

Tuesday, January 18, 1876

**COUNCIL OF THE GOVERNOR GENERAL  
OF INDIA**

**VOL. 15**

**JAN. - DEC.**

**1876**

**P. L.**

ABSTRACT OF THE PROCEEDINGS

1877

OF THE

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1876.

WITH INDEX.

VOL. XV.



Published by the Authority of the Governor General.

Gazettes & Debates Section

Parliament Library Building

Room No. FB-025

Block 'G'

CALCUTTA:

OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING.

1877.

*Abstract of the 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 Tuesday, the 18th January 1876

PRESENT :

His Excellency the Viceroy and Governor General of India, G. M. S. I.,  
*presiding.*

His Honour the Lieutenant-Governor of Bengal.

Major-General the Hon'ble Sir H. W. Norman, K. C. B.

The Hon'ble A. Hobhouse, Q. C.

The Hon'ble E. C. Bayley, C. S. I.

The Hon'ble Sir W. Muir, K. C. S. I.

The Hon'ble Sir A. J. Arbuthnot, K. C. S. I.

Colonel the Hon'ble Sir Andrew Clarke, R. E., K. C. M. G., C. B.

The Hon'ble John Inglis, C. S. I.

The Hon'ble Sir Douglas Forsyth, K. C. S. I.

The Hon'ble Ashley Eden, C. S. I.

The Hon'ble T. O. Hope.

The Hon'ble D. Cowie.

The Hon'ble Rájá Narendra Krishna Bahádur.

BURMA LAND REVENUE BILL.

The Hon'ble MR. EDEN moved that the Report of the Select Committee on the Bill to declare the law relating to interests in land and to regulate the assessment and collection of land-revenue, capitation-tax and other taxes in British Burma be taken into consideration. In February last, he had obtained leave to introduce this Bill. At that time he had explained that its object was not to alter in any way the system of revenue administration in Burma, nor to impose new taxes or alter or interfere with the position of landholders and the interests they held in land. But the object was to bring within the scope of one law all matters connected with the revenue administration which had theretofore been managed by rules prescribed from time to time by the local administration. Those rules had been changed frequently to meet the growing requirements of the province; they had become confused and indistinct, and some of them had become obsolete. Under these circumstances, the Government of India four years ago ordered that the whole subject should be taken

into consideration, and a draft Bill prepared for regulating these matters by law instead of by rules. A Committee was appointed composed of officers of great local and revenue experience, and by them a draft Bill was prepared. During the discussions which arose out of their enquiry, a number of questions cropped up connected with various interests in the land which the people possessed, and these were ultimately referred home to the Secretary of State by the Government of India. In due course the Secretary of State affirmed the views of the local administration and the Government of India. The Bill was revised by a Select Committee of this Council and was returned to Burma with a request that the Chief Commissioner would, after consulting the local officers on the subject, send in a further report. This had now been done, and we had received the report of the Chief Commissioner, with the opinions of the officers who had been consulted. The report was carefully considered by the Select Committee, who had adopted nearly all the alterations recommended by the Chief Commissioner and the Judicial Commissioner. The Bill as it now stood would, he thought, entirely meet the views of the local administration.

The second Part of the Bill contained the law relating to the rights over land which were based partly upon custom and partly on the old Buddhist law as adopted by Sir Arthur Phayre; they were of a very simple nature, and were declared in sections 7 to 9, by which it would be seen that any person who occupied land for twelve years continuously acquired the status of a landholder, and such occupation gave him a heritable and transferable right of use and occupancy in the land. There was one class of interests in land peculiar to Burma, and which was dealt with in sections 9 to 14. Under the existing practice, which this Bill proposed to confirm, any person who once acquired the status of a landholder might retain his interest in the land even if he left it and disappeared for twelve years. In practice, constant disputes and much misunderstanding were caused by persons leaving their land without giving any sign of their intention to return, and then coming back after a number of years and claiming to be put in possession, the land having in the meantime passed into the possession of others, who probably had never heard of the claimant as an occupier. To remedy this state of things, the Bill contained new provisions under which, when any person desired to leave his land with an intention to return, he could do so by giving notice to the revenue officer and registering his intention. Having done so, he could come back within twelve years and claim to be put in possession, certain precautions being taken with regard to the interests of temporary tenants; failing this notice, he lost his lien in the land. As the proposed change in the law might

cause some inconvenience, three years' time was allowed to persons who were now absent from their lands to come in and claim to be put in possession of the land which they had so left vacant.

Section 15 was a section which would confer great benefit on the holders of land. At present there was no system under which a person could obtain a legal document showing his right to the land. Everything was now settled by the tax-collector's roll showing the occupation for the year. Under this section twelve years' occupancy would admit a person to the right of registry as a landholder.

By the 17th section, the Select Committee had arranged that all questions concerning the status of landholders should be decided by the revenue officials, and where a question of landholder's right to land was brought before a civil Court, it was directed to refer it to the revenue officers to decide whether a claimant had acquired the status of a landholder or not.

The third Part of the Bill related to the assessment and collection of revenue and taxes. MR. EDEN must explain that none of these taxes were new, and that they were all in force under the existing rules. The capitation-tax, the land-revenue, and the five per cent. cess were all now in force at the rates laid down in this Bill. There was nothing in the proposed law which in any way increased taxation.

The last Part of the Bill related to the collection of taxes and the recovery of rent, which had been arranged for by as simple a process as possible. When the assessment fell due, a notice was served on the defaulter, giving him ten days' time to appear and answer, and if he failed to do so, he was treated as a defaulter, and a proceeding was instituted before the Revenue Court for the recovery of the rent or tax. In the section which related to the recovery of rent from the land itself, the right of every landholder who had acquired a status by twelve years' occupancy had been carefully guarded; so that if he became a defaulter and the land was taken possession of by the Government, his right would be put up to auction, and any excess obtained beyond the debt due by him would be paid over to him. MR. EDEN did not think that there were any other parts of the Bill calling for special notice. In fact the Bill was really based on the system as it now existed.

The Motion was put and agreed to.

The Hon'ble MR. EDEN also moved that the Bill as amended be passed.

The Motion was put and agreed to.

**NATIVE PASSENGER SHIPS' BILL.**

The Hon'ble Mr. HOBBHOUSE presented the Final Report of the Select Committee on the Bill to consolidate and amend the law relating to Native Passenger Ships and Coasting Steamers.

**BURMA LABOUR CONTRACT BILL.**

The Hon'ble Mr. HOBBHOUSE also presented the Final Report of the Select Committee on the Bill to regulate the transport of Native labourers to British Burma, and their employment therein.

**CHUTIA NAGPUR INCUMBERED ESTATES BILL.**

His Honour THE LIEUTENANT-GOVERNOR moved for leave to introduce a Bill to relieve from incumbrances certain estates in Chutia Nágpur. He said that when last year we were examining into the general condition of affairs in this rather important province on the frontiers of Bengal, we found a number of large landholders, virtually in the position of Native Chiefs, much in the same sort of position as taluqdárs in other parts of India. In Chutia Nágpur and elsewhere, we found that these Chiefs were falling into a serious state of indebtedness, which condition occasionally brought them into civil litigation, and ultimately placed them in the danger of having their estates sold for default. The mischief of such a state of things in a hilly country was obvious. The political effect was bad, of such important Chiefs, with a good deal of territorial authority, falling into debt, and disputes were likely to arise between the new proprietor who might have purchased the property and the tenantry who were too rude and uncivilized to understand the merits and utility of the transfer of land, and on the whole the political and social consequence of such sales taking place were much to be deprecated. In the earlier days, before 1859, the local authorities used to prevent such disadvantages in a summary manner; that was to say, when a Chief was approaching a state of bankruptcy, the local officers used to take up his affairs, including the management of the estate. They would stop all action of the ordinary Courts, have a schedule prepared of the debts after ascertaining their amount, arrange for their gradual liquidation, and prevent the Chief from incurring fresh debts, intermediately providing a respectable amount for his maintenance. But after 1859, this simple procedure became no longer lawful. In that year, the Civil Procedure Code was passed, and it had not since been possible to effect such arrangements. The local authorities from time to time endeavoured, in an indirect way and by the exercise of their influence, to prevent these Chiefs getting into debt, and did as much as they could in that way. But it was quite clear that in these

days, when the reign of law became stricter and stricter, it was no longer possible for the local authorities to interfere unless they were armed with legal powers. That being the case, it became desirable to consider whether such a state of things could not be properly remedied. The case of Oudh, which was almost similar, seemed to furnish a proper precedent. By Act XXIV of 1870, an exactly similar process was established in Oudh for the relief of encumbered estates of the taluqdárs of that province, and he believed that its principle was held to be conducive to the welfare of the landed aristocracy of that province, the Bengal Government was desirous of having a similar law for the Chiefs of Chutia Nágpur. So, if His Lordship and the Council would permit him, His HONOUR would introduce a Bill for Chutia Nágpur, framed exactly on the model of the Act passed for Oudh.

The Motion was put and agreed to.

The Council then adjourned to Tuesday, the 25th January 1876.

CALCUTTA,  
*The 18th January 1876.* }

WHITLEY STOKES,  
*Secretary to the Govt. of India,  
 Legislative Department.*