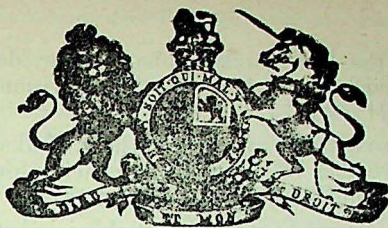


THE



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iii

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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Extract from the Proceedings of the Governor of Bombay, in the Legislative Department, is published for general information:—

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 ACT, 1861."

The Council met at Poona on Wednesday the 14th July 1886, at 3-30 P.M.

PRESENT:

His Excellency the Right Honourable Lord REAY, LL.D., C.I.E., Governor of Bombay, *Presiding*.

His Excellency Major-General the Honourable Sir CHARLES GEORGE ARBUTHNOT, K.C.B.

The Honourable J. B. PEILE, C.S.I.

The Honourable M. MELVILL, C.S.I.

The Honourable the ADVOCATE-GENERAL.

The Honourable BUDRUDIN TYABJI.

The Honourable Ráo Bahádur KHUNDERAO VISHVANATH RASTE.

The Honourable KASHINATH TRIMBAK TELANG, C.I.E.

The Honourable F. FORBES ADAM.

The Honourable J. R. NAYLOR.

Papers presented to the Council. The following papers were presented to the Council:—

1. Report of the Select Committee appointed to consider and report on the Bill to amend the Bombay Hereditary Offices Act so far as it relates to Matádárs.
2. Report of the Select Committee appointed to consider and report on the Bill to amend Bombay Act III. of 1874 (the Hereditary Offices Act).
3. Report of the Select Committee appointed to consider and report on the Bill to amend the Bombay General Clauses Act, 1866, and to shorten the language of the Enactments of the Governor of Bombay in Council.
4. Letter from the Secretary to the Government of India, Legislative Department, No. 631, dated 22nd March 1886, returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Bill to remove certain doubts in the construction of Section 9 B of the Bombay Municipal Acts of 1872 and 1878.

5. Petition from the Sarvajanic Sabha, Sinnâr, dated 7th September 1885, submitting their observations on the provisions of the Bill to amend Bombay Act III. of 1874.
6. Ditto from Govind Narayan and others, Kulkarnis of the Násik District, dated 24th November 1885, submitting their observations on the provisions of the Bill to amend Bombay Act III. of 1874.
7. Ditto from Chadasma Surtanshing Parbhai and others, Tálukdárs of Táluka Dhandhuka, dated—March 1886, regarding the Gujarát Tálukdárs Bill.
8. Ditto from Govindani Davesing Dossabhai and others, Girasias, Gameties, inhabitants of Táluka Gogha, dated 10th March 1886, regarding ditto.
9. Ditto from Meghabhai Ratansingji, Administrator of minor Thakor Sursingji Dajoraj of Utelya in the District of Ahmedabad, regarding ditto.
10. Ditto from Bai Shri Roopaliba, guardian of the minor Thakor of Soth and Sánand, dated 7th April 1886, regarding ditto.
11. Ditto from Thakor Shri Raisingji Najera, Chief of Gamph in the Dhandhuka Táluka, regarding ditto.
12. Ditto from Alambhai Bedamya and others, Tálukadárs of Rampur in the Dhandhuka Táluka, without date, regarding ditto.
13. Ditto from Maharana Shri Gajubhai Abhesingji, Chief of Gangod in Táluka Dholka, without date, regarding ditto.
14. Ditto from Lalekhanji Sirdar Mahomed Khanji, Tálukdár, dated 23rd April 1886, regarding ditto.
15. Ditto from the Waghela Tálukdárs of Sanand, dated 1st May 1886, regarding ditto.
16. Ditto from the Waghela Tálukdárs of Dholka Táluka, dated 6th April 1886, regarding ditto.
17. Ditto from the Zala Tálukdárs of Dhandhuka, dated 5th April 1886, regarding ditto.
18. Ditto from Divani Nathuohan Gadadbhai and others, Girasias, Gameties of Gogha, regarding ditto.

The Honourable Mr. MELVILL :—My Lord,—The Select Committee have presented their

Mr. Melvill moves the second reading of Bill No. 3 of 1885.

report in which they have made a few trifling additions to the Bill, which is itself of a very technical character. I would now propose that Bill No. 3 of 1885 (a Bill to amend the Bombay General Clauses Act, 1866, and to shorten the language of the enactments of the Governor of Bombay in Council) be read a second time and then considered in detail.

Bill read a second time.

The Bill was read a second time.

Bill considered in detail.

The Council then proceeded to consider the Bill in detail.

The Honourable Mr. NAYLOR moved the following amendment of the Bill : in Section 3 (clause 6) line 2 after the word "territories" insert the words "within British India."

The amendment was carried.

The Honourable Mr. NAYLOR next moved to substitute in Section 3 B "functionary" for "functionaries" each time the latter word occurred; "a corporation" for "corporations" the first time that word occurred; and "corporation" for "corporations" the second time that word occurred.

The Honourable the ADVOCATE-GENERAL having urged the desirability of adhering in Section 3 B to the language of the section in the Government of India's General Clauses Act from which that section is adapted, the mover stated that he had no wish to press his motion, which was not of great importance, and he, therefore, asked for and obtained leave to withdraw this amendment.

The Honourable Mr. NAYLOR next moved to substitute in Section 9, line 2, "sixty-eight" for "sixty-seven."

The amendment was carried.

On the motion of the Honourable Mr. NAYLOR the following amendments to Schedule B. were also agreed to:—(1) Omit the lines referring to Regulation XIII of 1827. (2) In column 4 in the line referring to Regulation XXV of 1827, Section 4, clause (2), after the word "Magistrate" insert "(both times the word occurs)." (3) In column 4 in the first line referring to Act III of 1867, Section 4, after the figures "23" insert "of." (4) In column 4, in the line referring to Act IV of 1879, Section 3, for the words "of this Act" substitute "the last three words." (5) In column 4, in the line referring to Act II of 1883, Section 4, for the word "of" substitute "to."

Bill read a third time and passed.

On the motion of the Honourable Mr. MELVILL the Bill was then read a third time and passed.

The Honourable Mr. PEILE in moving the first reading of Bill No. 3 of 1885, entitled

Mr. Peile moves the first reading of Bill No. 4 of 1885.

a Bill to amend the Bombay Land Revenue Code, 1879, said:—My Lord,—I move that Bill No. 4 of 1885 be read the first time. I may inform the Council that we were not in a position to proceed with this Bill with the approval of the Secretary of State until September of last year, and that its consideration was postponed later in the year in consequence of your Lordship's inability to preside in Council. This is a short Bill and a simple Bill, and as it has been drafted to regulate the enhancement by Government of its demand on the profits of agriculture, and for the purpose of assuring to holders of land the full advantage of all improvements in their holdings effected by them or at their cost, it is not likely to evoke opposition. Further its enactment will not result in any change in the attitude or practice of the Government with regard to agricultural improvements. The motive of the Bill is simply the desire of the Government to remove from the land law any words which by raising a doubt as to our policy may discourage agricultural enterprise. I desire particularly to dwell on this fact, which I will establish, that from the first revision of a Survey Settlement in 1867 onward, the Government has acted precisely in the spirit of this Bill, and has made no use unfavourable to improvements of that provision of the Land Revenue Code for which the 2nd section of this Bill supplies a substitute. This is an axiom with those who are conversant with our revision settlements. But these facts are so often misunderstood that a short statement of them is not superfluous. Our land revenue settlements are of such vast importance, on the one hand to the public finances, and on the other to the interests of the bulk of the population who directly depend on agriculture, and by whose humble toil the staples of our commerce are supplied, that impartial and unprejudiced discussion on accurate statements of the facts is as much to be desired as unfair and incorrect criticisms are to be deprecated. Our general principles in the administration of the land revenue are not difficult to understand. Our predecessors in Empire must be considered to have claimed and levied not less than a full rent. Akbar's assessment was one-third of the gross produce, and that is I believe as high as the average of rent in France and higher than the average of rent in England and Scotland. Akbar's land revenue is said to have been 37½ millions assessed on 22 provinces, including some territory not now in British India, but excluding Madras. Ours is, say, 22 millions. The Maráthas brought their exactions up to fully half the gross produce. In Madras the original native theory of assessment was that half the gross produce was the State share. In Sind for some years after the conquest, the native system of *batái* was maintained, under which the Government took one-third of the crop of lands irrigated by lift or wheel, and two-fifths of the crop of lands irrigated by natural overflow. The aim of the British Government has been to claim a much smaller share of produce than previous dynasties, and to leave with the cultivator a considerable part of the rent which the land would bear. As in Bombay the land is chiefly held direct of Government by peasants cultivating for a subsistence, there is not generally any ascertainable rental on which the Government land revenue can be charged. As this datum of value is not supplied to our hand, the land revenue has to be assessed on the principle of a rent, being adjusted to the difference in the net produce of the worst land assessed and of the land superior to it; but the assessment is a part of the rent, not the whole. This principle has been expressed by saying that we regard the State demand on the land as revenue and not as rent. It is the contribution of the agricultural population to the national expenditure, and should be part of a fiscal system which requires for its completion a parallel contribution from the non-agricultural population. And as the original assessment is a part only of the possible rent, so

any subsequent enhancement on revision claims a part only of the value added to the land by the material advance of the country since the date of the last previous settlement. The cultivator is allowed his share in the new value added by that advance. One other point must be noted. A special value may be given to a field by tenants' improvements as well as a general value by general material development. But our revised assessments do not follow the economic history of the field, but that of the district. Starting from the value of land at the time when our Survey first dealt with it, anything we add in revision is a percentage only on the assessment fixed on that value. If between the first settlement and its revision the landholder has given to his land a new special value by his improvements, the profit therefrom is entirely his. These are our principles. We have given effect to them in such a way that it can easily be shown that in Madras and Bombay, the increase of land revenue in the past fifty years is entirely due to the extension of cultivation, which has been coincident with a moderate decrease in the average rate of assessment, and a great decrease of the rate relatively to prices. In the North-Western Provinces, where the land revenue is calculated on actual data of rental, the proportion of the net rental taken by Government has been reduced, so that the increase of the land revenue there is due to the extension of cultivation and the rise in rentals. Speaking generally, the increase of the land revenue in the past half century is due to these causes and to the acquisition of new territory, and not to the appropriation to the use of the State of a larger proportion of agricultural profits. The proportion so appropriated is much smaller, not larger, than it was 50 years ago. If I am asked, how then I account for the enhancements of assessment at our revision settlements, my reply is that they are enhancements by so much per cent. of the very low rates introduced at the original survey settlements, and that although the value of land cannot but have increased greatly with the expansion of commerce, yet the assessments have not been restored to anything like their pre-survey pressure. Enhancement is justified by the commercial history of the past thirty years. It is obviously reasonable that the land revenue should be augmented by at least some portion of the increased value which is in a wide sense the return of profit on roads and railways constructed with such immense results from the public taxes.

The object of the Bill before the Council is "to define more clearly the conditions affecting the revision of land revenue assessments." I would impress on the Council that we are here dealing, not with the original survey settlements, but with their revision after a course of thirty years. The principles of revision were laid down in Act I. of 1865, before the first revision of a settlement took place. The process of revision is progressing thus:—The first settlement made by the Survey Department being that of Indápur in 1836-8 the first revision fell due at the end of the thirty years' term in 1866-7. From 1836 onward, the Survey Department introduced its original settlements into one táluka after another in successive years, so that the thirty years' periods for which original settlements are confirmed have expired on different dates, and as they have expired from 1867 onwards the settlements have come under revision. In some districts, for example in Gujarát, the time for revision has not yet come. Speakers and writers on the subject often express themselves in a way to convey the idea that revisions are constantly recurring. It will be seen that nowhere in this Presidency has the land revenue been revised more than once, and in many districts it has not yet been revised at all.

Now let me show the Council how our land revenue settlements as revised present themselves in the light of the past revenue history of the country. I will speak particularly of the Deccan and Southern Marátha Country, in which revisions are far advanced, and in the course of the original settlement of which our land revenue system was constructed. The history of Revenue settlements in the Deccan begins with the administration of Malik Ambar early in the 17th century. It was the Mahomedan and not the British Government which substituted cash payments for payments in kind. The system of Malik Ambar, like that of Akbar, was based on a calculation of the gross produce, of which one-third was fixed as the share of the Government, and commuted into cash at the average price of a series of years. This was called the Tankha, and it remained in force until about A.D. 1785, when it was superseded by the Marátha settlement called the Kamal. The Kamal was much heavier than the Tankha, but the Maráthas latterly added to it a vast number of extra cesses, and the introduction of the plan of farming the revenue superimposed that oppression of the revenue contractors to which the Deccan Ryots' Commission attributed the origin of the ancestral debt which they found to be the chief cause of the agricultural depression on which they were reporting. In the first year of British rule after 1818, revenue farms were abolished, extra cesses remitted and assessments

modified. But otherwise the Marátha system was upheld and under foreign administrators it did not succeed. High assessments and falling prices produced an agricultural depression which soon called for reform. This was attempted by Pringle's Survey—introduced about 1824-8. Here again the basis was an estimate of gross produce. The bare outlay for seed and stock was deducted, but not the cost of the cultivator's subsistence, and Government took as its share 55 per cent. of what remained. It is now well understood that fields of different quality cannot pay the same proportion of gross produce as rent, and that a settlement on that basis must press hard on the inferior lands and throw them out of cultivation. Mr. Pringle's settlement only aggravated the depression of agriculture. It led to extreme oppression and confusion. The correction of its errors and the substitution of a better system by Mr. Goldsmid and Lieut. Wingate in Indápur in 1835-36 were the origin of the present survey system. That system, as the Council is aware, works by two factors, one, the classification of soils which gives the relative productive capacity of fields, the other, the observations made by the Settlement Officer of past revenue history, prices, markets, communications, rents, selling, letting and mortgage value of land, and every other relevant fact on which he can base an induction as to what a just assessment should be. On these data the Settlement Officer frames his proposals for the actual rates of assessment per acre, and it is not until these have been criticised by the Collector and the Commissioners of the Division and of Survey, that the Settlement report comes before Government, by whom, however, and subsequently by the Secretary of State, it is carefully scrutinized and reviewed. Until the sanction of Government is given, the settlement scheme is no more than a statement of the opinions and arguments of the Settlement Officer, who is invested with no discretion other than the ordinary license to set forth his evidence and state what conclusions he draws from it. So much random assertion is current as to the unfettered license of the Survey Department in enhancing assessments, that I will here diverge to say a few words on the subject. Assessments are regulated (1) by the classification value of soil which gives a scale of productive capacity, and (2) by the actual money rates fixed independently and adjusted to particular fields by the classification scale. The classer works under clear and definite rules to which he is required to conform. He digs down into the soil and notes its quality and the faults which reduce its value. His work is closely tested by gentlemen of long experience, the Assistant Superintendents of Survey, who again are constantly supervised by the Superintendent and by the Commissioner of Survey. The rules and formulæ first devised in the celebrated joint report in 1847 have been elaborated in the course of forty years' experience. The work is of a technical kind and is entrusted to the trained Department of Survey, but with the always open remedy of appeal. Re-classification, or the classification of a field a second time, is allowed only when the classification was first made in the early days of the Survey, and is known to be incorrect. We only ask to get it correct by one revision, after which it is final and fixed for all time. I must add that if there are found at this revision, ascertainable improvements such as a well or an embankment to improve the level of a field, or the conversion of dry crop land into rice, these are protected by special rules. With the actual cash rates the classer and Assistant Superintendent have nothing to do. The Superintendent or Settlement Officer collects all relevant facts and frames proposals on them, but he has no discretionary power to fix assessments. In the first place he is now restricted by the limitations placed by Government on the enhancement of each group, village and individual holding. In the next place the approval and sanction of rates rest entirely with Government and ultimately with the Secretary of State. In 1838 it was decided that the original Settlements of the Survey should be confirmed for terms of thirty years. We have therefore to pass over this period before we come to the year 1867-68, in which the first revised settlement was introduced in Indápur, to be followed by similar revisions in other tálukas in Poona and Sholápur in the subsequent few years. The proposals for revising the rates of assessment were subjected to the most prolonged and careful consideration. The enhancements of the land revenue sanctioned seemed justified by the growing prosperity of the country and by an analysis of past prices. Unhappily the history of the past is not always a certain guide to the future. The first revisions were co-incident with the beginning of a period of falling prices, the reaction from the inflation of trade during the American War, and this fall continued up to the time of the famine of 1876-78. The revised assessments, which were low enough when judged by the high prices between 1860 and 1870, became yearly heavier as prices fell. Remonstrances were addressed to Government. Enquiry was made, and in 1874 orders were issued not only

for the reduction of the rates of the revision settlements which had already been brought into force in Poona and Sholápur, but for the limitation of enhancements in future.

I have thus briefly traced the revenue history of the Deccan from the revenue settlement of the Mahomedan rulers of Bijápur and Ahmednagar down to those now in force. I am able to give the Council an idea of their comparative incidence in the case of Indápur, the full revenue demand on which at various periods has been as follows:—(1) The Tankha, Rs. 1,22,000; (2) the Kamál Rs. 2,22,800; (3) Mr. Pringle's Survey, Rs. 2,03,000; (4) Original Settlement, 1837-8, Rs. 81,000; (5) Revised Settlement, 1867-8, Rs. 1,25,800; (6) the same reduced, 1875-6, Rs. 1,13,000. Even if we look at these figures as they stand, without taking account of the difference in the value of money at different periods as measured in produce, the present assessment is less than the Mahomedan Tankha, and little more than half of the Marátha Kamál. But we must also compare the facilities for obtaining a market in the past and the present, as affecting the value of produce. Sir Bartle Frere told this Council in 1864 how thirty years before, when the Survey was about to commence its work, carts were rarely seen east of Poona, how merchandize was transported on bullocks; how two-thirds of the land in some districts was waste; how the prices of agricultural produce and the wages of labour were steadily falling. If we compare with this picture the present extent of cultivation, leaving in some districts a margin of only five or six per cent., the breadth of land under valuable exportable crops, the means of transport, the access to foreign markets, the high average of prices, we can form some idea of the change in the proportion of the value of produce absorbed by the Government land revenue.

It will be observed that there have been two failures in the course of our Survey operations, one (Mr. Pringle's) due to the adoption of a false principle in basing the assessment on a uniform high proportion of estimated produce, the other due to too great confidence in the stability of prices. The general soundness of our present system and its great success are not now seriously questioned. It is not based on any proportion of the produce, but, as I have explained, on a classification of soils according to relative quality, a scale being thus obtained by which the rate per acre approved for the best land is applied to land of inferior quality with reductions increasing as the land descends in the scale. Revision assessments and the pitch of the actual money rates are, however, still regulated by a study of prices, and it is a question how far prices can be trusted as the measure of a just enhancement. How are we to know at any given date what will be the value of land and profits of agriculture for thirty years to come? No one can contest the violent fluctuation of prices in the past and the occasional long periods of continuous decline. It is with regard to this uncertainty that moderation in enhancements has now been accepted as a cardinal principle. The limit of 33 per cent. enhancement above the original demand laid down by this Government for the Deccan in 1874 has accordingly been established as the rule for the revision of all settlements of which the term expires after 1883-4.

It has been said that this limitation to 33 per cent. was accepted by this Government only in 1884 at the instance of the Government of India. To show how far this is from the truth I will name the percentage by which assessments have been enhanced in each revision settlement made during the past six years. 1881.—Dindori-Násik, 32·6 per cent., Sinnar-Násik, 29·6 per cent., Gokák-Belgaum, 23·8 per cent., Kopargaon-Ahmednagar, 33·8 per cent., Ráhuri-Ahmednagar, 34·2 per cent., Sanganner-Ahmednagar, 28·57 per cent. 1882.—Nevása-Ahmednagar, 27·9 per cent. 1883.—Sirúr-Poona, 24·5 per cent., Hungund-Kaládgi, 26·8 per cent., and Junnar-Poona, 20 per cent. 1884.—Bádámi-Kaládgi, 24·5 per cent., Bágalkot-Kaládgi, 27·9 per cent., Párner-Ahmednagar, 19·8 per cent., Athni-Belgaum, 31·02 per cent., Nagar-Ahmednagar, 20·5 per cent., Junnar-Poona, 14·1 per cent. 1885.—Shevgaon-Ahmednagar, 26·0 per cent., Igatpuri-Násik, 16·6 per cent., Sampgaon-Belgaum, 27·9 per cent. 1886.—Akola-Ahmednagar, 19·1 per cent., Jámkhed-Ahmednagar, 23·3 per cent., Chikodi-Belgaum, 32·2 per cent., Sávda-Khándesh, 32·5 per cent. The average for six years is a fraction over 25 per cent.

Now the question is whether even these enhancements are justified by what we can infer as to future prices. I will offer some reasons for thinking that they are justified. Honourable members will find an instructive diagram of prices in the statement of the progress and condition of India for 1882-83 laid before Parliament last July. The diagram shows in the first half of the century a continuous decline of the prices of

agricultural produce as the mean result, attended with violent oscillations. The decline is due to over-production together with an inadequate currency. The oscillations to caprice of the seasons occasioning alternate glut and scarcity of food grains in districts which had hardly any means of transport. After 1860 the oscillations are much less violent, and the average prices of decennial periods higher. That is of course due to the growth of India's export trade, the concurrent expansion of the currency, and the opening of internal communications between province and province. In short the development of the country tends to steady prices at a high level. The prices of the staple food grains are now high, and they will be so as long as India commands a foreign market for her produce, which the present low value of silver in proportion to gold assists her to do. I do not say that a falling off in exports with a contraction of the currency and similar causes may not bring prices down again. After the serious fall of prices in 1870-4, the prices of food grains were sent up again in the famine period 1876-8: then followed another fall when exports of cotton, wheat, and oilseeds were contracted much below what they had been. From 1881 there is a reaction. Exports increased, prices rose and cultivation extended. But the point to observe is that the fluctuations since 1860 have been trifling compared to those before 1860. Higher rates have been reached, and the decennial averages are higher than before 1860, while there has been no fall at all comparable. A steadying influence is exerted by railways and foreign trade, and these will continue to be more or less efficient. Our object is then to allow for moderate oscillations of prices by adopting a happy mean of enhancement. This mean it is hoped that the present scale of enhancements attains. And when it is considered that in this Presidency the acreage under cotton and oilseeds has increased some 50 per cent. since the famine, and that under wheat about 69 per cent. in the last ten years, while the acreage under staple food grains has also increased, it is clear that our producers have learnt how to use the means of export and the opportunities of foreign trade to reduce the percentage of the assessment on their profits and to maintain a high level of agricultural prosperity.

It may be asked, do you propose then to enhance the land revenue 25 or 30 per cent, not to speak of 60 or 70 per cent, every thirty years, and if so, what will that come to in a century? Is it true that enhancement is a law of revision? I reply that at first revisions there is naturally enhancement because in them we restore to something like their old level, assessments which were at the original settlements adjusted to a low condition of agriculture and trade. But what the rate of enhancements, in second revisions may be, and whether there will be any at all, depends on the commercial future of India. I must also explain that the first revisions differ in some important respects from future revisions, and among first revisions the earlier in date differ in some important respects from the later. The reason of this is that the first original settlement, introduced in 1836-37 was purely tentative and experimental, that the principles of Survey Settlement were not fully formulated until 1847, and that they did not receive legislative confirmation until 1865. The original survey had to deal with a country half-depopulated and half-waste. To avoid expense the Survey dealt in the roughest way with large arable areas which were then of little or no value. The boundaries of fields were not carefully demarcated as they now are, and encroachments on the Government waste land were largely made during the following thirty years. For these reasons, and because the increased value of land necessitated a more detailed definition of individual holdings for the convenience of their occupants, a large amount of re-measurement was necessary in the earlier revisions. The additional land thus brought to account as arable in the revision of seven districts of the Deccan and Southern Marátha Country up to 1880 was 504,520 acres, and to abandon the revenue payable on this large productive area would certainly have been an unjustifiable sacrifice of the public interests. For some of this land the occupants, who had been enjoying it rent free from the time when they brought it under the plough up to the end of the term of settlement, were called upon thereafter to pay. A considerable part of the large enhancements of the earlier revisions is the charge for this land. Thus in Indapur out of the enhancement of 55 per cent., 17 per cent. was due to revenue charged on land hitherto unassessed, and 38 to the actual increase of rates. In Mádhá of Sholápur, out of the enhancement of 75 per cent, 20 per cent. was due to the former and 55 to the latter cause. In Chándore of Násik, out of an enhancement of 43 per cent., 20 per cent. was due to the former and 23 per cent. to the latter cause. Now the assessment at revision of this land held free during the term of the original settlement has rather absurdly been blamed as an unjustifiable taxation of im-

provements and a breach of faith. Clearly it was neither. For if the cultivation of this waste was an improvement, it received the full consideration accorded to improvements by the native system and our own earlier practice, in being allowed free of assessment from the date when it was brought under the plough to the end of the first term of settlement. I do not see how more could reasonably be claimed. By the rules of 1848 the Government merely guaranteed as to improvements what was the utmost ever conceded by previous Governments, namely, the full benefit of all improvements for a term or during the settlement period of thirty years. When in section 30 of Act I. of 1865, the Government, going further, waived all claims to a share in the profits of improvements at any time, and bound itself in the coming revisions not to enhance assessments with reference to the value of improvements made in the previous thirty years, that concession was not extended to the land of which we are speaking, which was thus specially treated by a rule under the Act:—

“If land included at any Survey Settlement in a survey number as unarable, be brought under cultivation, no extra assessment will be levied on that account during the period for which such settlement is guaranteed.”

What I am now explaining, however, is that after 1854 waste land was not so freely rejected by our surveyors as unarable, so that in the revision of settlements which were made after that date, it is no longer necessary to take account of land of this kind. Consequently, this element of enhancement does not exist in assessments coming due for revision after 1884. The effect is of course that henceforward there will not be found such large enhancements in individual cases.

Then, again, in the earliest original settlements, the classification was imperfect as well as the demarcation. The work was unevenly done. The difference of rate allowed between good and poor soils was insufficient. The poor soils were classed too high. It was therefore a measure of simple justice to revise the classification of these early settled tracts. Now it cannot be denied that the repetition by Government of its estimation of the relative capacity of fields is an evil, because the valuation of their apparent natural capacity has to be repeated at a later point of time, and it is at least possible that there may be changes not due to nature which cannot be identified. It is absolutely necessary that the classification should be made so correct that it can be accepted as final, and errors must therefore be put right, but the sooner this is completed once for all, the better for the country. Re-classification has therefore been restricted by command of Government to the narrowest possible limits. And we now propose to bring these operations entirely to completion by about 1892. When that is done, the factor in revenue revision which is alone potent to disturb the estimate of relative value of adjacent holdings will be eliminated. Nothing will remain but an estimate of the general profits of agriculture over large areas, and the general progress or decadence of farming, according to which the State rent will be enhanced or reduced. The land revenue settlement will then be in an important sense permanent—that is to say, a landholder's assessment will be the same whether he improves his land or whether he does not, and any future enhancement will be merely so much per cent. advance on the assessment of its unimproved value. But it will not be so permanently fixed as that the State cannot secure a reasonable share in the increased general value of land due to railways and other great improvements effected at the public cost.

I come now to a more particular notice of the law and of the practice of Government as to agricultural improvements. First, as to their history. The native method of treating improvements is to allow the benefit of them to the improving tenant for a fixed term. But it was the usual practice that irrigated land should pay assessment several times greater than dry-crop. Our survey at first acted on this practice by assessing at high rates as garden land the land found to be actually irrigated from wells. And when a settlement was introduced, it was announced by a proclamation in the following terms:—

“With a view to the improvement of the country and people, the assessment now introduced by the Superintendent, Revenue Survey, has been fixed by Government for a period of thirty years, during which period the full benefit of every improvement, such as the conversion of dry into irrigated land by the digging or repairing of wells and tanks, the planting of fruit trees, &c., will be secured to the incumbent of the land, and no extra assessment levied on that account.”

It will be seen that the guarantee of enjoyment of improvements without enhancement of land revenue is here very distinctly limited to the original term of settlement, and the assessment of irrigated lands at higher rates as such was part of our survey system as it always was part of the native system. This cannot be called an unreasonable practice, and it still has its advocates in India and elsewhere. But the Government of Bombay was not satisfied with it, and decided to adopt a still more liberal policy. This new policy, and the earliest absolute guarantee of private improvements is contained in Section 30 of Act I. of 1865, which enacted that the assessments fixed at the original settlements should not be enhanced at revision with reference to improvements made during the settlement term by the owners or occupants from private capital or resources. This was enacted before the first revision, and has been the law of all revisions, protecting retrospectively all ascertainable tenants' improvements made after the date of the original settlements thirty years before, but not going further back beyond that. Thus as regards wells, the commonest form of agricultural improvement, the profit of wells dug during the term of original settlement was absolutely excluded from consideration in revision. And in one respect the Government even went further, and did more than was in the bargain or required by the law. For the assessment of land irrigated from wells existing at the date of the original settlement, and then assessed at high special rates, was reduced at revision down to the rate on unirrigated land. The old native system of putting a high special assessment on land under wells was abandoned for the encouragement of agricultural enterprise.

The effect of the completed survey system is this. I have shown that all ascertainable improvements made in the original term were protected retrospectively at the first revisions. Prospectively the protection of improvements is quite complete. Because the revised classification decides for assessment purposes the relative productive capacity of the field for ever. We adopt it as our final guide, without any further investigation of the land or any operations in the field. The subsequent addition which the occupant may make to that capacity by outlay on the field is not one of the data of which future revisions will take any notice, and no one can use it as a datum, directly or indirectly. The occupant may have increased the value of the outturn to double or five times or ten times what it was. But the reviser (who will be the Government and no subordinate) will not look at it: he will look only at the general state of agriculture and agricultural profits. If he feels justified in raising assessments all round, the enhancement will be an addition of, say, 5, 10, 15 or 20 per cent., calculated not on the increased profits, but on the old assessment fixed on the unimproved value of the land.

As I have recognized the value of independent criticism of our land revenue settlements, I will name some of the means by which their effect may be tested. Among these are—(1) the information to be drawn from the Registration offices as to the letting, sale and mortgage value of land; (2) the results shown by crop experiments as to the proportion of the assessment to gross produce; (3) the history of agriculture under revision settlements.

(1). The evidence of registration is now always carefully studied by the Settlement Officers. I do not say it can be accepted without caution, because it is not always possible to get the transactions free from incidental circumstances which may affect them. The results are of course various. But they prove that land subject to the assessment is not only sold and mortgaged for sums equal to many multiples of the assessment, but also that the use of assessed land is sublet either for a large premium payable in advance, or for a yearly payment equal to three or four multiples of the assessment, or even more.

(2) Secondly, there are the crop experiments which have been made more and more systematically since 1872, and which are now under the special care of the Director of Agriculture. Very careful detailed instructions have been issued to ensure uniformity in the method of experimenters, and to eliminate errors. At the desire of the Secretary of State, special observations are made of the whole transactions of a peasant farmer, to ascertain the cost of cultivation, and the surplus profit on an average holding. Of course the results of the experiments vary greatly with that variable factor, the amount of industry and capital which the farmer expends. But the experiments of each successive year have been equally conclusive on one point, that when land is tilled with reasonable industry and intelligence, the incidence of the assessment is very light. The Director of Agriculture has been led by a study of these results to the remark that what-

ever the profits of cultivation and the condition of the farmer may be, the assessment as an item of outlay is more properly classed with the minor than with the heavier charges of husbandry. The Famine Commission came by a different method of calculation to the conclusion that the assessment in Bombay is 7·6 per cent. of the gross produce. Mr. Pedder, when Settlement Officer, framed a table to illustrate the pressure of assessment at the different prices and assessment rates of different periods. Taking what he believed to be the average yield per acre in the Deccan, he found that with the price of grain at 36 lbs. per rupee (which is not far from present price here in Poona) the mean revised assessment rate of eight talukas is 6·16 per cent. of the gross produce. The committee for the promotion of Agricultural Banks has lately offered the opinion that the net profits of cultivation in Pandharpur, taking them at 40 per cent. of gross produce, are three if not four times the assessment. Now half the gross produce is a common rent for private landlords to take in India. Mountstuart Elphinstone, in his "History of India," describing the modern Hindu Government, says: "The sovereign's full share is now reckoned at one-half. A country is reckoned moderately assessed if he only takes one-third." Akbar and Malik Ambar took the money commutation of one-third. In his minutes Mountstuart Elphinstone says that if the money payment for a village could not be amicably settled in the Deccan under the Mārathas, resort was had to "what seems to have been the original principle in all settlements, namely, for Government to take half and leave half to the cultivator." Persons who assert that our assessments absorb the whole of the rent and even encroach on the wages of labour, thus bring a terrible indictment against the native practice. Our assessments are shown by various testimony to be regardful of the prescriptive rights of agriculture, inasmuch as they are far within the limit affixed by custom or the decrees of preceding dynasties to the share of the produce of land which belongs to the Crown.

(3). Thirdly, as to the history of agriculture under revised settlements. The contraction or expansion of the area under cultivation is now very carefully watched, and if contraction is observed, the reasons are sought and if possible remedied. The latest returns for 1884-5, show an extension of agriculture in every district of the Presidency. With reference to the tracts under revised settlement, I have just received from the Commissioner of Survey a history of their condition since the revision in each case. This record shows very clearly that the area under cultivation varies rather with prices than with assessments. The reduction of the revised assessment in 1875-6 had no effect in increasing cultivation, because prices were falling. When prices rise and export trade increases, the area of cultivation expands under the revised assessments. At present the expansion of cultivation is so general that it may be called a law. The famine of 1876-8, of which the terrible results in throwing land out of cultivation are signally marked on these returns, has been followed by a revival under the revised assessments, the extension of agriculture being very notable in Bijápúr, where the stress of famine was perhaps greatest. The Bijápúr District is entirely under revised settlement. In the last revenue year 1884-5, 30,940 acres of waste land were taken up for tillage. The year was most unfavourable for agriculture, and at one time there were grave apprehensions of a complete failure of the harvest. Yet the land revenue was collected without much pressure, and only a nominal sum (755 rupees) was found to be irrecoverable.

I will in conclusion state the conditions and guarantees of Rayatwári tenure under our rule. I have said that the British Government in its earlier years did not succeed in improving the condition of agriculture, but the reverse. But with the introduction of a better system half a century ago, the position of the landholder under Government has been strengthened, until it stands thus. His holding is his heritable and transferable property. He can sell the right to hold his land or relinquish any part in any year. His assessment is a definite sum in which all extra cesses, imposts and perquisites are absorbed. It is fixed at an amount which he can reduce by industry and enterprise to a moderate percentage of his profits. The Collectors are empowered to arrange the payment by instalments suited to the convenience of the payers according to the seasons and crops. The landholder is not liable to eviction for being in arrears unless it is proved that he can pay and will not. In such extreme case of eviction or forfeiture, he receives the auction value of his occupancy and improvements. As occupant he is secured in the whole profit of his improvements. He has assurance that future enhancements of his assessment will be a percentage on the unimproved value only of his land. He is offered loans

for improvements at 6½ per cent. interest, or less, and interest and repayment by instalments do not begin until the improvement begins to return a profit. He is allowed to postpone payment of his assessment in case of failure of the harvest. If on inquiry he is found to lack the means of paying, the arrear is remitted. Add the tendency of recent legislation (particularly the Deccan Relief Act) to maintain the indebted farmer in possession of his holding, and to arrange the payment of his debt by instalments. The modern landholder's position is surely one of security sufficient to encourage the accumulation of wealth by thrift and energy, and it may be admitted that the conditions of agriculture, as established by the British Government, while shaped with a politic regard for the interests of the public revenue, are also not unkind of that humanity which is due to agriculturists who work with so narrow a margin as the Indian peasant farmers. I now move the first reading of the Bill.

The Honorable Mr. FORBES ADAM said :—My Lord,—This is a Bill, as the honourable mover has said, of very deep interest to India, and I myself have listened with very great attention to the full and comprehensive account given by the Honourable Mr. Peile of the position of the Government and its relations to the ryot. I consider the speech to which we have just listened as calculated to remove a number of misapprehensions and misunderstandings that at present exist in the public mind, and when it is read, as I am sure it will be, very carefully by the large numbers interested in agriculture in this Presidency, or concerned with the welfare of the agriculturist, the position of Government will be put on a much clearer basis than has hitherto been the case. I regard it of the utmost importance that persons who have not taken part in the administration of the country, or been connected with Government, should know exactly how the Government laws and regulations work, and I have heard to-day what I did not know before—my information being chiefly derived from outside critics—that after land has once been reclassified and remeasured, that it will never again be reclassified and remeasured, and further that all revenue assessments will take into consideration the improvements which are brought about by the expenditure of the time, the labour, and the capital of the ryot. I have also learnt with great satisfaction, what I did not clearly understand previously, that the revision is not levied at the discretion of a subordinate officer of the Revenue Department, but that there are very material, healthy and effective checks which prevent any injustice being done to the ryot during that revision. One thing, it has occurred to me whilst the honourable member was speaking, might be brought out, and I should like to ask the question. Natural improvements belong to Government, but improvements brought about by the holder are his own, and he derives the profit from them; but suppose in any district roads were made out of the funds which are raised by cess, and that a road paid for by the community has led to the improvement of the adjacent fields, would that be considered a general improvement, or would it be taken into consideration under the revision settlement? I have seen some correspondence lately in one of the chief papers in Bombay by a gentleman who has for a long time been deeply interested in this question. Of the points to which he draws attention, the chief one is that the village and not the individual is assessed, so that injustice is in many cases done the latter. I endeavoured closely to follow the honourable mover's speech, but I should be glad if he would make clearer to me that point. I congratulate the Council upon having produced this Bill, for I believe it is calculated to give a great deal of security to the minds of the people in the future.

The Honorable Mr. BUDRUDIN TYABJI :—There can be no doubt the Bill was eminently needed by the persons interested in agriculture in this Presidency. It has been very fully explained by the honourable mover that the intention of Government has never been to assess lands upon the improvements introduced by the agriculturists themselves. I do not think that it has ever been argued by anybody that the Government ever intended to tax these improvements. What has been contended by some people is, that although there may be a theory upon which Government legislation has proceeded, in point of fact the officers of Government in their zeal have very often lost sight of the principles laid down by Government themselves. That is a point on which I am utterly unable to offer any opinion. I am, however, glad that point has been very clearly insisted on by the Honourable Mr. Peile, whose speech is undoubtedly calculated to remove many misapprehensions which are very prevalent, especially among the native community of Bombay. If it is once clearly understood by the officials of Government, no less than by the public, that no improvement introduced by the tillers is to be taxed, it will certainly afford very great encouragement to the agriculturists. One point which the honourable mover mentioned was that when once

the land had been a second time classified, that would afterwards always remain in the same classification and no change would be introduced. I do not find there is any law to prevent reclassification; that might be the intention and policy of the Government, and I am glad to find it so distinctly stated by the honourable mover. I may be wrong, there may be some provision of the law, but I cannot call it to mind, but if that is the clear intention of Government, it might be just as well to introduce a clause into this Bill so as to make it clear to all concerned, that when once a piece of land has been placed in a particular class, the agriculturist may be perfectly sure he will not be interfered with. The Bill is one which I think will meet with general commendation in Bombay, and I have very great pleasure in supporting it.

The Honourable Mr. TELANG :—The questions dealt with by this Bill are of so much importance that I will crave leave to make a few remarks. I do not propose to follow the honourable mover in the very exhaustive disquisition on the subject of our Land Revenue which he has given in his speech, although there were points made in that speech to which I think fair exception might be taken. For instance, with reference to the comparisons made by the Honourable Mr. Peile between the pressure of the land revenue under British rule as compared with that under native rule. There might be something said on the other side. But I am content to waive the point on the present occasion. I should say that the British Government ought in this matter to rise superior to the practice of the native governments during the periods to which the honourable member has referred. In those periods, according to my understanding of the subject, the native governments were themselves deviating from their own traditions of past times, and the system of those degenerate days should not be pointed to for a comparison, for the British Government would not be worthy of its position unless it rose superior to the system prevailing in those days. A fairer comparison would be one with the native governments as they were in times much earlier than those to which the honourable member has alluded. There is one other point made by the honourable mover on which also I should like to make a remark in passing, and that arises on his statement that the Survey Department has not the unfettered discretion which some people attribute to it. As I understood his contention it amounted to this: the Survey Department's proposals for enhancement of assessment are liable to review and are carefully reviewed by the Government and the Secretary of State. Now the complaints as regards these enhancements being extravagant and such as ought not to be have been made are complaints as to the first revision. I do not remember its being anywhere suggested, that a second revision has yet taken place; the second revision *has* not yet taken place and we do not know on what principles it will be conducted or what the practice respecting it will be. But with regard to those first revisions the honourable mover has shown what, indeed, has been familiar to those who have considered the subject before, that in the process of revision there has been a reclassification of soils. The Settlement Department of the Government has said, and probably correctly from its point of view, that in this reclassification it has not had regard to any improvements effected by the cultivator.

The Honourable Mr. PEILE :—No, excuse me. I said they protect any that can be identified. If you cannot identify them how can you respect them?

The Honourable Mr. TELANG :—I am quite content to accept that correction, but what is complained of is that in this process of reclassification, where the Survey Department says "we are reclassifying not in reference to the landholder's improvements but to rectify errors committed in the previous survey," the ryots say "you are re-classifying in the light of what exists at present, and practically in classing our holdings higher than before you are really taxing our improvements."

The Honourable Mr. PEILE :—Will the honourable member give the Council an example of an improvement which will be taxed in such a case? What is an unrecognizable improvement?

The Honourable Mr. TELANG :—I am not able to say just now what is a recognizable improvement. That, as the Honourable Mr. Forbes Adam says, is a matter of detail which requires specific knowledge of what is actually going on. At present I am only pointing out the complaint made. Now the Government may say that they examine the reports of the Settlement Department, but these do not reveal any detailed information by means of which the reports could be corrected. I am not saying just now whether the com-

plaint is true or untrue; that is a matter on which specific and detailed information will have to be brought forward. I am only pointing out that this is the complaint which is made, and on that point it is also worth noting that the orders which are made upon the basis of this revised classification, are made by Government in correspondence with its own officers, the parties affected by them never knowing any thing of what is going to happen. What the honourable mover has said is no doubt correct, viz., that if on fresh revisions there is no change of classification of soils, one very great, and as I understand most important, ground of complaint will have been removed. But I entirely agree with what has been said by the Honourable Mr. Budrudin Tyabji, that it would be desirable that the assurance which has been given not only by the honourable mover here to-day but in the correspondence which took place between the Government of Bombay and the Government of Lord Ripon in 1883—that that assurance should take the form of a legislative enactment. As matters stand, under Section 106 of the present Code a survey and all operations subsidiary to it—which I suppose include reclassification—may be ordered by Government although the settlement cannot be altered during the thirty years. The Government having expressed itself in favour of a liberal policy, I would suggest they should as far as possible give that policy legislative form. The principle to take note of in these matters is not merely that the policy should be liberal but that it should appear to be so to the persons affected by that policy. The honourable mover's explanation is enough to show that the authorities mean to deal liberally by the ryots in these matters, but it is desirable to give them legislative assurance that this re-classification, which is one main point of their complaints, will not hereafter be entered upon. Another point I wish to refer to is that alluded to by the Honourable Mr. Forbes Adam. He asked a question in regard to Local Fund roads and whether any enhancement would follow upon an improvement of that character. There has been a discussion on the subject at an Association in England at which a former member of the Government of Bombay, Mr. Rogers, declared that under the principles of the survey adopted at present such improvements could not be taken into calculation for purposes of enhancement. I presume that that principle would be accepted by the honourable mover, and in that case I would suggest that that point also might be cleared up in the present Bill. There are one or two other points which it might be desirable to consider—whether, for instance, "improvement" is a word which might not be defined in this Bill. There is a definition in the Bengal Tenancy Act and also in the Irish Land Act which might be of use in framing a definition for our own purposes. One other point I wish to refer to. I would desire the honourable member in charge of this Bill to consider whether there may not be some means adopted by which the final orders of Government as regards these enhancements should not be issued without giving an opportunity to the parties affected by them to make their representations to Government if they so desire. The honourable member has said that the land revenue is treated by the Government as a tax on the agricultural population, and that it must run parallel to the taxation imposed on the other classes of the community. In the latter case all taxation is imposed after full opportunity is given to such classes to make themselves heard in order that any complaint may be remedied. There is no reason that I can see—there may be, but I cannot see it—why Government should not give a similar opportunity to the ryots to make themselves heard on these proposals. These are the points which occur to me in regard to the Bill. I think the policy of the Bill is one upon which the Government may be congratulated, and I shall not vote against it as it stands, but I think further steps may be taken in the direction the Bill asks the Council to go, in order that the policy of the Government, which we know to be liberal, may also appear to be liberal to those affected by it.

The Honourable Mr. PEILE:—My Lord,—I think your Excellency must have listened with satisfaction to the short debate which has followed on my statement. I will endeavour to answer some questions which honourable members have put. The Honourable Mr. Forbes Adam asks if Local Fund roads are taken into consideration in revising assessments. Local Fund roads are not regarded as agricultural improvements. The theory that they should be so regarded is not sound. Local Funds are a form of public taxation and if the theory were extended to other taxation it would lead to very inconvenient results. Moreover the claim cannot be admitted from another point of view. Local Fund roads are generally constructed to connect villages with market towns. Their object is to give the villager more nearly the price of the market town for his produce. Enhancements are made on the general advance in prices between the first and the

second settlement. The villager gains that advance and he also gains by obtaining more nearly the prices of the market town. This latter gain is not taken into account in the enhancement. The honourable member asked if improvements are taxed in consequence of the village being taken as the unit for assessment and individual holdings disregarded. He refers to certain letters which have appeared in one of the Bombay journals in the last few days. It seems to me clear that if the case is as the writer says it exactly refutes his own argument. If you look, as the writer of that letter says that the Survey officers look, entirely to the village and utterly disregard the circumstances of individuals, surely the improvements of individuals do not come within their cognizance. If the assessment of a village is increased 20 per cent on account of a general rise in prices and no one looks to see what *A*, *B* or *C* has done with his holding and whether he has improved it or not, it is obvious that the improvements of *A*, *B* and *C* escape inclusion in the value on which the assessment is increased. The increase is an even percentage on assessments fixed before the improvement was made. The Honourable Mr. Budrudin asks whether it is laid down in the law that classification shall not be repeated more than once. It is not laid down in the law. That is the desire and intention of Government but to make it law might cause inconvenience. For instance, mistakes may be discovered against the interest of the cultivator which ought to be corrected. The Honourable Mr. Telang remarked on the result of reclassification in revision. I stated exactly what the position of Government is in this matter and said without reservation that reclassification is an evil. I said that when reclassification is repeated at a later point of time, there may be changes not due to nature which cannot be identified. But reclassification, as I explained, is partial. It is never allowed when it can be dispensed with. But I have already stated that there are original settlements found to be of such a nature and mistakes in them so considerable, that it is absolutely necessary in the interests not only of Government but of the occupants that the land should be reclassified. The principal result of it is to lower the classification on the poor soils and it is only just to the poor soils that this should be done. It may also be that the result is an increase in cases such as one I have in view of a village placed at original survey in a lower class than those around it by obvious mistake or possibly fraud. I have explained that all ascertainable improvements are protected. Such are a well, the embankment of a field to level it, or the conversion of dry-crop into rice. But if improvements are such as cannot be identified, what are we to do? We can only regret that the necessities of the case require that Government should once for all correct its classification record on the full understanding that this proceeding will not be repeated in future. It must be remembered that we gave the guarantee of improvements late on in the first settlement term and had to deal as was practicable with improvements retrospectively made up during that term. For the future when classification is completed, improvements cannot be taxed. The Honourable Mr. Telang suggested that the executive rules and orders of Government on these matters should be embodied in the law. He said that Government mean liberally. I trust he will admit that Government has acted liberally. I doubt if it is expedient to impose on Government by law exact amounts, proportions, and percentages of increase. If many years ago when the subject was much agitated a permanent settlement had been imposed by law, I do not think any one would consider now that such a measure was expedient. In the same way I think if the intentions of Government are expressed in the law in general terms which convey them adequately, it is better to avoid particular terms which may be found embarrassing to the people as well as to the Government.

Bill read a first time.

The Bill was then read a first time.

The Honourable Mr. PEILE :—This Bill as it stands is almost a *pro forma* measure. If the Council has no objection I will propose that the second reading be proceeded with.

The Honourable Mr. TELANG :—I think it desirable that an opportunity should be given in order that the suggestions made may be put into shape.

The Honourable the ADVOCATE-GENERAL :—There will probably be some discussion in the Press after the honourable mover's speech.

The Honourable Mr. PEILE :—I am entirely in the hands of the Council and will take any course they deem best.

His Lordship the PRESIDENT :—The second reading in that case will be deferred.

The Honourable Mr. PEILE :— Is it desired to refer the Bill to a Select Committee ?

The Honourable Mr. TELANG :—No, I am not particularly anxious for a Select Committee. I think it will be enough if notice is given of the form in which suggestions may be placed before the Council.

His Lordship the PRESIDENT :—Then we will take the second reading on another day.

The Honourable Mr. PEILE moved the first reading of Bill No. 6 of 1885, entitled a Bill to provide for the revenue administration of estates held by certain superior landholders in the districts of Ahmedabad, Kaira, Broach and the Panch Maháls and to limit the further operation of Bombay Act VI of 1862. The honourable member said :— My Lord,—I move that Bill No. 6 of 1885, relating to Tálukdárs in Gujarát, be read the first time. The objects of this Bill are set forth at such unusual length in the Statement of Objects and Reasons that I need not repeat them. The Secretary has read a long list of memorials against the Bill. Many of these are, however, identical, and they resolve themselves into two, which have been printed and circulated to honourable members. One of these memorials is drafted with much ingenuity, though I shall have to controvert many of the writer's assertions. It directs against me many shafts taken from my own quiver. If I were as inconsistent as I am there depicted, I should have had much difficulty in taking charge of this Bill. But that I do not admit. That memorial was sent to the Tálukdári Settlement Officer, Mr. Pestonji Jehangir, who was directed to invite the Tálukdárs to meet him, to explain the Bill to them, and to hear what they had to say. His report has been printed and is in the hands of honourable members. It strips the memorial of a good deal of superfluous matter. But I will touch upon the principal objections in the memorial as briefly as I may.

The memorialists dwell upon the nature of their Jamma as a tribute. I think they would say a fixed tribute like that of Káthiáwár. Now the Tálukdárs' Jamma was originally of the nature of tribute, inasmuch as it was settled according to a Tálukdár's powers of resistance, and not in proportion to his rental. But it never was fixed. The Maráthas constantly increased it. I can make this clear to honourable members by quoting from Mr. Mountstuart Elphinstone's minute written in 1821 after he had visited Ahmedabad as Governor of Bombay. He says of the Girasias or Tálukdárs and Mehwasis :—“ Both pay a sum to Government which Government seems to have had the right to increase. It was not usual to interfere with the internal management of their villages, or to examine the state of their receipts. Our Government has asserted the right, without always assuming the exercise of internal interference.” And again :—“ The only change in the Revenue Department attempted among the Girásias was the increase to their tribute, to which they were at all times liable.” And again :—“ A small increase might be put on their tribute where their villages had improved, to keep up the right of Government, and they might be told that no further increase would be made for five years : or a regular lease for that period might be granted to them as formerly.”

Now the Jamma is still a lump sum liable to increase. If a landholder's payment to Government is liable to periodic increase, it is surely a more civilized and rational arrangement to settle the amount on the basis of a valuation of the estate, than to come down on him with an armed force and bring him to a compliant mind by knocking his mansion about his ears and burning his crops. Then we come to the subject of the land law or what the memorial calls the provision of a land law and the extension of the Land Revenue Code to the memorialists' estates. A great part of the memorial is devoted to creating the impression that the Bill initiates a violent and unjustifiable revolution in these matters involving the degradation of the Tálukdárs, the destruction of their ancient customs of primogeniture and reversion, lowering the Tálukdárs to the position of superior holders under the land law, giving their tenants occupancy rights, and interfering with the Tálukdárs' management. Now all this talk about the provision of a land law and the extension of the Land Revenue Code to Tálukdárs' estates, and the degradation of the Tálukdárs thereby is the purest misconception. The Tálukdárs as holders with the highest right of land liable to payment of land revenue to Government, have always been subject to the land law just as much as any other holders, whether the land law meant is Reg. XVII. of 1827, or the first Survey and Settlement Act I. of 1865, or the Land Revenue Code, Act V. of 1879. The peculiarities of their tenure as landholders settling hereditarily and by right for the revenue of their villages in the gross were recognized and preserved in

section 8 of Reg. XVII., and that protection is continued by sections 52 and 100 of the Land Revenue Code, which repealed the Regulation. None of these laws has altered the nature of the tenure or interfered with the Tálukdárs in any way. Then with regard to the part of the Land Law which relates to survey and settlement. The memorialists' estates are actually at this moment, and have been for some 20 years past, under a survey settlement legally introduced between 1863 and 1866. The Revenue Survey was an executive measure until Act I. of 1865 was passed. Sec. 3 of Act I. of 1865 sanctions survey settlements existing when it was passed. Section 4 enacts: "It shall be lawful for the Governor in Council, whenever such a measure may appear to him expedient, to direct the extension of a survey to any part of the Presidency with a view to the settlement of the land revenue, and to the record and preservation of proprietary and other rights connected with the soil." Section 49 restricts the application of the Act to alienated villages, except at the desire of the holders, but the Tálukdári estates do not fall under any part of the definition of alienated villages, and therefore they come under section 4. The Land Revenue Code, Act V. of 1879, which superseded Act I., embodies precisely the same principles as Act I., but it is a much more elaborate Act. The Code deals exhaustively with all lands liable to pay revenue to Government, but that part of its detailed provisions which does not relate to alienated villages is more particularly framed to suit the case of occupancies held from Government and not from private proprietors. Now the definition of "alienated" in the Code is a new one, and not the same as that in Act I. The Tálukdárs' estates do not in my opinion fall within this definition, for they are not Inámdárs, but some of the legal advisers of Government have thought that they do, and have thus raised a doubt as to which of the provisions of the Code relating to Survey and Settlement apply to them. It appears at any rate that the framers of the Code did not specially meet the Tálukdárs' case, and although sections 52 and 100 secure the preservation of anything special in their position as payers of revenue, there are several sections from which they are not excepted but which do not properly apply to them. The object of the Bill is simply—(1) to remove the doubt raised by the new definition of alienated, and (2) to declare certain sections of the Code inapplicable to Tálukdárs' estates.

The effect of the Bill is therefore the reverse of what the memorialists suppose. Instead of bringing them under the land law, it exempts them from the application of a certain part thereof. The memorialists have always been subject to the provisions of law from which they anticipate such evil consequences, without experiencing any discomfort at all.

The memorialists object to the sections for facilitating partition as injurious to their custom of primogeniture. There is no foundation for this apprehension. Primogeniture is no longer the custom in by far the greater part of these estates which are inherited in shares. Partition can be claimed under these sections only by a person who has been proved or admitted to be entitled to a share. The object of Part III. of the Bill is to enable the Tálukdárs to divide their estates by the agency of the officer who has charge of their affairs. If the Tálukdárs will be content with this agency, much ruinous litigation will be avoided.

The memorialists are alarmed at section 26 providing for the attachment of estates where disorder prevails. Now this section, like the Penal Code, the Act of 1867 for imposing punitive posts of police and the like, is formidable only to those whom it concerns. I do not think that the memorialists have anything to apprehend from it. The section has special reference to long-standing disorder in the Cháwal of Viramgám, which has frequently attracted the serious notice of Government in the last twenty-five years, most recently in the Judicial Department in 1884, when action was postponed until this Bill should become law. In the Cháwal an internecine strife rages between the claimants of several estates to the confusion of agriculture and the great injury of the tenants. If Tálukdárs who live idly on the cultivators' profits and make no return in improvements, are unable to settle their differences without harrying crops, and making settled agriculture impossible, Government may properly interfere to avert the ruin of the tenantry. If under section 144 of the Land Revenue Code the Collector may attach a village and manage it if owing to disputes among the sharers, or for other cause, he has reason to apprehend that the land revenue will not be paid when due, why should he not be empowered to take the same action when, from the same causes, disorder prevails which strikes at the very roots of agricultural prosperity?

The objections which I have discussed appear to be the expression of unreasoning fear at being made the subjects of legislation. No part of the Bill which relates to them contemplates any change either in the nature or assessment of the Jamma, or in the Tálukdári rights *inter se* or over their tenants, or in the management by the estates as protected by the law. If the wording of the Bill in any case affords *prima facie* ground for apprehension as to any such change, I shall be ready to accept amendments which will remove these apprehensions. Having dealt with these preliminary objections, I come to the substance of the Bill.

Here I observe that the object of Government and that of the objectors, so far as they have found expression, are identical. Both desire to maintain the position of the Tálukdárs as landed proprietors. We say that if that position is to be maintained, some restriction must be placed on the present holders of the estates to keep them from self-destruction and the impoverishment of their successors. We have no intention whatever to appropriate any part of their proprietary rights, or to transfer them to any third party. What we propose is to restrict the holder for the time being from transferring the proprietary to third parties for his sole and selfish benefit and with no regard for his heirs. Anything that a prudent landholder may desire to do with landed property, we propose to permit the Tálukdárs to do. What we propose to prevent is the reckless improvidence which would leave the heir of a long line of ancestors nothing to transmit to posterity. The measures of Government in 1862 were not taken for the benefit of one generation of Tálukdárs, but for the class. But the memorialists dislike any restriction, as sick people dislike medicine, and insane people restraint. They say we propose to sweep away the most ancient and highly-prized hereditary rights, and to impose stringent restrictions on their enjoyment of what is their own. Now here the strongest argument against the memorialists is suggested by their own memorial. They insist on the regal character of their possessions, and that they belong to the noblest Rajput houses in the peninsula of Káthiáwár. That their race and customs are akin to those of the Rajputs of Káthiáwár is true, and what does this involve? In Káthiáwár the dissipation of ancestral estate is repugnant to immemorial custom and local sentiment. For a landholder to part with his *gras* or inherited lands to strangers is discreditable, is viewed by his fellows with the strongest disapproval, and in the case of Chiefs is forbidden by Government. The objection to the Bill, therefore, as an attack on hereditary privileges must, if we view those privileges as embracing more than the selfish exercise by the Tálukdár for the time of an unrestricted right of transfer, fall to the ground. The memorial, paragraph 24, seems indeed to admit the advantage of some measure of restriction, and I have reason to believe that in fact they are not opposed to limitation of the power of transfer. In a memorandum placed in my hands only a few hours ago by the deputation of Tálukdárs now present in Poona, no objection is made to the principle of Section 30 of the Bill.

But if it be granted that the Bill is not an unwarrantable invasion of the rights of property, and that it is successful in securing to these estates the protection desired, I can understand objection from another point of view; the point of view of those who think that no such protection should be given; that if good for the Tálukdár, it is bad for the public; that the transfer of land should be facilitated by legislation and not restricted.

To that I reply that this is not a measure of general application, but an exceptional measure based on exceptional circumstances. The history of the Tálukdárs under British rule will explain what I mean. Mr. Mountstuart Elphinstone tells us in 1821 how, before that date, only 20 per cent. of their rentals was left to the Tálukdárs. He proposed to allow them 30 per cent., and to give them five years' leases. That was done. The Tálukdárs were treated as farmers of revenue, and in the agreements executed by them as such they promised thus:—"We will neither sell nor mortgage any of the land of our village." The leases thereafter always spoke of the land of these estates as Government land. In 1855 a law officer of Government wrote of these leases—"The legal rights of Tálukdárs are defined by their leases, the provisions of which are so stringent as to make the Tálukdár little better than a tenant-at-will of Government." Then came Act VI. of 1862 for their relief. That is an Act which could only be justified by exceptional circumstances, but it afforded a precedent which has been pretty largely followed by the Government of India in Broach and Kaira, in Sind, in Oude, and in Jhansi. In all these cases the exceptional circumstances are the same, namely, the impoverishment of some class of old landed

proprietors. It is a class which finds it hard to adjust itself to the incidents of British rule, and which is apt to fall into decay and ruin under our laws. The Government has held that it is to the public interest to avert the effacement of a middle class of landholders,—a class which in British India, and especially in Bombay, is already confined within very narrow limits. That is the explanation of these special relief Acts. Now the Government of Bombay in 1862 was somewhat too sanguine of the effect of the trials through which the Tálukdárs had passed in inculcating habits of providence and economy, and when at the end of Act VI. the Legislature declared the Tálukdár after his debts were paid to be absolute proprietor of his estates as regards transfer, it put into the hands of the Tálukdár of the day a fatal power to defeat the measures designed to maintain and perpetuate the Tálukdárs as a class. This Bill is intended to remedy on behalf of the class the error then committed. It does not withdraw the right of transfer, but proposes to subject its exercise to restriction within the bounds of prudence by a supervising authority, in ordinary cases by the officer who, for the last twenty-four years, has been maintained by the Government for the special care and control of the Tálukdárs' affairs, and in more important cases by the Governor in Council.

The Honourable BUDRUDIN TYABI said:—My Lord,—After the very lucid speech which we have just heard, I must say that much of the criticism to which I intended to subject the Bill becomes useless. There was a certain amount of misapprehension in my mind as to the cause which had led to the proposal for bringing this Bill before the Council. As the honourable mover has observed, a number of petitions have been presented to the Council and on reading them it becomes perfectly clear that the Tálukdárs as a body object to this Bill in any shape or form. But going through the petitions carefully, I came to the same conclusion on the face of many of them as that to which the honourable mover has alluded, that the petitions were more or less founded on a misapprehension of the real scope of the Bill and the object the Government had in view. The majority of those petitioners seem to think the object of the Bill was to wipe away the rights which the Tálukdárs now enjoy as quasi-chiefs in the various districts. I cannot find anything in its provisions which would lead to any such result and I do not think I can attach any weight to apprehensions founded purely on misapprehensions. There are indeed certain provisions which require an alteration in the language so as to bring out more clearly what it is the Government propose to do. I must say, however, that although some need may exist for bringing the Bill before the Council from the Government point of view, I cannot very well see, so far as the provisions which are based upon the supposition that they would confer a benefit on the Tálukdárs are concerned,—I cannot see how you are going to force those provisions on the Tálukdárs unless they ask for them. It is stated in the "Objects and Reasons" that the record of rights would be useful to Government as well as to the Tálukdárs, because it would afford a record from which you could see at once what were the rights of the various holders in a particular Táluka. There seems to be a strong objection however raised by the Tálukdárs to the keeping of any such record and apparently that objection is founded on the fear that it would or might incite the tenants, who are at present recognised only as tenants-at-will, to ask for rights to which they are not at present entitled. I do not think it would be fair to insert provisions in a Bill ostensibly for the sole benefit of the Tálukdárs, which the Tálukdárs are themselves the very first to repudiate. As to the provisions with regard to the settlement of disputes through the Survey officers instead of Government and the ordinary civil courts, the Tálukdárs in the petitions which they have presented object very strongly to that procedure, and I fancy that objection is based on the confidence which the Tálukdárs have in the decisions of the civil courts, but they seem to be apprehensive that the decisions of the Revenue officers would be rather summary and they have not the same confidence in them. It is true that an appeal is provided to the District Judge, but the appeal court could only decide the question upon the procedure adopted by the Survey officer and upon the evidence he has recorded. I do not think you can expect a Survey officer, who would probably be a non-judicial officer, to have recourse to the same elaborate procedure and to record evidence in the same way that a civil court would do. Therefore I do not think that the fact that an appeal would lie to the district court does adequately answer the objection raised by the memorialists. However, generally speaking, having regard to the explanation that has been given as to the reasons which have induced Government to introduce this Bill, I shall certainly not object to the first reading and when the proper time comes I shall submit some matters to the consideration of the Council in respect of which I think the Bill might be amended and altered.

The Honourable Mr. TELANG :—My Lord,—I take generally the same view of the Bill as the Honourable Mr. Budrudin has expressed. I shall not dwell at any length upon any of the points which I think deserve full consideration before the Bill becomes law. I understand that it is intended to subject this Bill to the careful scrutiny of a Select Committee, and that being so, with the explanation which the honourable mover has given, which makes some matters clear which were not clear before, I am not prepared to vote against the first reading. I think the Bill may be very much improved at a further stage, and later on I may have certain suggestions to make with reference to specific provisions.

Bill read a first time.

The Bill was then read a first time.

On the motion of the Honourable Mr. PÉLÉ it was resolved that the Bill be referred to a Select Committee composed of the Honourable Mr. Naylor, Mr. Telang and the Mover, to report as soon as possible, and that the Bill and the Select Committee's report be translated into Gujaráti.

Bill referred to a Select Committee.

The Honourable Mr. MELVILL, in moving the first reading of Bill No. 2 of 1886, entitled "A Bill to provide for the protection of pilgrims at the port of Bombay," said :—My Lord,—I have to move that the Bill to provide for the protection of pilgrims at the port of Bombay may be read the first time. The British Government rules over 40 millions of Mahomedans : and not only from motives of humanity, but also because it is part of the policy of that Government to secure to all its subjects the means of conforming to the requirements of their religion, it has for many years been endeavouring to alleviate the discomforts and sufferings to which Mahomedan pilgrims are exposed during their journey from India to Mecca. The task is not an easy one, because the pilgrims who come in large numbers every year, not only from all parts of India, but also from Central Asia and Afghanistan, are generally very ignorant, and very poor. Being ignorant, they are liable to become the victims of designing men during their stay in Bombay : and being poor, they are unable to pay for comfortable accommodation on boardship, and it is to be feared that they consequently suffer a good deal, especially when the voyage is made, as in most years it must be made, during the monsoon. When they arrive in the Red Sea, they are subjected to very stringent quarantine regulations by the Turkish Government. When they land, they are often in a state of extreme penury ; and many of them cannot except by begging obtain the means of paying for their return passage to India. It is evident that some of these evils are beyond the power of any Government to remedy ; but in order to inform the Council of what has been done, I will, with your Excellency's permission, read an extract from the proceedings of the Government of India in the Home Department, dated 4th January 1886 :—

"For several years past the attention of the Government of India has from time to time been directed to the desirability of alleviating, so far as is possible, the discomforts and sufferings experienced by Mahomedan pilgrims during the journey from India to the Hedjaz. The existence of these sufferings, more especially in the case of those of the poorer class of Mahomedans who undertake the pilgrimage, is an admitted fact, but the action taken with a view to afford relief has been necessarily of a restricted nature owing to the unwillingness felt by the Government to undertake any direct interference with what is considered to be a religious obligation by a large section of the Mahomedan community in India. In 1880 intimation was received from Her Majesty's Secretary of State that the Turkish Government had issued orders requiring passports from all passengers and pilgrims arriving in Jeddah, whether Turkish or foreign subjects, and announcing that those who came unprovided with such documents would be liable to be expelled from the ports of the Hedjaz. In order to render these Turkish regulations as little irksome as possible to natives of India proceeding to the Hedjaz on pilgrimage, the Government of India, after consulting local Governments and Administrations resolved [Home Department Resolutions No. 4—198-214, dated 12th July 1882] to establish a system under which passports should be unconditionally given to every intending pilgrim, not only at the Indian ports of embarkation but also at the central stations of every district in British India and at the head-quarters of all political agencies in Natives States. Arrangements were also made to grant informal

passes to the subjects of other Governments, *e.g.*, natives of Kashgar, Russian Turkistan, Afghanistan, &c., who embark for Mecca from Indian ports, it being explained that these passes impose no responsibility on the Government of India in regard to the holders, and that the Governor General in Council could not in any way guarantee their recognition by the officials of the Turkish or any other foreign Government. Further, in consideration of the very large number of pilgrims who annually embark at and return to Bombay, and to the necessity of making some special arrangements to meet their requirements, a Mahomedan Protector of Pilgrims was appointed at that port, and instructed to supply intending pilgrims with all the information and assistance within his power in respect of every matter connected with the pilgrimage.

- (2) Since the above measures were undertaken further efforts have been made by the Government of India towards the proper regulation of the Indian pilgrim traffic by amending the provisions of the Native Passenger Ships Act (No. VIII of 1876) in certain important respects, and by revising the rules issued under that Act with reference to the fittings, provisioning, sanitary arrangements, &c., of pilgrim ships. These rules have been assimilated, as far as possible, with those in force for regulating the transport of emigrants to the French and British colonies, and have been widely circulated in the form of a 'Manual for the guidance of officers and others concerned in the Red Sea Pilgrim Traffic.' It has been made obligatory on ships conveying more than 100 pilgrims to carry a qualified medical officer, and in order to promote the welfare of Indian pilgrims during their stay in the Hedjaz, an Indian Vice-Consul has been appointed at Jeddah, whose special duty it is to attend to the interests and well-being of the pilgrims. In order further to afford protection and assistance to the pilgrims, especially in connection with their detention in quarantine under the orders of the Turkish Government, a Mahomedan Vice-Consul has been temporarily appointed for Hoodeida and Camaran. A dispensary has also been established at Jeddah for affording relief to Indian pilgrims in the Hedjaz. Lastly, in order to regulate and bring under proper control the transactions of pilgrim-brokers in the city of Bombay, it is proposed to introduce a Bill into the local Legislative Council, under which the business will in future be restricted to licensed persons, and certain penalties will be imposed for any breach of the terms of the license. The action hitherto taken cannot fail to have effected a substantial improvement in the position of pilgrims during the voyage to Jeddah and while staying in the Hedjaz. In the course of the correspondence which has taken place with Her Majesty's Secretary of State on the subject, it was considered whether intending pilgrims should be required before proceeding on the voyage to deposit a sum of money sufficient to cover the cost of their return journey. The Government of India admitted that such a regulation would prevent much misery and suffering, but the opinion of the local authorities was opposed to interference of this nature on the ground that it might be misunderstood and misinterpreted, and the Governor General in Council accordingly decided that action of the kind was unadvisable. At the same time a public notice was issued in the English, Hindustani, and Persian languages, warning persons who propose to undertake the pilgrimage of the difficulties to which they would be exposed, owing to the imposition by the Turkish Government of quarantine for at least ten days at the island of Camaran, (during which period pilgrims are required to pay certain fees besides arranging for their own provisions), and impressing upon intending pilgrims the desirability of not starting unless provided with sufficient funds, (at least Rs. 300), in order to meet the expenses of quarantine, of the journey from Jeddah to Mecca and back, and of the return journey to India."

The Bill which is referred to by the Government of India in this extract as having been framed to regulate and bring under proper control the transactions of pilgrim-brokers in Bombay, is the Bill which I have now the honour to submit to your Excellency in Council. The Council will see that the term "pilgrim-broker" is defined in the Bill as "a person who buys and sells or sells on commission, or purchases for reward, passage tickets for pilgrims;" but that definition hardly puts the Council in possession of full information regarding the system of pilgrim brokerage, as it exists in Bombay. The pilgrim-brokers are generally, if not always, Mahomedans; and though I have no doubt

that there are among them many respectable and pious persons, who would not take advantage of a co-religionist intent upon the performance of a holy duty, yet the information before Government has led it to the conclusion that the generality of the brokers do not come within this category. In 1883 the Superintendent of the Preventive Department reported as follows :—

“ Pilgrim brokerage seems to be a paying business. Brokers are well-known to travel all the way to Calcutta from Bombay to secure the profits accruing to them from the sale of tickets, &c., to their pilgrim constituents. They also wait at the railway stations, Bori Bandar, Grant Road, and Byculla, to secure business from pilgrims arriving by rail. These brokers take the pilgrims, who are generally entire strangers here, under their charge, conduct them to boarding houses, or the several mushaferkhanas, help them in the purchase of tickets, see them on board, and act as advisers generally. The captains and agents of vessels, who are generally Europeans, have, as a rule, very little to do with the pilgrims themselves. They charter a vessel to those who engage in the pilgrim traffic, and these latter are usually speculative Mahomedans, who very frequently end their disputes with masters and agents in a court of law. Charterers frequently do the work of brokers themselves. It is they who issue tickets, engaging the services of petty brokers to sell them, and these latter (who number in Bombay some three or four hundred persons) practise the greatest imposition on the pilgrims.”

The observations of the Preventive Superintendent were concurred in by the Collector of Customs and the Customs Commissioner, the Commissioner of Police, and the Chamber of Commerce: and all those authorities strongly recommended that the pilgrim brokers should be brought under such regulations as would secure the protection of the pilgrim from imposition. As additional evidence of the necessity for such regulations, I may refer to a letter which appeared in the *Times of India* of 9th November 1885, and purported to be written by the commander of a pilgrim steamer, who had been for many years engaged in the trade. He says :—

“ Some pilgrims, such as those from Cabul, Bookhara, and from the North-West Provinces, start a considerable time before the period of embarkation, and a great many tramp the best part of the way, and by the time they arrive at a seaport, they are in a poor, miserable condition, and no doubt many die during the journey. However, on arriving at the port, some by rail, some by local steamer and others by foot, they are all more or less waylaid by what sailors call crimps, but who term themselves *Haj* brokers or runners; and any person who knows the ins and outs of Bombay, or any large seaport town, will understand that these individuals make all kinds of fair promises, &c., to entice the pilgrims to their master's house, and, once there with their luggage, of course they cannot very well leave without buying a passage ticket from the master of the house. Of course some pilgrims are more fortunate. They have relations to meet them at the seaport, and they fare better; but still they get fleeced by the *Haj* brokers to a very large extent. They are told they will get this and that when they get on board, and they are taken to look at the noble ship as she lays in the roads in smooth water with everything nice and clean. But a ship in harbour and a ship at sea with pilgrims is quite a different thing. * * * * *

However, we will suppose now that the pilgrims have bought their tickets and all goes well till the day of embarkation, (which is generally a wet one, for it is the wet season). Then the trouble begins. Some fight for places, and others complain that they paid for this, and were promised that. But here I must explain that the ship is generally let out or hired for so much per head by a big *Haj* broker, and the owner or captain only guarantees to carry a complement that the Government will allow, and supply them with food and water. Therefore, when the pilgrims come on board, it is the first time that the captain has seen them, but, nevertheless, they come complaining, and after a great deal of trouble and bother we get them to understand that they have been taken in by the broker or charterer, and the only remedy they have is to vow vengeance against those gentlemen, for it is seldom they come on board at the time of sailing.”

These are the evils which the Government has to deal with, and the primary intention of the present Bill is to secure a respectable class of Mahomedan brokers, who are to re-

ceive licenses from the Commissioner of Police (Section 4), and who will be liable to fine by a Magistrate, and also to have their licenses suspended or cancelled, if they commit a breach of the conditions of their license, or over-charge any pilgrim. This is provided for in Sections 6 and 7 of the Bill. The opportunity has also been taken in Sections 8, 9, and 10 of the Bill to give legal sanction to the appointment of a Protector of Pilgrims, whose duty it is declared to be to aid the Commissioner of Police in giving effect to the provisions of the Act, to advise and generally assist pilgrims during their stay in Bombay, and to exercise supervision over the proceedings of licensed pilgrim brokers. The Council will have gathered from the extract from the proceedings of the Government of India which I have read to them, that the appointment of Protector of Pilgrims has been in existence, though not provided for by law, for a considerable time. It has, in fact, been held by a Mahomedan gentleman ever since 1882, on a salary of Rs. 100 a month. When the appointment was first created, the duties of the office were defined by Government to be "to issue passports to all applicants; to aid them in procuring the necessary equipment for the voyage; to bring to notice the existence of any epidemic disease among them, and generally to give them all the information and assistance within his power in respect of every matter connected with their pilgrimage." His duties are laid down in this Bill in very much the same terms. These are all the remarks which I have to make directly bearing on the Bill. But it may interest the Council, and will make my observations more complete, if I state certain other measures which are in contemplation. I have mentioned that the pilgrims suffer much discomfort during the monsoon; and this discomfort commences when they are taken in open boats to ships lying in the harbour. In future, all pilgrim ships will be required during the monsoon months to embark their passengers in dock. This measure, besides saving the pilgrims much trouble, will enable the Protector of Pilgrims and the police to see that the pilgrims are properly accommodated, and that each person gets the space to which he is entitled. But a much more important measure is that which I have now to mention. The well known firm of Messrs. Thomas Cook and Son has expressed its readiness, upon certain conditions, to undertake the conveyance of pilgrims between India and Mecca; and these conditions have been accepted by the Government of India. The Government of India write upon this subject as follows:—

"The conditions contemplate the appointment of Messrs. Thomas Cook and Son to be pilgrim agents for the whole of India, local officers and officers in charge of treasuries being instructed to assist that firm in making known the terms of conveyance to Jeddah and back, and in disposing of through tickets. The Bombay Government will be requested to make over to the representatives of the firm the issue of passports in Bombay, after these have been signed by the proper authorities, and to instruct the Protector of Pilgrims to work in harmony with the firm, and to render it every possible assistance. On the other hand, Messrs. Thomas Cook and Son agree to arrange with the railway administrations, steamship proprietors, and others concerned, for the conveyance of the pilgrims, at through rates, from all the chief stations in India to Jeddah and back, and to do all in their power to secure the transit of the pilgrims in satisfactory ships supplied with proper accommodation in accordance with the regulations laid down by the Government. They are prepared to provide the requisite agency for the work, Mahomedans being appointed for this purpose in all cases where necessary, to establish a special pilgrimage office in the most convenient position at Bombay, and possibly also at Jeddah, and to make all detailed arrangements in connection with the issue of the necessary announcements, forms of tickets, &c. Lastly the firm has expressed its readiness to comply with the requirements and regulations which may be laid down from time to time by the Government of India, precisely in the same manner as though they were in the service of the Government."

The reputation of Messrs. Cook and Son is so high, and they have been so successful in overcoming great difficulties, (among which I may specially mention those connected with the Nile Expedition), that we may well hope that they will not fail in the very arduous and novel undertaking to which they have now committed themselves. The problem is, (and it must be admitted to be a difficult one), how to make arrangements for the comfort of people who have not the means to pay for comfort, and who are willing to endure any

amount of discomfort rather than abstain from making the pilgrimage. If Messrs. Cook can only persuade the pilgrims to take return tickets, one great cause of anxiety as to the welfare of the pilgrims will be removed, for, as I have said, one of the chief causes of their misery is that many of them think only of reaching Mecca, and leave Bombay with little except the clothes in which they stand, and a few provisions for the voyage. It is to be feared that, as matters at present stand, there must be many of these pilgrims who are never able to return to India. I now move that this Bill be read the first time.

The Honourable Mr. BUDRUDIN TYABJI:—May it please your Excellency,—I should have been satisfied with giving a silent vote in favour of this Bill, but as a member of the Mahomedan community, which is chiefly interested in this Bill, I will offer a few observations. I have very much pleasure in according my general consent to the provisions of the Bill, which I have no doubt will be very useful to the pilgrims who come to Bombay. I think the character and condition of the pilgrims have been very clearly stated by the Honourable Mr. Melvill. There is no doubt, I should say, that a large number of pilgrims who come to Bombay are extremely ignorant and extremely poor. Many of them are not natives of India but come from Persia or Central Asia, and are not only utterly unacquainted with India and the people of India but of the languages spoken here; the people speaking as a rule nothing but Turki or Persian. Therefore when they come here they find themselves at the mercy of the men who describe themselves as pilgrim brokers, and who taking charge of them on their arrival deal with the pilgrims afterwards as they please. The misfortunes of the pilgrims no doubt commence when they leave their homes, probably in Central Asia, and they suffer great hardships on the way to Bombay, but their real misfortunes begin in Bombay. Any arrangement which will protect them will be gratefully accepted by the pilgrims themselves. I would suggest that the portion of the Bill defining a pilgrim broker be enlarged, so as to make it penal for a broker if he cheats not only in respect of the ticket but of other articles or provisions which he may provide for the pilgrims. I understand the brokers undertake not only to provide the passage, but every other accommodation and to find the pilgrims lodgings, provisions and various articles they may require in Bombay. I should say that any enlargement of the Bill in this respect would be beneficial. The Honourable mover has referred to Messrs. Cook and Son, and I may say that I had the pleasure of seeing Mr. Cook in Bombay and of having some conversation with him as to the mode in which his firm might be of the greatest assistance to the pilgrims of Bombay. I have no doubt that they will succeed. They have already employed a Mahomedan gentleman of some position who has left for Jeddah with the express object of making a report on the pilgrims' grievances. I have suggested it to him that he should include in the report the inconveniences of the way from Jeddah to Mecca. One would naturally have imagined that Turkey being itself a Mussulman power and as large caravans come annually from Egypt with state escort, and from Constantinople with imperial officers accompanying them, that the Turkish authorities would have made some provision for the convenience and protection of the pilgrims. But there is no such thing. However great the inconveniences and hardships suffered by the pilgrims in their journey to Bombay and from Bombay to Jeddah, I believe they are nothing in comparison with the hardships which they undergo between Jeddah and Mecca. Here there are no roads of any kind, the mode of travelling is on camel back, there are bandits all along the route and the poverty to which the pilgrims are often reduced is as much attributable to the operations of the Bedouins as to anything else. I am perfectly well aware that it is not in the power of the Council or the Government of Bombay to do anything in this matter, but I make these observations with the object of attracting public attention. I certainly hope that the matter may be dealt with by the proper authorities; it may perhaps be possible to address the Turkish Government in regard to taking some action in the matter. Let the Indian Government do what it can for the comfort of the pilgrims, that really is a very small matter compared with what the Turkish Government can do. With these observations I have much pleasure in supporting the Bill.

The Honourable Mr. FORBES ADAM:—My Lord,—From what I know of the pilgrim traffic in Bombay, I think this Bill very desirable and necessary. No doubt, as the Honourable Mr. Budrudin says, 90 per cent. of the pilgrims are perfectly unable to take care of themselves and are taken in hand by brokers who do for them generally. I consider the action of Government in introducing this system will prove most beneficial and I hope it will be worked thoroughly.

The Honourable the ADVOCATE-GENERAL :—I think all of us who have gained experience in Bombay, some like the Honourable Mr. Budrudin in mixing with his co-religionists, others, like the Honourable Mr. Forbes Adam, who know how the shipping trade is conducted, and those who like myself know the disputes which come into the law courts, must approve of the Bill. There are one or two matters in which it may be amended. For instance I think there is a danger at present that a coach and four may be driven through the Bill by a broker ceasing to issue tickets and acting as tout, simply getting a fee for the persons he brings to the agent. I suppose the agents themselves are not always of a very good character. The charterer is included in the term agent, and I think he is often a Mahomedan of not a high class. One of the abuses occasionally disclosed in court is that a much larger number of tickets is issued than the vessel is allowed to carry passengers. A certain number of these unhappy men go on board with all the discomforts described in the passage read by the honourable mover, and find there is no room. This will no doubt be diminished when the ships are in dock. When a certain number have to be turned off the ship, it is a lottery who the unfortunate men are. Of course these persons are not in a condition to resort to legal measures to recover the money of which they have been swindled. A penalty might be imposed upon any charterer allowing more tickets to be sold than corresponded to the proper number of passengers. I do not mention these matters to find fault with the Bill. It is a most commendable one, but like most Bills there are matters in which it might be made more beneficial.

Bill read a first time.

The Bill was read a first time.

The Honourable Mr. MELVILL proposed that the Bill be referred to a Select Committee composed of the Honourable the Advocate-General, and the Honourable Messrs. Forbes Adam and Budrudin Tyabji, and the mover, with orders to report within a month, and that the Bill and the Select Committee's report be translated into Hindustáni and Gujaráti.

Bill referred to a Select Committee.

This was agreed to.

The Honourable Mr. PEILE moved that the " Bill to amend the Bombay Hereditary Offices Act so far as it relates to Matádárs" and the " Bill to amend Bombay Act III of 1874 " be referred back to the Select Committees, and said :—The statistics which were obtained at the request of the Honourable Mr. Ranade have only lately come in and been circulated. A communication has been received from Mr. Ranade upon them which will require to be considered, and it is possible next month Mr. Ranade may himself be able to take his seat in the Council for one meeting. I therefore propose that the Bills be referred back for further report, and I will at the same time move that the Honourable Mr. Rasté be added to the Select Committee in the place of the Thákor of Limri whose term in the Council has expired. The Committees to submit their reports as soon as possible.

Bills referred back to Select Committees.

The motion was carried.

His Excellency the PRESIDENT then adjourned the Council.

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

A. SHEWAN,

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

Poona, 14th July 1886.