Wednesday,
27th July, 1887

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXVI

Jan.-Dec., 1887

ABSTRACT OF THE PROCEEDINGS

OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS

VOLUME XXVI

Published by the Authority of the Governor General.

CALCUTTA:
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
1888.

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 Wednesday, the 27th July, 1887.

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.

His Excellency the Commander-in-Chief, Bart., R.A., V.C., G.C.B., G.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 Lieutenant-General G. T. Chesney, R.E., C.B., C.S.I., C.I.E.

The Hon'ble A. R. Scoble, Q.C.

The Hon'ble J. B. Peile, M.A., C.S.I.

The Hon'ble J. W. Quinton, C.S.I.

The Hon'ble Colonel E. G. Wace.

The Hon'ble Nawáb Nawazish Ali Khan, C.I.E.

NEW MEMBER.

The Hon'ble NAWÁB NAWAZISH ALI KHAN took his seat as an Additional Member.

BURMA MILITARY POLICE BILL.

The Hon'ble MR. PEILE moved that the Bill for the Regulation of Military Police in Burma be taken into consideration. He said:—

"I explained to the Council when introducing the Burma Military Police Bill that it will simply replace in Upper Burma the Regulation for the better discipline of the military police which was passed in January. The real object of this Bill is to extend the provisions of that Regulation to the military police

in Lower Burma, and the most convenient way to do that is to pass an Act which repeals the Regulation and puts the military police under the same law in both divisions of Burma. In short, the Bill applies the same remedy to the same disease in the Lower and in the Upper Province. By the disease in Lower Burma I mean that outbreak of violent crime which, commencing in December, 1885, with the Shan rebellion in Shwegyin, spread along the frontier of Upper Burma and over the delta of the Irrawaddy, and in 1886 increased the record of dacoities in Lower Burma from 105 to over 2,000. The more serious risings were suppressed by the aid of troops before the rains of 1886, but there then ensued in the districts of the Irrawaddy and Pegu numerous outrages by scattered bands of dacoits. People's minds were excited by the conquest of Upper Burma and by rumours of successful resistance. The disaffected made patriotism a cloak for outrage and plunder, and the well-disposed were apathetic and indifferent. Early in the year it was apparent that the police of Lower Burma was incompetent to cope with the crime of a country thus disordered, and, simultaneously with the creation of a powerful force of Indian police for Upper Burma, men of the same class, that is to say, the fighting races of Northern India, were recruited for Lower Burma also. By the aid of this reinforcement posts were strengthened and reserves established. The Indian police in Lower Burma number according to the latest returns 5,274 men, and with the Burma police make up a total strength of over 10,000.

"The conduct of the new Indian police is reported by the Chief Commissioner to have been creditable, but it is clear that in dealing with so large and powerful a body of men a strict military discipline is imperative on the one hand to control them in their intercourse with the people of Burma, and on the other to fit them to take over from our troops of the line the duty of suppressing with a strong hand dacoity and other violent crime. We believe that whatever may be the peculiar views of the Burman as to the moral qualities of dacoity, disorder may be quelled in Burma, as it was in the Punjab, by an efficient police.

"In the first sections of the Bill the classes and grades of military police-officers are defined, together with the conditions of the service and of discharge from it. Then follows the enumeration of the offences against the discipline of the corps and against the public with which we propose to deal specially, and of their appropriate punishment.

"Since I introduced this Bill some amendments have been suggested which are, in fact, additions or alterations to make the meaning clearer and

do not affect the principles of the Bill, which have been accepted in the Assam Frontier Police Regulation of 1882 and in the Upper Burma Regulation passed this year."

The Motion was put and agreed to.

The Hon'ble MR. PEILE also moved the following amendments:—

(1) That in section 3, sub-section (*l*), for the words and figures "Act V of 1861, section 7," the words and figures "section 7 of Act V of 1861" be substituted.

Mr. PEILE explained that this amendment was merely verbal.

(2) That section 11 be made section 4 and the numbering of the former section 4 and the following sections be altered accordingly.

This amendment, Mr. PEILE said, was simply a matter of arrangement.

(3) That the words "appointed to" be substituted for the word "of" in the first line of section 4 (formerly section 11), sub-section (*l*), and the words and figures "under section 7 of Act V of 1861" be inserted in that sub-section after the word "police-force"; and that, in sub-section (*2*) of the same section, for the words and figures "Act V of 1861, section 9," the words and figures "section 9 of Act V of 1861" be substituted.

This amendment, MR. PEILE explained, was also a verbal amendment.

(4) That the word "and" be transposed from clause (*e*) of sub-section (*2*) of section 5 (formerly section 4) to clause (*f*) of that sub-section after the word "grade", and the following clause be added after clause (*f*) of that sub-section, namely:—

"(*g*) in relation to any military police-officer, any Second-in-command, Commandant or Deputy Commissioner".

That is to say, those officers were to come within the definition of superior officers. This amendment was added with reference to sections 6 (*b*) and 7 (*e*).

(5) That the words "in any circumstances in which the superior officer is distinguishable as such in any manner" in clause (*b*) of section 6 (formerly section 5) be omitted.

MR. PEILE explained that it was proposed that the words referred to should be omitted as likely to raise difficult questions.

(6) That the words "field, garden or other" in clause (*j*) of section 6 (formerly section 5) be omitted.

It was proposed to omit these words as unnecessary.

(7) That the words "on proof of the truth of the complaint" be inserted in the sixth line of clause (*h*) of section 7 (formerly section 6) after the word "fails", and that the word "and" be substituted for the word "or" in the seventh line of that clause.

The first of these amendments was made to complete the sense, and the second to require a report in every case.

(8) That the words "field, garden or other" in clause (*m*) of section 7 (formerly section 6) be omitted.

These words were also omitted as unnecessary.

(9) That the words "in or near the lines" in clause (*a*) of sub-section (*1*) of section 9 (formerly section 8) be omitted, and that the word "quarters" be substituted for the word "lines" in clause (*b*) of the same sub-section.

This, MR. PEILE explained, was far more convenient wording.

(10) That the following new sections be inserted after section 11 of the Bill, namely :—

"12. (*1*) Subject to such rules as the Local Government may make in this behalf, a Commandant or Second-in-command of Military Police shall have, with respect to police-officers appointed to the Burma police-force under section 7 of Act V of 1861 who are not military police-officers, the same disciplinary powers as a District Superintendent of Police has with respect to them under that section.

Disciplinary and other powers of Commandants and Seconds-in-command of Military Police otherwise than in respect of military police.

"(*2*) The Local Government may confer on a Commandant or Second-in-command of Military Police, by name or by virtue of his office, any other power of a District Superintendent of Police under Act V of 1861 or any other enactment for the time being in force, or under any rule under any such enactment, and may define the circumstances in which any power so conferred may be exercised by such Commandant or Second-in-command.

"13. A Commandant or Second-in-command of Military Police shall be entitled to all the privileges which a police-officer has under sections 42 and 43 of Act V of 1861, section 125 of the Indian Evidence Act, 1872, and any other enactment for the time being in force.

Privileges of Commandants and Seconds-in-command of Military Police as police-officers.

"14. The Local Government may, as regards the Military Police, make such orders and rules consistent with this Act as it thinks expedient relative to the several matters respecting which the Inspector General of Police, with the approval of the Local Government, may, as regards the rest of the Burma police-force, frame orders and rules under section 12 of Act V of 1861."

Power to make rules.

Mr. PEILE explained that sections 12 and 13 of the above amendments were suggested by the Chief Commissioner. The object of section 12 was to give to the officers named powers over the civil police similar to those of a District Superintendent under Act V of 1861 as far as might be necessary. Section 13 extended to those officers the privileges of police-officers as to actions and prosecutions, and protection as to giving evidence whence information was obtained. Section 14 was to enable the Local Government to make rules and orders regarding the organization, classification, residence, inspection, arms, &c., of the force.

His Excellency THE PRESIDENT said:—

"Before putting these amendments I should be glad to take the opportunity, which as yet I have not had, of expressing on behalf of my colleagues in the Government of India the great satisfaction with which we have observed the manner in which the Indian military police of Burma have discharged their difficult and arduous duties from the date they were despatched to that country. Although from time to time the Government of India, through the Home Department, has conveyed to the officers, European and Native, of that corps various indications of their approval, I do not think that any very formal recognition of their services has as yet been made. There is no doubt that the duties which have fallen to their share have been as arduous, as dangerous, and as trying to their health as those to which the military forces of Her Majesty in Burma have been exposed, and both in regard to the physical courage and patience which they have displayed, and to their discipline and obedience to command, they have in no degree fallen behind the other police-forces of India. Indeed, on several occasions, the military police of Burma

have distinguished themselves in a very remarkable manner, and, on more than one occasion, individual Native officers have shown extraordinary bravery and enterprise.

"I entirely agree with the observations which have fallen from my hon'ble colleague Mr. Peile that it is of the most essential importance that this force should be worked up to a very high level of military discipline. We must remember that it discharges its duties under very peculiar conditions. It is a force sent to Burma for the purpose of maintaining the domestic peace of the country, but at the same time it is composed of men who are alien in race, in religion, and in language to the population amongst whom they exercise their duties. Consequently, unless there is introduced into the force the bonds of a very strict military discipline, there might be a danger lest it should transgress the proper limits of police action. Thanks to the judicious and practical recommendations of the Commander-in-Chief when he was in Burma and had an opportunity of observing both the defects as well as the good qualities of the force as it was then constituted, the Government of India, acting by his advice, was able to introduce into Upper Burma those improvements and those special arrangements which, in consequence of their successful operation, my hon'ble colleague is now anxious to extend to the force in Lower Burma. It is satisfactory to think that the alterations about to be applied to the organization and composition of the force in Lower Burma have successfully operated in the Upper Burma police-force.

"I do not think it will be necessary for me to re-read the various amendments proposed by my hon'ble colleague, and therefore I shall proceed to put them *en bloc*."

The Motion was put and agreed to.

The Hon'ble MR. PEILE moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

INLAND BONDED WAREHOUSES BILL.

The Hon'ble SIR AUCKLAND COLVIN moved that the Bill to provide for the establishment of bonded warehouses at places other than customs-ports be referred to a Select Committee consisting of the Hon'ble Mr. Scoble, the Hon'ble Mr. Peile and the Mover, with instructions to report within two months.

The Motion was put and agreed to.

1887.] [*Colonel Wace.*]

PUNJAB TENANCY BILL.

The Hon'ble COLONEL WACE presented the Report of the Select Committee on the Bill to amend the Law relating to the Tenancy of Land in the Punjab. He said:—

"An interval of more than a year has elapsed since the Select Committee whose report I now present was appointed to consider this Bill. The opinions received by them, and the discussions which have followed on the receipt of those opinions, have resulted in numerous alterations of the Bill as introduced—alterations which are summarised in the report now presented by them. But it will be convenient if I take the present opportunity to furnish a more detailed explanation of our recommendations.

"Passing over for the moment section 3 of the Bill, I first invite attention to the alteration which we have made in clause (*a*) of sub-section (*1*) of section 5. This clause defines the conditions necessary to support the claim of a tenant to the most privileged right of occupancy. Under the corresponding clause in the Act of 1868, according to the interpretation of that clause finally established by a judgment of the Chief Court, the conditions on which the claim is based must have matured before the passing of the Act of 1868. The intention of the Bill as introduced was to remove this limitation, and to allow a tenant to show at any time that he had fulfilled these conditions. Opinions have been a good deal divided on the merits of this proposed change. On an examination of the best of those opinions we found that the supporters of the change urged that it was necessary in order to bring the clause into harmony with the intention of the Act as at first generally understood; and that in particular in the districts generally known as the old Delhi territory, where at the date of the passing of the Act of 1868 the settlement-records were less complete than in the central districts of the Punjab, there are a number of old tenants who undoubtedly belong to the class that the legislature intended in the year 1868 to protect by this clause, but who under the interpretation of the clause now established were likely to fail in establishing their claim owing to the difficulty of producing adequate evidence. A tenant advancing a claim of this nature would under that interpretation have to prove occupancy extending over three generations prior to the year 1868, and running back into times when there were no settlement-records and no custom of written leases. In fact, the whole burden of proof was thrown on the tenant under circumstances which made it almost impossible for him to prove his case.

"On the other hand, against the proposed change the chief arguments appeared to us to be these; that the alteration would have a continuing and

unrestricted operation in the future, tending by so much to injure the confidence which we desire to promote between landlords and tenants in their relations with each other; and that, though justified by the circumstances of the old Delhi territory, it is not required by those of the rest of the province, where tenants of this class are now few in number. On the facts as thus placed before us we have concluded that we shall sufficiently provide for all old claims, if the period within which this privileged tenure must mature is extended to the date of the passing of this Act; and we have therefore added to the clause words intended to have this effect.

"I pass on to the chapter which deals with rent. The opening sections of the chapter secure to the landlord a first charge on the produce to the extent of his rent, and to the tenant the exclusive possession of the produce on the condition that this charge is satisfied. We have then brought together all the sections relating to produce-rents, and in respect of these we have made no material change in the provisions of the Bill as introduced. The next portion of the chapter relates to cash-rents, and involved greater difficulties. The two provisions relating to this subject in the Bill as introduced which evoked most criticism were the scale of enchancement provided for the rent of tenants with rights of occupancy, and the proposal to give power to a Revenue-officer to revise rents of his own motion whenever the land-revenue might be re-assessed. On both points it has been our desire to proceed with caution in introducing changes in the law which, though reversions to the procedure followed in the early years of Punjab administration, will affect materially the interests of a large number of landlords and tenants.

"As regards the scale of enhancement, we think that the opinions submitted to us establish the necessity for modifying the scale of enhancement prescribed by the existing Act. We have no doubt that in the circumstances of those occupancy-tenants in the Punjab who pay cash-rents the attempt to adjudicate on those rents by reference to competition-rents, especially when controlled by the obscure limitations stated in section 11 of that Act, must be an unsatisfactory task and must involve protracted litigation of a costly, uncertain and injurious character. The method by which the Local Government has proposed to meet this difficulty is probably the only one by which litigation of this nature can be avoided, and it has also these merits, that it was the method successfully resorted to at the first settlement, and is therefore familiar to the agriculturists who are concerned. But, with the concurrence of the Local Government and principal Revenue-officers, the Bill as now amended secures to the landlord a higher rate of profit than was provided in the Bill as introduced. It has been

urged that the merits of this scale depend on the real relation of the Government's demand to the fair rent of the land. To enter into this argument would raise a much vexed question, on which very opposite opinions have been held and will perhaps continue to be held. But I believe I shall correctly express the conclusions of all officers who have been actually engaged in the re-settlement of the land-revenue if I say that it is very difficult, consistently with fair dealing and with the prosperity of the tenant concerned, to impose on a tenant a rent which exceeds by a large proportion that which he has previously paid. It is on this ground, and on the necessity of preventing injurious litigation, rather than on the abstract merits of any formula or scale, that the provisions of the Bill are to be defended. We believe that these provisions will be of easy application, that they will give to the landlord on due cause shown a substantially increased rent, and that at the same time they will protect the tenant from so severe a measure of enhancement as would be likely to injure him.

"On the other question, namely, the extent to which a Revenue-officer should be allowed to revise rents on his own motion, our proposals go as far as, but no further than, is warranted by previous practice in the Punjab. If a tenant is by the conditions of his tenancy liable to pay the land-revenue due on his land, or any other charges such as rates, cesses or malikana which vary with the land-revenue and bear a distinct proportion to that revenue, then the officer who has authority to alter the land-revenue payable by the landlord will also alter the amount contributed by the tenant, and the amount, but not the rate, of any surcharges that are directly connected with the land-revenue. This operation may increase the payment for which the tenant is liable; but the increase will be made pursuant to the existing conditions of the tenancy. Interference to this extent without any formal application by the landlord is in accordance with past practice, and a tenant who holds his land under the express condition that his rent shall vary with the land-revenue cannot justly complain of a rule of law which gives effect to that condition. But proceedings which have for their object the substantial alteration of the rent of a tenant, as for instance the reduction of a tenant's rent or the increase of that rent in a manner not expressly contemplated by the conditions on which he holds, should not, we think, be originated otherwise on the suit of the party interested; and in modifying the provisions of the Bill on this subject we have given expression to these conclusions.

"The next subject is relinquishment and ejectment. If I were to describe the points in respect of which this chapter differs from the Bill as introduced, I should

be led into details with which it is scarcely necessary to take up the time of the Council in the present stage of the Bill. Briefly, we have stated distinctly the circumstances under which a tenant is liable to ejectment; and we have defined those special circumstances in which a landlord may proceed by notice instead of by suit. The rest of the provisions of this chapter are much the same as are now to be found in the other Rent Acts enacted by this Council.

"As regards alienation and succession, the provisions of the Bill as now amended adhere more closely to those of the existing Act than did those of the Bill as introduced. In reverting to the provisions of the existing Act the Select Committee has followed the course advocated in the majority of the opinions received and finally approved by the Local Government in February last. The Bill in its present form does not give the power of alienation to any other tenants than those who already possess this power. The recognition of the widow's life-interest is the only substantial addition to the previous law; and the propriety of this addition is not questioned by any one. And, in so far as we have defined more clearly the manner in which a tenant who desires to alienate his tenancy should give notice to his landlord, and the manner in which on receipt of notice the landlord's right of pre-emption will be enforced, the provisions of the Bill will, I hope, secure both parties against the uncertainties which in the past have commonly attended litigation relating to this subject.

"In the chapter on improvements and compensation two important changes have been introduced. The right of a landlord to make an improvement on the land held by a tenant with right of occupancy has been distinctly provided for, and also the landlord's right to an increased rent in return for such an improvement. In connection with this provision I desire to point out that, if such improvements are classed from the point of view of the tenant, they may be divided into works which will increase the produce of his land without imposing on him the necessity of altering in any material degree his previous standard of husbandry and expenditure, and works which will not yield any favourable result unless they are supplemented by a very considerable increased expenditure on the part of the tenant. Of the first of these two classes a canal distributary which supplies flow irrigation is the most obvious example; and though by existing usage a landlord may not be entitled to make an improvement of this kind on the holding of a tenant with a right of occupancy, it is not likely that such a tenant, if he himself lacked the means or opportunity to make the improvement, would except for some plain and special reason object to its execution by the landlord. Of the second class a well may be taken as an instance. Personally I have felt great hesitation as to the introduction into this Bill of

words which will enable a landlord to impose on a tenant the very heavy expenditure necessary to successful well-irrigation in the Punjab. And I have reason for saying that this hesitation will be shared by those of our Revenue-officers who have given much attention to the conditions of this form of irrigation. My objections have been met by the clause which provides for the control of this power by rules adapted to local requirements and to the merits of each class of improvements. And I trust that, by the aid of these rules and by the exercise of due discretion on the part of our Revenue-officers in dealing with such applications as landlords may make to them, we may avoid imposing on a tenant in any case an improvement which, though it may fall technically within the definition laid down in the Bill, would require of him a husbandry and expenditure beyond a fair estimate of his capacity to undertake.

"The other important change in this chapter relates to compensation on disturbance. The provisions of the Bill on this point have been so altered as not to apply in any case to a tenant with a right of occupancy, and further so as to require a Revenue-officer or Court estimating the compensation to take into account the special consideration already received by a tenant at the hands of his landlord in return for his labour in reclaiming land, as well as all other matters which are weighed when adjudging compensation for improvements.

"It remains only to explain the effect of section 3 of the Bill on the ordinary operation of its provisions; that is to say, the extent to which under the Bill as now framed those provisions may be set aside by contract. In the Bill as introduced this difficult subject was left in some ambiguity. But the general intention of the framers of the Bill was that contracts and usages, except on the subject of sub-leases rights of alienation and rights of succession, should not prevail against the provisions of the law. This course was in opposition to the provisions of section 2 of the existing Act. That section saves all written agreements between landlords and tenants, and further gives the force of agreements to all entries in settlement-records made and sanctioned prior to the year 1871 other than entries relating to rights of occupancy. The opinions received by the Select Committee on this subject were of a conflicting character, and in drafting section 3 of the Bill in the form in which it now stands we have not thought it expedient to accept the entire change at first proposed.

"We have provided that if a tenant is entitled under the Bill to make an improvement, or if he has made an improvement with the permission of his landlord, any contract or entry in a record-of-rights which would operate to subject him to a penalty or to ejectment in consequence thereof, or deprive

him of his claim to compensation in the event of ejectment or enhancement of rent, shall be void to that extent. We have also provided that in respect of the ejectment of a tenant, and of his claim to reduction, remission or suspension of rent, the provisions of the Act shall override any contract made after the date of its passing. We have further extended a similar protection to rights of occupancy arising under the express provisions of the Bill and to the favourable rate of rent provided for such tenancies by the Bill, though probably this particular provision will only actually operate in a very few cases. To the above extent we have accepted the proposals embodied in the Bill as first referred to us, as they appeared to us to be in accordance with the policy approved by the Government of India and necessary to the due protection of tenants. But in respect of other matters we do not think it necessary to provide that the provisions of the law shall override contracts; and we have also continued the validity given by the existing law to agreements entered in settlement-records of older date than 1871. We have been assured that these agreements have now in all but a few cases ceased to operate. This may be the case; and it may also be the case that by omitting any reference to them in the new law we should cut off some litigation of a difficult and uncertain character. But, having regard to the express recognition that these entries received in the law of 1868 and 1871, it appears to be the safer course to leave it to the Courts to decide in any case which may come before them, whether the operation of any particular entry has or has not expired.

"Lastly, a very complete chapter on jurisdiction and procedure has been added to the Bill. In adding this chapter it has been in no way our intention to establish unnecessary distinctions between the procedure followed by a Revenue-officer in dealing with business arising under the Land-revenue Act and that which he will follow in dealing with applications under the Tenancy Act which are not of the nature of suits. On the contrary, we have been careful to maintain identical provisions in the two Bills in respect of administration, appeal, review and revision, appearances, summonses and procedure generally. But it appeared to us to be most convenient, equally in the interests of Revenue-officers and in those of the applicants and litigants who will appear before them, that the Act should be complete in itself.

"In dealing with suits under the Tenancy Act a Revenue-officer will, as hitherto, follow for the most part the procedure laid down in the Civil Procedure Code.

"As regards the jurisdiction of Revenue-officers and Revenue Courts, that is to say, the matters with which they are respectively empowered to deal, though the Bill makes no substantial change in the existing state of the law on these points, the clauses defining those matters have been re-drafted, so as to avoid the ambiguities which at present surround the subject; and, with the concurrence of the Chief Court, adequate provisions have been introduced for dealing with cases where the jurisdiction is doubtful or is challenged.

"I trust, my Lord, that the Bill in the form in which it now stands will have a beneficial effect on the relations of landlords and tenants in this important province, and that it will confirm to both of these classes the expectations which have arisen out of the Act of 1868."

PUNJAB LAND-REVENUE BILL.

The Hon'ble COLONEL WACE also presented the Report of the Select Committee on the Bill to amend and declare the Land-revenue Law of the Punjab. He said:—

"This Bill, like the Punjab Tenancy Bill, was referred to the Select Committee for report more than a year ago. It has, like that Bill, been subjected to the most careful examination, equally by the Chief Court and the Revenue-officers of the Province and by the members of this Council who were appointed to the Select Committee. The result has been to introduce a great many alterations of construction and detail; and though I might justly describe some of these alterations as important, they are so much confined to formal procedure that I hesitate to enter into the same full explanation of them as was required of me in respect of the changes introduced into the Tenancy Bill.

"I need not say that we have been greatly assisted in our labours by the very complete Land-revenue Acts enacted by this Council for the North-Western Provinces, for Oudh and for the Central Provinces in the years 1873, 1876 and 1881. But while we have been careful to avail ourselves of all appropriate aids of this nature, we have been equally anxious to express correctly in this Bill the land-revenue procedure actually now current in the Punjab, and to avoid introducing changes which are not justified by experience or are not appropriate to the tenures and circumstances of the Province. In so far as the Bill as now reported exceeds in bulk the existing Land-revenue Act, it does so partly in consequence of the incorporation into it of the rules issued under the existing

Act on the subject of partition and arbitration. The Bill also contains much more precise and detailed provisions in respect of the powers and procedure of Revenue-officers, than it was practicable to formulate when the existing Act was enacted in 1871.

"The only really important departure from past practice and the most material modification of the Bill as introduced will be found in Chapter IV of the Bill as now amended. That chapter deals with records-of-rights in the land. Under the system provided in the existing Act a complete record-of-rights in each estate is prepared at intervals of 20 or 30 years. In the intervening years the Collector makes a record of all facts which occur subsequently to the preparation of that record, in order to supply materials with the aid of which after the expiry of the usual interval of 20 or 30 years a revised record-of-rights may be prepared. The system contemplated in the Bill as now amended is essentially different. We do not contemplate in it any re-writing of the record-of-rights after long intervals of comparative neglect. We assume that the Collector of each district has at his command an agency adequate for the correct preparation of annual records, and that this agency will under the Collector's supervision discharge this duty efficiently. This is a system which the Government of India has had in view for some years past; and, having regard to the increasing efficiency of the village-officers and of the Government's revenue-establishments, and to the very considerable expenditure annually incurred in their support, there would appear to be no sufficient reason for refraining any longer from insisting on a higher standard of accuracy in the annual records than has hitherto been expected.

"We have omitted from the Bill any provision for the recovery in a given district of arrears of revenue which have accrued in other districts or in another Province. The law does not at present provide any satisfactory procedure on this subject. But I wish to explain that its omission from this Bill is due not to oversight, but to the circumstance that a draft enactment on the subject which will apply to the whole of India is now under the consideration of the Government.

"Similarly, the omission from the Bill as now amended of the chapter which aimed at providing for the conservancy of village-wastes and forests is not due to any intention to overlook this important subject, but to the circumstance that the questions involved are of such importance as to necessitate their separate consideration.

"I am confident, my Lord, that this Bill as now submitted to this Council for final consideration will, when passed into law, promote in an equal degree the better administration of the land-revenue and the interests of the agriculturists by whom that land-revenue is paid; and I only wish to add further on behalf of the Hon'ble the Lieutenant-Governor and also on my own behalf that we feel personally very greatly indebted to the assistance given to us in dealing both with the Tenancy Bill and the Land-revenue Bill by the hon'ble members of this Council who have been associated for many years with the Administration of the North-Western Provinces and by its Secretary, Mr. Harvey James."

His Excellency THE PRESIDENT said:—"I am quite certain that the other members of the Council who have not served on the Select Committees will be quite willing to endorse the concluding observations of Colonel Wace, and to express their very great sense of obligation for the industry and energy with which he and his colleagues, assisted by His Honour the Lieutenant-Governor and Mr. Harvey James, have elaborated these most important and complicated Bills."

The Council adjourned to Wednesday, the 10th August, 1887.

SIMLA;
The 29th July, 1887.

S. HARVEY JAMES,
Offg. Secretary to the Govt. of India,
Legislative Department.

Govt. C. Press, Simla.—No. 291 L. D.—29-7-87.—316.