

*Thursday,
30th September, 1886*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXV

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ABSTRACT OF THE PROCEEDINGS
OF
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ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS

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*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 Viceregal Lodge, Simla, on Thursday, the 30th September,
1886.

PRESENT :

- His Excellency the Viceroy and Governor General of India, K.P., G.C.B.,
G.C.M.G., G.M.S.I., G.M.I.E., P.C., *presiding*.
His Honour the Lieutenant-Governor of the Punjab, LL.D., K.C.S.I., C.I.E.
His Excellency the Commander-in-Chief, Bart, G.C.B., C.I.E., V.C.
The Hon'ble C. P. Ilbert, C.S.I., C.I.E.
The Hon'ble Sir T. C. Hope, K.C.S.I., C.I.E.
The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.
The Hon'ble Major-General G. T. Chesney, R.E., C.S.I., C.I.E.
The Hon'ble J. W. Quinton.
The Hon'ble Colonel W. G. Davies, C.S.I.
The Hon'ble Rana Shankar Baksh Singh Bahadur, C.I.E.

MILITARY COURTS OF REQUESTS ABOLITION BILL.

The Hon'ble MAJOR-GENERAL CHESNEY moved that the Bill to abolish Military Courts of Requests as established by Indian Military Law be referred to a Select Committee consisting of the Hon'ble Mr. Ilbert, the Hon'ble Mr. Peile and the Mover.

The Motion was put and agreed to.

OUDH RENT BILL.

The Hon'ble MR. QUINTON moved that the Report of the Select Committee on the Bill to consolidate and amend the law relating to Rent in Oudh be taken into consideration. He said :—

“I would ask Council to give me their attention while I attempt to describe briefly the course which the Bill has taken since it was referred to the Select Committee, and to account for some of the more important changes in it which we recommend. I shall pass over those points which will be discussed on the amendments standing on the paper in the name of my hon'ble friend Rana Shankar Baksh Singh.

“The Bill was duly published for the information of those concerned; it was sent to the Government of the North-Western Provinces and Oudh

for a further expression of opinion; and that Government in turn invited on it the opinions of selected officers. Further, a committee of the Taluqdárs Association assembled at Lucknow in August and discussed the measure in great detail among themselves and in almost daily consultation with the Government—His Honour the Lieutenant-Governor having come down from Naini Tal and remained at Lucknow a fortnight for this purpose. I would also remind Council that the enquiries which led to Government's undertaking this legislation began so far back as 1881, and that the main principles of the Bill have been under discussion for the past three years.

“The Bill as finally settled by the Select Committee is the outcome of these consultations and discussions, and is based almost entirely on the recommendations of the Local Government, which in preparing the measure has paid great regard to the representations of the Taluqdárs, who as landlords own three-fifths of the soil of the Province. Those gentlemen are entitled to great credit for the loyalty and public spirit with which they have advanced to meet the wishes of Government in devising measures for the protection of the tenantry, and this attitude of theirs has naturally secured for their representations the most favourable consideration consistent with securing the objects of the Bill both with the Local Government and the Select Committee. The amendments to be brought forward today by my hon'ble friend will show that, except in a few points,—and those by no means the most important regulated by the Bill,—the Taluqdárs have little fault to find with it.

“Section 4 of the Bill as introduced barred contracts made before or after the passing of the Act, which would have the effect of defeating the provisions of the Bill respecting the enhancement of rents and ejection of tenants in whose favour statutory tenancies were created.

“My hon'ble friend Rata Shankar Baksh Singh in his speech on the motion to refer to Select Committee, and the Association of the Taluqdárs at Lucknow, objected to the section as too general, and as making no allowance for reclamation-leases in jungle and alluvial lands, and for reclamations effected by or at the expense of the landlords. Similar representations were also made on behalf of persons on whom Government had conferred grants of waste-land in Oudh. These grants had been made on special conditions, which for the most part contemplated or required a gradual extension of the cultivation. The fairness of the objections was admitted by the Lieutenant-Governor and the Select Committee, and the section has been amended so as to exclude from its operation for a period of fourteen

1886.]

[*Mr. Quinton.*]

years contracts in respect of land brought under cultivation by reclamation-leases or at the expense of the landlords after it has lain waste or fallow for periods exceeding seven years. It will not, we believe, pay a landlord to allow land to lie fallow seven years in order to get round the provisions of the Bill respecting enhancement of rent and ejectment; and, on the other hand, a landlord would, in most cases, have great difficulty in obtaining at first from tenants admitted to the cultivation of such land a rent which would be at all fair or adequate for a period of seven years. As we have amended the section, a landlord will be able to let the land at progressive rents agreed upon between the parties.

“ The same principles apply to alluvial lands which are periodically surveyed by Government in order to determine what alterations should be made in the revenue, and to waste-land grants; but we have on the suggestion of the Lieutenant-Governor, and in view of the exceptional and fluctuating nature of their cultivation, included these two classes of land in Schedule D of the Bill, which will have the effect of taking them out of the operation of the sections relating to enhancement and ejectment. In alluvial tracts cultivation may vary from year to year, and in waste-land grants the special conditions on which they were made have given rise to a system of cultivation with which interference is not necessary or desirable.

“ Compensation for disturbance has disappeared from the Bill. When this Bill was last before Council I endeavoured to give some reasons why the Taluqdárs' objections to this principle should not be insisted on, and Your Excellency explained that under similar circumstances the payment of compensation for disturbance to a tenant in Ireland implied no acknowledgment by the landlord of a right of permanent occupancy in the tenant's favour, and that the injury sustained by unexpected ejectment entailed upon the tenant the loss not merely of his improvements but a further loss occasioned by the disturbance introduced into his plan of life and his industrial undertakings. The Hon'ble Sir Steuart Bayley argued to the same effect, but admitted that there were other objections from a landlord's point of view which made him reserve his final opinion; and it was estimated both by him and by myself that, if security for the objects aimed at by the Bill could be attained by any other method, such a proposal would receive favourable consideration. My hon'ble friend Rana Shankar Baksh Singh stoutly opposed the provision in Council, and, in the discussions with the Taluqdárs at Lucknow to which I have already alluded, these gentlemen adhered to their previous objections, and were not influenced by the arguments used here and by the Lieutenant-

Governor in support of the principle. They recognized, however, the necessity for some check on the issue of notices of eviction which had for the last eighteen years been largely used as an engine for enhancement. After long discussion the Taluqdárs tendered as an alternative to compensation for disturbance the plan now embodied in the Bill, which is briefly this, that notices of ejectment issued upon tenants ordinarily entitled to a renewal of the statutory tenancy created by the Act should bear a stamp-duty equivalent to half a year's rent of the holdings, subject to a maximum of Rs. 25. The Local Government and the Select Committee are not insensible to the objections which may be brought against this proposal. They feel that it confers no direct benefit on the ousted tenant, and they are aware that it may, and probably will, expose Government to the imputation of attempting to make money out of ejectments. As to the first point, the truth of the allegation and the force of the argument must be admitted. The landlords, however, protested most urgently against being obliged to pay compensation to a tenant whom it was every one's interest to get rid of on account of turbulence or bad behaviour; and the Select Committee, recognizing the justice of this aspect of the case, can only hope that the existence of the provision in the law will render ejectments the exception and not the rule, and subject to eviction only tenants to whom that process can be applied with advantage to their neighbours and to the improvement of the cultivation of the soil. With reference to what fell from Your Excellency as to the disturbance of the raiyat's plan of life and industrial undertakings caused by unexpected eviction, I may point out that the Bill improves to some extent the condition of the tenant in this respect. Under the existing law he can be turned out on a month's notice, while the Bill fixes the term for such a notice at six months.

"The imputation of cupidity against Government is one on which my hon'ble friend Sir Auckland Colvin, who on a recent occasion displayed a nervous solicitude for the reputation of a Finance Member, will doubtless feel sensitive, and I shall leave him to deal with it, as it affects the Government of India. As to the Local Government, I cannot do better than read to the Council the views of Sir Alfred Lyall already quoted in our Report :—

'So far as this Government is concerned, there is no desire whatever to increase the stamp-revenue at the landlord's expense, or to impose any additional costs of this kind upon transactions between landlord and tenant. The Lieutenant-Governor would certainly not have proposed, for his own part, to turn compensation into a tax; and he has no doubt that it would, on principle, have been better to adhere to the simple and logical provision which would prevent a landlord from ejecting a tenant until he also gave him some indemnity.

1886.]

[*Mr. Quinton.*]

‘Nevertheless, when this alternative is put forward and supported by the Association and since it has become clear that the Taluqdárs unanimously prefer to pay stamp-duty rather than compensation to the tenant, while undoubtedly the stamp-duty would answer the purpose of a check on ejection as effectively as a compensation-payment at the same rate, the Lieutenant-Governor feels bound to accept and submit to His Excellency the Governor General in Council this proposal as an admissible compromise upon an important and closely-debated provision of the Bill.’

“It is believed by Sir Alfred Lyall, after consulting many officers of experience, that the necessity for paying half a year’s rent will probably act as a sufficient check upon inconsiderate and injurious evictions; and he is further of opinion that a varying stamp-duty is better than a fixed one, which, if of high value, would be prohibitive of the ejection of smaller tenants, among whom there is the great probability of finding indifferent cultivators and bad characters. I may add that the scale of compensation for disturbance originally proposed, namely, one year’s rent, was very powerfully criticised as oppressive to the landlords when taken in connection with the limitation of enhancement and the period of the statutory tenancies proposed by the Bill; though, had there been no such limitations on enhancement, it would not fall heavily. This argument it might have been impossible for us altogether to ignore had the original proposal been adhered to.

“In the debate on the second reading of the Bill, it was intimated by Your Excellency that the payment of compensation for disturbance might be neutralised by a grant of an eight years’ lease. Compensation for disturbance, as I have already said, has disappeared from the Bill, but we have applied the same principle to the substitute proposed for it, and have made this clear by a section (69) inserted for the first time. A lease of a holding for eight years or upwards must, as regards enhancement, be in conformity with the provisions of the Bill, but exempts the landlord from liability to pay what I may call the penal stamp-duty imposed on notices of ejection. A landlord wishing to eject a tenant on the expiration of an eight years’ lease need not pay such stamp-duty.

“Section 129 of the Bill as introduced gave the Local Government power to revise and settle for a period of ten years the rents of an estate suffering from grave mismanagement. This power was meant to formulate the conditions on which the Government might enforce the penalties of the sanads by which Taluqdárs hold their estates, and might also, it was thought, prove not unacceptable to those landlords as substituting for vague conditions enforceable at the will of the Executive Government a more definite stipulation and penalty regulated by law. This expectation, however, turned out to be ill-

[*Mr. Quinton; Rana Shankar Baksh Singh.*] [30TH SEPTEMBER,

founded. The Taluqdárs objected very strongly to the section, and preferred to lie under the sword of Damocles in the shape of the sanad to being relieved in the manner proposed of the risk of its falling on their necks. In view of this and of the safeguards provided by the Bill against oppressive enhancement, Sir Alfred Lyall considers it unnecessary to ask the legislature to arm the Executive Government with this authority by special enactment, and, in deference to this opinion, the Select Committee propose the omission of the section. They wish it, however, to be clearly understood that this omission in their opinion in no way affects the efficacy and force of the sanads, the obligations imposed on the Taluqdárs by those instruments or the power of the Executive Government to judge whether the conditions of the grant have been infringed and to inflict the penalty attached to such infringement."

The Hon'ble RANA SHANKAR BAKSH SINGH addressed the Council in the Vernacular, a translation of his remarks being read by the Secretary as follows :—

"With Your Lordship's permission I humbly beg to offer a few remarks on the Oudh Rent Bill as amended by the Select Committee and submitted to this Hon'ble Council for consideration and final disposal.

"When the Bill was initiated it could hardly be expected that such important, difficult and intricate questions as it involved would be so easily and promptly settled. But the difficulties, which then appeared to be almost insurmountable, have, I am glad to say, been successfully removed; and this desirable end has been achieved no less through the especial attention bestowed on the subject by His Honour the Lieutenant-Governor, and the keen interest taken by His Honour in the discussion and settlement of details, than through the peaceful disposition and loyal conduct of the Taluqdárs.

"I think I need scarcely remind this Hon'ble Council how the Taluqdárs had, subject to certain important exceptions, accepted the two main principles of the Bill,—I mean the rules about the seven years' lease, and the limitation of enhancement to one anna in the rupee,—and how the Local Government had consented to expunge section 129 of the original Bill and the rule about compensation for disturbance. But, in order to more effectually check evictions, it was subsequently resolved that a stamp-duty be levied on all ejection-notices, and that, if the landlord desired to be exempted from the payment of such duty, he should be allowed to grant a longer lease. The last plan was suggested by Your Excellency on the speech on the Rent Bill made on the 9th June last,

1886.]

[*Rana Shankar Baksh Singh.*]

“ The way these points were settled may be readily ascertained from the correspondence on the subject, and need not be explained here. After the more important questions had been satisfactorily settled, the minor objections of the Taluqdárs were considered; and the few amendments proposed by them after careful consideration, and in a fair and unprejudiced spirit, were wholly or partially approved by the Local Government, adopted by the Select Committee and embodied by them in the Bill now before Your Excellency's Council.

“ The Taluqdárs' objections to section 4 of the Bill, though respectfully urged, were exceptionally strong, and attracted sufficient attention at the time; but subsequently it was found impossible to amend this section to the extent they desired, because any further amendment would make it inconsistent with the principles of the seven years' lease and the limitation of enhancement as finally accepted by the Taluqdárs.

“ As regards section 51 of the present Bill, the Taluqdárs had requested that it should be expunged, but the Local Government did not recommend this, and in Select Committee the section was left to stand as it is. In my humble opinion this section should be maintained, and with Your Lordship's permission I will briefly state the reasons which have led me to this conclusion.

“ Though the Taluqdárs have, from philanthropic and liberal motives, or in deference to the wishes of Government, accepted the provision as to limitation of enhancement to one anna in the rupee, it is not unlikely that after a few years' experience the Government will find the rule in question inapplicable to all classes of land. There are certain descriptions of land which will not admit of any enhancement at all, while there are others for which the proposed enhancement of one anna in the rupee will be quite insufficient, and a third class of land will only bear an enhancement of less than one anna in the rupee. From the incidence of enhancement on all the three classes of land the landlord is sure to suffer heavily, and the Government will equally suffer in its revenue at a future settlement. Under these circumstances it will become necessary to vary the limits of enhancement according to the descriptions and capacities of land, and raise or lower the amount of enhancement as the circumstances of each case may demand. It is to be hoped that the powers thus given to the Local Government will be exercised by it judiciously. I am humbly but firmly of opinion that, owing to a rise in the market-rates and the improved means of communication, especially in those parts of the country to which the railway line has not yet been extended, it will become absolutely necessary to vary the limits of enhancement.

[*Rana Shankar Baksh Singh.*] [30TH SEPTEMBER,

“My Lord, as the Taluqdárs have loyally sacrificed their interests and shown great moderation and liberality to their tenants, and as their objections are conceived in a perfectly fair and loyal spirit and couched in the most respectful terms, I have felt it my duty, as a member of the Select Committee, to try as best I could to obtain a fair and impartial consideration for all and each of their objections. But I was compelled to agree with my learned and hon'ble colleagues of the Select Committee in rejecting some of those objections for reasons they were good enough to explain to me. Greatly as I wished that there should be no reason for my holding a different view, I regret to say that I was reluctantly compelled to record my dissent on some important points in a minute annexed to the Select Committee's Report, now before this Hon'ble Council. The Taluqdárs' objections to the provisions of section 19 for the remission of rent are not unreasonable. What they want is that either section 23 of the North-Western Provinces Rent Act, XII of 1881, be applied to Oudh, or that section 20, Act XIX of 1868, which has long been in force in Oudh, be maintained. If the Government is disposed to show more mercy to tenants, it should equally divide between itself and the landlord the losses caused by unforeseen calamities.

“In fact, the landlords of Oudh are not better off than those of the adjoining districts of the North-Western Provinces. In some districts of the North-Western Provinces where the Permanent Settlement is in force, and which have long enjoyed the blessings of peace, the landlords surpass the landowners of Oudh in wealth and prosperity. Oudh has as yet known only a thirty years' settlement, and during the last thirty years of internal peace and security it has been disturbed by the harassing operations of a number of settlements giving rise to countless disputes and producing disastrous litigation. The landlords of Oudh are therefore by no means less entitled to the favourable consideration of the Government than those of the North-Western Provinces; and, if in the North-Western Provinces a remission of rent to tenants is followed by a remission of the revenue to the landlord, it is but just and reasonable that the same rule should be held good for Oudh. The Chief Secretary to the Government, North-Western Provinces and Oudh, in his letter No. ^{2466 B.}₂₀₀₋₆₀, dated the 6th instant, has laid some stress on the fact that in practice the rule in question has led to serious errors; but from this, I humbly submit, it does not necessarily follow that the rule is radically wrong or defective and cannot be rectified or improved under proper supervision and by suitable instructions. If, however, it is considered desirable that this rule should not be introduced in Oudh, then the rule laid down in section 20 of the present Rent Act, which has been in

1886.]

[*Rana Shankar Baksh Singh.*]

force for eighteen years and has worked so well and without prejudice to either party, need not be altered. The only ground on which it seems possible to make the proposed alteration is to give the statutory tenant the benefit of a remission of rent under exceptional circumstances in addition to the statutory privileges already conferred upon him. But the tenant's claim to a remission of rent falls to the ground when it is considered that he has obtained such valuable concessions from his landlord, who for seven long years will not be able to share the benefits the tenant will derive from the improved capacity of the land comprised in his holding, from the increased means of communication or from high market-rates, and who cannot enhance the rent beyond one anna in the rupee even after the expiration of that period. If the tenant is entitled to get the full benefit of his cultivation, he must be held equally liable to any accidental loss that may be caused by unforeseen calamities, and for which he can compensate himself from abundant crops in better years. But, if the landlord is made to bear the whole loss, he will have no means whatever of compensating himself for it. Further, the rule in question has not proved prejudicial to tenants in Oudh holding five years' leases.

“ The third alternative proposed by the Taluqdárs rests on an equally just and equitable principle. As the Government gets one-half of what is paid to the landlord as rent, it is bound in justice to him to grant a remission of the revenue equal to half rent remitted to the tenant by its officers. The landlords have good reasons to think that, if the connection of Government is maintained, tenants will not dare prefer false or frivolous claims, and the Government officers will investigate such claims with due care.

“ On section 27 I humbly beg to observe that the recommendations of His Honour the Lieutenant-Governor may be adopted with advantage. Purely conjectural estimates of compensation for improvements have in practice been found erroneous, though estimates carefully made by experienced and honest men may be safely relied upon. But such men are hardly obtainable in this country for the execution of such a petty task, and His Honour the Lieutenant-Governor has justly approved of the amendment proposed by the Taluqdárs.

“ As regards section 29 I humbly beg to observe that there is nothing in the whole Bill to prevent the tenant from making whatever improvement he likes, but it does not provide for the award of a compensation to the landlord or other tenants if the improvement effected by the sitting tenant causes any loss or damage to them. In Oudh, the tenant has no right whatever in the

[*Rana Shankar Baksh Singh.*] [30TH SEPTEMBER,

land he cultivates, and he may possibly make an improvement with the intention of occasioning loss to his landlord or other tenants.

“ I humbly submit, My Lord, that I am at a loss to understand why special provision should be made for the award by the landlord of an additional compensation to the tenant for any loss that may be caused to his (landlord's) own land by an improvement made by himself. It is quite clear that the landlord will not do anything which might prove prejudicial to himself.

“ Now, with Your Lordship's permission, I will briefly explain the losses which an improvement made by a landlord might possibly be conceived to cause to a tenant. In the first place, the landlord sinks wells in the holdings of his tenants during a particular season of this year, that is, in May or June, when there are no standing crops which might possibly be injured thereby. The rainy and the cold seasons are not favourable to the construction of wells, which are exclusively made in summer.

“ In the second place, even if a well sunk by the landlord in the holding of his tenant produces salt water, which is not favourable to cultivation generally, such water may nevertheless be utilized in raising a tobacco crop or other crops of a similar nature, to the growth of which irrigation with salt water has been found to be highly conducive. The tenant may not use such water for purposes of cultivation if he apprehends any loss or damage from using it.

“ Thirdly, the construction of an embankment is a rare occurrence. Embankments are seldom or never constructed within cultivated areas, and cannot therefore cause any loss or damage to a tenant. But the tenant may himself injure his holding by opening an embankment suddenly and carelessly and letting in an excessive quantity of water, in which case the landlord cannot justly be made to share the blame which naturally attaches to the tenant. In my humble opinion the construction of an improvement cannot possibly tend to impair the productive powers of land, and there is no necessity for making an especial provision to that effect. It will be a great discouragement, if not a perfect bar, to improvements if landlords are required to pay additional compensation for accidental losses. The more useful and costly improvements are effected by landlords, and not by tenants. The rule in question, if maintained, will produce injurious effects.

“ I also beg leave to bring prominently to the notice of this Hon'ble Council the fact that improvements, whether made by landlord or tenants,

- 1886.]

[*Rana Shankar Baksh Singh; Mr. Quinton.*]

are effected with the special view of improving the productive powers of land and in perfectly good faith, and that any *bonâ fide* action cannot, and should not, be held to make the doer liable to compensation for any loss that may be caused thereby.

“The Taluqdárs’ objections to the extension of the statutory privileges to *pâhikâsht* or non-resident tenants carry great weight and call for the especial attention of this Hon’ble Council. To promote the agricultural prosperity of the Province has been the guiding principle and the professed aim and object of the present Bill; and, as non-resident tenants are barred by local custom as well as by the terms of the *Wajib-ul-arz* from using water and manure for the improvement of their holdings, they should not be placed on an equal footing with resident tenants and admitted to the special privileges conferred on the latter. It cannot be said that the Taluqdárs have brought forward this point at the last stage of the Bill. They have already touched upon it in their printed memorandum (page 21) proposing changes in the Bill. So able and experienced an officer as Colonel Erskine, the Special Commissioner, the outcome of whose elaborate enquiries is the present Rent Bill, has, in paragraph 149 of his letter No. 135, dated 1st June, 1883, recommended the exclusion of *pâhikâsht* tenants from the new statutory privileges. I have already urged, in the course of these remarks, strong reasons against the views expressed on this point in the letter of the Chief Secretary to the Government, North-Western Provinces and Oudh, No. ^{2468 B.}₂₀₀₋₆₀, dated 6th instant.

“Lastly, I humbly beg to call the attention of this Hon’ble Council to section 69, wherein the words “by a registered document” appear to me quite unnecessary. The practical effect of this restriction will be to bar contracts between landlords and tenants for periods exceeding the statutory term of seven years, as neither will like to go a long way out of his village or estate to get every such document registered. I therefore humbly beg to suggest that registration may be made optional and not compulsory.”

The Motion was put and agreed to.

The Hon’ble MR QUINTON moved that the following be added to the definition of “revenue” in section 3, clause (4), of the Bill as amended by the Select Committee, namely:—

“in sections 34 and 35 it means land-revenue only.”

He explained that the Select Committee had altered the definition of the word “revenue” as it stood in the present Act by omitting the article “the”

[*Mr. Quinton; Rana Shankar Baksh Singh.*] [30TH SEPTEMBER,

before the word "money" in order to remove any doubt as to whether cesses were included in "revenue." It had been suggested, however, that there was a possibility of this affecting indirectly the interests of tenants with rights of occupancy, the term of enhancement of whose rent was fixed by sections 34 and 35 of the Bill; and, as it was not the wish or intention of the Select Committee to interfere in any way with the terms of the Rent Act of 1868 respecting occupancy-tenants, they proposed to make the amendment.

The amendment was put and agreed to.

The Hon'ble RANA SHANKAR BAKSH SINGH moved that the following be substituted for sub-sections (2) and (3) of section 19 of the Bill as amended by the Select Committee, namely :—

"(2) Where rent payable by an under-proprietor or tenant in respect of land assessed to land-revenue is remitted under sub-section (1), there shall be allowed to the landlord a remission of revenue equal in amount to half the amount of the rent remitted by the Court."

The Hon'ble MR. QUINTON said :—

"I must oppose the amendment. The law as it at present stands authorizes the Courts before which a suit for arrears of rent is brought to allow such remission from the rent payable as appears equitable, if the area or produce of the land held by the defendant has been diminished by diluvion drought, hail or other calamity beyond his control to such an extent that the full amount of rent payable cannot be equitably decreed. In case of tenants with rights of occupancy or holding a lease for five years, or sub-settlement-holders, this rule cannot be acted on unless a remission of revenue shall have been allowed on the same ground and by competent authority in the same estate.

"The Bill as introduced omitted this exception, so that the effect of the section was that the Courts could without any reference to the action of the Executive Government in remitting revenue allow a remission of rent under the circumstances above stated, if they considered it equitable, in the case of every tenant, and under the Bill all tenants other than tenants with a right of occupancy obtain what is practically a lease for seven years. The case is thus put by Sir Alfred Lyall :—

'The question is whether the entire section should be struck out, whereby the Courts would lose their power of making allowances in rent-decrees for inevitable calamities, or whether the section should stand without its proviso, whereby remissions of rent would cease to be in any case dependent on remissions of revenue. The latter course appears

1886.]

[*Mr. Quinton; Rana Shankar Baksh Singh.*]

to the Lieutenant-Governor to be on the whole likely to be better for the interests of both landlord and tenant. If, as the Lieutenant-Governor believes, it is not expedient to withdraw from the Courts all power to take account of serious calamities in decreeing arrears of rent, in that case to provide that this power shall only be used when revenue has been remitted is to shackle it with an awkward and hardly logical condition.'

"The proposal deprecated here by His Honour the Lieutenant-Governor, which is that embodied in the first, and is the effect of the third, amendment of my hon'ble friend, rests on several assumptions which a little reflection will show to be unfounded.

"It assumes in the first instance that, on the occurrence of an inevitable calamity which has ruined or damaged a tenant's crops, the landlord and tenant have, as my hon'ble friend has argued, in equity an equally strong claim to relief. But this is clearly not the case: the tenant is a small man having little margin over the means of subsistence for himself and his family, and holds, or will hold if the Bill passes, under only a seven years' tenure; the landlord, on the other hand, holds his estate under a thirty years' settlement, and in two-thirds of Oudh is a Taluqdár paying revenue from Rs. 5,000 to lakhs of rupees. A landlord whose income is derived from a large area has thirty years in which to make good the loss of rent which is due to unavoidable calamities; the tenant, whose holding is 5 acres, the average size of farms in Oudh, has only seven.

"Again, the proposal assumes that the measure of relief given to the landlord is the proper measure of the relief of which the tenant stands in need; but this is obviously a generalisation the application of which in particular cases must work great hardships. Government may for very good reasons consider that a zamindár who holds under a light settlement and is a man of substance is well able to bear an occasional loss of this nature, which may mean simple ruin to small tenants. Government may very properly think remission of revenue in such circumstances uncalled for in the cases of the Mahárájás of Bulrampore or Mehdowna, without implying that the full rents should be levied from the tenants of those gentlemen. The argument of my hon'ble friend that Government is not entitled to collect more land-revenue in a given year than half the rental realized by the landlords is obviously unsound. It ignores the fact that settlements are made for long periods instead of for a single year, and involves the position that, if the landlord pays only half the rents realized in bad years, Government would be entitled to half the full or enhanced rents realized in years of plenty. Further, a landlord who on the occurrence of a drought wishes to break down the statutory tenancy conferred upon his tenants has only to

[*Mr. Quinton; Rana Shankar Baksh Singh.*] [30TH SEPTEMBER,

refrain from asking for a remission of revenue, while he gets decrees in the Rent Courts for arrears of rent which it is impossible for the tenants to pay, and thus use the Courts as instruments to defeat altogether the intentions of the law.

“The Local Government, however, quite recognize that landlords are unwilling to accept the possibility of large rent-remissions being granted by the Courts without any consequent remissions of revenue, and we have proposed that the sanction of the Deputy Commissioner should be necessary to the remission of rent by the District Courts, and that the test for the remission should be the actual power of the tenant to pay. Sir Alfred Lyall has also intimated his intention, if the Bill passes into law, of instructing Deputy Commissioners to use with care and discrimination the authority entrusted to them, and to bear in mind that any considerable remissions of rent will give a just claim to remission of revenue. The Select Committee, before whom my hon'ble friend argued his side of the case, as he has done today, with ability and persistence, have gone even beyond the Lieutenant-Governor and made two further important concessions. They have restored the provision of the existing law that tenants with rights of occupancy and sub-settlement-holders shall have no claim to remission of rent unless in consequence of a remission of revenue, and have laid down expressly the rule that Revenue-officers shall in other cases take into consideration any claim made by the landlord for remission of revenue when a remission of rent under this section causes a material diminution of the assets of the landlord in the village in which the remission is given. They feel that this is as far as they can go in legalizing a claim to remission of revenue on account of remission of rent, and consider that all cases falling short of this may properly and fairly be left to be dealt with by the Executive Government.”

The amendment was put and negatived.

The Hon'ble RANA SHANKAR BAKSH SINGH moved that section 19 of the Bill as amended by the Select Committee be replaced by a section in the terms of section 23 of the North-Western Provinces Rent Act, 1881, with the following modifications, namely :—

- (a) the words “Chief Commissioner” to be substituted for the words “Local Government” and “Board” wherever these latter words occur; and
- (b) the word “landlord” to be substituted for the word “landholder.”

The Hon'ble MR. QUINTON said :—

“This amendment I must also oppose. It proposes to apply to Oudh the law at present in force in the North-Western Provinces, which makes

1886.]

[*M^r. Quinton; Rana Shankar Baksh Singh.*]

remissions of revenue in cases of calamity a condition precedent to remission of rent, and leaves the amount of such remissions to be determined by the Collector in his executive capacity. Even if the rule were unobjectionable in the North-Western Provinces, it does not follow that it would be equally suitable for Oudh. In the latter Province three-fifths of the area is held by Taluqdárs, whereas in the North-Western Provinces the proportion held by large landholders is inconsiderable, and I am unable to admit the assertion of my hon'ble friend that the majority of Oudh landlords are not better off than those of the North-Western-Provinces. The permanently-settled area of Benares is only a small, though no doubt an important, portion of the latter Province. Injuries to crops on small estates may embarrass proprietors which on large estates cause little or no inconvenience to the landlord, and Government on grounds of humanity may be obliged to refrain from pressing its demand in one case which in the interests of the community generally it would be unjust not to enforce in the other. But even in the North-Western Provinces the rule is not altogether satisfactory. It is open to the objections of principle which I have urged in discussing the last amendment, and it forces the executive officers to interfere in every case and to supply a uniform rule in a rough and ready way to a large number of tenants whose cases may require nice discrimination and call for very different treatment.

“ The Bill, on the other hand, leaves the parties concerned, who know best where the shoe pinches, to adjust their matters among themselves, and authorizes interference only when the landlord comes into Court to exact the uttermost farthing. Such interference can take place only in a judicial proceeding subject to appeal and to the other checks which I have already enumerated. The operation of these checks will soon prevent tenants from urging groundless claims on any large scale, which my hon'ble friend apprehends as one of the results of the measure. The Local Government, who are necessarily acquainted with the operation of both systems, are opposed to the introduction of the North-West rule into Oudh. For the reasons I have given and from my own experience of the practical working of that rule I altogether concur with them.”

The amendment was put and negatived.

The Hon'ble RANA SHANKAR BAKSH SINGH moved that a section in the terms of section 20, Act XIX, 1868, be substituted for section 19 of the Bill as mended by the Select Committee.

[*Rana Shankar Baksh Singh; Mr. Quinton.*] [30TH SEPTEMBER,

The Hon'ble MR. QUINTON explained that the effect of this amendment would be precisely similar to that of the first amendment proposed by the hon'ble member, and, as the arguments which he had used in discussing that amendment applied equally to this one, he would not trouble the Council with any further remarks on the subject.

The amendment was put and negatived.

The Hon'ble RANA SHANKAR BAKSH SINGH moved that the word "registered" be omitted from section 20, sub-section (4), of the Bill as amended by the Select Committee: also that the words "by registered document" be omitted from sub-section (1), and the word "registered" from sub-section (2), of section 69 of that Bill: also that the words "not excluding seven years" be omitted from section 156 of that Bill.

The Hon'ble MR. QUINTON said:—

"Under the Registration Act, which is of general application, the registration of leases of immoveable property from year to year or for any time exceeding one year or reserving a yearly rent is compulsory. The Lieutenant-Governor has, however, the power to exempt in certain localities leases the terms and annual rents in which do not exceed respectively five years and fifty rupees.

"The Lieutenant-Governor, in the Bill as introduced, proposed to exempt from compulsory registration all pattas granted for the statutory period of seven years. Registration in this case seemed to be unnecessary, as the pattas would be checked by the supervisor-kanungos, and the inconveniences of an enforced registration throughout the country would be very serious. My hon'ble friend now asks for a further exemption from the rules laid down by the Registration Act in favour of leases the term of which exceeds seven years, which, as I have already explained to Council, relieve the landlord from the liability to payment of stamp-duty on notices of ejectment. Such leases must for many years to come be altogether exceptional, and it is obviously desirable that, where so much will depend on the terms of the instrument by which these contracts are effected, every precaution should, in the interests of both parties, to prevent future disputes and litigation, be taken to secure the preservation of the document, and that the provisions of the general law on the subject should be applied to them. The apprehensions expressed by my hon'ble friend, that tenants will be deterred from taking such leases by the trouble of attending the registration-office, will I hope prove unfounded. When it is the wish of a tenant to obtain such a

1886.]

[*Rana Shankar Baksh Singh; Mr. Ilbert.*]

lease, he is not likely to be kept back by such an obstacle; and, as to the deterrent caused by payment of registration-fees, which is not now touched on by my hon'ble friend but was pressed upon us in Select Committee, it is always in the power of the Local Government to obtain from the Government of India an exemption from payment of registration-fees in favour of such instruments should it see any necessity for such a course."

The amendment was put and negatived.

The Hon'ble RANA SHANKAR BAKSH SINGH moved that the following proviso be added to section 27 of the Bill as amended by the Select Committee namely :—

"Provided that the compensation so estimated shall not in any case exceed the amount of the actual outlay on the improvement."

The Hon'ble MR. ILBERT said :—"My hon'ble colleague Rana Shankar Baksh Singh has referred to the recommendation of the Lieutenant-Governor on the subject of this amendment. It is perfectly true that the Lieutenant-Governor, in his Secretary's letter of the 6th September, 1886, suggested for the consideration of the Select Committee whether it might not be advisable to revert to the terms of the present Act and base the estimate of the compensation on the outlay of the tenant and the assistance of the landlord in money, material, labour or favoured rent. But I find on referring to the previous letter from the Lieutenant-Governor's Secretary of 15th January the following remarks in paragraph 18 :—

'The principle on which compensation is calculated under the present Act is solely that of the outlay of the tenant. The last sentence of the section bars right to compensation for improvements which were made more than thirty years before the date of claim, and in practice the procedure of the Courts is to make an estimate of the probable outlay assume that the improvement will last for thirty years, and award to the tenant the sum which in that proportion represents its unexpired value. Thus, if a well is believed to have cost Rs. 300 ten years ago, the Court will award to the tenant Rs. 200. The principle is by no means a just one, for the landlord is exposed to great exaggerations by the tenant of his original outlay, and where the improvements are of old standing these statements are difficult to check. The Lieutenant-Governor considers that the principles laid down in section 83 of the Bengal Tenancy Act are not only in themselves more fair, but more simply and readily applied by the Courts, for it is seldom difficult in any village to ascertain the difference in letting value due to irrigation, and a well is the most common of all improvements in Oudh. A section has been accordingly introduced from the Bengal Act, section 25 (A), and the references to outlay and the period of construction omitted from section 22.'

"That is the section which was inserted in the Bill as sent up by the Local Government, and which the Select Committee, after considering the

[*Mr. Ilbert; Rana Shankar Baksh Singh, Mr. Quinton.*] [30TH SEPTEMBER,

subject, made up their minds to retain. Now, it appears to me—if I may venture to say so without disrespect to the Lieutenant-Governor—that on this point his first thoughts were better than his second. The clause which was inserted in the Bengal Tenancy Act was framed after much consideration and discussion and with reference to the conclusions arrived at not only by the Indian but by the English legislature in dealing with tenants' improvements. Those conclusions were that in order to do justice between landlord and tenant both elements—that of outlay and that of result—ought to be taken into consideration. There are cases in which the result does not justify the expenditure, and in which a deduction from the amount expended should be made on that account. There are also cases in which a small but judicious outlay produces very valuable results, and in such cases it would not be fair to the tenant to limit the compensation to the amount originally expended. Both elements—that of outlay and that of result—should be kept in view, and in estimating the amount to be paid regard should be had to each. I think that we should in the present Bill adhere to the general principles laid down on other occasions, and therefore I must oppose this amendment."

The amendment was put and negatived.

The Hon'ble RANA SHANKAR BAKSH SINGH moved that sub-sections (3) and (4) be omitted from section 29 of the Bill as amended by Select Committee, and that, as a consequence, sub-clause (d) of clause (9), and the words "or section 29, sub-section (4)," in clause (12), be omitted from division B of section 108 of that Bill.

The Hon'ble MR. QUINTON said:—

"My hon'ble friend's objection to sub-sections (3) and (4) of the section I can scarcely follow. The section first gives a landlord power to make an improvement on the holding of a tenant without a right of occupancy without his consent, and then enacts that, if, when making the improvement, he causes loss to the tenant, the latter shall have a claim for compensation against the landlord, or if the effect of the improvement is permanently to impair the productive powers of the holding the tenant shall be entitled to abatement of rent.

"The effect of the amendment of my hon'ble friend, if accepted, would be that a landlord might make an improvement on the holding of a tenant without his consent, but would not be liable to pay compensation for any loss caused in making it.

1886.]

[*Mr. Quinton.*]

“ My hon'ble friend, as I understand, contends that under the condition of agriculture in Oudh it is impossible that any loss should be caused to the tenant of the holding, but, if this is so, then the section attaches no liability to the landlord. He can have no difficulty in successfully resisting any claim brought on this account. But the Select Committee considers that cases are conceivable where, in the construction of an improvement to which his consent is not necessary the tenant's crops may be damaged or the area of his holding diminished or otherwise injuriously affected, as in the case of an improvement the effects of which extend over several holdings; and the Local Government are of the same opinion. To refuse the tenant a right to compensation for such injuries would be a manifest wrong. The contemplation of the benefits arising to *B*'s holding and to the letting value of *C*'s land from an improvement the making of which has injured *A*'s field cannot be said to be an equitable compensation for the damage *A* has suffered.”

The amendment, was put and negatived.

The Hon'ble MR. QUINTON moved that in section 38, sub-section (2), of the Bill as amended by the Select Committee the words and figures “ sections 49 and 50 ” be substituted for the word and figures “ section 49.” He said :—

“ The section to which this and the following three amendments refer was inserted in the Bill as introduced at the instance of the Taluqdárs' Association and of the Local Government in order to make it clear that a landlord was entitled to an enhancement of rent even during the currency of a statutory tenure from a tenant on whose holding an improvement had been effected by or at the expense of the landlord or acquired by him. Since the Report was presented His Honour the Lieutenant-Governor has pointed out that the section bars, at least by implication, an enhancement of rent on an incoming tenant in excess of one anna in the rupee when the landlord has paid to the tenant's predecessor compensation determined by a Court under the Act.

“ The cases are similar in principle and can be supported by the same arguments. The desirability of increasing the productive powers of the soil by promoting improvements is admitted on all hands, and the Lieutenant-Governor is of opinion that, unless the section be amended as I now propose, landlords would have a strong interest in opposing all improvements made by their tenants and in contesting every claim to make such an improvement, and that thus a serious obstacle would be raised to the advancement of objects urgently called for by public policy.”

[*Mr. Quinton; Rana Shankar Baksh Singh.*] [30TH SEPTEMBER,

The amendment was put and agreed to.

The Hon'ble MR. QUINTON moved that in section 47, sub-section (1), of the same Bill the words and figures "section 49 and 50" be substituted for the word and figures "section 49."

He explained that the observations which had been made on the preceding amendment applied equally to this one, and that he had no further remarks to offer regarding it.

The amendment was put and agreed to.

The Hon'ble MR. QUINTON also moved that in section 47, sub-section (2), of the same Bill, between the words "a sum which" and the words "shall not exceed" the words and figures "subject to the provisions of sections 49 and 50" be inserted.

He said that this amendment was also consequential on the preceding one.

The amendment was put and agreed to.

The Hon'ble MR. QUINTON also moved that in section 50 of the same Bill the words "during the currency of a tenancy," where those words occur between the word "rent" and the words "on the ground that," be omitted, and that for the last sixteen words of that section the following be substituted, namely :—

"or for which during the currency of the tenancy compensation has been accepted from the landlord by the owner of the improvement, or, on the expiration of the tenancy, compensation has been paid in accordance with the determination of a Court under this Act."

This amendment, MR. QUINTON explained, was also consequential on the preceding one.

The amendment was put and agreed to.

The Hon'ble RANA SHANKAR BAKSH SINGH moved that the following clause be added to section 62, sub-section (1), of the Bill as amended by the Select Committee, namely :—

"(e) that the tenant is a *pāhikāsh*t or non-resident tenant, and a resident tenant desires to be admitted to the occupation of the land comprised in the holding of the *pāhikāsh*t or non-resident tenant."

1886.]

[Mr. Quinton.]

The Hon'ble MR. QUINTON said :—

“ The point raised by this amendment was started in the discussions at Lucknow by the Taluqdárs, who were anxious that the Bill should be altered in the direction my hon'ble friend now proposes. The Lieutenant-Governor, however, was unable to accede to the proposal. In submitting Major Erskine's report to the Government of India so long ago as December, 1883, Sir Alfred Lyall recommended that non-resident cultivators should not be excluded from the benefits of the Act. He admitted the force of the arguments, such as have now been urged by my hon'ble friend, arising from the inefficiency of *páhikásht* cultivation, the desirability of discouraging it and the necessity of giving the landlord special facilities for substituting resident for non-resident cultivation whenever opportunity may occur; but it was ascertained in the course of the enquiry that *páhikásht* cultivation prevailed to a considerable extent and had not diminished since settlement, from which it was inferred that this cultivation was a useful complement to the more carefully tended fields of an agriculturist's home farm, to be deprived of which would seriously cripple him in his business. If a landlord of two contiguous villages or two landlords in collusion could eject at pleasure from the non-resident portions of holdings, they would have a very strong hold on tenants in regard to their farms in their villages of residence.

“ The figures given in the report as to the proportion of tenants who cultivated more or less land outside their villages of residence bore out this inference, and the Local Government accordingly decided that non-resident cultivators could not properly be excluded from the benefits of proposals intended for the tenantry at large. This principle was accepted by the Government of India and by the Secretary of State. It was accordingly maintained in the Bill as introduced, and is adhered to by the Local Government after full consideration of the representation of the Taluqdárs at Lucknow. Sir Alfred Lyall writes :—‘ No evidence has been brought forward in contradiction of the data obtained from the records of Colonel Erskine's enquiry.’

“ With reference to the remark of my hon'ble friend that it cannot be said that the Taluqdárs have brought forward this point at the last stage of the Bill, I would observe, without wishing to attach too much importance to the fact, that the Bill as introduced had been for some time before the Taluqdárs' Association, and discussed by them when they wrote their letter of the 24th of April last printed in Papers No. 2, accepting *in their entirety* its

[*Mr. Quinton; Sir Auckland Colvin.*] [30TH SEPTEMBER,

rules of seven years' leases and of the limitation of enhancement to 6½ per cent., and the Bill as introduced made no exception from these rules as regards *pāhikāshī* tenants."

The amendment was put and negatived.

The Hon'ble MR. QUINTON moved that in section 129 of the Bill as amended by the Select Committee the word "Act" be substituted for the word "Chapter" where the latter word occurs.

He explained that the amendment was merely formal and was meant to correct a clerical error.

The amendment was put and agreed to.

The Hon'ble MR. QUINTON moved that the Bill, as amended, be passed. He said:—

"This motion, My Lord, is the final stage of the Bill which, with one or two important exceptions to which I referred in my remarks earlier in the debate, is in its principles the same measure as that introduced in Calcutta last February. In what I said on that occasion, and again in June last in moving to refer the Bill to a Select Committee, I was obliged to trespass to such a length on the patience of Council in order to describe the state of things which in the opinion of the Government rendered legislation necessary and to explain the principles on which it was proposed that that legislation should be based, that I shall make no further demand on the forbearance on hon'ble members by attempting to go over the same ground.

"The measure has been long and anxiously considered in all its details by the Local Government and the Government of India. It deals with a subject which bristles with difficulties, and was fought over not very long ago by angry and embittered partizans, and it affects materially the interests and happiness of millions of human beings. It has been conceived, matured and elaborated in a spirit of caution and moderation by authors not eager on the one hand to revive the flames of a burnt out controversy or to disturb the agricultural relations of the country beyond what the necessities of the case call for, but earnest on the other hand to afford such protection to the tenants as would be giving them a reasonable prospect of enjoying the fruits of their labour, stimulate their industry, promote the prosperity of all classes dependent on the cultivation of the soil, remove grounds for antagonism between those classes and strengthen the hands of the weaker party in all future dealings respecting the occupation of the land of this great Province. In the hope and expectation that it will in some degree prove effectual in bringing about these objects I now ask Council to pass the Bill.'

1886.]

[*Sir Auckland Colvin; Mr. Ilbert.*] -

The Hon'ble SIR AUCKLAND COLVIN said:—" I shall not detain your Excellency and the Council more than a few moments. It was only at a comparatively late hour that I have been enabled to take part in the discussions which have led to this measure as it now stands before us. The burden of those discussions has fallen mainly on the Government of the North-Western Provinces and Oudh and on its officers, on my hon'ble friend Mr. Ilbert and on the Taluqdárs of Oudh. But I trust I may be allowed to bear my tribute to what has seemed to me to have been, during the course of the deliberations in which I have shared, the extremely reasonable and equitable spirit in which, whether in official or non-official conferences, my hon'ble friend Rana Shankar Baksh Singh and the Talaqudárs who have accompanied him have approached this subject, which necessarily to them, in a degree not less than to the Government, involves issues of extreme importance. If we have not been able to meet on some comparatively minor points—such as those which form many of the amendments on the paper before us—the views entertained by the Taluqdárs, we have, I think, established with them a complete and cordial understanding on the main principles which underlie this Bill and in accordance with which it will have to be worked. I confidently believe that this measure when made law will contribute to bring about an equitable and durable settlement of the various issues raised in the course of this discussion, and that its influence on the future relations of landlords and tenants in Oudh will be of effective benefit. My hon'ble friend Mr. Quinton has expressed some doubt with regard to the view which the Financial Department of the Government of India may be inclined to take in respect to the provisions regarding stamp-duties on notices of ejectment. I hope I may be allowed to hasten to re-assure him on that point, and to say that I identify myself completely with the views he has put forward as those entertained by the Government of the North-Western Provinces and Oudh, and that the Financial Department will certainly abstain from laying any claim to revenues arising from that source which the Government in the pursuit of administrative measures calculated to give greater security and relief to the cultivators may desire to appropriate."

The Hon'ble MR. ILBERT said:—" When this measure was last before the Council, my hon'ble colleague Sir Steuart Bayley congratulated the Council on the circumstances under which they were proceeding with the Bill. Those congratulations are, I am sure, still more appopriate on the present occasion. We have been told how, since last June, the provisions of the Bill have been

carefully and thoroughly discussed with the Oudh landowners and their representatives at a series of conferences which have been held at Lucknow, and the result of those discussions has been to materially lighten and shorten the labours of the Select Committee which has been sitting here. But it must not be supposed that the Select Committee have accepted *en bloc* and without examination the Lucknow proposals. On the contrary we have gone through each of the several suggestions and proposals brought forward at Lucknow, with the reasons by which they were supported, have considered them on their merits and have re-cast the Bill accordingly. In the performance of this task we have had the assistance not only of my hon'ble friend Rana Shankar Baksh Singh, but of the gentlemen who have accompanied him from Oudh, and who represent, I understand, different classes of landowners and different parts of the Province. I explained to these gentlemen how I was precluded by our rules from allowing them to take a direct part in the deliberations of the Select Committee, but I promised them that they should have full opportunity of placing personally their views and arguments before myself and the other members of the Committee; and they will, I am sure, admit that I have redeemed my promise on this point. We have had the advantage of hearing the arguments for and against the material provisions of the Bill clearly, forcibly and temperately stated, and any one who was present at the conferences which have been held could honestly testify that the interests of the absent were adequately represented. The amendments which have been moved today—all of which, I may be permitted to observe, had been previously very carefully considered in Select Committee—will show how few and comparatively unimportant are the points about which there is still any difference between the Government and the representatives of the Taluqdárs. It is true that this agreement has been facilitated by material concessions to the Taluqdárs. We have been able to meet my hon'ble friend Rana Shankar Baksh Singh on both of the two points to which he took special exception in the Bill as introduced—I mean on the question of compensation for disturbance, and with respect to the clause providing special machinery for enforcing the conditions of the sanads. With respect to both these points I should personally have preferred to retain the provisions of the Bill as originally introduced, but in saying this I must not be understood as qualifying in any way my full assent to the recommendations of the Select Committee that, in view of the considerations urged by the Local Government, the modifications proposed in the interests of the Taluqdárs should be accepted. Those considerations were based to a great extent on the assurance that the landholders of Oudh could be trusted to

1886.]

[*Mr. Ilbert; The President.*]

work the Act in the spirit in which it is intended to be worked, and that the restrictions on their powers originally proposed for the protection of the tenant would be in practice unnecessary; and it is in the assurance that this confidence is not misplaced that the Government of India has assented to the Bill in its present form. With respect to the sanads, I need not do more than repeat what my friend Mr. Quinton has said, that nothing in this Bill will in any way modify or impair their effect. And, as to the substitute for compensation for disturbance, I am very glad to hear from my friend Sir Auckland Colvin that he thinks the Financial Department will be able to find a way for removing or lessening the objection to which it is most palpably open. I have every hope that the measure now before the Council will prove a lasting and satisfactory arrangement. It embodies not any compact with any particular class or section of those interested in the land but an endeavour on that part of the legislature to reconcile as far as possible the conflicting views, wishes and interests of the several classes and sections after a fair and impartial hearing of all concerned."

His Excellency THE PRESIDENT said :—

"Before putting the motion that this Bill be passed, I desire to express my entire concurrence with everything that has fallen from my hon'ble colleague on the left (Mr. Ilbert) and from the Financial Member. I am also glad to have this opportunity of congratulating all concerned upon the fortunate and propitious issue which has attended the inception, the discussion and the elaboration of this measure. As Mr. Quinton has already remarked, it is a most important Bill, affecting the happiness of thousands and thousands of Her Majesty's subjects; and, having had considerable experience in land legislation, I must say that I have never taken part in any controversy affecting such various and momentous interests in which so laudable a spirit of conciliation has been exhibited. I especially desire to congratulate my hon'ble colleague who represents the Taluqdárs of Oudh upon the manner in which he has brought to notice the views of himself and of his associates regarding the Bill, and on the successful manner in which he has vindicated their interests and set forth their moderate and reasonable demands."

The Motion was put and agreed to.

The Council adjourned to Thursday, the 21st October, 1886.

S. HARVEY JAMES,

*Offg. Secretary to the Govt. of India,
Legislative Department.*

SIMLA;

The 6th October, 1886.