

Friday, January 28, 1870

ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

VOL 9

Jan to Dec

1870

P L

*Abstract of Proceedings of the Council of the Governor General of India,
assembled for the purpose of making Laws and Regulations under the
provisions of the Act of Parliament 24 & 25 Vic., cap. 67.*

The Council met at Government House on Friday, the 28th January 1870.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K. P.; G. C. S. I.,
presiding.

His Excellency the Commander-in-Chief, K. C. B., G. C. S. I.

The Hon'ble G. Noble Taylor.

Major General the Hon'ble Sir H. M. Durand, C. B., K. C. S. I.

The Hon'ble John Strachey.

The Hon'ble Sir Richard Temple, K. C. S. I.

The Hon'ble J. Fitzjames Stephen, Q. C.

The Hon'ble Gordon S. Forbes.

The Hon'ble D. Cowie.

Colonel the Hon'ble R. Strachey, C. S. I.

The Hon'ble Francis Steuart Chapman.

The Hon'ble J. R. Bullen Smith.

His Highness Sarámade Rájáháe Hindústán Ráj Rájendra Srí Mahárájá
Dhiráj Sivái Rám Singh Bahádur, of Jaypúr, G. C. S. I.

The Hon'ble F. R. Cockerell.

OUDH TALUQDARS ESTATES BILL.

The Hon'ble MR. STRACHEY, in moving for leave to introduce a Bill to relieve from incumbrances the estates of taluqdárs in Oudh, said that the Council was well aware of the peculiar conditions under which the taluqdárs of Oudh held their landed estates. Those conditions had their origin in the arrangements made by Lord Canning in 1858 and 1859, and it would be in the recollection of the Council that those arrangements received finally the sanction of the legislature about a year ago, by the passing of Act I of 1869. In the debate when the Bill was passed, which took place, MR. STRACHEY believed, on the very last occasion on which Lord Lawrence was present as Viceroy in Council, he made a statement which had led to the preparation of the measure which it was now proposed to introduce. Lord Lawrence then said that he trusted that the policy which was about to receive the sanction of the Council that day would be so worked by the taluqdárs and their descend-

ants, that the British Government would never have cause to regret the policy that had been adopted. He said—

“It is in the hands of the taluqdárs themselves to make their privileges a blessing or a misfortune to their relatives, to the subordinate proprietors, and to the cultivators of the soil, and I trust that they and their descendants will so discharge the duties which are bound up with their rights, that the British Government will be satisfied that the policy which is now being declared is sound.”

Lord Lawrence then went on to say that it had come to his knowledge that many of the taluqdárs of Oudh were in great pecuniary difficulties, and he said that it was hard that any man placed in the position of a taluqdár should be just and generous to his dependants when he had difficulties of this kind in his own home. He then said that, not many years ago, an Act had been passed in the Presidency of Bombay with the object of relieving the taluqdárs of Guzerat who, MR. STRACHEY believed, formed the aristocracy of that part of the country, and of assisting them to get rid of the heavy incumbrances on their estates. The Act enabled the Government to make advances of money to taluqdárs on the security of their estates. The Bombay Act VI of 1862 appeared to have been worked with the most complete success. In the course of the six years following the passing of the Act, 469 estates came under its operation, and nearly half of those estates had been restored to the taluqdárs in a completely solvent condition and free from all incumbrances. Lord Lawrence proposed to treat the taluqdárs of Oudh in a similar manner, and he stated that it was his intention to direct the Chief Commissioner of Oudh to make enquiries into the actual condition of the taluqdárs, and that he thought it would be right that the Government should then take measures for relieving those taluqdárs who apparently deserved it. He wound up his remarks as follows:—

“I think that, under good management, all those taluqdárs who are really desirous of retrieving their position can do so if they pursue the course it behoves them to follow, and thus prevent their descendants from arbitrarily selling their estates to meet their necessities. If they fail, they will have no one to blame but themselves, and their descendants will be deprived of all means of maintaining their position. The measure I propose appears to me to be justified by sound policy; and I trust that it will also have the effect of showing the taluqdárs of Oudh that the British Government really desires that they should be maintained in prosperity in their present position.”

Immediately after that speech of Lord Lawrence, the Chief Commissioner of Oudh was ordered by the Government of India to institute enquiries on the subject. He was informed that it had been brought to the notice of the Governor General in Council that various causes had led to many estates of taluqdárs being greatly incumbered with debts, whilst the legal facilities for the recovery of debts by creditors, and the high interest on loans must tend to the

gradual transfer of those estates to bankers and merchants. The Governor General thought that loans might properly be made from the treasury, with a view to "re-establishing the solvency of these estates, in cases in which the assistance of the Government appeared to be deserved, the taluqdár surrendering the management of the estate to an officer appointed by the Government, as security for the re-payment of the loan."

The result of those orders was, that a minute enquiry into the whole matter was instituted under the orders of the Chief Commissioner of Oudh. He found that there were about fifty of the principal taluqdárs of the province, paying an annual revenue of about £135,000, whose debts amounted to about £327,000. The Chief Commissioner sent up the draft of a Bill, taken almost entirely, with slight modifications, from the Bombay Act of which MR. STRACHEY had been speaking; and that was the Bill, with some further modifications, which he now asked leave to introduce. The Bill provided that, on the application of any taluqdár for assistance of this kind, the Chief Commissioner, if on due enquiry he came to the conclusion that the case was one in which interference of this kind was right, might make a declaration vesting the management of the estates of the taluqdár in an officer appointed by the Chief Commissioner. The effect of that declaration would be that the estate would be made over, for a period not exceeding twenty years, to the management of the officer appointed by the Government. While under the management of this officer, the estates and the income derived from them would cease to be liable to attachment or sale by the courts on account of any debts of the taluqdár, and the power of the taluqdár to alienate or incumber his estates in any way would be in abeyance. The taluqdár would receive such allowance for his maintenance and the maintenance of his family as might be considered appropriate. The amount of the debts of the taluqdár would be ascertained, and the officer appointed to manage the estate would adopt systematic measures for paying off the whole of them. It would rest entirely with the Government to say, in each particular case, whether it would advance money from the treasury or not. It was not proposed to say anything in the Bill about this, but to leave the Government absolutely free to act as it pleased. The present intention was, that no such advances should be made unless the Government was quite satisfied that the whole of the advances could, without any doubt, be repaid, with interest at six per cent. per annum, within ten years. MR. STRACHEY was unable to say what sum of money might probably be actually advanced by Government to the taluqdárs if the present measure should become law; but according to the estimate made by the local authorities, supposing that the whole of the estates to which he had referred were to be taken under the management of Government officers, the whole sum to be advanced would be about £146,000. But

even if the total advances should amount to so much as this, which was not very likely, the whole sum would be little more than one year's income of the estates. Now, as the management of no estate would be undertaken without the Chief Commissioner having satisfied himself that it would be relieved completely in a few years from all embarrassment, the security would be quite complete, and therefore, financially speaking, the Government would run no risk whatever. The taluqdárs themselves were extremely anxious that this measure should be passed. The Financial Commissioner, Colonel Barrow, who was the best possible authority on the subject, said that his belief was that this anxiety on their part was quite real, and that the wish of embarrassed taluqdárs to place their estates under Government management was "to be accounted for by the good opinion they have of Government management as exercised in estates under the Court of Wards in Oudh, and by the fact that our management generally frees them from the incubus of a host of hangers-on, whom they have not themselves the moral courage to get rid of."

MR. STRACHEY hoped that there would be no misunderstanding regarding the measure which he proposed to introduce. It was a measure with which it would not be difficult to find fault on economical grounds; and there would be many people who would say that if these estates had been mismanaged by the taluqdárs and thus became encumbered with debts, the sooner they passed into the hands of solvent proprietors, the better. Not only in Oudh, but in other parts of Northern India with which he had been personally acquainted, he had never believed that that principle was a right one to apply. He had always believed, and he thought the experience of 1857 had shown it to be the case, that this was a matter in which we could not afford to ignore the feeling of the people of the country. It shocked every feeling of propriety and justice in the Natives of Northern India, that we should allow estates which had been held in the same family for generations to pass into the hands of strangers—generally of the money-lending class—in satisfaction of decrees of civil courts for debt. He thought there could be no doubt that the experience of 1857 showed conclusively the mischief thus done. The transfer, under the operations of our courts, of many ancient estates into the hands of strangers was found, in 1857, to be a great cause of political weakness, by depriving the Government of the support of the Chiefs whom the people themselves looked on as their leaders; and it also became a cause of internal commotions and bloodshed among the people themselves. He did not intend to defend this measure on economical grounds, but even on those grounds much might be said in its favour; for he believed that, if it was certain that a thing was politically inexpedient and wrong in any country, it was impossible that that thing could in that country be at the same time econo-

mically right, whatever it might be in some other country under different conditions. But however that might be, this was to be looked on as a purely political measure. It was brought forward with the object of strengthening the policy originally adopted by Lord Canning's Government in Oudh, and which was sanctioned by the legislature by Act I of 1869 a year ago. The merits of that policy were now not a question for discussion. The Government believed it to be its duty, and it was the determination of the Government, to carry out that policy fully and honestly, and to give to the great experiment now being tried in Oudh every fair chance of success which could reasonably be given to it. The Bill which MR. STRACHEY now asked leave to introduce would be a pledge of that determination, and would be at the same time a fulfilment of the promise made by Lord Lawrence a year ago.

The Motion was put and agreed to.

EMIGRANTS' REGISTRATION FEE BILL.

The Hon'ble MR. CHAPMAN, in moving for leave to introduce a Bill to enable the Governor General in Council to increase the fees payable under section 31 of Act No. XIII of 1864 (*to consolidate and amend the law relating to the Emigration of Native Labourers*), said that, under the existing law, the fee for registering an emigrant was, except in the case of the Presidency Towns, limited to one rupee. But the total cost incurred for controlling emigration in India exceeded the revenue derived from fees, and it was not deemed expedient that the Government should bear that loss. The object of the present Bill, therefore, was to empower the Government to increase the fee for the registry of an emigrant to any amount not exceeding double the present amount.

The Motion was put and agreed to.

KULLU SUB-DIVISION (PANJAB) BILL.

The Hon'ble MR. STEPHEN presented the Report of the Select Committee on the Bill for investing the Assistant Commissioner in charge of the Kullu Sub-division of the Kangra District with certain appellate powers.

The Council adjourned to Friday, the 4th February 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.

for making Laws and Regulations.

CALCUTTA, }
The 28th January 1870. }