such as grazing, &c., the words "and lands required for Government or public purposes should be added after the words necessary. He further contended that the object of Government was to give the lands on the old survey tenure, and therefore the amendment would be necessary to prevent Government from raising the assessment. Under the tenure Government would have to give more postponements and remissions, and to recoup the loss caused by these suspensions and remissions it may be necessary to raise the assessment, and therefore the amendment should be accepted.

The Honourable Mr. MONTEATH—Your Excellency,—This proviso also cannot be accepted. The Honourable the Chief of Ichalkaranji offers to make some other additions to the proviso of which he has given notice, but I think it has been explained with sufficient fullness that it is not possible to foresee all the uses to which land may be put. It is simply not possible to provide for all cases by Statute.

The amendment was rejected and clause 8 was passed as it stood; clauses 9 and 10 also stood part of the Bill.

The Honourable the CHIEF of ICHALKARANJI moved an amendment that after sub-clause 1 of clause 11 the following be added:—

"Provided that the Governor in Council, before publishing the notification in sub-clause 1 of clause 11, will give an opportunity to the villagers to specify their desire as to whether this section should be made applicable to their village."

He said—The provision in this clause about publishing a notification in the *Government Gazette* has been evidently inserted with the intention of informing the people of the villages that they would be given lands on certain condition, *i.e.*, with restricted right of transfer. It is therefore necessary that opportunity should be given to the people to place before Government their willingness or otherwise to take lands on those conditions. It is always advantageous to have the views of the people before Government before any orders affecting the interest of a class of people are passed by them. Government are, of



course, at liberty to give what weight they like to the views of the people, but it would satisfy the public if they were allowed to have their say.

The Honourable Mr. MONTEATH—This is a matter which should be provided for, if at all, by rule.

The amendment was negatived and clause 11 stood part of the Bill.

Clause 12 also stood part of the Bill.

The Honourable Mr. MONTEATH moved to insert a new clause 13 as follows:—

“In Section 81 of the Code, after the words ‘or that a sale’ the words ‘or other disposal’ shall be inserted, and after the words ‘instead of selling’ the words ‘or otherwise disposing of’ shall be inserted,” and to *re-number* the subsequent clauses accordingly.

He said—The only reason for this amendment is to bring the section into accord with the amendment of Section 56 which has been already passed.

The amendment was agreed to, and the subsequent clauses were re-numbered 14 to 17 and stood part of the Bill.

His Excellency THE PRESIDENT then put the motion that the Bill be read a third time and passed.

Bill read a third time and passed. This was agreed to, and the Bill was read a third time and passed.

His Excellency THE PRESIDENT then adjourned the Council *sine die*.

*By order of His Excellency the Right Honourable the Governor in Council,*

A. S. A. WESTROPP,  
Secretary to the Council of the Governor of Bombay  
for making Laws and Regulations.

Poona, 24th August 1901.

**APPENDICES**  
TO THE  
**PROCEEDINGS OF THE COUNCIL OF HIS EXCELLENCY THE  
GOVERNOR OF BOMBAY ASSEMBLED FOR THE PURPOSE OF  
MAKING LAWS AND REGULATIONS ON THE 22ND, 23RD AND  
24TH AUGUST 1901.**

**APPENDIX A.**

*Statement showing the progress of land revenue collections after the publication  
of the Land Revenue Code Amendment Bill.*

District.	Amount in arrears on date of publica- tion of Bill.	Amount since collected.
1	2	3
	Rs.	Rs.
Ahmedabad ... ..	6,06,000	2,90,000
Kaira ... ..	8,78,152	4,50,663
Panch Maháls... ..	80,504	53,866
Broach ... ..	9,56,282	5,41,041
Surat ... ..	5,44,195	3,44,837
Thána ... ..	3,66,806	3,18,287
Khándesh ... ..	10,47,476	2,59,369
Násik ... ..	6,92,438	1,95,869
Ahmednagar ... ..	20,76,530	1,06,781
Poona ... ..	5,94,880	1,95,315
Sholápur ... ..	7,73,000	4,36,000
Sátára ... ..	14,57,000	3,40,000
Belgauma ... ..	2,42,825	1,56,460
Bijápur ... ..	4,30,000	3,11,500
Dhárwár ... ..	3,16,449	2,79,003
Ratnágiri ... ..	2,93,335	1,09,291
Kolába ... ..	1,28,949	1,27,841
Kánara ... ..	30,285	26,868
Total ...	1,15,14,606	45,42,971

*Note.*—The amounts shown in column 2 are exclusive of revenue suspended, &c., except in the case of the Khándesh and Sholápur Districts. In the case of Ahmednagar and Sátára it is uncertain whether the figures in question have been excluded or not.

**APPENDIX B.**

*Statement showing the number of assistance cases disposed of and the number of cases  
remaining to be disposed of up to 31st January 1901 in the Poona District.*

Assistance cases remaining undisposed of on 31st July 1900.		Cases filed up to 31st January 1901.	Total of columns 1, 2 and 3.	Cases disposed of up to 31st January 1901.	Cases remaining undisposed of on 31st January 1901.	
Cases pend- ing inquiry.	Pending re- covery of dues in cases inquired into.				Pending decision.	Pending recovery of dues in cases inquired into.
1	2	3	4	5	6	7
146	421	26	593	35	23	535

Statement showing the number of assistance cases disposed of and the number of cases remaining to be disposed of up to 31st January 1901 in the Sátara District.

Number of Cases undispensed of at the end of 1899-1900.	Number of cases received during 1900-1901 up to 31st January 1901.	Number of cases disposed of in 1900-1901 up to 31st January 1901.	Number of cases remaining undispensed of at the end of January 1901.
8,954	4	5,314	3,644

P. J. MEAD,  
Under Secretary to Government.

## APPENDIX C.

Statement showing the area and assessment of lands relinquished in each of the Tálukas of Gujarát during the year ending 31st March 1901.

District and Tálukas.				Area.	Assessment.
				Acres.	Rs.
<i>Ahmedabad.</i>					
Viramgám	...	...	...	2,561	3,572
Daskroi	...	...	...	370	1,355
Dhandhuka	...	...	...	1,691	1,878
Dholka	...	...	...	1,856	3,651
Sánand	...	...	...	4,609	9,070
Parántij	...	...	...	11,580	14,356
Modása Petha	...	...	...	.....	.....
Ghoga	...	...	...	.....	.....
Total				22,667	33,882
<i>Kaira.</i>					
Mehmadabad	...	...	...	636	2,338
Thásra	...	...	...	2,754	5,630
Kapadvanj	...	...	...	1,281	1,551
A'nand	...	...	...	189	613
Borsad	...	...	...	39	170
Nadiád	...	...	...	275	868
Mátar	...	...	...	1,328	5,410
Total				6,502	16,580
<i>Panch Maháls.</i>					
Godhra	...	...	...	588	245
Dohad	...	...	...	3,516	3,352
Jhálad (Petha)	...	...	...	3,152	2,565
Kálol	...	...	...	45	101
Hálol (Petha)	...	...	...	469	444
Total				7,770	6,707
<i>Broach.</i>					
Broach	...	...	...	69	317
Ankleshvar	...	...	...	786	2,996
Hánsot (Petha)	...	...	...	90	313
Vágra	...	...	...	480	1,082
Amod	...	...	...	87	274
Jambusar	...	...	...	828	3,915
Total				2,340	8,897

District and Tálukas.					Area.	Assessment.
<i>Surat.</i>					Acres.	Rs.
Olpád	...	...	...	...	149	724
Chorási	...	...	...	...	9	135
Bárdoli	...	...	...	...	32	97
Válod (Petha)	...	...	...	...	26	52
Jalálpur	...	...	...	...	32	71
Mándvi	...	...	...	...	767	255
Bulsár	...	...	...	...	47	177
Chkhli	...	...	...	...	546	848
Pardi	...	...	...	...	4	21
Total ...					1,612	2,380

## APPENDIX D.

Statement showing the area and assessment of lands in each of the Tálukas of the Districts of Gujarát in respect of which orders of forfeiture were passed during the year ending 31st March 1901 and for the period from 1st April 1901 to July 1901.

District and Tálukas.					During the year ending 31st March 1901.		For the period from 1st April 1901 to 31st July 1901.	
					Area.	Assessment	Area.	Assessment.
<i>Ahmedabad.</i>					Acres.	Rs.	Acres.	Rs.
Virangám	...	...	...	...	...	...	2,173	2,513
Daskroi	...	...	...	...	...	...	15,512	47,190
Dhandhuka	...	...	...	470	561	...	1,226	2,635
Dholka	...	...	...	...	...	...	3,738	7,438
Sánand	...	...	...	949	2,184	...	6,706	11,732
Parántij	...	...	...	960	1,620	74	99	...
Modása (Petha)	...	...	...	...	...	...	...	...
Gegha	...	...	...	...	...	...	...	...
Total ...					2,379	4,865	29,429	71,607
<i>Kaira.</i>					Area.	Assessment	Area.	Assessment.
Mehmedabad	...	...	...	...	...	...	4,488	15,439
Thásra	...	...	...	10	41	...	368	1,096
Kapadvanj	...	...	...	155	317	121	222	...
A'nand	...	...	...	148	730	752	1,877	...
Borsad	...	...	...	45	268	1,301	6,555	...
Nadiád	...	...	...	...	...	...	285	1,105
Mátar	...	...	...	...	...	...	2,727	11,163
Total ...					358	1,356	10,042	37,457
<i>Panch Maháls.</i>					Area.	Assessment	Area.	Assessment.
Godhra	...	...	...	41	31	...	4,065	1,408
Dohad	...	...	...	...	...	...	3,512	4,126
Jhálod (Petha)	...	...	...	22	16	...	151	129
Kálol ...	...	...	...	...	...	...	191	365
Hálol (Petha)	...	...	...	...	...	...	557	503
Total ...					63	47	8,506	6,531

District and Talukas.	During the year ending 31st March 1901.		For the period from 1st April 1901 to 31st July 1901.	
	Area.	Assessment.	Area.	Assessment.
<i>Broach.</i>				
	Acres.	Rs.	Acres.	Rs.
Broach ... ..	134	624	268	1,903
Ankleshvar ... ..	105	395	231	909
Hánsot (Mahál) ... ..	49	164	39	107
Vágra ... ..	11	23	490	1,920
Amod ... ..	274	1,192	292	1,336
Jambusar ... ..	1,311	6,166	336	1,351
Total ...	1,884	8,564	1,656	7,526
<i>Surat.</i>				
Olpád ... ..	144	657	544	2,471
Chorási ... ..	...	...	4	44
Bárdoli ... ..	...	...	82	278
Válod (Petha) ... ..	36	77	428	1,252
Jalálpur ... ..	...	...	84	602
Mándvi ... ..	38	42	2,383	4,106
Bulsár ... ..	...	...	3,206	6,754
Chikhli ... ..	17	49	1,319	3,532
Párdi ... ..	...	...	413	659
Total ...	235	825	8,593	19,698

## APPENDIX E.

Statement showing Estimates of Suspensions and Remissions of Land Revenue.

District.	Suspensions.	Remissions.
	Rs.	Rs.
Ahmedabad ... ..	3,44,994	11,02,631
Kaira ... ..	11,06,813	7,17,421
Panch Maháls ... ..	1,76,808	1,59,524
Broach ... ..	12,17,682	5,10,670
Surat ... ..	2,04,140	35,905
Thána ... ..	.....	100
Khándesh ... ..	4,07,264	3,52,281
Násik ... ..	3,82,411	2,22,180
Ahmednagar ... ..	8,67,174	8,70,000
Poona ... ..	6,66,000	3,48,191
Sholápur ... ..	1,95,000	5,27,760
Sátára ... ..	7,51,607	1,81,219
Bijápur ... ..	7,27,500	2,65,000
Belgaum ... ..	1,24,529	11,550
Dhárwar ... ..	1,53,580	2,315
Kolába ... ..	2,075	.....
Ratnágiri ... ..	1,84,622	7,350
Kánara ... ..	3,200	2,113
Total ...	75,15,399	53,16,230

## APPENDIX F.

## Financial Statement of the Government of Bombay for the Year 1901-1902.

This statement deals, as usual, with the final Accounts of the year 1899-1900, with the Revised Estimates of 1900-1901, and with the Budget Estimates of 1901-1902 concerning the transactions which, under the financial arrangements with the Government of India, have been placed under the control of this Government. The provincialised services have been described in Appendix G. The Alienated Revenue transactions mentioned in this statement are mere book adjustments and balance themselves on both sides of the account. The figures throughout represent thousands of rupees.

2. The year 1899-1900, which was the third of the current Provincial Settlement, opened with a balance of 15,04, which had been supplied by the Government of India in the preceding year, and closed with a zero balance. Amongst the disastrous effects of the failure of the monsoon in 1899 over an extensive area of the Presidency were a heavy decline of revenue and increase of expenditure. The opening balance was converted into a large deficit in the Provincial accounts, which the Government of India made good. The contributions made by that Government on this account and the direct plague expenditure amounted to 35,45. The total revenue, inclusive of these contributions, aggregated 4,25,77 as compared with 4,34,71 and 4,28,09 entered in the Budget and Revised Estimates, respectively. The whole of the direct expenditure on famine relief operations, which being beyond the resources of this Government was taken over by the Government of India, amounted to 1,15,43. The Provincial Revenues had, however, to bear all indirect famine charges, aggregating 8,85. Including these and, in addition, charges of 12,51 for direct and 3,80 for indirect plague expenditure, the total Provincial outlay amounted to 4,40,81 against 4,49,71 and 4,43,13 anticipated in the Budget and Revised Estimates. The saving was the result of strict economy enforced in all directions, and of restricted drawings—in the circumstances explained in paragraph 3 of the last year's Financial Statement—on the special grant of 12,37, which had been placed at the disposal of this Government through the head 45—Civil Works in the Budget of 1899-1900. If the famine and plague charges and the Imperial contributions referred to above be omitted from the Provincial Account, the ordinary revenue and expenditure amounted to 3,90,32 and 4,15,65, respectively, leaving a deficit of 25,33.

3. As stated in paragraph 4 of the last year's Financial Statement, the Budget of 1900-1901 was framed on the assumption that the rains of 1900 would be normal. Unfortunately this anticipation was not realized; and famine conditions prevailed for another season over a large part of the area affected in 1899-1900. The result is that the estimate of direct Famine relief expenditure, which falls on the Imperial Exchequer, has been raised from 2,47,92 to 2,95,21 in the Revised, and the Provincial deficit, which was originally estimated at 33,40, is now expected to reach the high figure of 64,79, owing to both decline of revenue and increase of expenditure. Larger provision has been made in the Revised for officers and establishments employed on famine duty, and for other indirect famine charges, including grain compensation allowances, for which originally provision was made for seven months of the year, but which were continued in certain districts for a longer period. The Revised includes also provision for fresh grants aggregating 6,68 to certain local bodies in aid of their plague expenditure incurred up to the end of 1899-1900, which were recommended to the Government of India last year. That Government has sanctioned the grants recommended for a few of these bodies, but has called for further information respecting the financial condition of others before finally deciding what assistance shall be given. The plague charges—direct as well as indirect—are now estimated at 16,98 and the indirect famine charges at 24,42, as compared with 17,71 and 9,30, respectively, anticipated in the Budget. Excluding these charges and the special assignments made by the Government of India to cover the

Provincial deficit and the direct plague charges, the Revised Estimate of ordinary revenue (3,94,87) falls short of the ordinary expenditure (4,19,67) by 24,80.

4. The Budget for 1901-02 bears the impress of the liberal treatment accorded by the Government of India to this Government. In framing the Budget in January last, this Government provided for the most part only for current requirements of the most indisputable urgency, but considered it highly desirable to enter some long delayed schemes of reform which had been approved by the Supreme Government. The expenditure estimate thus showed a large advance over the last year's budget. The Government of India have not only admitted the whole of this estimate and made a generous assignment of 62,48 to avert a deficit, but have increased this assignment to 91,00 with a view to provide for (1) the prescribed minimum balance of 20,00 at the end of the year, which is also the end of the current Settlement and (2) an additional grant of 8,52, which has been entered under the head 45—Civil Works, for extra expenditure to be incurred at the discretion of this Government. This grant has since been distributed as follows:—

*Judicial Department.*

(a) Reorganization of the superior staff of the Police Department, which has since been sanctioned by the Government of India. ... ..	31
(b) Police—Petty Construction, &c. ... ..	25 8
(c) Jails—Petty Construction, &c. ... ..	15 3
(d) Courts of Law—High Court Repairs... ..	6
	72 7

*Public Works Department.*

(e) Town Custom House ... ..	14
(f) Buildings required in connection with the creation of the Lárkhána Collectorate and at other places in Sind.....	1,62
(g) Additional grant for Revenue, Police and Jail Buildings in Sind ... ..	50
(h) Additional grant for Revenue Buildings, such as Mámlatdárs' Kacheris in the Presidency Proper... ..	45
(i) Other works in progress and new works ... ..	1,53
	4,24

*Educational Department.*

(j) Additional provision for promised building grants... ..	75 4
(k) Improvements at certain High Schools and other Educational Institutions .	44 6
	1,20

*Medical Department.*

(l) Improvements at certain hospital buildings ... ..	16
---	----

*Revenue and Financial Departments.*

(m) Cash payment for grant-in-aid of local plague expenditure recommended to, but not yet sanctioned by, the Government of India. [The remainder of the proposed grants-in-aid will be adjusted against advances, loans and expenditure recoverable by Government] ... ..	68
(n) Additional provision for the establishments for the Lárkhána Collectorate scheme ... ..	37 5
(o) Reserve at the disposal of the Financial Department for emergencies ... ..	1,13 8
	Total ... 2,19 3
	Grand total ... 8,52

Thus when we had reached the very nadir of financial difficulty we have by liberal assistance for which we are very grateful been enabled not only to maintain the ordinary services in reasonable efficiency, but to carry into effect the much needed but long deferred scheme for an additional Collectorate in Sind, to provide for an improvement

in police supervision, to make some progress in getting constructed buildings which are urgently required for the convenient transaction of public business and in prosecuting other works of public utility, to give some relief to embarrassed local bodies and to grant substantial contributions for the aid of education. If it is thought that Sind has obtained an undue share of the subsidy, I have to point out that that Province has been almost continuously adding to its share of the general revenues and that an increase of staff is essential for the further development of its resources.

The Budget has been framed on the assumption that the current monsoon will be normal, but due allowance has been made for the continued effects of the calamities through which this Presidency has been passing for the last few years. The expenditure on direct famine relief, which is met out of Imperial Revenues, is estimated at 99,84, while indirect famine charges, which are borne by Provincial Revenues, are expected to amount to 20,13. If these charges and the plague expenditure (14,40) as well as the special grant of 8,52 referred to above be left out of account, the ordinary expenditure (4,25,11) exceeds the ordinary revenue (3,95,79, *i.e.* exclusive of the Imperial contributions in aid of Provincial resources and the Plague Research Laboratory) by 29,32.

## SECTION I.

### *Accounts of 1899-1900.*

5. The actuals of 1899-1900 have been compared in detail with those of 1898-99 in the Report on the Administration of the Bombay Presidency for 1899-1900, pages 173 and 174. The slight differences between the figures of 1899-1900 given in that report and in this statement are due to account adjustments made after the preparation of the report. The estimated and actual transactions of the year are shown below:—

	Budget Estimate.	Revised Estimate.	Actuals.
Opening balance ...	15,00	15,04	15,04
Revenue ...	4,34,71	4,28,09	4,25,77
Expenditure ...	4,49,71	4,43,13	4,40,81
Closing balance ...	...	...	...

The variations between the Budget and Revised Estimates have been already explained in Section II of the Financial Statement for 1900-1901, and the following remarks therefore deal with important variations between Revised and Actuals.

6. The total realizations fell short of the budget estimates of revenue by 8,94. Under the heads III—Salt, VII—Customs, XVI-B—Jails, XVII—Police, XX—Medical, and XXX—Irrigation Minor Works, the increases anticipated in the Revised were almost realized in some cases and showed a slight improvement in others. The most noticeable decreases of revenue occurred under the following heads:—

*I.—Land Revenue.*—The actuals under “Provincial share” show a further falling off of 95 as compared with the Revised, due to famine. The increase of 55 which was anticipated in the Revised under “Assessment of alienated lands less quit-rents” was converted into a decrease of 61. It was on account of lapses of ináms that the actuals under this head did not reach the figure adopted in the original Budget; and it was due to over-estimates by District Officers, chiefly in the Shikárpur District, that the figure entered in the Revised was high compared with the actuals. The decreases under the two heads “Provincial share” and “Assessment of alienated lands less quit-rents” were partially counterbalanced by an improvement under “Fixed allotment and adjustments,” due mainly to the increase of the Imperial contribution in aid of Provincial resources from 20,57 to 22,94 in the final accounts of the year.

*IV.—Stamps.*—88 against 127 anticipated in the Revised. The sales of general and court-fee stamps show some improvement.



*V.—Excise.*—205, or 10 better than the Revised.

*VIII.—Assessed Taxes.*—60, or 5 better than the Revised.

*IX.—Forest.*—325, or 167 worse than the Revised. The further falling off is due partly to the effects of famine and partly to the realization of smaller receipts than were anticipated from famine grass operations.

*X.—Registration.*—35, or a small improvement of 8 over the Revised.

*XII.—Interest.*—31 instead of an improvement of 20 anticipated in the Revised, in which the ability of the rayats to pay interest on takávi advances granted to them was over-estimated.

*XVI-A.—Law and Justice, Courts of Law.*—43, or 11 worse than the Revised.

*XXV.—Miscellaneous.*—23 instead of an improvement of 4 estimated in the Revised. The decrease was due to the excess of payments over receipts on account of unclaimed deposits, the net transactions being shown under this head.

*XXXII.—Civil Works.*—92, or 26 worse than the Revised. The decrease chiefly occurs under "Tolls on roads" and was due to the prevalence of famine and plague.

*Contributions from Local to Provincial.*—72, or an improvement of 22 over the Revised. The difference is mainly due to the recovery of 18 from Local Boards on account of plague expenditure incurred in their behalf by Government.

7. On the expenditure side the Actuals showed a net saving of 8,90 over the Budget, or a further improvement of 2,32 over the Revised. Savings occurred chiefly under the following heads:—

*2.—Assignments and Compensations—Alienations.*—59 instead of an excess of 55 estimated in the Revised. This result has been explained above.

*6.—Stamps.*—36 against 15 estimated in the Revised. The reduction in the revenue from General and Court-fee stamps led to smaller expenditure on account of discount and commission on sales and of stamp paper issued from Central Stores.

*19-A.—Law and Justice, Courts of Law.*—67, or 4 worse than the Revised.

*22.—Education.*—22. There was smaller expenditure under "Grants-in-aid" than was anticipated in the Revised.

*24.—Medical.*—13. The excess of 83 over the Revised was due mainly to heavy expenditure in connection with Famine Relief Hospitals.

*25.—Political.*—6 instead of the excess of 25 anticipated in the Revised, in which the recoveries of contributions on account of officers in foreign service had been under-estimated.

*26.—Scientific and other Minor Departments.*—64, or 23 better than the Revised, which failed mainly because the popular subscriptions to the Reay Industrial Museum were not invested in Government securities before the close of the year.

*45.—Civil Works.*—14,98, against 14,11 anticipated in the Revised. Establishment charges and expenditure on repairs to roads and on original works—Civil buildings and miscellaneous public improvements did not reach the figure entered in the Revised.

The budget grants were exceeded materially under the following heads:—

*1. Refunds.*—47, or a small improvement of 6 over the Revised.

*2. Assignments and Compensations—Cash.*—1,06 against 54 estimated in the Revised, the difference being due to larger payments of arrears to Inámdárs and of allowances to district and village officers.

*3. Land Revenue.*—96 against 1,10 anticipated in the Revised, the difference being chiefly due to a nominal saving of 9 under "Alienations."

*11. Forest.*—1,05, or 86 better than the Revised. The difference is due mainly to a decrease in the expenditure on famine grass operations.

13. *Interest on Ordinary Debt.*—31, which was almost anticipated in the Revised.

18. *General Administration.*—31, or 16 worse than the Revised. The increase over the Budget was due mainly to the creation of the Famine Department of the Secretariat and to the payment of leave allowances to a Member of the Executive Council.

19-*B. Law and Justice—Jails.*—92, or 12 worse than the Revised.

20. *Police.*—1,22, or 19 better than the Revised, which proved high as regards charges for railway police, who were not paid for the last quarter before the close of the year in the case of two Railway Companies, and for famine, plague and additional police.

29. *Superannuation Allowances and Pensions.*—52, or 13 worse than the Revised.

30. *Stationery and Printing*—58, or 10 better than the Revised, in which an over-estimate of the cost of stationery supplied from Central Stores was partly counterbalanced by increased expenditure in Government Presses.

32. *Miscellaneous.*—41 against 36 anticipated in the Revised.

*Contributions from Provincial to Local.*—1,07, or an increase of 15 over the Revised, due mainly to temporary overdrawals by certain District Local Boards.

## SECTION II.

*Revised Estimates for 1900-1901.*

8. The Budget and Revised Estimates for 1900-1901 are shown below :—

RECEIPTS.				No.	Heads.	No.	EXPENDITURE.			
Budget.	Revised.	Better	Worse				Budget.	Revised.	Better.	Worse.
					Refunds ... ..	1	1,93	2,00	...	7
					Assignments and { Cash ... }	2	{ 15,43	14,99	44	..
					Compensations. { Alienations... }					
					Land Revenue—					
94,50	82,74	...	11,76		{ Provincial Share ... ..	...	...	...	...	
98,32	98,32	...	...	I	{ Alienations ... ..	...	..	...	...	...
1,12,90	1,44,18	31,28	...		{ Fixed Allotment, &c. ... ..	...	...	...	...	...
					{ Cash ... }	3	{ 56,80	57,79	...	99
					{ Alienations... }					
50	74	24	..	III	Salt... ..	5	...	...	...	...
44,25	44,18	...	7	IV	Stamps ... ..	6	1,88	1,84	4	...
26,96	25,50	...	1,46	V	Excise ... ..	7	98	86	12	...
95	1,03	8	...	VII	Customs ... ..	9	...	...	...	...
17,80	17,72	...	8	VIII	Assessed Taxes ... ..	10	30	30	...	...
12,60	14,25	1,65	...	IX	Forest ... ..	11	10,10	12,23	...	2,13
3,07	3,05	...	2	X	Registration ... ..	12	1,46	1,46	...	..
4,85	2,78	...	2,07	XII	Interest ... ..	13	4,82	5,96	...	1,14
...	...	...	...	XIII	Post Office ... ..	15	1,08	1,13	...	5
...	...	...	...	...	General Administration ... ..	18	15,93	15,35	...	2
4,04	3,50	...	54	XVIA	Law and Justice—Courts of Law.	19A	45,36	45,75	...	39



general owing to the slack demand for all forest produce and the opening of forest areas to free grazing.

*XX.—Medical—22*, due principally (a) to a special receipt of 13 on account of the recovery from the Karachi Municipality of a portion of the charges incurred in 1899-1900 in connection with the outbreak of cholera, and (b) to fees for overtime and Sunday work recovered by the Health Officer of the Port of Bombay.

On the other hand, the revenue is expected to fall off chiefly under the following heads:—

*I.—Land Revenue (Provincial share)—11,76*. As stated in paragraph 15 of the last year's Financial Statement the Budget under this sub-head was framed in the expectation that with a normal monsoon a considerable portion of the revenues suspended in 1899-1900 would be recovered. But the continuance of famine for another season over a large area of the Presidency has frustrated this expectation, and necessitated the grant on a considerable scale of suspensions and remissions, which accounts for the falling off anticipated in the Revised.

*V.—Excise—1,46*, due to remissions of still-head duty granted in consequence of famine and to smaller receipts of transit duty on excise opium and of toddy revenue.

*XII.—Interest—2,07*, due mainly to the inability of cultivators in consequence of famine to pay interest on takávi advances.

*XVI-A—Law and Justice—Courts of Law—54*. The decrease is chiefly anticipated in receipts from magisterial fines and miscellaneous fees, partly counterbalanced by a small improvement under sale-proceeds of unclaimed and escheated property.

*XVI-B—Law and Justice—Jails—22*, due to smaller earnings of convicts for whom sufficient remunerative employment was not available in consequence of the opening of famine relief works, and to the slack demand for jail-manufactures.

*XXII.—Superannuation Allowances—23* due to decrease of "Contributions for pensions and gratuities" consequent on the retirement and reversion of officers in Foreign Service.

*XXXII.—Civil Works—31*, due chiefly to the decline of Toll collections in consequence of famine and plague.

*Contributions from Local to Provincial—41*. The decrease is due to the suspension or remission of the contributions of certain District Local Boards towards the famine relief expenditure incurred by Government, partly counterbalanced by larger recoveries of overdrawals by the Boards in the previous year.

10. On the expenditure side, savings are expected to accrue chiefly under the heads 2, Assignments and Compensations (cash), and 22, Education. The decrease of 44 under the former head is due mainly to the fact that payments to inámdárs and district and village officers are not likely to reach the amount estimated in the Budget; that of 65 under the latter head is chiefly on account of savings anticipated under salaries owing to absentees, and of the transfers of a portion of the grant-in-aid to the Sind Madressa in connection with the education of the sons of *ex-Amirs* of Sind to the head Civil Works, and of building grants to Local Boards to the head Contributions from Provincial to Local. The saving under Education would have been larger but for the transfer of charges for reformatory schools, which had been originally provided under the head 19 B.—Law and Justice—Jails, the control of these institutions being now vested in the Director of Public Instruction under the orders of the Government of India.

The expenditure budget is likely to be exceeded principally under the following heads:—

*3.—Land Revenue (Cash)—99*, due chiefly to indirect famine charges on account of additional establishments, and grain compensation and other allowances, and to expenditure in connection with the demarcation and division of waste lands in Sind.

11—*Forest*—213, due to the expenditure on account of famine grass operations conducted by the Forest Department.

13—*Interest on ordinary debt*.—1,14, on account of additional sums made available by the Government of India for takávi advances, which are estimated at 98,75 in the Revised against 26,56 provided for in the Budget.

19 A.—*Law and Justice—Courts of Law*.—39, due to larger payments to officers of other Provinces and on account of grain compensation charges and diet and road money to witnesses.

19 B.—*Law and Justice—Jails*.—2,52. The excess is due chiefly to increase in the Jail population and to the high prices of grain, and is partly counterbalanced by the transfer of the charges for reformatories to the head 22, Education.

20—*Police (Cash)*.—1,06, due chiefly to increased expenditure on account of private watchmen in the Presidency Town and grain compensation allowances, partly counterbalanced by savings on account of temporary plague and additional police, &c.

24—*Medical*.—3,35. Provision has been made in the Revised for (a) grants to certain local bodies in aid of their plague expenditure, which were recommended to the Government of India, (b) for indirect famine charges, the original estimate for which has proved insufficient, and (c) for charges for the embarkation of pilgrims at Karáchi. These increases have been partly counterbalanced by large savings in direct plague expenditure.

25—*Political*.—51, due mainly to increased expenditure on account of famine, to smaller recoveries on account of establishments in Foreign Service, and to special charges for the purchase of furniture for the Rájkot and Bhuj Residencies, partly counterbalanced by savings under Darbár presents and Miscellaneous charges.

29—*Superannuation*.—56, due to the ordinary growth of pension charges, inclusive of allowances to the families of officers who died in the performance of plague duty.

30—*Stationery and Printing*.—51, chiefly on account of larger supplies of stationery from Central Stores to all Departments of Government.

32—*Miscellaneous*.—3,01, due to remissions (2,70) of takávi advances made to cultivators as explained in paragraph 24 of the last year's Financial Statement, and to the increase in the amount payable to the Bombay Municipality for assessment of Government buildings according to a revised award.

*Contributions from Provincial to Local*.—1,56, being made up of (a) 1,00 on account of temporary overdrawals by the District Local Boards of Ahmedabad, Broach and Sátára, (b) 22 for the proposed grant to the District Local Board of Sátára in aid of plague expenditure, (c) 14 for educational building grants transferred from 22, Education, (d) 10 for grant to the Ahmednagar District Local Board to meet charges for compensation for land taken up for famine relief works, which were beyond the unaided resources of the Board, and (e) 10 transferred from 45, Civil Works as a grant to the Bijápúr District Local Board for the construction of roads.

---

### SECTION III.

#### *Budget Estimates for 1901-1902*

11. In the current year's Budget the revenue is estimated to exceed the expenditure

* Revised Revenue for 1900-1901.	4,61,07
Less—Imperial assignments ...	66 20
	<u>3,94,87</u>

and to leave a closing balance of 20,00, but as explained in paragraph 4 above this result is due solely to the liberality of the Government of India. Excluding plague and famine

Revenue Budget for 1901-1902 ..	4,88,16
Less—Imperial assignments ...	92,37
B. ...	<u>3,95,79</u>
Excess of B over A ...	92
† Revised Expenditure for 1900-1901 ..	4,61,07
Less—Plague and famine charges	41,40
C. ...	<u>4,19,67</u>
Expenditure Budget, for 1901-1902 ...	4,68,16
Less—Plague and famine charges (34,53) and special grant (8,52).	43,05
D. ...	<u>4,25,11</u>
Excess of D over C ...	<u>5,44</u>

charges and the Imperial assignments in aid of Provincial resources and the Plague Research Laboratory, the revenue and expenditure of 1901-1902 (exclusive of the special grant of 8,52) are estimated to exceed the anticipations of 1900-1901 by 92\* and 5,44, † respectively. The estimates of revenue have been framed very cautiously, and their full realization will necessarily depend upon the favourable character of the current monsoon. Unavoidable expenditure chiefly under the heads Interest, Jails, Police, Education and Medical accounts for the large increase of 5,44 on the expenditure side. Exchange compensation allowance is calculated at the exchange rate of 16*l.* adopted in last year's budget. The general result is shown below: the details are given in Appendix H.

	1900-1901.		1901-1902	More than 1900-1901.	
	Budget.	Revised.	Budget.	Budget.	Revised.
Opening balance ...	...	...	...	...	...
Revenue ...	4,44,56	4,61,07	4,88,16	43,60	27,09
Expenditure ...	4,44,56	4,61,07	4,68,16	23,60	7,09
Closing balance ...	...	...	20,00	20,00	20,00

*Refunds—1.*

12. This is a head of expenditure only, and is divided between Provincial and Imperial in the same proportions as the receipts under the revenue heads concerned, the most important of these heads being Land Revenue, Stamps and Excise. The figures are —

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
Refunds ...	1,79	2,01	2,28	1,98	2,00	1,87

The Budget provides for normal requirements.

*Assignments and Compensations—2.*

13 This also is a head of expenditure only. The figures are —

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
<i>Assignments.</i>						
Cash ...	10,80	10,86	12,73	11,71	11,23	11,45
Alienations ...	84,97	84,92	84,80	86,29	85,23	85,32
<i>Compensations.</i>						
Cash ...	3,72	3,52	3,92	3,72	3,76	3,72
Total ...	99,49	99,30	1,01,45	1,00,72	1,00,22	1,00,49

Under Assignments the Provincial expenditure consists of cash allowances to inámdárs, district and village servants and officers, charitable and religious allowances, and assessment of alienated lands. The Budget of cash payments provides for normal charges and is less than the last year's Budget Estimate, which included provision for arrear payments. Under Compensations the Provincial expenditure consists of Salt, Opium and a share of Excise Compensations, and other miscellaneous payments of a recurring nature. The Budget repeats the last year's original estimate.

### I.—Land Revenue—3.

14. The figures under this head are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
<i>Revenue.</i>						
Provincial share..	94,30	95,75	76,60	94,50	82,74	82,72
Alienated ...	97,83	97,78	97,79	98,32	98,32	98,44
Fixed assignment and adjustments.	95,98	1,25,31	1,12,16	1,12,90	1,44,18	1,70,45
<b>Total ..</b>	<b>2,68,11</b>	<b>3,13,84</b>	<b>2,86,55</b>	<b>3,05,72</b>	<b>3,25,24</b>	<b>3,51,61</b>
<i>Expenditure.</i>						
Charges of District Administration..	29,52	27,89	29,28	29,75	30,70	30,12
Survey and Settlement ...	4,09	3,76	3,44	2,05	2,20	1,74
Land Records and Agriculture ...	18,11	17,08	17,75	19,26	18,01	19,92
Allowances to District and Village Officers ...	13,01	12,56	13,38	13,37	13,59	13,45
<b>Total ...</b>	<b>64,73</b>	<b>61,29</b>	<b>63,85</b>	<b>64,43</b>	<b>65,40</b>	<b>65,23</b>

The revenue is made up of three items : (a) the Provincial  $\frac{1}{4}$  share of the divisible receipts ; (b) Alienations, which are credited under this head, and are debited partly under this head and partly under Assignments and Police ; and (c) the fixed assignment under the Provincial settlement as modified by special adjustments between Imperial and Provincial Revenues.

In view of the continuance of agricultural distress, it appeared unsafe to fix the budget under (a) above last year's Revised figure. The recovery of the land revenue will continue to be enforced in accordance with the principles which were explained at length in paragraph 15 of last year's Financial Statement and in the circumstances it is impossible to gauge with any accuracy the amount likely to be recovered within the financial year. It has been estimated that the remissions of assessment due for the revenue years ending 31st July 1900 and 1901 will amount to about 53,00, and the collection of about 75,00 has been suspended. Of the latter amount part will doubtless have to be remitted in any case and if the Bill to amend the Land Revenue Code becomes law and advantage is taken to a considerable extent of the opportunity which will be offered to many nominal occupants to re-occupy without liability for arrears but with restriction on the power of transfer, the sum to be foregone will be increased. Of the rest such sums as are recoverable in accordance with the principles prescribed will be collected and the balance will be held over for collection in future years. For the present it cannot be said with any confidence how much will come under each of these heads.

Item (c) is made up of the fixed assignment of 76,10\* under the Settlement—  
 less— 25 on account of the transfer of the Horse-breeding Establishment in Sind (9) and the Government Observatory, Colába, (16) to Imperial control ;  
 plus—91,00 as a grant-in-aid of Provincial resources ;  
 1,37 on account of the expenses of the Plague Research Laboratory ;  
 77 on account of the substitution of civil for military guards at certain prisons and treasuries ;  
 71 as compensation for the loss resulting from the transfer of the Hyderabad-Umarkot Railway to Imperial control ;  
 36 as compensation for the loss due to the introduction of the Imperial maundage rate on sales of salt ;  
 22.5 in aid of the cost of carrying out the Jámrao Canal Colonization scheme ;  
 7 on account of salt compensation payable to a Native State ;  
 4 being the cost of registration of railway traffic ;  
 3 as compensation for the Imperial appropriation of certain confiscated opium ;  
 2 for the maintenance of the Band Barracks and Body-guard Lines at Government House, Ganesh Khind, transferred to Provincial control ;  
 5 on account of Plague Police on the Rájputána-Málwa Railway.

15. The expenditure includes the cost of the district staff employed on the collection of the land revenue. Charges on account of the Tálukdári Settlement, Officer and City Survey Establishments hitherto shown under the minor head "Survey and Settlement" now appear under the heads "Charges of District Administration" and "Land Records and Agriculture," respectively, to which they more appropriately belong. Compared with the last year's original estimate, the Budget shows increased provision on account of—

- (a) temporary establishments and charges connected with famine ;
- (b) field work and boundary marks charges in Sind, which are eventually recoverable ;
- (c) the schemes for the training of village accountants in survey work and for the preparation of a Record of Rights in this Presidency, which can hardly fail to result in material improvement in the administration of the land revenue ;
- (d) the survey of the Akrani Pargana in the Khándesh District and additions required to the Land Records establishment for work which was left unfinished by the Survey Department and is beyond the competence of Circle Inspectors ;
- (e) the Jámrao Canal Colonization charges, which are incurred to bring under cultivation large tracts of fertile land hitherto waste but now capable of being irrigated ;
- (f) the creation of the Lárkána Collectorate, which has received the sanction of the Government of India and will soon be an accomplished fact ;
- (g) establishments required to cope with the work of distributing takávi advance to cultivators.

The small provision made on account of Professional Survey Parties, which have been abolished, represents charges for March 1901 payable in the following month.

### III.—Salt.

16. Under this head fines, forfeitures and miscellaneous items are credited to Provincial, the rest of the revenue and the whole of the expenditure being Imperial. The provincial figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98	1898-99.	1899-1900.	Budget	Revised	Budget.
Fines and Forfeitures ...	6	7	4	3	4	4
Miscellaneous ...	45	41	60	47	70	56
Total ...	51	48	64	50	74	60

\*Note—This is the usual figure less 10 for interest on the value of the rails of the Hyderabad-Umarkot Railway, as the Provincial liability on account of it ceased with the transfer of the Railway to Imperial control in 1900-1901.



The difference between the Budget and the last year's estimates is chiefly in respect of recoveries on account of bagging and sewing charges.

#### IV.—Stamps—6.

17. Revenue and expenditure under this head are shared between Provincial and Imperial in the proportion of 3 to 1. The Provincial figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
Revenue ...	43,50	44,76	44,27	44,25	44,18	44,25
Expenditure ...	1,89	1,83	1,69	1,88	1,84	1,83

The revenue Budget provides for a small increase over the last year's Revised under the head "Sale of Court-fee stamps." The expenditure Budget almost agrees with the Revised.

#### V.—Excise—7.

18. Revenue and expenditure under this head are divided between Provincial and Imperial in the proportion of 1 to 3. The revenue includes fees and duties on foreign and country liquor, toddy and drugs, transit duty, license fees and other receipts on account of opium consumed within the Presidency, and fines, confiscations and other miscellaneous items. Receipts on account of opium exported to China are credited to the Imperial head II—Opium. The Provincial figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
Revenue ...	27,38	26,60	26,60	26,96	25,50	25,75
Expenditure ...	88	87	85	98	86	91

The revenue Budget shows a small advance over last year's Revised with some variations in detail. This branch of the revenue depends mainly on the resources of certain sections of the population and the effects on it of famine have been directly felt for part of the current financial year and cannot be expected to disappear in the first favourable season. The expenditure Budget provides for charges for the Opium Preventive Service at its full sanctioned strength; this expenditure is met from contributions recovered from opium farmers.

#### VII.—Customs.

19. This, like Salt, is almost entirely an Imperial head, the Provincial share including only the receipts on account of warehouse and wharf rents and other petty items, such as transhipment fees, fines, &c. The Provincial figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
Warehouse and wharf rents ...	5	5	4	5	4	4
Miscellaneous ...	83	94	1,07	90	99	98
Total ...	88	99	1,11	95	1,03	1,00

VIII.—*Assessed Taxes*—10.

20. Excluding receipts from income tax on the surplus profits of Railway Companies which are wholly Imperial, both revenue and expenditure under this head are divided equally between Imperial and Provincial. The Provincial figures are—

	Actuals.			1900-1901		1901-1902.
	1897-98.	1898-99	1899-1900.	Budget	Revised	Budget
<b>REVENUE.</b>						
Salaries and Pensions ...	4,10	4,24	4,34	4,30	4,30	4,29
Profits of Companies ...	1,92	1,63	1,48	1,50	1,33	1,27
Interest on Securities ...	1,17	1,19	1,26	1,20	1,24	1,26
Other sources of income ...	11,32	11,16	10,82	10,30	10,85	10,90
<b>Total</b>	<b>18,51</b>	<b>18,22</b>	<b>17,90</b>	<b>17,30</b>	<b>17,72</b>	<b>17,72</b>
Expenditure ...	27	26	29	30	30	38

For revenue the last year's Revised is repeated in the new Budget. On the expenditure side the increase over last year's estimates is due to a lump provision for the revision of the Income Tax Establishment in the Presidency Town, which is expected to lead through greater efficiency to an increase of revenue.

IX.—*Forest*—11.

21. Under this head revenue and expenditure are shared equally between Imperial and Provincial. The Provincial figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98	1898-99.	1899-1900.	Budget.	Revised.	Budget.
Revenue ...	13,08	11,47	12,08	12,60	14,25	12,15
Expenditure ..	10,37	9,20	10,64	10,10	12,23	9,30

The Budget figures of revenue and expenditure are low compared with those of last year as famine grass operations are not expected to affect the estimates. If the provision (75 in the original and 3,00 in the Revised) on account of those operations be excluded, the Budget for both revenue and expenditure shows some improvement over the Revised but differs little from the Budget estimates of last year. Some revival of the demand for all forest produce is expected and the expenditure on account of buildings and other improvements not immediately remunerative has been curtailed.

X.—*Registration*—12.

22. Under this head also revenue and expenditure are equally shared. The Provincial figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99	1899-1900.	Budget	Revised.	Budget.
Revenue ...	3,09	3,06	2,88	3,07	3,05	3,07
Expenditure ..	1,43	1,46	1,40	1,46	1,46	1,46

The Budget follows the last year's figures.

XII.—Interest—13.

23. The receipts under this head consist of (a) payments made by individuals or public bodies to whom money is advanced under the Land Improvement Loans Act, Tálukdárs Act, Local Authorities Loans Act and other special Acts, and (b) interest on Government securities held by the Local Government. The expenditure consists of interest paid at the rate of  $3\frac{1}{2}$  per cent. to the Government of India on funds provided by it for the purposes of the abovementioned Acts. The figures are—

	Actuals			1900-1901.		1901-1902
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
Revenue ... ..	3,62	4,42	4,34	4,85	2,78	4,27
Expenditure ... ..	3,58	3,74	4,08	4,82	5,96	7,63

The Budget, is based on the sums made available in recent years for distribution under the Provincial Advance and Loan Account, that under the revenue head being framed with due regard to the unfavourable conditions of the year. The amount of the loans is estimated, at 49,10 for the current year, out of which 33,37 will be met from anticipated repayments of advances made in previous years and 15,73 will be provided by the Government of India. The allotments are as follows :—

Loans to cultivators ... ..	45,00
Loans to the Manager, Sind Incumbered Estates, ... ..	10
Loans to local bodies ... ..	4,00

The Government of India have since the Budget was approved sanctioned further grants aggregating 15,00 for takávi advances. The bulk of these advances will be made in the Northern and Central Divisions, and some portion will be advanced to the settlers on the Jamráo Canal in Sind. The loans to local bodies are granted to meet such urgent plague expenditure as they are unable to provide for by borrowing in the open market on reasonable terms.

24. In paragraph 24 of the last year's Financial Statement it was explained that advances would be made free of interest in famine tracts under the Agriculturists' Loans Act for seed, cattle and subsistence of cultivators in connection with agricultural operations undertaken during the rains of 1900, and that the first instalment in repayment of such advances would be postponed for 12 months from date of the advances wherever necessary. These concessions have been made applicable to similar advances made in the affected tracts for agricultural operations undertaken during the current rains also. The first of the two concessions was extended last year to agricultural advances for rabi cultivation in those cases in which the principal was made repayable half with the rabi harvest of that year and half a year later. As the second of the two concessions was found to confer no benefit on the recipients of advances beyond that which was already admissible to them under the rules framed by the Local Government under Act XII of 1884, the Government of India have—in order to give effect to the concession contemplated by them—agreed to the proposal of this Government that the date of the first kharif land revenue instalment of 1902, instead of 1901, be fixed as the date on which the first instalment of advances for 1900 for kharif cultivation shall become due.

Last year the Government of India authorized this Government to grant remissions in respect of the principal of advances for kharif cultivation in famine tracts up to one-half of the aggregate sum advanced in the province, and this year too they have delegated similar authority to this Government, but with this limitation that the remissions should be restricted to one-fourth of the sums advanced. The amounts of the remissions, which are charged off in the accounts as expenditure under the Provincial head "32—Miscel-

aneous—Irrecoverable temporary loans written off," have been estimated at 2,70\* in the Revised, and 13,75 in the current year's Budget.

The exact result of the utilization of these advances remains to be seen, but it cannot fail to be very widely beneficial. They have been made on a scale which was never before contemplated and which owing to the attitude of the people was not before possible. With the liberal concessions which have been granted they will aid largely in the rapid restoration of a large number of cultivators to a position as favourable as that which they occupied before the occurrence of famine, and experience of the benefit of low interest and punctual repayment may have important economic effects.

The Government of India have, in response to a representation from this Government, decided that Provincial Revenues shall not be charged interest on advances to agriculturists made free of interest during the year 1900. These orders will not result in any practical relief to Provincial Revenues either in the past or in the current year as the Imperial contributions required to avoid *minus* closing balances in the Provincial Accounts of 1900-1901 and 1901-1902 will be reduced to the extent of the interest that ordinarily would have been charged to the Provincial Account; but the orders which are obviously equitable in principle will serve to reduce the Provincial deficit and also to reduce the balance on which interest will be payable in future years.

#### Post Office—15.

25. This head concerns provincial finance as one of expenditure only, the items included being the cost of postal work in certain places to which the Imperial system has not yet been extended, and the subsidy paid for the conveyance of the mails by sea from Bombay to Southern Konkan ports. The figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
District Post Charges ...	1,07	1,05	1,05	1,08	1,13	1,05

The decrease in the Budget is due to a smaller provision for grain compensation charges.

#### General Administration—18.

26. This head of expenditure includes as provincial charges the salary and establishment of His Excellency the Governor, the Members of Council, Commissioners, Inspector-General of Registration, Stamps and Jails, the Civil Secretariat Offices and Local Fund Establishments in the offices of the Commissioners, the Collectors, and the Accountant General. The figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
Expenditure ... ..	14,60	14,84	14,84	15,33	15,35	14,55

The Budget is less than the last year's estimates chiefly under "Staff and Household of the Governor" owing to a smaller provision for telegram charges, and under "Civil Secretariats" owing to the abolition of the separate appointments of Secretaries in charge of the Famine and Plague Departments. Since the provision of 24 for the salary of the Inspector-General of Registration, Stamps and Jails was made, the post of the Inspector-General of Registration has been amalgamated with that of the Director of Land Records

\*Note.—Only Rs. 110 were actually remitted in 1900-1901 and will be adjusted in the accounts of that year.

and Agriculture, the control of the Stamp Department exercised by the Inspector-General is about to be vested in the Commissioners of Divisions, and the salary of the Inspector-General of Prisons has been fixed at Rs. 1,500—60—1,800 per mensem. These changes seem likely to conduce to efficiency as well as economy.

XVI-A.—*Law and Justice, Courts of Law*—19A.

27. This is a wholly Provincial head, including under receipts the realisations from escheated property, court-fees paid in cash, miscellaneous fees and general fees, fines and forfeitures. Under expenditure appears the whole cost of the Judicial system of the Presidency from the High Court downwards, including a half share of the salaries and exchange compensation allowances of officers who exercise both revenue and magisterial powers. The figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98	1898-99.	1899-1900.	Budget	Revised.	Budget.
Revenue ...	3,84	3,96	3,82	4,04	3,50	3,90
Expenditure ...	45,56	44,53	44,94	45,36	45,75	45,40

The revenue Budget provides for an increase over the Revised in magisterial fines and miscellaneous fees and fines. The expenditure Budget almost agrees with the last year's Budget, and would have shown a decrease owing to a smaller provision for grain compensation charges had it not included a lump provision of 12 for the proposed creation of the appointment of Assistant to the Remembrancer of Legal Affairs.

XVI-B.—*Law and Justice, Jails*—19B.

28. This again is a wholly Provincial head. The figures are—

	Actuals			1900-1901.		1901-1902.
	1897-98	1898-99	1899-1900.	Budget.	Revised	Budget.
Revenue ...	1,42	1,62	1,89	1,62	1,40	1,43
Expenditure ...	8,75	7,86	8,12	8,73	11,25	9,33

The revenue Budget follows the last year's Revised. The decrease in the expenditure Budget as compared with the Revised is chiefly in charges for prisoners' diets and for Police custody.

XVII.—*Police*—20.

29. This head is also wholly Provincial. The figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98	1898-99.	1899-1900	Budget.	Revised.	Budget
Revenue ...	4,91	4,76	4,82	4,71	4,86	4,72
Expenditure—						
Cash ...	58,54	55,33	57,47	59,22	60,28	59,08
Alienations ...	5,37	5,71	5,46	5,40	5,48	5,49
Total ...	63,91	61,04	62,93	64,62	65,76	64,57

The revenue under this head consists chiefly of sums recovered from local bodies and individuals for police supplied to them, and includes the Port Trust contributions towards the cost of the Docks and Harbour Police, but not payments made by the Bombay Municipality, which are deducted from the cost of the Presidency Police shown on the expenditure side.

The revenue Budget differs from the last year's Revised, which was swelled by recoveries on account of additional police and grain compensation charges, and by cattle-pounds receipts in the Presidency Town. The difference between the expenditure Budget and the last year's Revised is mainly due to a smaller provision for grain compensation and other indirect famine expenditure, partially counterbalanced by increased provision for the reorganization of the Superior Police Service, which has since been sanctioned by the Secretary of State for India, for purchases of Police clothing, which are expected to be heavy in the last year of the quinquennial clothing grant, and for the requirements of the District Police in the matter of petty construction and repairs, and ammunition.

### XVIII.—*Marine*—21.

30. A wholly Provincial head. The figures are—

	Actuals			1900-1901.		1901-1902.
	1897-98	1898-99.	1899-1900	Budget	Revised.	Budget.
Revenue ... ..	61	60	63	60	60	61
Expenditure . . . .	35	42	41	39	40	39

The Budget provides for normal receipts and charges.

### XIX.—*Education*—22.

1. Also a wholly Provincial head. The figures are—

	Actuals.			1900 1901		1901-1902.
	1897-98.	1898-99.	1899-1900	Budget.	Revised.	Budget.
Revenue ... ..	2,67	2,68	2,85	2,63	2,80	2,80
Expenditure ... ..	17,27	16,87	17,85	18,00	17,35	18,04

The revenue consists chiefly of School and College fees, and includes also some small sums from contributions paid by municipalities and others, sale-proceeds of books, and other miscellaneous items. The expenditure comprises the whole cost of the teaching and inspecting staff for the various Government Colleges and Schools (other than Medical) and grants-in-aid to private institutions, but not grants-in-aid to Local Fund Schools, which appear under Contributions from Provincial to Local, nor charges for the construction and maintenance of school buildings, which are debited to Civil Works.

The revenue Budget follows the last year's Revised, and shows an advance over that year's original estimate owing to an improvement in College and School fees and to the credit to this head of the receipts from Reformatories, which had hitherto been provided under the head XVI B—Law and Justice—Jails.

The estimated expenditure of 18,04 shown above is exclusive of 4,97 and 62, which have been provided under Contributions and Civil Works, respectively, and of the sums specified in the margin, which are provided under other heads for purposes more or less directly connected with Education. The total provincial expenditure on educational objects in 1901-02 is, therefore, estimated at 27,10 inclusive of 1,20 allotted out of the special grant of 8,52 referred to in paragraph 4 above. The expenditure Budget almost agrees with the last year's original estimate. Smaller expenditure is expected on account of the salaries of Principals and Professors of Government Colleges, General, while the special grant of 30 made last year for buildings in connection with the education of the sons of the *ex*-Amirs of Sind does not recur. These savings are, however, counterbalanced by the debit to this head of charges for Reformatories and by the increased provision of 30 for Building grants, against 15 in the last year's estimate.

2, Assignments and Compensations—Allowances to Dakshina Fellows ...	21
24, Medical—Medical Schools and College ...	1,77
26, Scientific and other Minor Departments—	
Veterinary (Imperial ... College, Bombay, { Provincial ...	21
Veterinary Class, Poona.	3
Donations to Scientific Societies ..	5
	<hr/> 2,51

#### XX.—Medical—24.

32. A wholly Provincial head. The figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
Revenue ...	1,40	1,53	1,55	1,50	1,72	1,71
Expenditure ...	35,34	50,20	29,40	30,45	33,80	29,19

Besides normal receipts, which consist chiefly of Medical College fees, Hospital and Lunatic Asylum receipts, and Contributions, the Budget provides 17 for fees for overtime work recovered by the Health Officer of the Port of Bombay on account of the medical examination of ships on Sundays and holidays.

The permanent charges include charges for :

The Civil Medical Establishment, the maintenance of Government Hospitals and Lunatic Asylums and grants-in-aid to Municipal dispensaries ;

The Sanitary and Vaccination Department, including the Port Health Officers of Bombay and Aden, and grants-in-aid to Village Sanitation Committees ;

The maintenance of the Grant Medical College and of Medical schools at Poona, Ahmedabad, and Hyderabad ; and

The office of the Chemical Examiner to Government.

The expenditure Budget is much below the last year's Revised, mainly owing to the anticipated reduction of the establishment and other charges in connection with the famine, and to the absence of the provision for grants to local bodies in aid of their plague expenditure. If these grants be discounted, the provision for direct plague charges, including 1,37 for the Plague Research Laboratory, exceeds the Revised by 2,44, but falls short of last year's Budget by 2,57. Indirect plague charges are estimated at 1,07 in the new Budget, which provides also 13 for fees payable to medical officers for the inspection of ships on Sundays and holidays, 9 for charges in connection with the embarkation of pilgrims going to the Hedjaz, and 16 for charges on account of the transfer of native lunatics from Colába to Nowpáda.

#### Political—25.

33. This is a head of expenditure only. The Provincial charges relate to the Káthiáwár, Mahi Kántha, Pálanpur, Cutch, Kolhápúr, Southern Marátha Country and a few minor Agencies. The figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
	Expenditure ...	3,25	3,37	3,65	4,14	4,65

The Budget differs from the last year's Estimates mainly on account of the absence of charges for officers and establishments on famine duty.

#### XXI.—Scientific and other Minor Departments—26.

34. Except charges for the preservation and translation of ancient manuscripts for the superior officers of the Civil Veterinary Department and for Census operations, all receipts and expenditure under this head are Provincial. The figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
	Revenue ...	39	34	29	32	32
Expenditure ...	2,00	1,96	1,77	2,01	1,89	2,03

The revenue Budget provides for normal receipts. The expenditure Budget follows the last year's original estimate and exceeds the Revised chiefly under "Veterinary and Stallion charges" and "Examinations." No provision has been made under the minor head "Inspector of Explosives," as the allowances granted to the Superintendent and Assistant Superintendent of the Gun Powder Factory at Kirkee have ceased with their services in connection with explosives.

#### XXII.—Superannuation—29.

35. The Provincial receipts consist of pension contributions of officers lent to foreign service, and miscellaneous items. The Provincial expenditure includes superannuation and retired allowances, compassionate allowances, gratuities and refunds. The figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
	Revenue ...	2,46	2,46	2,33	2,42	2,19
Expenditure ...	18,71	19,28	19,90	19,80	20,36	20,57

Provision for normal receipts is made in the revenue Budget. The expenditure Budget provides for a normal advance on last year's Revised Estimate.

#### XXIII.—Stationery and Printing—30.

36. The Provincial receipts consist of sale-proceeds of Gazettes and other publications, and payments for certain work done for local bodies, &c. The expenditure represents the cost of the Stationery Office and the Government Presses, and of stationery purchased locally or issued from Central Stores. The figures are—



	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
	Revenue ... ..	67	70	58	65	60
Expenditure ... ..	8,87	8,77	10,28	10,65	11,16	10,74

The revenue Budget is a normal figure. The improvement in the expenditure Budget, as compared with the Revised, appears chiefly under "Stationery supplied from Central Stores" and "Government Presses." A part of the increased expenditure provided under the former head in the Revised is temporary, being due to work in connection with the famine and plague, and is not expected to recur this year. The saving under Government Presses is due to reduction of the provision for grain compensation charges, and for the Yerrowda Prison Press, and to the expected recovery of charges in connection with census work done at the Government Central Press, partly counterbalanced by increased provision for piece-work compositors' charges.

XXV.—*Miscellaneous*—32.

37. This head is partly Provincial and partly Imperial. The Provincial figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
	Revenue ... ..	1,19	75	30	63	56
Expenditure ... ..	1,81	1,93	2,77	2,45	5,46	16,16

The revenue Budget almost agrees with the Revised. The expenditure Budget exceeds the Revised on account of (a) provision for remissions of takávi advance explained in paragraph 24 above and (b) an increased subsidy to Reuter granted by the Government of India. The increase is partially counterbalanced by a saving in the amount payable to the Bombay Municipality for general tax on Government buildings consequent on a reduction in the rate of the tax.

XXX.—*Irrigation*—43.

38. The receipts and charges on account of the Gokák Canal, 1st Section, and Storage Works are the only Provincial items under this head. The figures are:—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
	Revenue ... ..	32	31	35	34	35
Expenditure ... ..	10	47	15	14	14	9

The Budget provides for normal receipts and for smaller expenditure, as compared with the last year's Estimates, for works in progress for which capital account is kept.

XXXII.—*Civil Works*—45.

39. The Provincial accounts under this head include receipts and expenditure by the Public Works Department and by Civil Officers in connection with provincial works

of public improvement and communications, and departmental buildings. The revenue is chiefly derived from road tolls, rents and sale-proceeds of buildings, produce of trees, old materials, tools and plant, and collections under the Bombay Highway Act. The figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised	Budget
<i>By the Public Works Department.</i>						
Revenue ... ..	6,22	7,23	6,24	6,50	6,20	6,25
Expenditure ... ..	26,69	27,44	26,38	27,50	27,55	36,02
<i>By the Civil Department.</i>						
Revenue ... ..	6	9	9	9	8	9
Expenditure ... ..	16	14	16	17	16	15

A small improvement in the Public Works revenue Budget over the Revised is expected in the receipts from tolls on roads. The expenditure Budget includes the special grant of 8,52, a substantial part of which will be devoted to new works as explained in paragraph 4 above. The remaining provision of 27,50 is distributed as follows:—

*Original Works.*

Civil Buildings ... ..	...	...	...	4,56
Communications ... ..	...	...	...	92
Miscellaneous Public Improvements	...	...	...	17
Reserve ... ..	...	...	...	29
			Total ... ..	5,94

*Repairs.*

Civil Buildings ... ..	...	...	...	4,81
Communications ... ..	...	...	...	8,05
Miscellaneous Public Improvements	...	...	...	24
			Total ... ..	12,80

Establishment ... ..	...	...	...	8,55
Tools and Plant ... ..	...	...	...	41
			Grand Total ... ..	27,50

Out of the provision for Original Works 3,16 are for works in progress, the chief of which are—

- Several roads in the Thána and Násik Districts and in the Karnátak.
- Additional quarters for the staff and servants of His Excellency the Governor at the Government House, Malabár Point.
- The Narotamdas Madhavdas Lunatic Asylum.
- Accommodation for Civil Courts in the City Jail at Ahmedabad.
- The Sholápur and Bijápur High Schools.
- Mámlatdárs' Kacheris
- Improvements at the Kotri Distillery.
- Secretariat Offices at Poona.

The remaining provision of 2,78 is for new works, such as Police lines, increased accommodation in the Dhulia Prison, and Mámlatdárs' Kacheris, and includes 1,00 for minor works. The provision for establishment includes 15 for exchange compensation allowances.

The estimates for the Civil Department are annual.

*Contributions.*

40. The figures are—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
Revenue ...	2,05	1,39	1,45	1,81	1,40	2,04
Expenditure ...	7,55	7,38	8,20	7,12	8,68	7,08

The receipts consist of contributions made by Local Boards. In the Budget the main sources of estimated revenue are (a) refund of grants made last year to Boards whose balances had been temporarily exhausted and the recovery (b) of the cost of vaccination establishments, and (c) of the contribution by the Bijapur District Board towards famine expenses incurred by Government in 1896—98. More favourable estimates under (a) and (c) have caused the increase over the Revised.

On the expenditure side, the Budget provides mainly for—

Grants in lieu of one-anna cess on excise ...	...	...	1,55
Grants to Local Fund schools ...	...	...	4,97
Grants to Local Fund dispensaries ...	...	...	45
Grants for public works ...	...	...	9

The difference between the Budget and the last year's Revised is due chiefly to the absence of the provision for (a) temporary grants to Local Boards to cover overdrawals, (b) grants-in-aid to Local Boards for plague expenditure, for land compensation charges incurred in respect of famine relief works and for public works, and (c) building grants.

## SECTION IV.

*Incorporated Local Funds.*

41. The following table shows the receipts and expenditure of the three Incorporated Local Funds which are under the control of Government, viz. the Steam Boiler Inspection Fund, the Government Central Book Depot Fund, and the Sind Village Officers' Cess Fund:—

	Actuals.			1900-1901.		1901-1902.
	1897-98.	1898-99.	1899-1900.	Budget.	Revised.	Budget.
Steam Boiler Inspection Fund { Revenue ...	49	51	50	48	48	49
{ Expenditure ...	39	39	43	46	43	46
Government Central Book Depot Fund { Revenue ...	1,06	1,02	99	1,00	1,00	1,00
{ Expenditure ...	94	99	1,29	96	95	1,06
Sind Village Officers' Cess Fund { Revenue ...	4,09	4,63	4,05	3,97	4,40	4,20
{ Expenditure ...	4,42	4,73	5,37	5,57	5,42	5,70

The estimates under the first head are normal. The provision which was made in the last year's original estimate for the expenditure involved in the proposed reconstitution of the Boiler and Factory Departments has been omitted from the Revised and transferred to this year's Budget.

Increased provision has been made in the Expenditure Budget of the Book Depot on account of the purchase and publication of books.

The realizations of the village cess in Sind vary with the land revenue which has improved with favourable inundations of the Indus. This improvement accounts for the increase shown in the Revised of last year and the Budget of this year in the village cess revenues. Provision has been made for increased expenditure this year on account of the demarcation and division of unoccupied lands in Sind. Most of this expenditure is recoverable from the persons who take up the land.

42. The only other Incorporated Local Funds are those administered by the District and Taluka Local Boards constituted under Bombay Act I of 1884. An Administration Report giving full details of their working, revenue and expenditure is published annually, and as their financial operations are not controlled directly by Government and do not fall within the scope of provincial finance, comment is not necessary. The figures of revenue and expenditure (including the cost of collection of the revenues assigned under Section 44 of Act I of 1884) will be found in Appendix I.

## SECTION V.

### Concluding Remarks.

43. The present five years' Provincial Settlement, which ends on the 31st March 1902, has, owing to an unbroken series of calamities, been little more than a nominal settlement. From start to finish we have perforce relied on the generosity of the Supreme Government and the allotment from Imperial revenues, fixed in the second year of the Settlement at 76,20, has been, owing to plague and famine, exceeded both in that and each succeeding year. Our opening balance was provided by the Government of India, and the closing balance which we show in the current year's budget is derived entirely from Imperial revenues. Four out of the five years have been years of famine, and though the burden of direct expenditure on relief measures has been assumed\* throughout by the Supreme Government, Provincial resources have proved inadequate to cope with the plague and indirect famine expenditure. The extent to which the Government of India has come to our assistance in each year of the Settlement is given in the following table: the amounts shown are of course exclusive of the fixed allotment allowed under the Settlement and other miscellaneous adjustments including that on account of the Plague Research Laboratory.

Year.	Contribution made by the Government of India in aid of Provincial Revenues.
1897-98	18,36
1898-99	48,75
1899-1900	34,37
1900-1901 (Revised Estimate)	64,79
1901-1902 (Budget Estimate)	91,00

We have framed this the last budget of the present Settlement in the expectation of a normal monsoon and, should our anticipation be realized, may hope to keep well within our estimated expenditure and end the Settlement with the closing balance of 20,00 allowed us by the Government of India. We trust that the next Settlement will be coincident with the opening of a new era of prosperity and that under the arrangements made for the future we shall be able not only to improve the administration and promote the well-being of this Presidency in a greater degree than in any past period, but to renew a liberal contribution for Imperial requirements, which we shall make the more willingly in consideration of the unstinted aid which we have received from the Imperial exchequer in our time of need.

J. MONTEATH.

\* Note—  
In 1898-99 direct famine expenditure amounting to 2,54 was borne by Provincial revenues, but as noted below the grant-in-aid that year far exceeded this amount.

## APPENDIX G.

REVENUE.			EXPENDITURE.		
1	2	3	4	5	6
Major Head.	Minor Heads	Provincial Share.	Major Head.	Minor Heads.	Provincial Share.
I.—Land Revenue.	"Assessment of alienated lands less quit-rent." All other minor heads ...	The whole. One-fourth.*	1.—Refunds ...	The heads of which the corresponding receipts are wholly or partially Provincial	The same share as in the case of the corresponding heads of receipt.
III.—Salt ...	"Rents of Warehouses" "Fines and forfeitures" "Miscellaneous" ...	The whole.	2.—Assignments and Compensations.	"Excise Compensations." All other heads except— "Goa subsidy," "Salt Pans in Portuguese India," and "Customs Tariff Compensation."	One-fourth. The whole.
IV.—Stamps ...	All ...	Three-fourths.	3.—Land Revenue ...	All ...	The whole.
V.—Excise ...	All ...	One-fourth.	6.—Stamps ...	All ...	Three-fourths.
VII.—Customs ...	"Warehouse and Wharf rents," "Miscellaneous" ...	The whole. Items classified as Provincial in 1891-92.	7.—Excise ...	All ...	One-fourth.
VIII.—Assessed Taxes.	All except "Tax on surplus profits of Railway Companies."	One-half.	10.—Assessed Taxes ...	All ...	One-half.
IX.—Forest ...	All ...	One-half.	11.—Forest ...	All ...	One-half.
X.—Registration.	All ...	One-half.	12.—Registration ...	All ...	One-half.
XII.—Interest...	"Interest on loans to Municipalities and other public bodies (excluding Presidency Corporations)." "Interest on loans to land-holders and other notabilities." "Interest on advances to cultivators." "Interest on advances under Special Laws" "Interest on Government Securities."	The whole.	13.—Interest ...	"Interest on Provincial Advance and Loan Account."	The whole.
XIII.—Post Office...	"District Post Collections."	The whole.	15.—Post Office ...	"District Post Collections." "Subsidies" "Refunds."	The whole.
VIA.—Law and Justice—Courts of Law.	All ...	The whole.	18.—General Administration.	"Civil Offices of Account and Audit." All other minor heads except— "Currency Department," "Reserve Treasury," and "Allowance to Presidency Banks."	Local Fund Establishment. The whole.
VIB.—Law and Justice—Jails.	All ...	The whole.	19A.—Law and Justice—Courts of Law.	All ...	The whole.
VII.—Police ...	All ...	The whole.	19B.—Law and Justice—Jails.	All ...	The whole.
VIII.—Marine ...	All ...	The whole.	20.—Police ...	All ...	The whole.
IX.—Education ...	All ...	The whole.	21.—Marine ...	All ...	The whole.
XX.—Medical ...	All ...	The whole.	22.—Education ...	All ...	The whole.
XI.—Scientific and other Minor Departments.	All ...	The whole.	24.—Medical ...	All ...	The whole.
XII.—Receipts in aid of superannuation, retired and compassionate allowances.	"Contributions for pensions and gratuities." "Miscellaneous" ...	The whole.	25.—Political ...	All, except— "Refugees and State Prisoners" and the heads under which is recorded the expenditure at— Aden, and Berbera, Baroda, Bulhar and the Persian Gulf, Zaila.	The whole.
			26.—Scientific and other Minor Departments.	"Veterinary Charges" ... All other minor heads, except— "Census" and "Preservation and translation of ancient manuscripts."	The whole, except the charges for the Bact. Biological Laboratory, Messrs, and the salaries and allowances of officers in the cadre of the Civil Veterinary Department.

Note.—In this Schedule the only heads considered are Imperial and Provincial heads; the Local Revenue and Expenditure are not affected by it.  
\* The Provincial share is calculated on the gross collection, including the portion due to irrigation.

APPENDIX G—continued.

REVENUE.			EXPENDITURE.		
1	2	3	4	5	6
Major Head.	Minor Heads.	Provincial Sta. re.	Major Head.	Minor Heads.	Provincial Share
XXIII—Stationery & Printing.	All ... ..  "Extraordinary items" ... "Fees for Government Audits." All other minor heads, except— "Gain by Exchange." "Premium on Bills." "Unclaimed Bills of Exchange." "Recovery of Insurance and other charges on English Stores." "Revenue of Berbera and Bulhar," and "Revenue of Zaila."	The whole, except receipts for the value of supplies from Central Stores to Railways and to the Berar Administration, Local Funds, Municipalities, and other independent bodies. Items not in excess of Rs. 10,000. Items classified as Provincial in 1891-92. The whole.	29.—Superannuation Allowances and Pensions.  30.—Stationery and Printing.  32.—Miscellaneous ...  35.—Famine Relief ... 33.—State Railways—Working Expenses. 37.—Construction of Railways. 40.—Subsidized Companies. 41.—Miscellaneous Railway Expenditure. 43.—Minor Works and Navigation. 45.—Civil Works ...	"Superannuation and Retired Allowances," "Covenanted Civil Service Pensions," "Commissariat Allowances," "Gratuities," "Refunds," All, except "Stationery purchased for Central Stores." Extraordinary items ... All other minor heads, except— "Charges for Remittance of Treasuries," "Discount on Bills," and "Loss by Exchange." "Famine Relief Charges" ... Hyderabad-Umarkot Railway.† All ... .. "Land" ... .. "Surveys" ... .. Gokak Canal, 1st Section, including Storage Works. All except Opium, Salt, Mint, Currency, Post Office, Telegraph, and Baroda Residency buildings and Works on Somali Coast. Contributions to Local ...	The whole.  The whole Items not in excess of Rs. 10,000. The whole.  The whole. The whole.  The whole, and in cases in which the expenditure is specially incurred from Imperial funds, but Provincial expenditure under these heads is permitted only under special orders of the Government in regard to each railway. The whole. The whole. The whole.
XXV.—Miscellaneous.					
XXVI.—State Railways.	Hyderabad-Umarkot Railway.†	The whole.			
XXX.—Minor Works and Navigation.	Gokak Canal, 1st Section, including Storage Works.	The whole.			
XXXII.—Civil Works.	All ... ..	The whole.			
Contributions...	Contributions from Local	The whole.	Contributions...	Contributions to Local ...	The whole.

† This service has been discontinued since 1st April 1900.

**APPENDIX H.**

*Provincial Revenue and Expenditure by Major Heads for the years 1899-1900, 1900-1901 and 1901-1902.*

[In thousands of rupees.]

Number of Account Head.	Major Heads of Revenue.	Accounts, 1899-1900.	Budget, 1900-1901.	Revised, 1900-1901.	Budget, 1901-1902.	Number of Account Head.	Major Heads of Expenditure.	Accounts, 1899-1900.	Budget, 1900-1901.	Revised, 1900-1901.	Budget, 1901-1902.	
I	Land Revenue	Provincial share. 1/4	76,60	94,50	82,74	82,72	1	Refunds	2,23	1,93	2,00	1,87
		Alienated	97,79	98,32	98,32	98,44	2	Assignments and Compensations	16,65	15,43	14,99	15,17
		Fixed allotment	1,12,16	1,12,90	1,44,18	1,70,45	3	Land Revenue	84,80	85,29	85,23	85,32
		and adjustments										
III	Salt	64	50	74	60	6	Stamps	56,32	56,80	57,79	57,00	
IV	Stamps	44,27	44,25	44,18	44,25	7	Excise	7,53	7,63	7,61	7,63	
V	Excise	23,60	23,96	25,50	25,75	10	Assessed Taxes	1,69	1,88	1,84	1,83	
VII	Customs	1,11	95	1,03	1,00	11	Forest	85	98	86	91	
VIII	Assessed Taxes	17,90	17,80	17,72	17,72	12	Registration	29	30	30	33	
IX	Forest	12,08	12,60	14,25	12,15	13	Interest on Ordinary Debt	10,64	10,10	12,23	9,30	
X	Registration	2,88	3,07	3,05	3,07	15	Post Office	1,40	1,46	1,46	1,46	
XII	Interest	4,34	4,85	2,78	4,27	18	General Administration	4,08	4,82	5,96	7,63	
XVI-A	Law and Justice—Courts of Law	3,32	4,04	3,50	3,90	19A	Law and Justice—Courts of Law	1,05	1,08	1,13	1,05	
XVI-B	Do —Jails	1,89	1,62	1,40	1,42	19B	Do —Jails	14,84	15,33	15,35	14,55	
XVII	Police	4,82	4,71	4,56	4,72	20	Police—Cash	44,94	45,36	45,75	45,40	
XVIII	Marine	63	60	60	61	20	Police—Alienations	8,12	8,73	11,23	9,33	
XIX	Education	2,85	2,63	2,80	2,80	21	Marine	57,47	59,2	60,23	59,08	
XX	Medical	1,55	1,50	1,72	1,71	21	Marine—Alienations	5,46	5,40	5,48	5,49	
XXI	Scientific and other Minor Departments	29	32	32	32	22	Education	41	30	40	39	
XXII	Receipts in aid of superannuation, &c.	2,33	2,42	2,19	2,34	22	Education	17,85	18,00	17,85	18,04	
XXIII	Stationery and Printing	58	65	60	64	24	Medical	29,40	30,45	33,80	29,19	
XXV	Miscellaneous	30	63	56	55	24	Medical	3,65	4,14	4,65	3,70	
XXVI	State Railways	2,21	...	...	...	25	Political	1,77	2,01	1,89	2,03	
XXX	Irrigation	35	34	35	35	26	Scientific and other Minor Departments	19,90	19,80	20,86	20,57	
XXXII	Civil Works	6,33	6,59	6,28	6,34	29	Superannuation Allowances and Pensions	10,23	10,65	11,16	10,74	
	Contributions from Local to Provincial	1,45	1,81	1,40	2,04	30	Stationery and Printing	2,77	2,45	5,46	16,16	
	Opening Balance	4,25,77	4,44,56	4,61,07	4,88,16	32	Miscellaneous	5	...	...	...	
		15,04	...	...	...	37	Construction of Railways	1,39	...	...	...	
	Grand Total	4,40,81	4,44,56	4,61,07	4,88,16	38	State Railways (Working Expenses)	4	...	...	...	
						41	Miscellaneous Railway Expenditure	15	14	14	9	
						43	Irrigation	26,54	27,67	27,71	36,17	
						45	Civil Works	8,20	7,12	8,68	7,08	
							Contributions from Provincial to Local	...	...	...	...	
								4,40,81	4,44,56	4,61,07	4,88,16	
								...	...	...	20,00	
								4,40,81	4,44,56	4,61,07	4,88,16	

109

APPENDIX I.

Statement showing the Local Revenue and Expenditure under Bombay Act I of 1884 (including the cost of collection of the Revenues assigned under Section 44 of the Act) for the years 1899-1900, 1900-1901 and 1901-1902.

[In thousands of rupees.]

Major Heads of Revenue.	Actuals, 1899-1900.	Budget Estimate, 1900-1901.	Revised Estimate, 1900-1901.	Budget Estimate, 1901-1902.	Major Heads of Expenditure.	Actuals, 1899-1900.	Budget Estimate, 1900-1901.	Revised Estimate, 1900-1901.	Budget Estimate, 1901-1902.
I.—Land Revenue ... ..	1,72	1,72	1,64	1,70	1. Refunds and Drawbacks ... ..	9	9	6	9
VI.—Provincial Rates ... ..	22,05	28,21	23,60	27,66	3. Land Revenue ... ..	3	1	2	1
XII.—Interest ... ..	8	8	8	8	8. Provincial Rates ... ..	57	62	48	58
XVII.—Police ... ..	2,17	2,33	1,86	2,11	14. Interest ... ..	10	7	7	7
XIX.—Education ... ..	1,31	1,40	1,30	1,35	18. General Administration ... ..	1,43	1,44	1,44	1,44
XX.—Medical ... ..	18	16	17	18	20. Police ... ..	1,17	1,12	1,01	1,22
XXI.—Scientific and other Minor Depart- ments ... ..	12	12	10	11	22. Education ... ..	15,31	15,60	15,25	15,50
XXV.—Miscellaneous ... ..	13	12	12	11	24. Medical ... ..	4,02	3,46	2,80	2,97
XXXII.—Civil Works ... ..	4,99	5,21	5,17	5,01	26. Scientific and other Minor Departments... ..	76	81	76	82
Contributions ... ..	10,34	9,41	10,65	9,08	29. Superannuation ... ..	1	4	3	6
Total ..	48,09	48,76	44,69	47,39	30. Stationery and Printing ... ..	12	13	12	13
Debt, Deposit and Advances ... ..	1,30	...	...	...	32. Miscellaneous ... ..	55	48	58	45
Opening Balance ..	17,34	11,69	11,14	12,15	33. Famine Relief ... ..	98	60	10	7
Grand Total ...	61,73	60,45	55,83	59,54	45. { Civil Works in charge of Civil Officers. Do. do. Public Works Officers	10,59	12,11	9,70	11,46
					Contributions ... ..	10,02	9,12	7,89	7,83
					Total ..	49,33	49,80	43,68	46,74
					Debt, Deposit and Advances ... ..	1,26	...	...	...
					Closing Balance ..	11,14	10,65	12,15	12,80
					Grand Total ..	61,73	60,45	55,83	59,54