

*Wednesday,
27th September, 1916*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. LVI

September 1916

PROCEEDINGS

OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,

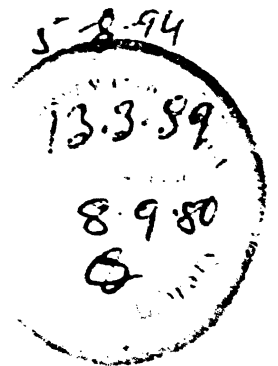
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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER
THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915
(5 & 6 Geo. V, Ch. 61).

The Council met at the Council Chamber at Viceregal Lodge, Simla, on
Wednesday, the 27th September, 1916.

PRESENT :

His Excellency BARON CHELMSFORD, P.C., G.M.S.I., G.M.I.E., G.O.M.G., Viceroy
and Governor General, *presiding*, and 56 Members, of whom 49 were
Additional Members.

OATH OF OFFICE.

The following Additional Members made the prescribed oath or affirmation
of allegiance to the Crown :—

The Hon'ble Sir Ibrahim Rahimtoola, Kt., C.I.E.

„ Sir Fazalbhoy Currimbhoy, Kt.

QUESTIONS AND ANSWERS.

The Hon'ble Sir Fazalbhoy Currimbhoy asked :—

1. “(a) Has the report of the Indian Finance and Currency Commission
been considered by Government ?”

Report of
the Indian
Finance and
Currency
Commission.

(b) If not, do Government intend to consider the report at an early date
without putting off such consideration till the termination of the war ?”

The Hon'ble Sir William Meyer replied :—

“I explained the position in my reply to a question by the Hon'ble
Rao Bahadur B. N. Sarma at the last meeting of Council. The Government do
not consider that there are any grounds for modifying the decision there
referred to, *viz.*, that consideration of the recommendations of the Commission
should be deferred until normal conditions return.”

[27TH SEPTEMBER, 1916.]

[*Sir Fazulbhoy Currimbhoy ; Sir William Meyer ; Sir C. Sankaran Nair.*]

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

Appoint-
ment of a
committee
to examine
the question
of the estab-
lishment of
a State or
Central
Bank in
India.

2. “(a) Was the following recommendation made by the Indian Finance and Currency Commission :—

‘ We are not in a position to report either for or against the establishment of a State or Central Bank, but we regard the subject as one which deserves early and careful consideration, and suggest the appointment of a small expert committee to examine the whole question in India, and either to pronounce against the proposal or to work out in full detail a concrete scheme capable of immediate adoption.’

(b) If so, do Government intend to appoint the proposed committee at an early date ? ”

The Hon'ble Sir William Meyer replied :—

“ The answer to (a) is in the affirmative.

(b) The decision referred to in my answer to the Hon'ble Member's previous question applies to this as to other recommendations and suggestions made by the Commission.”

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

Report of
the Royal
Commission
on Venereal
Diseases.

3. “(a) Will Government be pleased to state whether they have received a copy of the Report of the Royal Commission on venereal diseases ?

(b) If so, do Government propose to give effect to such of its recommendations (if any) as are capable of being adapted to suit the needs of, and of being enforced in, this country ?

(c) If the answer to (b) is in the negative, will Government be pleased to consider the necessity of holding an inquiry regarding venereal diseases at a very early date ?

(d) Does history prove that there is always an increase of venereal diseases after a war ?

(e) Can Government give any figures as regards the extent of prevalence of such diseases in this country before and since the war; and any information regarding the facilities for treatment for the enlightenment of the ignorant and for the protection of the innocent with reference to such diseases ? ”

The Hon'ble Sir C. Sankaran Nair replied :—

“ (a) The Government of India have received a copy of the Report of the Royal Commission on Venereal Diseases.

(b) and (c) The Government of India have recently commended the Report and conclusions of the Commission to the consideration of Local Governments.

(d) So far as the Government of India are aware, there is no evidence that within modern times there is an increase of venereal diseases after a war.

(e) There are no reliable figures regarding the prevalence of venereal diseases in India, except in regard to (1) the number of cases treated in State

[*Sir C. Sankaran Nair ; Sir Fazulbhoj Currimbhoj ; Sir Robert Gillan.*]

[27TH SEPTEMBER, 1916.]

public, State special, local fund, railway, private aided, and private non-aided hospitals and dispensaries in British India, statistics for which for 1913 are given in the Statistical Abstract for British India, Volume III, Public Health, 1913-14, and (2) ratios of admissions and deaths to strength of the British and Indian Army in India given in the returns appended to the Annual Report of the Sanitary Commissioner with the Government of India for 1914. These figures, however, give no idea of the prevalence of venereal diseases throughout the country, nor would it be possible to obtain accurate statistics, because the majority of sufferers seek aid from private practitioners or neglect treatment altogether. There are no special facilities in India for treatment, such as, for example, separate hospitals and dispensaries. This and other points referred to in the latter half of question (e) in so far as they are dealt with in the conclusions of the Royal Commission have been referred, as already stated, to the consideration of Local Governments."

The Hon'ble Sir Fazulbhoj Currimbhoj asked :—

4. "(a) Will Government be pleased to lay on the table a statement showing the number of collisions on the different Indian railways in 1915 and 1916 ? Railway collisions during 1915-16

(b) As a result of inquiry into each case of collision what action, if any, has been taken to prevent a recurrence in future ?

(c) Have collisions on Indian railways been more frequent during the last quinquennium than during any preceding quinquennium ?

(d) Do Government propose to consider the desirability—

(i) of devising comprehensive measures for the prevention of collisions, and

(ii) of having the whole matter thoroughly investigated by a mixed committee of officials and non-officials on which Indians are adequately represented ? "

The Hon'ble Sir Robert Gillan replied :—

"(a) As the accident returns are now compiled for the official year, a statement* showing the number of collisions on the different railways during 1914-1915 and 1915-1916 is laid on the table. The number of persons killed and injured in collisions during these two years was 31 and 175, respectively.

(b) It is the duty of Government Inspectors to bring to the special notice of the Railway Board all cases of a serious nature. The number of such cases reported in 1914-15 and 1915-16 was 26. In 19 of these cases, it was found that the collisions were due to neglect of rules, and no action was necessary beyond the punishment of the officials in fault. In 7 cases, it was found possible to adopt additional safeguards against the recurrence of accidents.

(c) The number of collisions in the quinquennium ending 1910 was 1,068 ; in the quinquennium ending 1915-16, it was 1,096. The figures for the latter period show a marked improvement over those for the preceding period when the fact is taken into consideration that the train mileage increased by no less than 40 per cent during the ten years.

(d) The rules already in force provide for the due reporting of accidents, and careful and continual attention is given to all means suggested for the prevention of collisions. The existing machinery appears to the Government to be adequate, and they do not consider that the investigation of the subject by a committee as suggested by the Hon'ble Member is necessary."

* Not included in these Proceedings.

[27TH SEPTEMBER, 1916.]

[Sir Fazulbhoj Currimbhoy; Sir C. Sankaran Nair; Sir George Barnes.]

The Hon'ble Sir Fazulbhoj Currimbhoy asked :—

Indian Institute of Science at Bangalore.

5. "Are Government satisfied that the Indian Institute of Science at Bangalore is a success as a centre of fresh and practical scientific knowledge and active agent in the development of Indian Industries? If not, will Government investigate the reasons which prevent the Institute from fulfilling these purposes?"

The Hon'ble Sir C. Sankaran Nair replied :—

"The object of the Indian Institute of Science at Bangalore was stated at the time when the scheme was formulated as the promotion of original investigations and their utilisation for the benefit of India, and was not limited in the manner which the Hon'ble Member's question would appear to imply. The Institute was first opened in July 1911, and it is therefore too early to judge whether it has successfully attained the objects for which it was founded. The progress of the Institute is annually described in a calendar; and journals dealing with scientific investigations, etc., are published from time to time. The Government of India are not aware of any special reasons which would render desirable any investigation of the Institute. The Institute is a privately managed institution in receipt of aid, and its executive management is vested in a Council, with whom the supervision of the institution primarily rests."

The Hon'ble Sir Fazulbhoj Currimbhoy asked :—

Appointments of students of Indian commercial colleges to the Commerce and Industry Department.

6. "(a) Are successful students of Indian Commercial Colleges given preference in the matter of appointments in the Commerce and Industry Department of the Government of India and all Departments subordinate thereto?"

(b) If the answer to (a) is in the negative, will Government consider the desirability of making it a rule that such preference should be given?"

The Hon'ble Sir George Barnes replied :—

"The answer to both parts of the Hon'ble Member's question is in the negative. I must point out to the Hon'ble Member that the object and aim of Commercial Colleges is to train young men for a commercial career, and it by no means follows that the teaching there given is the best training for life in a Government Department, even though the name of the Department contains the word Commerce. If any such preference were given as the Hon'ble Member suggests, I think that he will on consideration agree that the Universities and other educational establishments of India would have just cause of complaint."

The Hon'ble Sir Fazulbhoj Currimbhoy asked :—

Opinions on the question of State and Company managed Railways.

7. "(a) Have any opinions from various public bodies and individuals been received by Government regarding the question of State *versus* private management of Indian railways?"

(b) If so, do Government intend to appoint a small committee, composed of members of the Railway Board and representatives of European and Indian Commerce, to examine and consider those opinions for the purpose of helping Government in formulating a definite policy in the matter?"

[*Sir Robert Gillan; Sir Fazulbhoj* [27TH SEPTEMBER, 1916.]
Currimbhoj; Sir George Barnes.]

The Hon'ble Sir Robert Gillan replied :—

" In order to obtain the best information and advice from every part of India in relation to the question of State *versus* Company management of railways, the Railway Board recently addressed a circular letter to Local Governments and to Chambers of Commerce in India. Some of the replies to the circular have already been received, and the rest will doubtless be received in the near future. By this means the Government of India hope to be placed in possession of the considered opinions of the representatives of European and Indian Commerce throughout India. They will obtain also the advice of the Railway Board. Thus they have arranged already to have supplied to them all the materials which a Committee such as the Hon'ble Member suggests could lay before them, and, as at present advised, they do not think that the appointment of a Committee of this kind would serve any useful purpose."

The Hon'ble Sir Fazulbhoj Currimbhoj asked :—

8. "(a) Have Government received any communication from the Home Government or from Lord Balfour's Committee regarding the Paris Conference Resolutions?

(b) If so, will Government be pleased to state the nature of such communication, and to lay on the table or publish the papers in connection therewith?

(c) Did the Prime Minister state in the House of Commons on August 2nd last that it is proposed to hold a Conference in London after Lord Balfour's Committee has reported? If so, does the communication referred to above contain any proposals regarding the representation of India at such proposed Conference?

(d) Do Government propose to obtain the views of the leading commercial men in India before replying to the communication?

(e) Will the Indian Industrial Commission shortly open an inquiry into questions very similar to those dealt with by the Paris Conference?

(f) Will Government be pleased to lay on the table a copy of the Paris Conference Resolutions?"

The Hon'ble Sir George Barnes replied :—

" The Government of India have received a communication from the Home Government on the subject of the Resolutions of the Paris Conference. I am unable, however, to give any further information on the subject at present, except that the Government of India are about to address Local Governments and commercial bodies regarding certain questions of trade policy after the war.

With regard to the last part of the question, I lay on the table a copy* of the Resolutions of the Paris Conference."

* Not included in these Proceedings.

[27TH SEPTEMBER, 1916.] [Sir Fazulbhoj Currimbhoj ; Sir George Barnes.]

The Hon'ble Sir Fazulbhoj Currimbhoj asked :—

Telephone Exchanges in India.

9. " Will Government be pleased to state—

(a) how many Telephone Exchanges there are in India and Burma, how many of these are State-managed, and how many Company-managed, and which are the long distance systems existent in the country ?

(b) whether the Company-managed systems are of the nature of public utility concerns ?

(c) whether there are any arrangements for the periodical inspection by Government of Company-managed systems ?

(d) if the answer to (c) is in the negative, whether Government propose to make arrangements for such inspection with a view to the maintenance of a better standard of efficiency of service than at present ? "

The Hon'ble Sir George Barnes replied :—

" There are in India and Burma 230 Telephone Exchanges. Of these, 165 are used exclusively by Government Departments, railway companies or commercial firms and individuals. None of these systems are available to the public, and I assume that the Hon'ble Member's question does not refer to them.

Of the remaining 74 exchanges, 13 are owned and worked by companies and 61 are owned by Government and worked by the Indian Telegraph Department. Two of the 61 exchanges are joined by a trunk line, and this is the only long distance system open to the public. This is between Delhi and Simla.

The answer to the second part of the Hon'ble Member's question is in the affirmative, and to the third part in the negative.

With regard to the last part of the question, the Government of India do not propose to make arrangements for the periodical inspection of Company-managed telephone systems. The Government possess powers of controlling the charges made by Companies and of opening Government exchanges to the public at the places where there are Company systems. These safeguards appear to be sufficient to secure the object which the Hon'ble Member has in view."

The Hon'ble Sir Fazulbhoj Currimbhoj asked :—

Nomination of a representative from India on the Economic Conference to be held after the war.

10. "(a) Is it a fact that there is a strong feeling in commercial circles in this country that India should be represented at any Conference on the economic policy to be pursued after the war at which the interests of Great Britain and the Dominions are represented; and that the representative of India should be nominated by the Government of India, and not by the India Office ?

(b) If the answer to (a) is in the affirmative, do Government propose to inform the Secretary of State for India accordingly ? "

[*Sir George Barnes; Khan Bahadur Mian Muhammad Shafi; Sir C. Sankaran Nair; Rao Bahadur B. N. Sarma; Mr. C. H. A. Hill.*] [27TH SEPTEMBER, 1916.]

The Hon'ble Sir George Barnes replied :—

“ With regard to the first part of the question, the Government of India are fully aware that there is a strong feeling in commercial circles that India should be represented at any Conference on the economic policy to be pursued after the war, and have been in communication with the Secretary of State for India on the subject. We have, I am glad to be able to inform the Hon'ble Member, the definite assurance of the Prime Minister that, when the Conference is held, India shall be represented. With regard to the last sentence in the first part of the Hon'ble Member's question, I think that I have seen statements in the press embodying the opinion therein suggested.”

The Hon'ble Khan Bahadur Mian Muhammad Shafi asked :—

11. “ Will the Government be pleased to place on the table a comparative statement showing the number of candidates from the Provinces of Bihar and Orissa, Agra and Oudh and the Punjab who appeared in the various University examinations, including the Matriculation, of the Calcutta, Allahabad and Punjab Universities, respectively, in the years 1915 and 1916 ? ”

Candidates for University and Public examinations.

The Hon'ble Sir C. Sankaran Nair replied :—

The statement* is placed on the table.

The Hon'ble Rao Bahadur B. N. Sarma asked :—

12. “ (a) Is it a fact that the best equipped educational institutions in India in Agriculture and Forestry are not as efficient as those in Great Britain or on the Continent of Europe ? ”

Additional cost of equipment of Agricultural Institutions.

(b) Is it found necessary in India to send young men abroad for training in these two branches of knowledge ?

(c) If the answers to (a) and (b) are in the affirmative, do Government propose to incur such additional cost, if any, as would be necessary to make the Indian institutions as efficient as those in Europe in order to obviate the need for sending young men abroad for training ? ”

The Hon'ble Mr. C. H. A. Hill replied :—

“ Some of the agricultural colleges in India would compare very favourably as regards staff and equipment with similar institutions in Europe. The Forest Research Institute at Dehra Dun is efficiently equipped and staffed for educating candidates for the Provincial services, which is all that it has hitherto aimed at. As members of the Imperial Forest and Agricultural services have hitherto been recruited almost entirely in England and appointed by the Secretary of State, Indian candidates have at present a better chance of securing appointments if they proceed to Europe for training. The whole question of recruitment and consequently of training will be examined on the publication of the Report of the Public Services Commission, and the Government of India hope that, in the case of agricultural institutions at least, it will shortly be possible to teach up to a standard which will qualify for admission to the Imperial Service.”

*Not included in these Proceedings.

[27TH SEPTEMBER, 1916.]

[Rao Bahadur B. N. Sarma; Sir
Robert Gillan.]**The Hon'ble Rao Bahadur B. N. Sarma** asked :—

13. " (a) Was the construction of a railway from Raipur to Parvatipur recommended, and its proposed alignment surveyed more than 20 years ago, and was its construction sanctioned in 1906 ?

Direct Rail-
way line
from Raipur
to Parvatipur.

(b) If so, is it a fact that much progress has not been made in its construction ?

(c) Is there any direct line connecting East Central India with the extension line of the sea coast between Madras and Calcutta ?

(d) Do Government propose to allot funds for the construction of the line referred to in (a) in next year's budget, or whenever provision is made for work on new lines or lines in the course of construction ?

The Hon'ble Sir Robert Gillan replied :—

" There is at present no direct railway connection between East Central India and the coast line from Calcutta to Madras. The Raipur-Vizianagram project which would give this connection and of which the line referred to by the Hon'ble Member forms part, was surveyed in 1898, and its construction was sanctioned in 1906. The section between Vizianagram and Parvatipur was completed and opened for public traffic in April 1906, but want of funds has prevented further progress. The Government regret that they cannot, under present conditions, say when it will be possible to resume work, but they have shown their interest in the project by pushing on preparations for the construction of a harbour at Vizagapatam, which appears to them to be essential to the success of the railway, and both projects will certainly be considered as soon as funds and materials are available."

The Hon'ble Rao Bahadur B. N. Sarma asked : . .

14. " Will Government be pleased to state—

Export
of
oil-seeds.

(a) If the export of oil-seeds from India has fallen from a total of 25,65 lakhs in 1913-1914 to 14,64 in 1914-1915 and 10,12 in 1915-16 ?

(b) What is the diminution, if any, in the acreage and outturn of 1915-16 in respect of oil-seeds as compared with those of the two previous years ?

(c) What practical steps, if any, have been taken, and what special facilities, if any, have been afforded to prevent loss and to encourage the conversion of the raw produce into manufactured articles ?

(d) Whether the Government of Madras, acting on the advice of their Director of Industries, have felt themselves unable to take or advise any serious departure from the existing practice on the ground that the termination of the war would upset any schemes which might be devised to place the ground-nut and oil-seeds industry on a sound footing ?

(e) If the answer to (a) is in the affirmative, whether Government have resolved upon taking any measures immediately to rehabilitate the industry and place it on a sound footing before it is further crippled, and if they have not, do they propose to do so without waiting for the report of the Indian Industrial Commission ? "

[*Sir George Barnes; Rao Bahadur B. N. Sarma.* [27TH SEPTEMBER, 1916.]

The Hon'ble Sir George Barnes replied :—

“The answer to part (a) of the question is in the affirmative.

With reference to part (b), figures for all oil-seeds are not available, but a comparative* statement showing the acreage and yield during the three years ending 1915-16 of the principal oil-seeds, *vis.*, Linseed, Rape and Mustard, Sesamum and Ground nuts is placed on the table.

With reference to part (c), I may inform the Hon'ble Member that, after the outbreak of war, the question of finding new markets for the principal oil-seeds came under the consideration of the Government of India, and His Majesty's Government were requested to do what was possible to extend the market for these products in the United Kingdom and in America. The names of exporters of Copra, Coir and Cocomanut oil in this country were supplied to the British Consular Officers in the United States of America, at the suggestion of His Majesty's Government with a view to stimulating trade with that country. I may mention that Copra crushing factories have recently been started in the United Kingdom, and the exports of Copra to that country amounted to 170,469 and 134,013 cwts. in 1914-15 and 1915-16, respectively, as against only 7,040 cwts. in 1913-14. As regards the question of the encouragement of the oil-crushing industry in India, I would refer the Hon'ble Member to the speeches made in this Council on the 24th February 1915 by Mr. Carr and Sir William Clark in connection with Raja Khushalpal Singh's Resolution regarding the promotion of industrial enterprise by means of loans, and to the Hon'ble Mr. Lov's speech on the 21st March last in the course of the debate on Sir Ibrahim Bahimtoola's Resolution on the subject of the growth and development of industries in India. As explained in these speeches, the subject has been attracting much attention in Madras, where the Director of Industries has been carrying on demonstrations in oil-pressing to meet the economic difficulty caused by the falling off in demand for oil-nuts on the Continent. The Madras Government allotted one lakh of rupees for these demonstrations and for the investigation of the possibilities of extracting oil on a commercial basis in this country. In the United Provinces and other Provinces, similar assistance has been given, and, as an instance, I may mention the Government loan of Rs. 37,500 granted to an oil mill in Cawnpur to lay down improved plant.

As regards part (d), I must point out to the Hon'ble Member that the question should properly be asked in the local Council.

With reference to the last part of the question, if by 'the industry' the Hon'ble Member means the oil-crushing industry, as I presume he does, I can assure him that it is far from having been crippled by the war. I am unable to give figures of production of oils and oilcakes, but the figures* of exports for the last three years, which I lay upon the table, are some indication of increased production. Of course the market, at any rate for oils, is mainly internal.”

The Hon'ble Rao Bahadur B. N. Sarma asked :—

“As a supplementary question, with reference to the answer to part (d), may I ask whether the meaning is that the Government intend, or are unable, in the absence of an adjustment of the Tariff question, to do anything for the rehabilitation of the oil-seed industry in India ? ”

*Not included in these Proceedings.

[27TH SEPTEMBER, 1916.]

[*Sir George Barnes ; Rao Bahadur B. N. Sarma ; Sir Robert Gillan.*]**The Hon'ble Sir George Barnes** replied :—

" With regard to part (d), I must refer the Hon'ble Member to the local Council. That part of his question cannot be answered here. "

Provision of rolling stock. **The Hon'ble Rao Bahadur B. N. Sarma** asked :—

15. "(a) Has the attention of Government been drawn to the following passage in paragraph 5, page 4 of the report of the Pilgrim Committee, Madras :— ' In the matter of the provision of sufficient rolling stock, Government as practical owners of the line have a very great responsibility, and we think it is incumbent upon us to bring to notice the fact that a wide-spread feeling undoubtedly exists that this duty is not altogether satisfactorily discharged ; that the Southern Railways do not always receive the same consideration as those in the North, and that their wants are not so fully met as they deserve, and as they have a right to expect. Over-crowding in the Southern Indian Railways is certainly a genuine grievance, and is by no means only confined to festival periods.

(b) Has the attention of Government been drawn to any complaints in the Madras newspapers especially from merchants in Guntur and Kistna Districts of loss sustained by them owing to a shortage in goods wagons ?

(c) Will Government be pleased to state—

(i) Whether the passenger traffic on the Madras and Southern Mahratta Railway systems has risen during the ten years from 1904-05 to 1913-14 from 21,111,000 to 35,890,000, and on the South Indian from 19,888,000 to 47,197,000, or on the two systems from 41 to 83 millions ;

(ii) What has been the passenger traffic on these Railways during 1915-16 ;

(iii) What was the number of coaching vehicles especially third class in 1904-05 and in 1913-14 ; and the total outlay during the said decade on the rolling stock and the open line of the two systems and of all the State and guaranteed Company railways.

(iv) Whether during the five years from 1912-13 to 1916-17 the budget grant for rolling stock and the open lines of the Madras and Southern Mahratta Railway and South Indian Railway systems has not been approximately 250 and 472 lakhs out of a total of 2,765 and 5,368 lakhs, or a percentage of 9 and 8, respectively, against a mileage proportion of 18 or 16 excluding or including the guaranteed Company lines.

(v) Whether the length of the double line in Southern India is 44.94 miles as against 2,688.61 for the whole of India ?

(d) Do Government propose to take steps for improving the two said railway systems in the near future ? "

The Hon'ble Sir Robert Gillan replied :—

"(a) The report of the Pilgrim Madras Committee is at present under the consideration of Government. With regard to overcrowding, the Railway Board had themselves taken action, and a year ago in view of complaints made in the Press, they asked that a census of passengers on the South Indian Railway should be taken. That census showed that cases of overcrowding were rare and no action seemed necessary, but another census which has just been completed shows less favourable results, and the Board are examining the position.

[*Sir Robert Gillan; Rao Bahadur B. N. Sarma.*] [27TH SEPTEMBER, 1916.]

(b) Complaints have been received from certain merchants about shortage of wagons on the Madras and Southern Mahratta Railway, and have been referred to that administration for inquiry.

(c) (i) It is correct to say that the passenger traffic on the lines now constituting the Madras and Southern Mahratta and South Indian Railways taken together increased during the period 1904 to 1913-14 from 41 to 83 millions. Owing to the re-distribution of railways in Southern India, which took effect from the 1st January 1908, no comparison of the systems taken separately as they exist now is possible with the systems as they existed in 1904.

(ii) The number of passengers carried during 1915-16 was 38½ millions on the Madras and Southern Mahratta Railway, and 48½ millions on the South Indian Railway.

(iii) The number of passenger coaching vehicles in the year 1904 on the lines which now comprise these two railway systems was 2,836, of which 2,256 were third class; at the end of the year 1913-14, the total number of passenger coaching vehicles was 4,345, of which 3,352 were third class. All these figures are in terms of a four-wheeler unit. The outlay during the decade on rolling stock and other open line works for these two systems was Rs. 3,91,55,000 and Rs. 4,80,62,000, respectively, as compared with a total outlay of Rs. 42,69,22,000, and Rs. 46,63,52,000, on all railways financed by Government through the Programme including the Madras and Southern Mahratta and South Indian Railways.

(iv) During the five years from 1912-13 to 1916-17, the budget grants for rolling stock and other open line works on these two systems amounted to Rs. 242 and Rs. 232 lakhs out of the total grants for all Programme lines of Rs. 2,655 and Rs. 2,857 lakhs, or a percentage of 9 and 8, respectively. The mileage of the two railways forms 16 per cent of the total mileage of all Programme lines.

(v) The actual length of double line in Southern India on the 31st March 1916 was 44·94 miles against 2,783·70 for the whole of India.

(d) The Government think that the comparative methods which the Hon'ble Member has apparently in mind for judging the requirements of different lines are misleading. He will also no doubt remember that during the last two years expenditure has necessarily been reduced to a minimum, and the work of improving the equipment of railways has been seriously checked. The Government, however, have already undertaken with Companies an examination of the position, and the requirements of the Madras and Southern Mahratta and of the South Indian Railway will be fully considered."

The Hon'ble Rao Bahadur B. N. Sarma asked :—

16. " Will Government be pleased to state—

(a) Whether any telegraphic messages addressed to two newspapers published in Madras—'New India' and 'The Hindu'—conveying the expression of the opinion of individuals some of whom were Members of Legislative Councils, or of the public in meeting assembled, regarding the action of the Chief Presidency Magistrate, Madras, in demanding security from the proprietor and editor of 'New India' were delayed in transmission or withheld from the addressees ?

Delay or withholding of telegraphic messages.

[27TH SEPTEMBER, 1916.]

[*Rao Bahadur B. N. Sarma; Major-General A. H. Bingley; Mr. V. S. Srinivasa Sastri; Sir C. Sankaran Nair.*]

(b) If any such messages were delayed or withheld, under whose authority, and to meet what public emergency was such action taken?

(c) How many telegraphic messages unconnected with the war have been delayed or withheld on public grounds since January 1916?

The Hon'ble Major-General A. H. Bingley replied :—

“ The reply to the first part of the question is in the affirmative.

In regard to the second part of the question, the messages were delayed or withheld by the censors concerned in the exercise of the somewhat wide discretion necessarily vested in them.

With reference to the third part of the question, it is not possible to discriminate between messages connected with, and messages unconnected with, the war with sufficient certainty to allow of the numbers asked for being given.”

The Hon'ble Rao Bahadur B. N. Sarma asked :—

Offer for war
service by
Indians
holding
medical de-
grees.

17. “ Will the Government be pleased to state—

(a) How many Indians who had obtained degrees in medicine in the United Kingdom or in India have offered to serve in the war, if given commissioned rank in the I.M.S., and

(b) How many such the Government secured for service ? ”

The Hon'ble Major-General A. H. Bingley replied :—

“ (a) 332. Of this number, 55 subsequently withdrew their offers, while 129 have not yet finally accepted the prescribed terms of employment. In addition to the above, 92 civil assistant surgeons volunteered for military duty, and 88 have been given temporary commissions.

(b) Including the civil assistant surgeons referred to, 219 have received commissions, and 17 more will be commissioned shortly.”

The Hon'ble Mr. V. S. Srinivasa Sastri asked :—

Scheme for
the provi-
sion of pri-
mary schools

18. “ Was any announcement made by the Under Secretary of State for India in 1912, and repeated by the Government of India in 1913, to the effect that it was contemplated to add 91,000 primary schools to the number already in existence in India, and to double the number of children receiving primary education ? ”

If so, will Government be pleased to state whether any definite schemes have been formulated for the purpose, and to lay on the table any correspondence that may have passed between the Government of India and Local Governments on the subject ? ”

The Hon'ble Sir C. Sankaran Nair replied :—

“ The answer to the first part of the question is in the affirmative. As regards the second part of the question, I would refer the Hon'ble Member to the reply* given by me to Mr. Surendra Nath Banerjee on the 24th March of this year.”

* Vide page 501 of the Proceedings of Council of 24th March, 1916.

[Mr. V. S. Srinivasa Sastri; Sir C. Sankaran Nair; Mr. G. R. Lowndes; Mr. Kamini Kumar Chanda.] [27TH SEPTEMBER, 1916.]

The Hon'ble Mr. V. S. Srinivasa Sastri asked :—

19. “ (a) Did the Decentralization Commission make any recommendations on the subject of primary education? ”

(b) If so, have the final orders of the Secretary of State been received in regard thereto, and will Government be pleased to lay on the table the despatch containing those orders.”

Recommendations made by the Decentralization Commission in respect of primary education.

The Hon'ble Sir C. Sankaran Nair replied :—

“ (a) The reply is in the affirmative.

(b) The Government of India have, with the approval of the Secretary of State, just issued instructions to Local Governments, with reference to the recommendations of the Royal Commission on Decentralization in India, in respect of matters affecting education. A copy* of the circular letter containing these instructions is placed on the table.”

The Hon'ble Mr. V. S. Srinivasa Sastri asked :—

20. “ Will Government be pleased to state, as approximately as possible, the amounts paid as travelling allowance and as daily allowance to non-official members and official members respectively of the Imperial Legislative Council on account of the Simla session? ”

Amounts paid as travelling and daily allowances to official and non-official members.

The Hon'ble Mr. G. R. Lowndes replied :—

“ A statement† containing the amounts paid during the last five years is laid on the table. The Government of India consider that the labour involved in collecting figures for a longer period would not be commensurate with the advantage to be gained.”

The Hon'ble Mr. Kamini Kumar Chanda asked :—

21. “ Will Government be pleased to state—

(a) the total number of Fellows of the Calcutta University from the whole province of Assam ;

(b) the population of the Province ;

(c) whether there is a single non-official Fellow from the Province ;

(d) whether they propose to consider the desirability of increasing the number of Fellows from the Province, and of appointing some non-official Fellows from both the Valleys comprising the Province? ”

Number of Fellows of the Calcutta University from Assam.

The Hon'ble Sir C. Sankaran Nair replied :—

“ (a) One *Ex-officio* and three Ordinary Fellows.

(b) 6,713,635, according to the last census figures.

(c) The answer is in the negative.

(d) The number of Fellows nominated from Assam has recently been increased by the Chancellor. The desirability of appointing non-official Fellows as proposed will be considered as opportunity offers.”

*Not included in these Proceedings.

† Vide Appendix A. to these Proceedings.

[27TH SEPTEMBER, 1916.]

[Mr. Kamini Kumar Chanda; Sir
Reginald Craddock.]**The Hon'ble Mr. Kamini Kumar Chanda** asked :—

Representa-
tion of the
landholders
of Assam on
the Imperial
Council.

22. “(a) Is it a fact :—

(i) that (with the exception of Burma) Assam is the only Province in India in which the landholders have no direct representation on this Council ;

(ii) that about one-half of the Province consists of permanently settled estates ?

(b) If the answer to (a) (i) is in the affirmative, will Government be pleased to consider the expediency of providing for the direct representation in some shape or other in this Council of the Zemindars and other landholders of the Province ?”

The Hon'ble Sir Reginald Craddock replied :—

“(a) (i) The answer is in the affirmative.

(a) (ii) The total settled area in the province is about 8½ million acres, of which a little less than four million acres form permanently settled estates.

(b) There is no intention of re-adjusting the seats on this Council to meet the demands of any particular community at present, but the claims of all important communities will be duly considered if and when constitutional changes in the Council are undertaken.”

The Hon'ble Mr. Kamini Kumar Chanda asked :—

Representa-
tion of the
Moslems
of Assam in
the Imperial
Council.

23. “(a) What is the Mohamedan population of Assam, Central Provinces and Burma respectively ? What is the number of Moslems in Assam who possess the qualifications that are prescribed for Moslem voters in East Bengal who elect Moslem representatives to this Council.

(b) Are not Assam, Central Provinces and Burma the only provinces in which Moslems have no direct representation to the Council ?

(c) If the answer to (b) is in the affirmative, will the Government be pleased to consider the expediency of providing for the direct representation of the Moslems of Assam in some shape or other in this Council ?”

The Hon'ble Sir Reginald Craddock replied :—

“(a) The information is available in the Census Reports.

The figures are—

Assam	...	...	...	...	1,886,528
Central Provinces	...	...	...	...	564,909
Burma	...	...	...	...	417,575

Information on the subject of the second part of the question is not in the possession of the Government of India, and should be elicited by a question in the local Legislative Council.

(b) The answer is in the affirmative.

(c) There is no intention of providing for direct representation of the Moslems of Assam in the Council as at present constituted, but, as I have stated in reply to another question by the Hon'ble Member, the claims of all local communities of any importance to such representation will be carefully weighed whenever changes in the constitution of the Council come under consideration.”

[Mr. Kamini Kumar Chanda; Sir Robert Gillan.] [27TH SEPTEMBER, 1916.]

The Hon'ble Mr. Kamini Kumar Chanda asked :—

24. "(a) Has the attention of the Government of India been drawn to a recent decision reported in Sindh Law Report (5), page 140, clause 10 footnote, declaring it illegal to reserve a railway compartment or carriage for Europeans or Europeans and Eurasians only? Reserve compartments for Europeans.

(b) Is it a fact that some railway administrations still continue the practice of reserving compartments and carriages for Europeans, or Europeans and Eurasians only, and that there have been collisions between passengers and the railway staff in consequence?

(c) If the answers to (a) and (b) are in the affirmative, will Government be pleased to direct that the practice should be discontinued?"

The Hon'ble Sir Robert Gillan replied :—

"It is the case that some railway administrations reserve third class compartments for Europeans or Europeans and Anglo-Indians only, and there have recently been one or two disputes leading to collisions between passengers and railway servants about the matter. The Government are acquainted with the suit No. 297 of 1908, Mathradas Ramchand vs. the Secretary of State, decided in the Court of the Judicial Commissioner of Sind, to which the Hon'ble Member refers, but they cannot trace the authority for the statement that it was held to be illegal to reserve a railway compartment for Europeans or Europeans and Anglo-Indians only, or any decision by any Court to this effect; the Court in the case cited actually decided that the railway administration had power to reserve a compartment for Europeans.

The practice therefore appears to be legal, but it has to be considered also whether it is desirable. In this connection, attention may be invited to the proceedings of a Conference of representative Indian gentlemen held in Lucknow in 1908 to consider the question of the comfort and convenience of third class passengers, in which a Resolution was passed asking that separate compartments should be provided for Europeans. The question has also been taken up recently by the Railway Board in consultation with railway administrations. It appeared that there was much to be said in favour of a practice which, in view of the different habits of Europeans and Anglo-Indians, particularly with regard to food, appeared to be in accord with the sentiment of Indian as well as of European and Anglo-Indian travellers. The information at present before the Government does not lead them to believe that the practice is opposed by the generality of Indian passengers."

The Hon'ble Mr. Kamini Kumar Chanda asked :—

25. "(a) Is it a fact that some railways provide waiting or retiring rooms for the use of European passengers only? Waiting or retiring rooms is for the use of European passengers only.

(b) Is it a fact that some railways make no provision for waiting or retiring rooms for Indian passengers?

(c) If so, will Government be pleased to cause proper instructions to be issued in the matter so that adequate provision for Indian passengers may be made?"

The Hon'ble Sir Robert Gillan replied :—

"The usual practice is to allot waiting or retiring rooms to 1st and 2nd class passengers, and Indian passengers holding tickets of these classes are

[27TH SEPTEMBER, 1916.] [Sir Robert Gillan ; Mr. K. V. Rangaswamy Ayyengar ; Sir Reginald Craddock ; Mir Asad Ali, Khan Bahadur.]

entitled to the use of these rooms according to the class of ticket they hold: The Government, however, understand that in a few cases special retiring rooms are provided for Europeans, but only in one instance has the restriction been the subject of complaint, and it is presumed that there are special circumstances which justify such exceptional arrangements where they have been adopted."

The Hon'ble Mr. K. V. Rangaswamy Ayyengar asked :—

Government control over religious institutions.

26. (a) Did Government in or about 1841 in issuing directions for the final and complete withdrawal of Government control over religious institutions remark that 'the continuation of the management of the lands (belonging to the institutions) is due as a measure of justice to the agriculturists whose contracts and engagements have been made in anticipation of the continued management of the land by the Government, and in such cases that it will be sufficient that the net proceeds of the land should be paid without reservation to the Native administrators of the institutions to which they belong?'

(b) If so, have lands belonging to the Srirangam Temple and other institutions in various parts of India continued to be managed by Government in pursuance of the instructions so given?

(c) If so, will Government be pleased to state the names of such institutions and the present annual value of the lands so managed?

(d) Is it a fact that in the case of the Srirangam Temple only a portion of the income of such lands has been given to the Temple? And that in the case of other institutions a similar practice has been followed?

(e) If the answer to (d) is in the affirmative, will Government be pleased to state—

(i) the names of the institutions referred to, and

(ii) whether the balance of the funds is ear-marked or lying in the various treasuries to the credit of those institutions?

(f) Do Government propose to direct that the full annual income of the said lands and the surplus accumulated funds, if any, should be made over to the temples and mosques whose committees may apply for them?"

The Hon'ble Sir Reginald Craddock replied :—

"The Hon'ble Member's question apparently refers mainly, if not entirely, to Madras, and the Government of India have not at hand the information necessary for an answer. After more information is obtained, they will be in a position either to make a further statement on the subject, or to refer the Hon'ble Member to the Madras Government for the information that he desires."

The Hon'ble Mir Asad Ali, Khan Bahadur asked :—

Gazetted holiday of Id-ul-Fitr.

27. (a) Has the attention of Government been drawn to any resolutions recorded in August last by the Anjuman Islahul Muslimin of Dhanbad protesting against the alleged action of the resident Engineer-in-charge, East Indian Railway, Dhanbad, in refusing to grant the gazetted holiday of Id-ul-Fitr to the Muhammadan staff of the Drawing Department of his office?

(b) If the answer to (a) is in the affirmative, will Government be pleased to state what action, if any, they propose to take in the matter?"

[*Sir Robert Gillan; Mir Asad Ali,* [27TH SEPTEMBER, 1916.]
Khan Bahadur; Sir George Barnes.]

The Hon'ble Sir Robert Gillan replied :—

“Copies of the Resolutions referred to by the Hon'ble Member were received by the Railway Board, and the matter was at once taken up by them with the Agent of the East Indian Railway. It was then ascertained that pressure of work in the Drawing Office prevented the grant of a holiday, but in view of the special importance of the occasion, Muhammadan draughtsmen were informed that they were at liberty to be absent from the office for such time as was necessary for the proper performance of their prayers and religious ceremonies. The Agent has informed the President of the Anjuman that he greatly regretted that the exigencies of work prevented the complete closing of the office on this occasion, and has assured him that there was no wish or intention to depart from the invariable policy of the East Indian Railway of respect for the religious beliefs and convictions of the persons employed by it.”

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

28. “(a) Have the Home Government made penal the possession of cocaine, except for medical purposes? Penalty for the possession of cocaine.”

(b) If so, do the Government of India propose to follow the example of the Home Government in this matter?”

The Hon'ble Sir George Barnes replied :—

“The possession of cocaine except for medical purposes has been a penal offence in the United Kingdom since the end of July last. There is no need for the Government of India to follow the example of the Home Government in this matter as the Hon'ble Member suggests. It is rather the case that the Home Government is following the example of India, for the possession of cocaine except for medical purposes has been a penal offence in all the Provinces of British India for many years.”

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

29. “Is it a fact that hardship is felt by third class passengers for want of a connecting train at Delhi and Manmad? Connecting train at Delhi and Manmad.”

If so, do Government propose to run the Delhi Express an hour or two later than the Down Punjab Mail to obviate such hardship?”

The Hon'ble Sir Robert Gillan replied :—

“It should be explained that the trains known on the Madras and Southern Mahratta Railway as the Delhi Express were introduced to provide a quicker service *via* Dhond and Manmad between the North and South India, and as the majority of passengers travelling such long distances must be of the first and second or intermediate class, it was doubtless found most convenient that these trains should connect at Manmad not with the Express, but with the mail trains on the Great Indian Peninsula line. There are of course other trains providing for passenger traffic passing between the Madras and Southern Mahratta and Great Indian Peninsula Railways, and it is probable that the number of third class passengers who are inconvenienced by the present arrangements is very small. It would not in any case seem to be a suitable solution of the difficulty to run the Express train on the Great Indian Peninsula

[27TH SEPTEMBER, 1916.]

[Mir Asad Ali, Khan Bahadur; Sir C. Sankaran Nair; Sir Robert Gillan.]

an hour or two later than the Punjab Mail, as not only would this involve, as a study of the time-table will show, the running of an additional train on the Great Indian Peninsula, which *prima facie* does not appear to be justified, but the timings of the Express would be inconvenient. The Railway Board propose, however, to consult the Railways concerned in the matter."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

Separate
electorates
for Rohri
Mahomed-
ans.

30. "(a) Has it been brought to the notice of Government that a petition of the Rohri Mahomedans for separate electorates for electing representatives to the Rohri Municipality has been rejected by the Commissioner of Sindh ?

(b) If so, will Government be pleased to state the grounds for such rejection ? "

The Hon'ble Sir C. Sankaran Nair replied :—

"(a) and (b). The Government of India have no information on the subject. The Hon'ble Member's question should more suitably be asked in the local Legislative Council."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

Expenditure
on Railway
Conferences
at Simla.

31. "Will Government be pleased to state—

(a) the amount of expenditure incurred on each of the Railway Conferences held at Simla ;

(b) whether any reports of the proceedings of these Conferences are available for public use ? "

The Hon'ble Sir Robert Gillan replied :—

"(a) The expenditure incurred on each of the Railway Conferences held at Simla in the last few years has been as follows :—

					Rs.
1910	...	...	...	...	1,987
1911	...	...	...	...	1,500
1912	...	...	...	...	2,324
1913	...	...	...	...	3,799

No Conference was held in 1914.

(b) No reports of the proceedings of the Railway Conferences held at Simla are available for public use. The Conference Association is largely a consultative body. It frames regulations for the management of administrative details, such as the fixing of charges as between the various railway companies for use of vehicles, and the payment for traffic interchanged between railway parties to the Association. It merely advises on other questions which may be referred to it by the Government or by any of the railways represented in the Association, and it does not seem desirable that the proceedings of a domestic body of this kind should be made public."

[*Mir Asad Ali, Khan Bahadur Sir* [27TH SEPTEMBER, 1916.]
Robert Gillan ; Mr. G. R. Lowndes.]

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

32. " Will Government be pleased to lay on the table a statement showing per month for each of the last five years—
- (a) the maximum and the minimum number per day as well as the average number per day of railway tickets issued at the central station, and the Egmore station to third class passengers by each of the daily mail trains on the Madras Southern Mahratta Railway, and the South Indian Railway, respectively ;
- (b) the number as well as the seating capacity of the third class carriages attached to each mail train on those Railways respectively ; and
- (c) the number of platform inspectors, and travelling inspectors on each of these railways ? "

Issue of Railway tickets on the Madras Southern Mahratta Railway and the South Indian Railway.

The Hon'ble Sir Robert Gillan replied :—

" The Government fear as the result of inquiries they have made that it will not be possible to obtain all the information asked for by the Hon'ble Member. The Agent, South Indian Railway, has however promised to collect as much as is available, and this will be supplied as soon as it is received to the Hon'ble Member."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

33. " Will Government be pleased to state for each year during the last six years :—
- (a) the number of non-official Bills and non-official Resolutions (if any) that have been (i) passed or accepted, and (ii) defeated or rejected in the Imperial Legislative Council, and in each of the provincial Councils ?
- (b) the occasions (if any) when Government were defeated on any motion in each of these Councils ? and
- (c) the number of supplementary Questions (if any) put by non-official members in each of these Councils ? "

Non-official Bills, Resolutions, and supplementary Questions.

The Hon'ble Mr. G. R. Lowndes replied :—

" (a) and (c). A statement* giving the information required by the Hon'ble Member, in so far as it relates to the Imperial Legislative Council, is placed on the table. The Government of India have no information in regard to local Councils.

(b) There has been no occasion in the Imperial Legislative Council when Government were defeated on any motion."

The Hon'ble Mir Asad Ali, Khan Bahadur, gave notice of his intention to ask the following question :—

34. " Will Government be pleased to lay on the table a statement showing for each province year by year from 1911 to 1915—
- (a) the names of newspapers, journals, magazines and other periodicals (if any), English and Vernacular, as well as the number of their copies subscribed for or subsidised by Government ;
- (b) the total amount of subsidy or subscription, if any, to Indian and Anglo-Indian papers, respectively ;
- (c) the amount, if any, paid per annum to English and Indian or Anglo-Indian news agencies for news telegrams ? "

Newspapers subscribed for by Government.

The question was by leave withdrawn.

* Vide Appendix P, to these Proceedings.

[27TH SEPTEMBER, 1916.]

[*Mir Asad Ali, Khan Bahadur ; Sir C. Sankaran Nair ; Sir Robert Gillan.*]

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

Training of
Indian boys
as glass
blowers.

35. "(a) Has the attention of Government been drawn to a paragraph in the 'Madras Times' of the 7th instant, *re* a circular letter addressed by the Director of Industries to the managers of some of the poor schools for European and Anglo-Indian boys in Madras ?

(b) Is it intended soon to establish a glass factory in Madras ?

(c) If so, will Government be pleased to state—

(i) whether a similar circular was addressed to the managers of any poor Indian Institutions for training Indian boys as glass-blowers in the proposed Madras glass factory; and

(ii) whether Government propose to address the local authorities concerned as to the advisability of training Indian boys in the factory ? "

The Hon'ble Sir C. Sankaran Nair replied :—

"The matter is one on which the Government of India have no information, and the question is one which should more suitably be put in the local Legislative Council."

The Hon'ble Mir Asad Ali, Khan Bahadur, asked :—

Rebate
paid by
certain
Railways.

36. "Will the Government be pleased to state—

(a) Whether any rebate is being paid by the North-Western Railway, Oudh and Rohilkhand Railway, East Indian Railway, Great Indian Peninsula Railway, Madras and Southern Mahratta Railway and Bombay, Baroda and Central India Railway from their revenue to merchants receiving or sending merchandise not below the minimum quantity fixed by each railway administration to entitle the merchants to any such rebate ?

(b) If so, how much money has been paid by way of such rebate to merchants during the past five years ?

(c) The names of the merchants to whom the rebate has been paid ?

(d) The particulars of commodities sent or received in respect of which the rebate has been paid ?

(e) The maximum weights of each kind of such commodities ? "

The Hon'ble Sir Robert Gillan replied :—

"The detailed information asked for is not available without reference to the railway administrations named.

There are no rebates of the kind on the North-Western Railway or Oudh and Rohilkhand Railway.

A statement* showing all the information available as regards the Bombay Baroda and Central India, East Indian, Great Indian Peninsula and Madras and Southern Mahratta Railways is laid on the table."

* Not included in these Proceedings.

[Pandit Madan Mohan Malaviya ;
Sir C. Sankaran Nair.]

[27TH SEPTEMBER, 1916.]

The Hon'ble Pandit Madan Mohan Malaviya asked :—

37. " Will the Government be pleased to lay on the table a statement showing the amount of research work done by each officer of the Archæological Department during the last ten years ? "

Research work by the officers of the Archæological Department.

The Hon'ble Sir C. Sankaran Nair replied :—

" The information desired by the Hon'ble Member, which is of a very extensive nature, can be obtained from the various annual Imperial and Provincial Reports of the Archæological Department. A very brief resumé of the more important research work done between the years 1910 and 1915 by the Archæological Department is given in paragraphs 23 to 30 of the Government of India Resolution on Indian Archæological Policy, dated the 22nd October 1915."

The Hon'ble Pandit Madan Mohan Malaviya asked :—

38. "(a) Will Government be pleased to state if there is any standard of qualifications fixed for persons eligible for appointment to gazetted posts in the Indian Archæological Department ?

Gazetted appointments in the Archæological Department.

(b) Will Government be pleased to lay on the table a statement showing the qualifications of the various officers of the department at the time of their first appointment, their respective periods of service and their salaries both at the time of appointment and at present ?

(c) Does the Government of India make any distinction with regard to pay and status between Indians and Europeans employed as Assistant Superintendents in the Archæological Department ? If so, will Government be pleased to state the principle, if any, on which the distinction is based ? "

The Hon'ble Sir C. Sankaran Nair replied :—

" (a) No standard of qualification has been fixed for persons eligible for appointment to gazetted posts in the Indian Archæological Department. The qualifications vary according to the nature of the posts to be filled, some of which require expert knowledge in architecture, others expert knowledge in epigraphy, and others expert knowledge in excavation, museum work or other branches of archæology. Vacancies are filled by the selection in each case of the most competent candidate available. In view of the dearth of trained architects and archæologists in this country, the Government has instituted several State scholarships for the training of Indians, and several of these posts are now filled from the ranks of these State scholars, but appointments are not restricted to such scholars, and Government will continue to fill vacancies by selecting the most capable candidates.

(b) A statement* giving the information required is placed on the table.

(c) The Government of India does not make any distinction as regards pay and status between Indians and Europeans employed as Assistant Superintendents. The pay of both is Rs. 300—25—500, but the Secretary of State has discretion to offer higher terms to secure persons recruited in Europe, and in practice such persons have received a pay of Rs. 400—25—600."

* Vide Appendix C. to these Proceedings.

[27TH SEPTEMBER, 1916.]

[*Pandit Madan Mohan Malaviya ; Sir C. Sankaran Nair.*]

The Hon'ble Pandit Madan Mohan Malaviya asked :—

“As a supplementary question, will the Hon'ble Member be pleased to state, or rather to give, a list of the students who have been trained by the Department, and of those who have been employed by the Department?”

The Hon'ble Sir C. Sankaran Nair replied :—

“I shall furnish a list.”

The Hon'ble Pandit Madan Mohan Malaviya asked :—

39. “(a) Will Government be pleased to state if the Indian Archæological Department is expected to take care of and collect ancient Sanskrit, Persian, Arabic and other manuscripts in this country?”

Collection of Sanskrit, Persian and Arabic manuscripts in India.

(b) If so, what steps, if any, have been taken within the last ten years in this direction by the Department in each province of British India?

(c) What have been the qualifications and emoluments of the officer or officers conducting this class of work, and what is the amount of money that has been spent by the Government on it?

The Hon'ble Sir C. Sankaran Nair replied :—

“The collection and preservation of ancient Sanskrit, Persian, Arabic and other manuscripts in this country do not form part of the duties of the Archæological Department. Officers of that Department have, however, lent their services in securing for Government manuscripts that might otherwise have been destroyed or lost. Many valuable manuscripts have in this way been brought from Central Asia by Sir Aurel Stein, and others from the same region have been bought by Sir John Marshall. A collection of Sanskrit manuscripts was in the same way bought by Sir John Marshall in Benares in 1914, and is being catalogued by Mahamahopadhyaya Pandit Hara Prasad Shastri.

The systematic search for Sanskrit manuscripts was commenced by Local Governments in 1868, and was discontinued in many Provinces about the year 1882. Work of this nature is, however, still carried out in Madras, Bombay and Bengal, mainly by officers of the Education Department, and the annual expenditure amounts approximately to Rs. 7,500, 3,000 and 3,200 in the three provinces concerned. Special grants for similar work have also been made by the Government of India to the Asiatic Society of Bengal.”

The Hon'ble Pandit Madan Mohan Malaviya asked :—

“As a supplementary question, will the manuscripts that are being edited in London be placed in some library in India, either the Imperial Library or any other?”

The Hon'ble Sir C. Sankaran Nair replied :—

“I am unable to answer the question at present.”

The Hon'ble Pandit Madan Mohan Malaviya asked :—

Permanent settlement of the land-revenue in Upper India.

40. “Will Government be pleased to lay on the table the correspondence, if any, which passed between the Government of India and the Secretary of State in the years 1882 to 1885 on the question of a permanent settlement of the land-revenue in Upper India?”

[*Mr. C. H. A. Hill; Khan Zulfiqar Ali Khan; Sir Reginald Craddock; Mr. M. B. Dadabhoy; Mr. G. R. Lowndes; Sir Robert Gillan.* [27TH SEPTEMBER, 1916.]

The Hon'ble Mr. C. H. A. Hill replied :—

“I lay on the table the despatches* which, I understand, the Hon'ble Member requires.”

The Hon'ble Khan Zulfiqar Ali Khan asked :—

41. “Will Government be pleased to state how many superior appointments under the Imperial Government are at present held by persons belonging to the landholding community in the Punjab?”

Number of superior Government appointments held by Princes and Sardars.

The Hon'ble Sir Reginald Craddock replied :—

“The information is being collected and will be supplied at the next meeting of Council.”

The Hon'ble Mr. M. B. Dadabhoy asked :—

42. “Will Government be pleased to consider the desirability of laying on the table official replies to Questions by Hon'ble Members of this Council half-an-hour before the meeting commences?”

Laying on the table of replies to Questions in Council.

The Hon'ble Mr. G. R. Lowndes replied :—

“Government have considered the matter and do not propose to make any change in the existing practice.”

The Hon'ble Mr. M. B. Dadabhoy asked :—

43. “(a) Have the Railway Board been considering the question of congestion in railway trains? If so, have they arrived at any decision on the subject?”

Congestion in Railway Trains.

(b) Will the papers on the subject be laid on the table?”

The Hon'ble Sir Robert Gillan replied :—

“It is understood that the Hon'ble Member's question has reference to two distinct matters—overcrowding in passenger trains and congestion of goods traffic.

The first matter has for some time past been receiving the anxious consideration of the Railway Board, and recently, with the object of ascertaining the exact facts, they asked all the principal railways to have a general census taken of the passengers in their trains on seven consecutive days. As soon as the returns of this census are complete, there will be no objection to laying them on the table if the Hon'ble Member so desires.

As regards congestion of goods traffic, the Hon'ble Member is referred to the proceedings of the Conference between representatives of the principal railways and commercial bodies over which the Hon'ble Member in charge of the Department of Commerce and Industry presided. The reports of these proceedings which appeared in the newspapers will, no doubt, have given the

* Vide Appendix D. to these Proceedings.

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[Mr. M. B. Dadabhoy; Sir Reginald Craddock.]

Hon'ble Member full information regarding the difficulties of the present position and the action taken to relieve them. For his convenience I am sending him a print of a report which we received, but should point out that, though this report is substantially accurate, the speeches have not been submitted to, or corrected by, the speakers."

The Hon'ble Mr. M. B. Dadabhoy asked :—

Number of persons deported under Bengal Regulation III of 1915 and interned under the Defence of India Act.

44. " Will Government be pleased to lay on the table a statement showing the number of persons deported under Bengal Regulation III of 1915 since the outbreak of the War, and the number of persons interned under the Defence of India (Criminal Law Amendment) Act, 1915 ? "

The Hon'ble Sir Reginald Craddock replied :—

" No persons have been deported under Bengal Regulation III of 1915. The number detained under that Regulation since the outbreak of war is 56, of whom three have been released.

The total number of persons whose movements have been restricted by internment either in their villages or elsewhere under the Defence of India (Criminal Law Amendment) Act, 1915, is 433 made up as follows :—

Madras	...	...	...	...	...	1
Bombay	...	...	...	...	...	18
Bengal	...	...	...	...	...	238
United Provinces	...	...	...	...	...	4
Punjab	...	...	...	...	...	114
Burma	...	...	...	...	...	40
Bihar and Orissa	...	...	...	...	...	3
Central Provinces	...	...	...	...	...	Nil
Assam	...	...	...	...	...	1
North-West Frontier Province	...	...	...	...	...	3
Coorg	...	...	...	...	...	9
Delhi ...	...	...	...	...	...	7
				Total	...	433 "

The Hon'ble Mr. M. B. Dadabhoy asked :—

Internments under the Defence of India Act.

45. "(1) Is it a fact that persons have been interned under the Defence of India Act, 1915 ? If so,—

- (a) Have the persons so interned the same facilities for submitting representations to Government as is provided by the Bengal State Prisoners Regulation, 1918, in the case of persons confined under that Regulation ?
- (b) Are they permitted to submit explanations in writing before final orders for internment are passed ? If so, are they allowed to consult lawyers about such explanations ?
- (c) Is it a fact that the only opportunity of submitting explanations which is afforded them is that they are required to make oral statements to the Police ?

[*Mr. M. B. Daclabhoj; Sir Reginald Craddock.*] [27TH SEPTEMBER, 1916.]

(d) Is any preliminary inquiry made in each case before final orders for internment are passed? If so, what sort of inquiry?

(e) Is any judicial opinion taken by Government upon each case before such orders are passed?

(2) If the answer to clauses (a), (b), (d) or (e) of part (1) is in the negative, do Government propose to revise the rules regarding internments under the Defence of India Act so as to provide the safeguard referred to in that clause?

(3) (a) Is it a fact that in the United Kingdom orders for internment under the Defence of the Realm Act are passed only upon the recommendation of an Advisory Committee presided over by a high judicial officer either in service or retired?

(b) If so, do the Government propose to adopt a similar procedure in the case of internments in India under the Defence of India Act?

(4) (a) Is any allowance given to the family of an interned person? If not, why not?

(b) Is it a fact that the scale of allowance so far sanctioned for interned persons themselves is low and inadequate, and that for that reason in most cases interned persons have to cook their own food?

(c) If so, do Government propose to arrange for the payment of an adequate allowance in each case on due consideration of all the circumstances?"

The Hon'ble Sir Reginald Craddock replied :—

"(1) The answer is 'Yes'.

(a) Regulation III of 1818 provides for representations to the Governor General in Council. Persons interned under the Defence of India Act have the same or similar facilities for representation to the Local Government.

(b) In Bengal, where most of the internments have taken place, every opportunity is given for the submission of written explanations with or without legal consultation. In the Punjab, explanations are recorded before internment, but legal consultations are not authorised. In the remaining provinces in which the number of internments under the Act is small, the practice followed is not uniform, but generally speaking no obstacle is placed in the way of submission of such representations.

(c) The answer is 'No'.

(d) Full and searching inquiries into the character and antecedents of the persons concerned are made by responsible officers of Government before final orders for internment are passed.

(e) In Bengal and the Punjab, where most of the internments have taken place and in the United Provinces and Assam, a judicial opinion is taken on each case. In the other provinces where the number of internments has been small, this practice does not seem to have been always followed, but its adoption will be suggested for the consideration of the Local Governments concerned.

(2) The Hon'ble Member is referred to the replies given under (1). No necessity for revision of the rules has been established.

3. (a) and (b) The Hon'ble Member is referred to the reply given on September 8, 1915 to a similar question asked by Mr. S. N. Banerjee.

4. (a) (b) and (c) Ample allowances are given in all cases where necessity for the same exists, and in some instances are specially calculated to cover the cost of a cook."

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[*Mr. M. B. Dadabhoy; Sir Reginald Craddock; Maharaja Sir Manindra Chandra Nandi; Dr. Tej Bahadur Sapru.*]**The Hon'ble Mr. M. B. Dadabhoy asked :—**Security and
confiscations
ordered
under the
Indian
Press Act.

46. " Will Government be pleased to lay on the table a statement, giving details of securities taken, warnings issued and confiscations ordered under the Indian Press Act, 1910, as also the number of journals and presses, if any, stopped in consequence of the action taken by the authorities under that Act ? "

The Hon'ble Sir Reginald Craddock replied :—

" The information is being collected, and a further statement will be made in the matter at the next meeting of Council."

The Hon'ble Maharaja Sir Manindra Chandra Nandi asked :—Contribu-
tions to the
War by
Indian
Native
States
and
Indian
Provinces.

47. " What is the total amount of money subscribed in India for charities and gifts in connection with the present War ? What proportion of this amount has been contributed by the Indian Native States, and what proportion by the different Indian Provinces ? "

The Hon'ble Sir Reginald Craddock replied :—

" Complete or detailed figures of the amount subscribed in all the Provinces of India towards the war and charities connected with it cannot be given.

The statement below gives such information as is immediately available :—

Funds, etc.		Sums received.	
		₹	
1. Imperial Indian Relief Fund	... ..	...	820,875
2. St. John's Ambulance Association in cash	... ..	...	91,000
	Ditto in kind	...	127,000
3. Bombay War Relief Fund	... ..	...	313,000
4. Madras War Fund	... ..	...	258,000
5. United Provinces War Fund	... ..	...	200,000
6. Punjab Aeroplane Fund	... ..	...	100,000
7. Calcutta Motor Ambulance	... ..	...	45,000
8. Bhagalpur Motor Ambulance Fund	... ..	...	17,500
9. Bengali Hospital Flat	... ..	...	8,700
10. Belgian Relief Fund	... ..	...	27,000

In addition to the figures given in the statement, lavish contributions both in cash and in kind have been made by the Ruling Princes and Chiefs in India. It is regretted that details of these cannot conveniently be supplied."

The Hon'ble Dr. Tej Bahadur Sapru asked :—Primary
Schools.

48. " Will Government be pleased to lay on the table a statement showing—

(a) the number of primary schools increased or improved in each province, and

(b) the number of scholars increased or decreased in such schools,

since the Government of India's Resolution on the subject issued in 1913? "

[*Sir C. Sankaran Nair; Dr. Tej Bahadur Sapru; Sir Reginald Craddock; Mr. G. R. Lowndes.*] [27TH SEPTEMBER, 1916.]

The Hon'ble Sir C. Sankaran Nair replied :—

“ A statement* giving the figures is laid on the table. There are no statistics of the number of schools improved in each year, and consequently figures have been given to show the amount of direct expenditure on the schools.”

The Hon'ble Dr. Tej Bahadur Sapru asked :—

49. “ Will Government be pleased to lay on the table an up-to-date statement showing (a) the total number of newspapers dealt with under the Indian Press Act of 1910 since it came into force, (b) the names of such papers, (c) the place, province and the language in which such papers were or are printed, (d) the names of their proprietors, and (e) the nature of the penalty imposed upon each under the said Act.”

Newspapers dealt with under the Indian Press Act.

The Hon'ble Sir Reginald Craddock replied :—

“ The Hon'ble Member is referred to the reply given to the Hon'ble Mr. Dadabhoy on the same subject.

The information asked for by the Hon'ble Member is being collected, and a further statement in the matter will be made at the next meeting of Council.”

The Hon'ble Dr. Tej Bahadur Sapru asked :—

50. “ Will Government be pleased to lay on the table a statement giving (a) the total number of the members of the Indian Educational Service, (b) the numbers of its European and Indian members respectively, (c) the names of persons appointed to the service since its constitution, year by year, and their first postings, and (d) the office at present held by each of them ?”

Indian Educational Service.

The Hon'ble Sir C. Sankaran Nair replied :—

“ A statement† giving the information asked for is placed on the table.”

THE AMENDING BILL.

The Hon'ble Mr. G. R. Lowndes :—“ My Lord, I beg to move that the Bill to amend certain enactments be taken into consideration. It will be within the recollection of the Council that this Bill was introduced at the first meeting of this Council, and I then stated that the amendments proposed were practically all of a formal nature, and that I did not think it necessary to make any further reference to them in detail. Since then we have received no suggestions of any amendment to the Bill, and I therefore presume that Hon'ble Members who have examined it are satisfied with the statement that I originally made. My Lord, I therefore move that the Bill be taken into consideration.”

The motion was put and agreed to.

The Hon'ble Mr. G. R. Lowndes :—“ My Lord, I beg to move that the Bill be passed.”

The motion was put and agreed to.

* *Fide* Appendix E. to these Proceedings.

† Not included in these Proceedings.

[27TH SEPTEMBER, 1916.] [*Sir George Barnes; Pandit Madan Mohan Malaviya; Mr. G. R. Lowndes; Sir C. Sankaran Nair.*]

THE INDIAN BILLS OF EXCHANGE BILL.

The Hon'ble Sir George Barnes :—" My Lord, I beg to move that the Bill to make provision in connection with the present war with respect to bills of exchange payable outside British India be taken into consideration. This Bill, my Lord, was introduced at the first sitting of this Council, and the reasons for its introduction were explained by me at that sitting. Yesterday the Hon'ble Mr. Wardlaw Milne put down an amendment to the Bill, and at my request he has been good enough to withdraw the amendment, because I told him that we could not accept it without time to consider it. The Bill, as it stands, follows exactly the words of the British Act, and we are unwilling to change it in any respect without consultation and consideration. In these circumstances, and feeling that it was desirable that the Bill should pass into law without delay, the Hon'ble Member has withdrawn his amendment.

I beg to move, my Lord, that the Bill be now taken into consideration."

The motion was put and agreed to."

The Hon'ble Sir George Barnes :—" My Lord, I beg to move that the Bill be passed."

The Hon'ble Pandit Madan Mohan Malaviya :—" My Lord, I should like to inquire with what object, in section 2, the words 'or to the impracticability, owing to similar circumstances,' have been used. The words that precede them lay down that delay in the presentation of a bill of exchange is excused if it is, or has been, due either directly or indirectly to circumstances arising out of the present war. I should think that those words are wide enough to include every conceivable circumstance which may arise directly or indirectly out of the war. Coming after that the words 'owing to similar circumstances' seem to me to be superfluous. I should like to have an explanation as to whether those words are really necessary."

The Hon'ble Mr. G. R. Lowndes :—" My Lord, I think the Hon'ble Member will probably be satisfied with the explanation that the drafting is that of the English Act. The English draftsman thought it advisable to put in words of this nature, and it is probably desirable that we should follow the same practice in our Act. If we had drafted the Act without any precedent at all, I think it is quite possible that the words might have stopped at 'of the present war.' But it is quite clear that no new principle is introduced in any way by the subsequent words 'or the impracticability, owing to similar circumstances, of transmitting the bill,' and though they may possibly be surplusage having regard to the fact that they have been adopted in the English Act, it is better to adopt them here. There is no abstruse meaning to be attached to them, and there is nothing underlying them which does not underlie the words in the English Act."

The motion was put and agreed to.

THE PATNA UNIVERSITY BILL.

The Hon'ble Sir C. Sankaran Nair :—" My Lord, I beg to move for leave to introduce a Bill to establish and incorporate a University at Patna. In doing so, I should like to explain

[*Sir C. Sankaran Nair.*]

[27TH SEPTEMBER, 1916.]

to the Council the origin and scope of the proposed University to which this Bill is intended to give effect. As soon as the new province of Bihar and Orissa was constituted in 1912, it was recognised that, in order to make it a self-contained province, it was necessary to furnish it with two institutions in particular, *viz.*, a High Court and a University. The High Court is an accomplished fact, and it remains for us to bring into existence the desired University. A Committee consisting of 9 Europeans and 8 Indians was, for this purpose, appointed in May 1913. They began their operations in July of that year, and reported to Government in March 1914. That report was published and, after considering the criticisms on the proposals, the Local Government submitted their scheme on the 28th May 1915 to the Government of India. All those proposals were carefully considered by the India Government when they had the benefit of the ability and long experience of Sir Harcourt Butler, and they submitted a scheme on the 29th October last year to the Secretary of State, who has sanctioned it. The object of the Bill which I now propose to introduce is to give legislative sanction to the introduction of that scheme.

“ The main feature of the scheme is that there should be a central residential and teaching University at Patna. This represents the form of University from which, according to the present ideas, the best educational results may be expected to follow. Some of the members of the Committee desired to have a University established which was entirely of this description, but the majority were of opinion that there were other considerations which precluded the establishment of such a University. There were several colleges in the Province situated at a considerable distance from Patna, at which students were being already educated for a University career, and from which it was impossible to expect a complete migration of students to a central University. It was accordingly decided that, in addition to the University colleges at Patna, there should be a series of external colleges at various centres outside Patna itself. The central University at Patna, therefore, and the external colleges are to be united so as to form a single University governed by common regulations and under the same general control. There are in Patna two Government colleges :—the Patna College and the Training College for Teachers. The Committee recommended that some more colleges should be established at Patna—King’s College, a Mission College and a Sanskrit College. There was some opposition to the establishment of a Mission College. The Government of India decided to postpone the establishment of the Sanskrit College, and recommended to the Secretary of State the establishment of only the King’s College and the Mission College. The Secretary of State accepted our suggestions, but, in view of the financial difficulties which have arisen, it is now decided that the Patna portion of the University should be started only on the basis of the two Colleges—that is, the Patna College and the Training College for Teachers now in existence. For the same reason we are now unable to give the full residential facilities recommended by the Committee. The colleges situated outside Patna, including the Bihar National College at Bankipur, are treated as external colleges. Outside the neighbourhood of Patna, there are five colleges in the Province of Bihar and Orissa—a Government College at Cuttack, an aided Mission College at Hazaribagh, two aided colleges at Muzaffarpur and Bhagalpur, respectively, and the Diamond Jubilee College at Monghyr. With the exception of the Diamond Jubilee College, all these four are included in the new University. The Committee had proposed the expenditure of very considerable sums for the improvement of most of the external colleges which will be admitted to the privileges of the University; but here also, owing to financial stringency, it has been decided to proceed at once on the basis of the colleges as they exist at present. The Committee were of opinion that the Diamond Jubilee College under private management was a small and weak

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[Sir C. Sankaran Nair.]

institution, and the Government agreed with the Committee that we would not be justified in spending the very considerable amount that would be required to equip and maintain it efficiently.

" It has not been, therefore, proposed to include it in the new University. No colleges will be affiliated to the University which are not situated within one mile of the Council House at Patna, or in one of the four existing college centres, *i.e.*, Bhagalpur, Cuttack, Hazaribagh and Muzaffarpur. On this question there was a difference of opinion among the members of the Committee. Some of them were strongly in favour of the multiplication of colleges and high schools at all such places where a demand for them might manifest itself. The majority, however, were of the contrary opinion, and this view is accepted by Government. The main differences between these two classes of colleges, *i.e.*, between the University colleges at Patna and the external colleges, consist in the degree of control to be exercised over them by the University authorities and in the courses of instruction provided in them. As to control, the Vice-Chancellor will control all the officers and servants of the University and Patna colleges, while he is to be only the chief visiting and inspecting officer of the University so far as external colleges are concerned. The Syndicate will control the courses of study, the examinations, and all matters of education in the colleges of the University, but they are responsible only for the supervision and inspection of such matters in the external colleges. As to the courses of study, it is intended that the University is to undertake the whole of the science teaching of the University colleges at Patna, law-teaching and the Honours B.A. and the post-graduate work in Arts subjects. Provision is to be made for a system of inter-collegiate lectures in the B.A. Pass and, so far as is possible, in the junior classes at Patna; but the external colleges will teach in Arts subjects only up to the Pass B.A., and to the intermediate science in Science subjects. As exceptions to the above, the Cuttack College will provide teaching for the Honours B.A., and the Pass B.Sc., and the Bihar National College will provide teaching for the Pass B.Sc. On this question also there was a difference of opinion among the members of the Committee. It is no doubt possible to give Honours and post-graduate instruction of some kind at various centres as is now done elsewhere, and to so arrange the examinations that the students could pass them without any further or better training; but the majority of the members were of opinion that the higher branches of University study required the scientific co-operation of a number of the best teachers working under the best conditions and a considerable body of students with such natural capacity and so well equipped as to be fit to receive advanced instruction. As these conditions do not exist in the various other colleges, nor are they likely to arise, it is believed, for many years to come, the Government have come to the conclusion that the external colleges should teach the various subjects only up to the B.A. Pass standards and Science subjects only up to the standard required for the intermediate examination.

" The first Senate and the Syndicate will be constituted by the Act itself. The next and the ensuing Senates will consist of not less than 40 and no more than 60 persons. The Senate will include certain *ex-officio* Fellows, 4 Fellows elected by the Faculties, 8 Fellows elected by certain classes of Fellows according to the Regulations framed for that purpose. The Senate is only to be a deliberative body. Its resolutions are not binding on the Syndicate. The Senate differs in this respect from the Senate constituted under the Universities Act of 1904, which has the power of making Regulations providing for the courses of study to be followed and the conditions to be complied with by candidates for the University examinations, and also for the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils for the Matriculation Examination.

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[*Sir C. Sankaran Nair ; Rai Bahadur Krishna Sahay ; Pandit Madan Mohan Malaviya.*]

“ The ensuing Syndicates will consist of 16 members, some of them *ex-officio*. The Chancellor shall nominate 4 persons, and 9 persons are to be elected by the Senate. The Syndicate will have control of all matters concerning education. Under the Indian Universities Act now in force, the executive government of the University is vested in the Syndicate, while under the Bill a full-time Vice-Chancellor appointed by the Local Government is to be the principal executive officer of the University. All matters relating to the administration of the University, rules to regulate the admission of educational institutions to the privileges of the University, and the withdrawal of such privileges, rules about the admission of students to the University and their examinations, also will be provided for by the Regulations. The first Regulations are to be framed by the Local Government. Such Regulations may be modified, and new additional Regulations may be framed by the Senate with the sanction of Government. No college will be affiliated without the consent of the Syndicate, the Senate and the Local Government. As to disaffiliation, on the other hand, the Local Government alone might do it after considering the opinion of the Syndicate and the Senate. The Bill which I propose to introduce, if leave is given to me, is intended to give effect to these provisions.

“ I accordingly move for leave to introduce the Bill.”

The Hon'ble Rai Bahadur Krishna Sahay :—“ On behalf of the people of Bihar and Orissa, I offer my sincere gratitude to your Excellency's Government for the introduction of a Bill to establish and incorporate a University at Patna at this the earliest opportunity for it. It is in the fitness of things, my Lord, that a Province endowed with a Lieutenant-Governor in Council and a High Court should have a University of its own. Ever since the formation of Bihar and Orissa into a separate Province, the continuance of our dependence on the Calcutta University for our educational requirements was, if I may be permitted to say so, an administrative anomaly. That anomaly will cease to exist as soon as the Bill before the Council is passed into law. My Lord, we are at present content with a small beginning. The establishment of a separate University for Bihar and Orissa will make the Province fully self-contained, and to quote the eloquent words of Sir Edward Gait in one of his speeches in the local Council on the subject—‘ it will place the coping stone on the edifice founded by His Majesty the King Emperor himself.’

“ I do not propose, my Lord, to make any observations on the Bill itself which has been presented to us to-day. I congratulate the Hon'ble Member in charge of Education for the very illuminating address that he has just delivered, and I have no doubt that public opinion all over the Province will focus itself on the main features of the Bill as outlined by him. He will have in this Council the fullest expression of that opinion by the time of the cold weather Session at Delhi. My Lord, I welcome the motion before the Council.”

The Hon'ble Pandit Madan Mohan Malaviya :—“ My Lord, I heartily congratulate the Government and the people of Bihar and Orissa on the introduction of this Bill. My Lord, when the Bihar Province was constituted a separate province and given a High Court, everybody expected that a University would soon follow, and I offer my felicitations because I feel that the number of Universities in this country is so small, that any addition to that number should be a matter of general satisfaction and congratulation. There may be some who may be alarmed at the increase of even one University in this country, but I should remind them that there are 134 Universities

[*Pandit Madan Mohan Malaviya.*][27TH SEPTEMBER, 1916.]

in America, apart from a number of first-rate colleges which are not of the status of a University. In the United Kingdom, there are 18 Universities, in France 15, in Italy 21, and in Germany 22. Some of these countries are not larger than some of the major Provinces of India, and yet it has been felt that the demand for University education cannot be met by the number of Universities that already exist in them. In this country, my Lord, we have but six Universities at present. The old Universities have done a great deal of good work in the past, but there is much need for their expansion, and much need for many more Universities to be established in order that study in the various branches of knowledge, scientific and general, technical and industrial, may be promoted by them. I, therefore, consider it a matter for sincere congratulation that one more University is coming into existence to extend its beneficial influence over one of the major Provinces of the country.

“ At the same time, my Lord, I feel that the measure admits of a great deal of liberalization. I have had no time to look into the details of it. I got a copy of the Bill only a few minutes ago by the courtesy of the Hon'ble the Secretary. And I would here repeat a protest which Members of this Council have made before that, when a Bill which is to be introduced does not propose taxation of the nature of an increase of the salt tax or some similar financial measure, it should be put into the hands of Members at least 24 hours before it is brought before the Council. In that case only would it be possible for Members to look through the Bill, and be able to judge beforehand what observations to offer on the motion to introduce it. I have not been put in a position to do so, and I must confine myself therefore to a few remarks which are suggested by the speech of the Hon'ble Member for Education.

“ I have said, my Lord, that there is a great deal of room for liberalising the measure. For instance, it has been said that the Senate will be merely an advisory body; that the resolutions of the Senate will not be binding on the Syndicate.

“ Now, my Lord, I fully realise that in educational matters the opinion of educational experts ought to be given due weight. But even the recent Royal Commission, which sat on the University of London, has said that it is advantageous to have in the Senate men who are not educational experts, but who are as deeply interested in education as these experts are. They have pointed out that the presence of these persons on the Senate would bring to bear upon questions of education a broader outlook. The proposal to make the Syndicate practically independent of the Senate is, therefore, retrograde and objectionable. And I hope that, when the Bill goes before a Select Committee, this matter will be taken into consideration, and, if possible, a more liberal provision will be introduced regarding it.

“ I am glad to find, my Lord, that in one respect this University has made a liberal departure from the one with which we dealt in the last Session of the Council here, in that it will both affiliate institutions outside the locality where it will be situated, and will also have its residential college or colleges within that locality. I am glad and thankful that the advantages of such a course have been recognised in this instance. I hope that the same liberal principle will be extended in time to the other University to which it has been denied. I once more offer my hearty congratulations to the Government and to the people of Bihar on the introduction of the Bill.”

[*Mr. C. H. Setalvad ; Rao Bahadur
B. N. Sarma.*]

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The Hon'ble Mr. C. H. Setalvad :—“ While I heartily welcome the proposal to establish this new University in Bihar, I confess that some of the provisions mentioned in the speech of my Hon'ble friend, Sir Sankaran Nair, appear to me to be of a retrograde character. For instance, the Bill proposes, according to him, that the executive government of the University is to be vested in the Vice-Chancellor, who is to be appointed by Government. Now, in the older Universities of Bombay and other places, where the Senate and the Syndicate are in all respects in law independent of Government, it has been felt on occasions that attempts have been made to turn the Universities into departments of Government. If then, in this new University to be established, you vest the whole of the executive government in the Vice-Chancellor who is to be appointed by Government, very little scope and independence would be left, I am afraid, to those who are to be put on the Senate and the Syndicate.

“ Then again, I entirely agree with my Hon'ble friend, Pandit Madan Mohan Malaviya, that the provision that the resolutions of the Senate are not to be binding on the Syndicate is also a provision that certainly will not be acceptable to the public. The effect of that, as I have said, would be that the Senate will have no really effective or potent voice in the affairs of the University, the Syndicate being absolutely under this proposal independent of the Senate.

“ Then again, as I have pointed out, the executive government vesting in the Vice-Chancellor who is to be appointed by Government, it would practically be turning the University, I am afraid, into a department of Government. As I have said, anything of this sort will be very much regretted throughout the country. Even in the older Universities, with all the statutory independence that these Universities have got, occasions have arisen in which attempts have been made to control the Universities more than is desirable by Government. But, if you have in this Statute, which is proposed to be enacted, provisions of the character that I have referred to, then all initiative and all independence, so far as the public are concerned, would be crushed out, I am afraid, and the University would be regarded, and rightly regarded, by the public as a department of Government, which I do not think is a very desirable thing to do. Certainly, in matters of education, more scope, more independence, more initiative should be left to the people who are going to be widely affected by these educational institutions to be established among them. I do hope, therefore, your Excellency, that when the matter comes to be further considered, Government would find it possible to liberalise the enactment in those particulars to which I have referred.”

The Hon'ble Rao Bahadur B. N. Sarma :—“ My Lord, I have listened with very great interest to the elaborate speech of the Hon'ble the Education Member, and we congratulate ourselves and the country, and especially our countrymen in Bihar, upon the desire which has been evinced in a practical shape by the Government for the extension of University education in this country. I rejoice the more because I feel that in starting this University, the Government are doing a great deal towards developing the education of the Hindi-speaking people of India, with whose future advancement, I am firmly convinced, the greatness of India is indissolubly connected. The Hindi-speaking people of Bihar and Orissa number about 24 millions, and throughout India about 80 or 100 millions (including all the dialects), and the literacy in that population is extremely low, being only a million and odd in the United Provinces, and a million and odd in Bihar.

“ It is no doubt true that we are now dealing not with primary education, not with secondary education, but with University education, but as every one is aware that these various systems are interdependent, the step taken is a step in the right direction. I, therefore, think that we are in duty bound to support this measure, if, in other respects, it is not retrograde.

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[*Rao Bahadur B. N. Sarma; Sir C. Sankaran Nair; The President.*]

“ My Lord, in starting this University, the Government seems to be proceeding upon the territorial basis—the time-honoured territorial basis. There seems to be no system, no scheme, in the method which the Government are pursuing in starting Universities in India. Now, take the case of the Hindi-speaking population with which I have dealt just now. There are 80 millions, 43 or 44 millions in the United Provinces, 24 in Bihar, more than 6 in the Central Provinces, and about 4 in the Punjab. We have the Allahabad University dealing with their education. The Benares University is no doubt an All-India University, but will be chiefly confined to Hindi-speaking people. The Muhammadan University, which, I daresay, will be an accomplished fact ere long, will be located in the United Provinces, and will also be chiefly for these people. If we give a University to Bihar, we cannot long delay giving a University to the Central Provinces, and there again the Hindi-speaking people are in the majority. Everywhere we find these scattered units coming under Universities without any particular system except the old London University system which seems to be embodied wholesale with slight modifications so as to preserve some semblance to the educational advancement of modern days.

“ My Lord, there are several questions of great importance connected with this University, and, inasmuch as we in the Southern Presidency are asking for more Universities on a different basis, I think we are entitled to ask for a clear enunciation of the policy of the Government of India in regard to higher education. If we are to have Universities on the territorial basis, as we are likely to have now, because Bihar and Orissa is separate from Bengal, who is to bear the cost of this University? It is largely a question of finance. Is the province of Bihar to bear this cost, or is the rest of India going to be saddled with the cost of this University? If it is to be on the territorial basis, if it is to be based on the basis that University education of a higher order must be entirely in the hands of the Government of India, because the Local Governments are not in a position to spend large sums of money upon the higher research Universities, then there is something to be said for it. If we say the more backward communities, such as the Uriyas and others, are to have Universities in order to stimulate education in those provinces, I can understand it. But if it is to be upon a purely territorial basis, we have to be satisfied, in the first instance, as to whether the Government of India are going to finance the system at the expense of the general tax-payer. That is important, because the provincial financial settlement has definitely stated that educational expenditure will have to be met from provincial funds, and we are entitled to know as to whether the general exchequer is to meet this.

“ This question again is bound up with the question of primary education. What is the policy of the Government of India as regards primary education? Are they going to tinker with it as they have done in the past, providing funds wherever people clamour for it, and the Local Government is not requisitioned to finance it? Or are they going in for a systematic policy.....”

The Hon'ble Sir C. Sankaran Nair :—“ I rise to a point of order. I doubt whether the educational question has anything to do with this Bill.”

His Excellency the President :—“ I think the Hon'ble Member is bringing it up in connection with the Patna University question, and I will call him to order if I think he is transgressing.”

The Hon'ble Rao Bahadur B. N. Sarma :—“ Therefore, my Lord, the question as to whether these Universities in the future are going to be financed

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by the Government of India out of general revenues or by the Local Government alone, has to be answered before we can give our attention to this matter. Take this particular case. If we are going to have three Universities for the Hindi-speaking people in the United Provinces, and one in the Central Provinces possibly, then the question would arise as to what is the basis on which the Hon'ble Member has framed his Bill. Is it worthwhile having a University for Bihar without a Faculty of Engineering, which has not been given any consideration? Neither a Faculty of Law nor a Faculty of Medicine is to be there, though they are necessary if your University is to be made efficient. It is for the sake of that efficiency that Bihar and Orissa is coming here for a system which would deny to the people of that Province any share or part in actual administration.

"If it is to be confined to Bihar, and if it is a purely provincial question, I would respectfully ask why should not the Bihar Council deal with it? Why should not the non-official Members of the Legislative Council of Bihar consider as to what is the best course for them, as to what type of colleges they are to have, as to how they are to finance it? And why should this Bill be introduced in the Imperial Council if we have nothing to do with the matter?"

"You might just as well give the Benares University greater scope and greater power of affiliation, and thus extend the beneficence of that University.

"Then, again, if a case is to be made out, I think a case will be made out clearly for the establishment of a real University by the Local Government of Bihar and Orissa in Orissa. Orissa has suffered cruelly by long neglect, having been a very small part of the original Bengal Province. It is a very small part of the Bihar and Orissa Province. Its people live at a considerable distance from Calcutta and Patna, and their educational advancement cannot be very great if the scheme, which has been advanced to develop education in Patna a long long way from the Orissa people, is carried into effect.

"If there is to be a University in Bihar and Orissa, and if it is to be on the basis of the development of people speaking a distinct language, then I think a strong case can be made out for the establishment of a University in Orissa; but not on the lines mentioned here.

"Then there is the question as to whether, in future, Universities should deal with the development of national literatures, or should follow the time-honoured system of equipping clerks for Government offices and providing professional careers for a few. That is the vital question; and that question is not proposed to be dealt with in the new University which is to be established under the auspices of the Government of India.

"There are some who think that our educational system should be based upon the linguistic basis that people having a genius of their own, that people speaking the same language should have a University of their own, so that they may develop their special faculties in their own way. Then there would not be this artificial system of grouping together a few Bengalis, a few Uriyas and so on, with a Chaucer-loving English Professor trying to imbue his pupils with a knowledge of ancient English, an Indian patriot very deeply interested in reviving the dead languages for the benefit and glorification of his Motherland, and a Directorate smelling sedition everywhere and keenly jealous as to whether the supply has exceeded the demand, and continuous friction between European and Indian, as to whether one or the other has his proper share in the administration. This is the system which it is sought to perpetuate in this University.

"I hope, therefore, that a clear answer will be given to my questions. Firstly, as to whether the Government of India propose to finance this University. Secondly, if it is not proposed to finance the University, why the Bihar and Orissa people should not solve their own educational problem in the local Legislative Council, and why we here, with an official majority, should solve it for them? Again, the future policy of the Government of India in regard to this matter should be made clear, namely, whether their policy is to perpetuate the

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ancient University system of the description I have mentioned, or whether they are going to introduce national Universities on national lines? My Lord, an answer is required to these questions before we can be in a position to vote intelligently for the introduction of this Bill."

The Hon'ble Khan Bahadur Nawab Saiyed Nawab Ali Chaudhri :—" My Lord, to all interested in the expansion of education in India on right lines, the introduction by the Hon'ble Sir C. Sankaran Nair of the Bill for the creation of a University for Bihar and Orissa must be a matter of deep gratification. It is but natural that a new Province should be self-contained and self-sufficient. As a Fellow, however, of the Calcutta University, I might feel disposed to demur to a Bill which attempts to restrict the area of its influence. It is an open secret that the Calcutta University has outgrown its proper dimensions, for it has to manage the educational work of by far the largest student population. The following figures from the statistical abstract from 'British India,' 1913-14, volume 5, would bear me out. It shows the distribution of college students by Universities. It should be noted that the figures refer to the year 1913-14, and it is possible that the latest figures, if they could be procured, would show considerable augmentation. Yet as they stand they may, for all practical purposes, be taken to represent what is substantially the correct situation. I have, for obvious reasons, omitted the Native States from the computation. Grouped according to Universities, the totals of students work out as follows :—Madras University, 8,080 students; Bombay University, 6,188; Allahabad University, 7,625; Punjab University, 4,318; and the Calcutta University, 21,118. These figures, my Lord, tell a clear tale. They show that the Bombay University has to deal with between $\frac{1}{3}$ and $\frac{1}{2}$, and the Madras University with very much less than one-half, and the Allahabad University with about $\frac{1}{3}$, and the Punjab University with about one-fifth of the total number of students with which the Calcutta University has to deal. Bengal has had to be content up to now with only one University. If Bihar gets its own University, and if Burma eventually gets its own, there will still remain under the Calcutta University a population of nearly 18,500 college students. If figures alone represent the force of an argument, Bengal, my Lord, even after the creation of a University for Bihar and of Universities for Burma and Assam, should have at least as many as two more Universities to claim symmetry with the Allahabad University or with Madras or Bombay, and four more to claim consistency with the Punjab. The figures referred to, I venture to think, make it clear beyond dispute that with such an unwieldy University, as the Calcutta University undoubtedly is, the proposed Bihar University is coming into being not a day too early.

" Again, representing as I do East Bengal, I might, my Lord, feel disposed to object to the priority now given to the Patna scheme over the Dacca scheme, which was first initiated to maintain the educational progress that set in after the partition....."

His Excellency the President :—" Order, order, I am sorry that I should have to call the Hon'ble Member to a point of order, but the Dacca University scheme is not before us in connection with this Patna University Bill. I must ask the Hon'ble Member to confine himself to the Patna Bill."

The Hon'ble Khan Bahadur Nawab Saiyed Nawab Ali Chaudhri :—" It is in the hope that the Patna scheme will not, for financial or administrative reasons, further retard the Dacca scheme, that I overcome the scruples I might otherwise feel regarding Patna, and support the present Bill."

The Hon'ble Mr. Bhupendra Nath Basu :—" My Lord, as we shall have an opportunity of going into the merits of the Bill when it comes up for consideration on the occasion of its being referred to Select Committee,

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I had not intended to take any part in the debate to-day. But, my Lord, I feel that being an old Fellow of the Calcutta University and still connected with it, my silence on this occasion may be misconstrued. As a representative coming from Bengal and as one connected with the Calcutta University, I do not for a moment grudge our sister province of Bihar and Orissa the possession of a new University. I only hope that the coping stone of the University will not be a driving wedge. But, however, that may be, my Lord, there is one observation that I am bound to make, and that is, that the Bill, the outlines of which have been propounded with so much clearness by my learned friend opposite, seems to depart a great deal from those of the Universities with which we are familiar; and so far as that departure, in our opinion, marks a retrograde movement, I think the country generally will take note of it and not alone the province of Bihar and Orissa. For, my Lord, if the new scheme that is laid before us is intended to be followed hereafter in other Universities in India, it is almost the bounden duty of the people to see that their Universities do not suffer the fate of the new University that is going to be started in Bihar and Orissa. I believe the time will come when we shall have fuller opportunities of going into this question. As my friend, the Hon'ble Pandit Madan Mohan Malaviya, remarked, we have not had the advantage of having the Bill before us, and, but for the speech of the Hon'ble Member introducing the Bill, we should have never known of its true nature or contents. My friend on the right (Hon'ble Nawab Saiyed Nawab Ali Chaudhri) has pointed out the large number of students over whom the Calcutta University exercises jurisdiction. My Lord, I used to be a student under the Calcutta University when that University embraced the whole of Upper India from the Punjab to Assam, and included the province of Burma and the Island of Ceylon and the Central Provinces. Well, it has been no loss to India that, in place of one University at Calcutta, we have so many Universities in Upper India, and that we are going to have other Universities. But I still regret those early days when students from all over India were competing for the same examination and for the same prizes, were labouring towards the same ideals and trying to realise the same life. That probably is gone, and I regret to see a separatist movement in the domain of education. Education and culture are not bounded by ordinary territorial limits. But as our friends in Bihar have wished for more Universities, those of us who are interested in the Calcutta University have no objection to offer. We wish these institutions god-speed. Only, my Lord, we wish that the deficiencies that have been found to exist in the Calcutta University should be supplied in the newer Universities, and that the example of European countries, where Faculties in industry and commerce have been introduced, should be the aim of the newer life which these Universities are seeking to create. I have not seen the Bill itself, and I do not know whether the Patna University will have any Science Faculty, or any Medical Faculty, or any Engineering Faculty. A few colleges in Patna, some of which are not in existence, a few colleges in the outlying districts where education will continue to be imparted, as I believe, on the present lines, will not answer the pressing needs of the people; and if a new University is going to be started, it is meet and proper that the conditions of life now pressing on our attention should be taken into account. With these few words, my Lord, and reserving to myself the liberty of criticism of the principles and details of the Bill when it comes to be referred to Select Committee, I congratulate my friends from Bihar and Orissa on the possession of the University that they are going to have."

The Hon'ble Dr. Tej Bahadur Sapru :—" My Lord, I confess that I find myself unable to enter into a discussion of the details of this

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Bill, for the simple reason that I have not yet had the privilege of looking into the Bill. But such knowledge as I have of the provisions of the Bill has been derived from the able speech of the learned Mover, and it is with regard to certain features of this Bill, that I shall venture to offer a few observations before your Lordship. My Lord, I have seen it in the papers that the province to which I have the honour to belong is to be held up as a model for the development of the province of Bihar. I am proud of that, but, at the same time, it seems to me that in certain respects the provisions of the Bill which we have to consider just now are certainly of a retrograde character, certainly more backward than the provisions of the Act which governs our University. My Lord, in the Allahabad University, the Senate is not merely an advisory body. The Syndicate is its executive, and I see absolutely no reason whatever why a different principle should be adopted in Bihar. My experience of the work of the Allahabad University has been that, in spite of the fact that the Senate is not an advisory body, it has got on splendidly with the Syndicate. There has been no friction between the Senate and the Syndicate. On the contrary, the general knowledge of the popular members of the Senate has often been found to be useful. My Lord, I fully sympathise with the desire that experts should have a potent voice in matters of education; but I hope it will also be recognised that those who are not experts, but are in direct touch with the currents of thought in society, and those who are interested in the growing of the rising generations, should also be entitled to have a substantial share in the working of the University. Therefore, I take serious objection to the arrangement which is proposed to be effected in this University, namely, that the Senate shall only be an advisory body.

“ There is one more feature to which I should like to invite attention. It was said by the Hon'ble Sir Sankaran Nair that the total strength of the Senate shall not be less than 40 and shall not be more than 60. Now what is the experience of the Allahabad University? In the Allahabad University, the total strength is 75, and yet you find the University of Allahabad making a representation to the Local Government and the Local Government making a representation to the Government, of India, and the Provincial Legislative Council passing a Resolution unanimously that the strength of the University should be raised because the University is day by day growing, new Faculties are coming into existence, and I venture to think that, in the course of a few years, the Patna University will feel called upon to add new Faculties, and then you will be face to face with the difficulty that a maximum for the Senate has been laid down, and you cannot go beyond that. It is not easy to set in motion legislative machinery, and therefore, I think, we should keep the provisions in regard to the strength of the Senate in a more or less elastic condition.

“ And lastly, my Lord, there is one feature of the measure to which I would beg leave to invite your Lordship's attention, and it is this, that so far the office of the Vice-Chancellor in the old Government Universities has always been in the gift of the Government, but a new departure of a liberal character has been made in the case of the Hindu University, and I see absolutely no reason why, in the case of the new University, a more liberal spirit should not be adopted in that respect why the Senate should not be trusted to exercise the function of electing the proper man, and why that power should be reserved by the Government themselves. I do not wish, my Lord, to go into the details of this matter, but it seems to me that, while all of us will be very glad to find Bihar get its University so as to complete its provincial life, I think it would be premature for us to offer our congratulations to our friends from Bihar upon the measure that has been introduced. I have a perfectly open mind for, I am one of those who believe that the more Universities we have in this country, the better it is

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for the country and for its future. But if we are to get more Universities, I should rather insist that these Universities should be more liberal in character, and there should certainly not be a retrogressive policy in working them. I, therefore, do not think that, so far as these general features to which I have referred are concerned, we have much reason to be satisfied with the provisions of the Bill. I trust and hope that when the Bill comes before the Select Committee, it will undergo some radical changes so that it will emerge a truly liberal measure, a measure that will not only cope with the necessities that exist at present, but also be able to cope with the necessities of the future."

The Hon'ble Mr. Srinivasa Sastri:—"My Lord, I am glad to add my voice to the general note of welcome that has been sounded in this Council on the motion to establish a University at Patna. I do so, my Lord, because I feel that, notwithstanding any defects that the University may start with, it is likely to prove a fruitful source and centre of educational activity. I said at first a *general* note of welcome advisedly, for I am in some doubt as to how to characterise the speech made by the Hon'ble Member to my right (Hon'ble Rao Bahadur B. N. Sarma). I would fain believe that when he hears the reply of the Hon'ble Member in charge of the motion, he will also add his voice to the general note of welcome. He put two distinct questions to the Hon'ble Member in charge of the Bill. One relates to the financing of the University. Is it the Government of India or the Government of Bihar and Orissa that is going to find the necessary money for maintaining this University? I am indifferent to the question, but I guess that the Government of India will find a good part of the money that is necessary to support the University. In the case of the older Universities, while the colleges affiliated to them are aided in considerable measure for ordinary purposes by the Local Government, the Government of India it is that finds the money for extraordinary expenditure in connection with University matters—the foundation of University Professorships has always been financed by the Government of India, and the payment of travelling allowances of Fellows attending meetings has been a charge on the revenues of the Government of India; and other items also the Government of India have taken over from the Local Governments. I suppose that will also occur in the case of the Patna University; and I shall certainly not grudge any extra expenditure the Government of India may find it necessary to meet in connection with this new Patna University. The other question that was asked related to the object and purpose of the new University. My friend to the right seemed to imagine that the Patna University might be made to serve the purpose of a University for the cultivation of a special literature connected with a certain language; he spoke of its establishment for the benefit of the Hindi-speaking people in particular. I am not sure that that is, or ever will be, the object of the Patna University. It seems to me that the object is much the same as that of the older Universities. I am not one of those who imagine that every University that is newly founded in this country should always have the same aim in view. I should be glad to welcome the establishment of a University, for example, for the encouragement of the Andhra literature of the country. I fancy my Hon'ble friend is interested in such a project.

"Already the Government of Mysore are beginning the establishment of a University, or rather are on the way to establishing a University, one particular object of which is the promotion of Canarese. I am aware that in Travancore a movement has arisen which may eventuate in the course of years in the establishment of a University for the promotion of Malayalam, and I for one would welcome the day that Rajahmundry saw the establishment of an Andhra University.

"That, however, need not be made the ground for interrogating the Hon'ble Member for Education at this particular moment as to what the precise

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object is of this new Patna University. Whatever it is, I do hope that my Hon'ble friend on my right will extend his welcome also to its establishment.

"There is one more point, my Lord, to which I would like to refer before I resume my seat. I heard with some amount of apprehension the detailed proposals that the Hon'ble Member made for the constitution of this University. There are some of us connected for many years with the older Universities in this country, who feel that the time has come for taking a large step of reform in the constitution of those Universities. The Act of 1904 has already become somewhat old, and I think the time has arrived for liberalising its provisions. With this object, I intend, if the Council will allow me, to bring up before long certain definite proposals. It was therefore with some alarm that I heard from the Hon'ble Member the detailed proposals for placing the Senate in a position of unenviable inefficacy with regard to the administration of the Patna University. It ought not to be purely a deliberative body. If the executive government of the University must vest in a small body like the Syndicate, the general management, and the responsibility for the administration of the University, must certainly vest in the larger body, part of which is going to be elected as I understand. Now, I desire to say, with the utmost deference to those who are controlling the Universities at the present moment, that there is a tendency on the part of the Syndicates of the older Universities to assert themselves somewhat too much. We feel in the daily work of the older Universities that the Senates are without the means of enforcing their will and their decisions on the Syndicates, and it would be a pity indeed if in the Patna University the starting point were not to be the one already reached, nor one in advance, but a point greatly to the rear. It appears to me, Sir, that in that respect the arrangements proposed will have to be examined with great care, and I dare say that in the Select Committee stage the necessary changes will be effected, and the University of Patna, when it comes to be established, will answer the purpose for which, I dare say, it is mainly intended, to serve as a great centre of enlightenment and culture."

The Hon'ble Mr. Mazharul Haque :— "My Lord, I rise to express my gratification at the introduction of this Bill which provides for a University for my province. It was the long cherished desire of the people of Bihar to have a University of their own, and that desire is on the point of fulfilment now. I, as a representative of Bihar, welcome this measure with all my heart. But, my Lord, I frankly confess that I do not like some of the provisions of the Bill which my Hon'ble friend has detailed to us to-day. However, the time for a detailed criticism will come after some time at Delhi. I am not prepared to call it a retrograde measure, and I reserve my criticism for a future occasion. I simply at this juncture welcome the measure as a representative of Bihar."

The Hon'ble Sir C. Sankaran Nair :—"My Lord, the motion before the Council is only for leave to introduce the Bill. I, therefore, do not propose to reply to the various criticisms that have been advanced. They will receive careful consideration at a later stage. For the present I may only refer to one matter that has been brought forward by my Hon'ble friend Mr. Sarma. He asked the question why it is that this Bill is not introduced in the Bihar Council, and why was it considered necessary to introduce a Bill of this nature in the Imperial Council. Various University Bills are coming up for consideration—University Bills for Dacca, for Burma and for Nagpur—and it was considered desirable that the same Council should deal with all those questions following certain general principles. There is no other objection for the introduction of this Bill in the Legislative Council."

The motion was put and agreed to.

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The Hon'ble Sir C. Sankaran Nair :—“ My Lord, leave having been granted, I beg to introduce the Bill, and to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.”

The motion was put and agreed to.

THE HINDU DISPOSITION OF PROPERTY BILL.

The Hon'ble Mr. C. H. Setalvad :—“ My Lord, I beg to move that the Report of the Select Committee on the Bill to enable Hindus and Mussulmans to make dispositions of property by transfer *inter vivos* or by will for the benefit of unborn persons, be taken into consideration. Hon'ble Members will remember that on the 5th of September when the Bill was referred to the Select Committee, instructions were given to the Select Committee to confine the operations of the Bill to Hindus. In obedience to those instructions, the Select Committee have so revised the Bill as to leave out the Muhammadans from the enactment. As I observed, your Excellency, on the last occasion, I personally consider it a great pity that Muhammadans are being left out of this enactment. However, as I pointed out on the last occasion, in view of the difference of opinion exhibited by the Muhammadans, it would not be wise or possible for this Council to pass this enactment with regard to them, but I venture to think that in a very short time the Mussulmans will regret that they have missed this opportunity which presented itself to them to have this power about the disposition of their property. As I pointed out also on the last occasion, with regard to the Hindus, how, owing to the attitude taken up by Sir Jatindra Mohan Tagore in the year 1882 when the Transfer of Property Act was passed, the Hindus have had to wait now for 35 years to secure this little freedom that they wanted. And I am sure that the Muhammadans will feel in a very short time that they missed this opportunity that presented itself to them. Hon'ble Members will also remember that, when the Bill was referred to the Select Committee, discretion was left to the Committee to consider whether they should insert in the Bill a provision enabling the Governor General in Council to extend the provisions of the Bill to the Khoja community. I then pointed out, your Excellency, the position of the Khojas in Bombay and other places, *viz.*, that in matters of inheritance and succession, they were governed by Hindu Law. Further, I pointed out that, so far as the extent of the testamentary power was concerned, they had full testamentary powers like Hindus, and were not restricted like Mussulmans to one-third of their property. Owing to the peculiar circumstances in which the Khojas are placed, I for one considered it desirable that the provisions of this Bill should, when they thought they should be extended to them, be so extended. The Select Committee, your Excellency, after carefully considering the matter, have inserted in this Bill what now stands as clause 5 of the Bill, which provides that the Governor General in Council, when he is of opinion that the Khoja community in British India or any part thereof desire that the provisions of this Act should be extended to such community, may, by notification in the Gazette of India, declare that the provisions of this Act, with the substitution of the word ‘ Khojas ’ or ‘ Khoja ’, as the case may be, for the word ‘ Hindus ’ or ‘ Hindu ’ wherever those words occur, shall apply to that community in such area as may be specified in the notification, and this Act shall thereupon have effect accordingly; and I consider, your Excellency, that this is a provision which the Khojas, certainly the Khojas in Bombay, with whose views I venture to say I have some acquaintance, will certainly welcome. This is merely a permissive section empowering the Governor General in

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Council to extend the provisions of this Bill to Khojas in any part of British India whenever they ask for it.

“Then, Hon'ble Members will observe that the Bill, as amended by the Select Committee, in the first instance, exempts from the operation of the Act the Province of Madras. That is done, your Excellency, because Madras has got its own Act embodying in substance the provisions which we have in this Bill. That Bill in its wording differs in various respects from the wording of the Bill as now sent up by the Select Committee, and in one particular there is a provision in that Bill which gives retrospective effect to the provisions of that Act. In view of those difficulties and certain other difficulties connected with the definition of the word 'Hindu' as given in that Act, the Select Committee considered it desirable to omit the Province of Madras from the operation of this Bill, but leaving power to the Governor General in Council, by notification, if so thought advisable, to extend this Act to that province.

“Then Hon'ble Members will observe that the Bill as now sent up by the Select Committee is considerably altered in form from the original Bill. But while the form of the Bill is considerably altered, the substance however remains the same, and I will shortly indicate to the Council why the Select Committee considered it desirable to so alter the form of the Bill. Hon'ble Members will remember that, in the Bill as originally drafted, the provision with regard to dispositions in favour of persons not in existence was in a positive form, namely, that the Bill purported to provide that it shall be lawful for Hindus, after the passing of this Act, to make dispositions of property in favour of persons not in existence at the date of such disposition. As I pointed out in Delhi, the object of the Bill was not to alter in any manner the disposing power of Hindus or Muhammadans in any other respects. All that was meant to be done was that, within the existing disposing power of a Hindu it should be lawful for him to give property either by gift *inter vivos*, or by will to persons not then in existence. But the opinions that were received from the country revealed that there were apprehensions in the minds of various people that the extent of the testamentary power might be affected by the Bill as it was then worded. For instance, it was pointed out that, in a joint Hindu family, a co-parcener has no power to dispose of his share of the property, and the section was so worded as to leave it open to be contended that that disability in a co-parcener to dispose of any part of the joint family property was removed if the disposition was in favour of an unborn person. Therefore, the Select Committee, after careful consideration, thought it advisable to put the provision in a negative form, and as it now stands, what is provided is that no disposition of property by a Hindu, whether by transfer *inter vivos* or by will, shall be invalid by reason only that any person for whose benefit it was made was not in existence at the date it was made. It therefore purports merely to remove this existing disability with regard to disposition for the benefit of a person not in existence. If the disposition either by gift *inter vivos* or by will is invalid for any other reason, for instance, as I pointed out, by reason of the property proposed to be dealt with being joint family property, that invalidity will still remain and will not be affected. All that the Act purports to do is that that disposition of property which is otherwise valid will not be invalid merely by reason of its being made for the benefit of a person not in existence.

“Then Hon'ble Members will also observe that in what stands at present as clause 3, in providing the limitations subject to which such a disposition in favour of a person not in existence is allowed, a reference is given to various provisions of the Transfer of Property Act and the Indian Succession Act. The Bill as it was originally introduced was in this form, that these provisions of the

[Mr. C. H. Setalvad.]

[27TH SEPTEMBER, 1916.]

Transfer of Property Act and the Indian Succession Act were bodily incorporated in the section itself, and an attempt was made in the original draft to take those provisions of the Transfer of Property Act and the Indian Succession Act and to put them together in one section. But it was thought, your Excellency, by the Select Committee, that this might lead to some confusion, and might result in various difficulties of interpretation as regards the limitations and provisions proposed to be provided. It was therefore considered desirable to give references to the provisions of the Transfer of Property Act and the Succession Act, provisions which have been well known and well understood for many years, and on which there have been various decisions of the Courts settling the interpretations of those sections. It was thought desirable to give a reference to those sections that there might be no difficulty as regards the interpretation of those clauses. It was also thought desirable, instead of lumping together these references in one section, to separate them, so that in regard to dispositions by transfer *inter vivos* reference is given to the sections of the Transfer of Property Act, 1882, and with regard to dispositions by will, reference is given to the sections of the Indian Succession Act, 1865, which provide the limitations embodying what is known as rules against perpetuity.

“ Then Hon’ble Members will observe that clause 6 of the original Bill has been dropped by the Select Committee. Original clause 6 of the Bill embodied the provision that, where a disposition in favour of any member of a class failed by reason of the rules thereinbefore provided, the whole disposition shall fail. That is, those members of a class capable of taking will also not take, and thus all members of the class will not take. That clause really embodied an artificial rule of construction of English law which has been held by various people not desirable to be extended to this country. And taking that view and in deference to the opinions from various parts of the country in that behalf, the Select Committee came to the conclusion that it was not desirable to enact that provision in this Bill. Under those circumstances, they have thought fit to omit clause 6 of the original Bill.

“ I do not think, your Excellency, there is any need of my any further occupying the time of the Council. The object of the Bill is now thoroughly understood, and so far as we can judge, there is practical unanimity on the question.

“ I find on the Agenda paper a notice of an amendment by my Hon’ble friend, Mr. Chanda, with regard to clause 2 of the Bill. I have had the opportunity of talking over the matter with my Hon’ble friend, and I understand from him, after the explanation I gave to him, that he is not prepared to press his amendment. I need not therefore detain the Council on that matter.

“ Before I resume my seat, your Excellency, I would beg to tender my grateful acknowledgments to my Hon’ble friend, Mr. Lowndes, whose encouragement I must say, and whose assistance in the Select Committee on this matter, were very valuable. All the experience and knowledge that he possesses by reason of his having been a practising lawyer of renown in Bombay was really of great value in steering through a Bill of this character, and I must say that it would not have been possible to steer this Bill as we have succeeded in doing but for the help and encouragement I received from him in Select Committee. I would also say the same to a considerable extent with regard to my Hon’ble friend, Mr. Muddiman, who also greatly helped in bringing this Bill in the shape in which we now find it.

“ With these observations, your Excellency, I ask the Council to proceed to a consideration of this Bill.”

[27TH SEPTEMBER, 1916.]

[Mr. M. B. Dadabhoj.]

The Hon'ble Mr. M. B. Dadabhoj :—“ My Lord, I feel I ought to say a few words before the Bill is passed into law. Hon'ble Members will remember that the opinions, official and non-official, so far recorded on the Bill have been collected on my motion last March. It seems clear that the course then adopted was just and proper. We can now feel the public pulse more correctly. The principle of the Bill has not been found acceptable to the Muhammadans as a class, and even among Hindus, there is some amount of opposition. Whether this should be so or not, whether the Muhammadans have missed the opportunity or not as just stated by the Hon'ble Mr. Sotavd, is quite a different matter; but, in view of the weighty opinion expressed, it is only proper that the law should not be made applicable to Muhammadans, and the larger powers of disposition sought to be given to Hindus generally should be indirectly limited to their self-acquired property. But I should have liked Government to go a little further. The Local Governments of some of the Provinces have expressed the apprehension that the law, if applied to those provinces, would lead to trouble and difficulty. In the light of this authoritative opinion, it would have been wiser to reserve powers to the Governor General in Council, whenever necessary, to exclude areas and provinces from the operation of the law. Indeed, from the remarks made by the Hon'ble Member in charge of the Bill in connection with his motion for reference to a Select Committee, I had hoped that this would be so. I regret the Select Committee has not made the proposed modification, although, I am glad, the changes made in Committee have rendered the Bill more innocuous. There is some amount of feeling shown in the country about clause 6, and it is good that it has been deleted. The Bill has emerged from the Select Committee radically altered to the satisfaction of all. The re-casting of clause 3, the cardinal clause of the Bill, will avert many technical difficulties, and partially free our Courts from deciding many knotty problems of law. The Khojas are ordinarily governed by the Hindu Law, and it is only correct that the community should be brought within the purview of the law if they so desire it, and the enabling provision in respect thereof is wholly appropriate. Likewise, the exclusion of the Madras Presidency from the operation of the Bill in view of their special enactment is a step in the right direction. I do not propose to criticise the other provisions, as I have always held an extension of the existing powers of disposition of property is desirable in the interests of the owners concerned; and, unless experience shows that the provisions proposed are ill-adapted to serve the main purpose, they should be acceptable to us.

“ My Lord, the support accorded to the Bill, to my mind, is founded upon the belief that the introduction into India of the English Law of Entail will be good for the community. It would be wrong to ignore the fact that that law is not wholly unattended with evil even in England. We must also not overlook the attempts made there from time to time to minimise the evil by supplementary measures. Whether the same developments will take place here in India, in consequence of the law we are going to pass to-day needing the intervention of the legislature or not, is a question upon which I should not like to express any opinion now. It must be conceded that the Law of Entail is a difficult and complicated law, and it requires delicate handling. It is permissible to doubt if the conditions in the mufassil will be favourable to its successful working. The Hon'ble Member in charge has urged, in justification of the Bill, that there is a general desire among the people that they should have the larger powers of disposition proposed to be given to them by it. But, in my humble opinion, the whole question should be judged, not from the standpoint of individual convenience, but from the larger standpoint of communal good. I have my doubts about the accrual of any large measure of communal good in Indian conditions as a result of the new legislation. It is

[Mr. M. B. Dadabhoy ; Khan Bahadur
Mian Muhammad Shafi.] [27TH SEPTEMBER, 1916.]

true the case-law on the subject of the power of the Hindus to make dispositions of property in favour of unborn persons is not in consonance to the spirit and the letter of the Shastras. But it is perfectly open to us, Members of Council, to view the question of bringing the law into unison with Hindu Law as contained in the Shastras from the standpoint of the necessities of modern conditions. And in this line of examination the measure may not prove altogether progressive. It also remains to be seen how far it will produce the results expected. I have my own opinion about the legislative needs of modern Indian society with regard to dispositions of property, but I do not feel myself free to express them on this occasion. The discussion is now confined to the Bill before us, and, as far as can be seen at present, the law will remove a disability without producing any serious consequence upon the general society. Should the future belie our expectations, there will be nothing to prevent our reviewing the situation and making such changes in the law as experience in its working may suggest. I congratulate my friend, Mr. Setalvad, on having succeeded in placing on the Statute-book a tiny but a potential and useful measure. In this view of the matter, my Lord, I support the Bill."

The Hon'ble Khan Bahadur Mian Muhammad Shafi :—

" My Lord, while according my hearty support to the motion which is now before the Council, I desire to say a few words expressive of the satisfaction felt by the community which I have the honour to represent at their exclusion from the provisions of this Bill. At the last Session, when my Hon'ble friend, Mr. Setalvad, sought to rush this measure through during the Delhi Session, I ventured to point out that to pass into law a Bill affecting the personal laws of the Hindus and Muhammadans over the heads of the two communities concerned, was, in the highest degree, undesirable. I was very glad that the amendment then moved by my Hon'ble friend, Mr. Dadabhoy, was accepted by the Council, and the Bill introduced by the Hon'ble Mr. Setalvad was referred to the various Local Governments in order to enable them to obtain the opinions of representative men from amongst the communities whom this measure affected. At that time, knowing full well the feelings of my community regarding matters affecting their personal law, I anticipated that the overwhelming majority of Moslem opinion would be opposed to the enactment of this measure. The opinions which have been placed in our hands have shown that my anticipations were well-founded, and I am sure that the Indian Mussulmans in general will receive the news that they have been excluded from the purview of this Bill with great satisfaction. My Hon'ble friend has expressed regret that the Muhammadan community has adopted the attitude which they have done in connection with this measure, and he thinks that a time will come when the community itself will regret that they did not take advantage of this opportunity in order to avail themselves of the power which my Hon'ble friend's Bill is giving to the Hindu community. But I, for one, with all deference to my learned friend, beg to dissent from that dictum. All Muhammadans who desire to make dispositions in favour of unborn descendants can do so under Act No. VI of 1913, which was passed some three years ago, validating *wakfs* in favour of *aulad* amongst the Muhammadans, and I doubt very much if any Muhammadan would care to make a disposition in favour of an unborn person other than his own descendants.

" It, therefore, follows that, this being the feeling of the Muhammadan community, and as on our Statute-book there exists an Act which already enables them to carry out that feeling, to extend this measure to the Muhammadans against their wishes would be unnecessary as well as undesirable.

[27TH SEPTEMBER, 1916.]

[*Khan Bahadur Mian Muhammad Shafi ;
Mr. C. H. Setalvad.*]

“With these few observations, I give my support to the motion now before the Council.”

The motion was put and agreed to.

The Hon'ble Mr. C. H. Setalvad :—“Your Excellency, I beg to move that the Bill, as amended, be passed.”

The motion was put and agreed to.

The Council then adjourned *sine die*.

SIMLA ;
The 6th September, 1916. }

A. P. MUDDIMAN,
*Secretary to the Government of India,
Legislative Department.*

APPENDIX A.

[Referred to in answer to Question No. 20.]

Statement showing the amounts paid as travelling and daily allowances to non-official and official members respectively during the Simla Session during the last five years.

	1911.		1912.		1913.		1914.		1915.	
	Travelling allowance.	Daily allowance.	Travelling allowance.	Daily allowance.	Travelling allowance.	Daily allowance.	Travelling allowance.	Daily allowance.	Travelling allowance.	Daily allowance.
Non-official members	Rs. a. P. 6,048 4 0	Rs. a. P. 3,440 0 0	Rs. a. P. 10,904 4 0	Rs. a. P. 4,040 0 0	Rs. a. P. 11,460 4 0	Rs. a. P. 6,800 0 0	Rs. a. P. 10,459 13 0	Rs. a. P. 4,220 0 0	Rs. a. P. 12,556 11 0	Rs. a. P. 9,220 0 0
Official members ...	327 11 0	370 0 0	424 12 0	100 0 0	1,414 3 0	1,120 0 0	1,181 12 0	800 0 0	2,560 15 6	3,060 0 0

APPENDIX B.

[Referred to in answer to Question No. 33.]

Statement showing number of non-official Bills passed or defeated in the Imperial Legislative Council during the last six years.

1910-11.		1911-12.		1912-13.		1913-14.		1914-15.		1915-16.
Passed.	Defeated.	Passed.	Defeated.	Passed.	Defeated.	Passed.	Defeated.	Passed.	Defeated.	
Nil	Nil	Nil	Nil	1	2	Nil	Nil	Nil	Nil	3 Bills introduced, and referred to Select Committees.

Statement showing the number of non-official Resolutions accepted or rejected in the Imperial Legislative Council during the last six years.

	1910-11	1911-12	1912-13	1913-14	1914-15	1915-16
1 accepted	2 accepted ...	3 accepted...	5 accepted ...	9 accepted.
17 rejected	12 rejected ...	8 rejected ...	10 rejected ...	5 rejected ..	2 rejected

Statement showing the number of Supplementary Questions put in the Imperial Legislative Council during the last six years.

	1910-11	1911-12	1912-13	1913-14	1914-15	1915-16
8	...	3	2	1	2	3

APPENDIX C.

[Referred to in answer to Question No. 38.]

Statement showing the qualifications of the various officers of the
Archæological Department at the time of their first appointment,
their respective periods of service and their salaries both at the time
of appointment and at present.

Statement showing the qualifications of the various officers of the Archaeological Department at the time of their first appointment, their respective periods of service and their salaries both at the time of appointment and at present.

Name and designation of officer.	Qualifications at the time of appointment.	Date of joining the Archaeological Department.	Salary at the time of joining.	Present salary.	Period of service.	REMARKS.
P. J. H. (now Sir John) Marshall, D. G. of Archaeology in India.	M. A.—Senior Scholar, King's College, Cambridge, 1894. Parson University Prizeman. First class Classical Tripos. Undergraduate Scholar, King's College. First class Archaeological Tripos, Part II. Student at British School of Athens. Pendergast Fellowship for Greek, Cambridge. Craven Student for Archaeology.	22nd February 1902 ...	Rs. 1,600 (plus ex. compensation allowance).	Rs. 1,700	14 years 7 months	
P. A. H. Loughurst, Superintendent, Archaeological Survey, Southern Circle.	Architect (Recruited in England) ...	Joined as Assistant Superintendent, 1906. Promoted as Superintendent, 16th August 1910.	400—25—000 500—25—800	675	10 years.	
P. Devdatta Ram Krishna Bhandarkar, Supdt., Archl. Survey, Western Circle.	M. A.—Orientalist and Epigraphist ...	Joined as Asstt. Supdt., 1904 Promoted as Supdt. on 16th August 1911.	800—25—500 500—25—800	600	12 years.	
D. B. Spooner, Supdt., Archl. Survey, Eastern Circle.	B. A., Ph. D.—Orientalist and Epigraphist...	6th September 1906 ...	500—25—800	725	10 years.	
P. J. F. Blakiston, Supdt., Muhammedan and British Monuments, Northern Circle.	Architect (Recruited in England) ...	Joined as Asstt. Supdt. in March 1911. Promoted as Supdt. on 20th January 1916.	400—25—800 500—25—800	550	5 years ...	He is at present attached to the Reserve of Officers, Indian Army.

Mr. J. A. Page, (s. p. t.) Suptd., Muhammadan and British Monuments, Northern Circle.	A. R. I. B. A.—Architect (Recruited in Eng- land).	Joined as Asst. Suptd. on 25th March 1913. Promoted as Suptd. (s. p. t.) on 26th January 1916.	400—25—600 500—25—800	500	3 years 5 months.	
Mr. H. Hargreaves, Suptd., Hindu and Buddhist Monu- ments, Northern Circle.	Archaeologist	Joined as Offg. Suptd. on 20th September 1913. Confirmed as Suptd. on 29th March 1914.	500—25—800	550	4 years.	
Dr. (now Sir Aurel) Stein, K.C.I.E., Ph. D., D. Litt., D. Sc., Suptd., Archl. Sur- vey, Frontier Circle.	M. A., Ph. D.—Orientalist and Explorer	19th September 1910	800 P. A. 450	800 P. A. 450	6 years	On special duty in England.
Mr. V. Natesa Aiyar, Super- intendent, Archl. Survey, Frontier Circle, sub. <i>pro tem.</i>	B. A.—Archaeological Scholar	9th March 1915	500—25—800	525	1 year 6 months.	
Mr. Tav Seinko, Suptd., Archl. Survey, Burma Circle.	M. R. A. S., F. A. S.—Burmese and Pali.— Epigraphist.	17th May 1899	500	800 P. A. 200	17 years.	
Mr. C. Duroiselle, Asstt. Archl. Suptd. for Epigra- phy, Burma.	Burmese, Pali and Sanskrit.—Epigraphist	1st August 1914	625	625	2 years	Services lent by the Edn. Dept., Burma.
Rai Saliu Daya Ram Sahni, Asstt. Suptd., Archl. Survey.	M. A.—Archaeological Scholar of the Govern- ment of India.	15th February 1910	300—25—500	500	6 years	Services lent to the Kashmir State.
Mr. Rakhul Das Bannerjee, Asstt. Suptd., Archl. Survey.	M. A.—Epigraphist and Numismatist	1st November 1911	300—25—500	400	5 years.	
Mr. R. R. V. H. Krishna Shastri Rao Sahib Ayl., Asstt. Archl. Suptd. for Epigraphy, Southern Circle, also holds charge of the current duties of the office of Government Epigraphist for India.	B. A.—Epigraphist	27th November 1908	300—25—500	475	8 years	He was appointed to this post by the Govt. of Madras.

Name and designation of officer.	Qualifications at the time of appointment.	Date of joining the Archaeological Department.	Salary at the time of joining.	Present salary.	Period of service.	Remarks.
Mr. V. S. Sukthankar, Offg. Asstt. Supdt., Archl. Survey, Western Circle.	M. A., Ph. D.—Archaeological Scholar of Govt. of India.	29th February 1916	Rs. 300—25—500	Rs. 300	7 months.	
Muulvi Zafar Hassan, Asstt. Supdt., Archl. Survey.	B. A.—Archaeological Scholar of Govt. of India.	17th June 1913	300	300	3 years.	
Ghulam Yazdani, Epigraphist to the Govt. of India for Persian and Arabic Inscriptions.	M. A.—Sundt. of Archy. in H. H. the Nizam's Dominions. Archaeological Scholar of the Govt. of India.	1st August 1915	*100	*100 400—50—600	1 year	*Personal allowance.
Mr. J. K. Nariman, Personal Assistant to the Director General of Archaeology.	Orientalist	7th September 1916	450	450	...	Joined lately.

APPENDIX D.

[Referred to in answer to Question No. 40.]

No. 17 OF 1882.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REVENUE.

To

THE RIGHT HONOURABLE THE MARQUIS HARTINGTON,

*Her Majesty's Secretary of State for India.**Simla, the 17th October 1882.*

MY LORD MARQUIS.

The question of reform in the system of land revenue settlements in Upper India, which had occupied the attention of Her Majesty's Government in England and of the revenue authorities in this country for a period of fifteen years, came in 1876 under the consideration of Lord Northbrook, who advised the adoption of some self-acting system of regulating the land revenue by reference to general prices from time to time, after fixed terms of years, as affording the only safe manner of introducing a more permanent system of settlement. The papers were subsequently referred by His Lordship to the Honourable Member in charge of the Department of Revenue, Agriculture and Commerce, but after three years were in 1879 deposited without orders.

Reform in land revenue settlement has been long under consideration. Lord Northbrook's advocacy of self-regulating system.

2. In the past year the question of reform in the land revenue system has been revived from an independent direction. It became our duty to submit to Your Lordship, with our Despatch No. 14, dated the 10th October 1881, a memorandum on current land settlements, in which a sketch of the temporary land revenue settlements actually current in British India was contained. In the Resolution which we issued with this memorandum we conceived it necessary to instruct Local Governments to enter upon no new settlement without a careful examination of the circumstances of the district or tract of which it might be proposed to revise the assessments, and we took the precaution of reserving to ourselves the power of placing a veto upon the revision of assessment in any case in which we may deem the renewal of settlement operations to be undesirable. In taking this step we were aware that we should have shortly to confirm it by more positive action.

Preliminary measure indicated in despatch of 10th October 1881.

3. We do not conceive it necessary to repeat at any length the facts which have from time to time been brought forward in illustration of the evil effects of renewing settlement operations at comparatively short intervals. The uneasiness arising from uncertainty; the harassment of the agricultural classes; the discontent engendered by mistaken assessments; the check to expenditure on improvements; the positive deterioration of agriculture in the last years of the term of settlement—are only the most prominent among them. The arguments on this subject are familiar to Her Majesty's Government. But although we think it unnecessary to revert to any general discussion on the relative advantages of a permanent and a temporary system of settlement, we deem it advisable before entering upon any suggestions for further action to place before Your Lordship a brief explanation of the position to which the discussions and administrative procedure since 1822 have led the question of land revenue assessment in Upper India. A review of this position and of the history of the settlements made since that date will, we believe, satisfy Your Lordship of the necessity of entering upon a decisive policy.

Objections to temporary settlements.

4. The first occasion on which an attempt was made to gain a complete mastery over the complicated conditions of the agricultural system of Upper India was in connection with Regulation VII of 1822. The main objects of

Historical sketch of settlement systems in Upper India.

Regulation VII of the Regulation were two. The first complete record of tenures and occupancy rights; the second a complete valuation of agricultural land. An elaborate scheme was drawn up for the minute investigation of every cultivator's holding in every village in the Upper Provinces. The Governor-General in Council announced that the perpetual settlement of Bengal having, "as far as concerns the ryots, essentially failed to produce the contemplated benefit, is strongly inclined to the opinion that no real security can be given to the ryots unless the Government distinctly acts upon the principle of minutely ascertaining and recording the rents payable by individual ryots, of granting patahs, or, at least, registering the ryots' holdings, and of maintaining the rates established at the settlement during the term of settlement as an essential part of the assessment." But the scheme, admirable as it was in conception, and just in aim, failed in practice because weighted by one impossible condition. The condition was that the produce of every field should be ascertained. "It seems necessary," wrote His Excellency in Council, "to enter upon the task of fixing in detail the rates of rent and modes of payment current in each mauzah and applicable to each field, and anything short of this must be regarded as a very imperfect settlement." It was laid down that the rate on each field was to be calculated from an estimate of its produce. This process was far too ambitious in detail and cumbrous in operation. The letters and reports of the assessing officers who attempted to carry out the injunctions of the Government of India teem with complaints of the difficulty of a task which the late Lord Mayo declared in 1871 to be well nigh impossible.

Failure of Regulation VII.

5. It is not therefore surprising to find that the magnificent undertaking of 1822 failed in accomplishment, and that during a vain and protracted struggle on the part of the Settlement Officers to perform the task allotted to them, the attention of the Government of India was continually attracted to the slow progress that was being made. At last the Governor-General called for a report as to the progress of settlement operations. The Upper Board, though eight years had passed, "could record little or no progress, and could venture no certain information." They strongly contended that an attempt to calculate the demand upon an estimate of the produce of each cultivator's holding was an impossible undertaking.

Mr. Bird proposes a substitute prevailing money rates.

6. In the 9th year the Board of Revenue submitted a series of notes to the Governor-General, in which it was strongly urged by Mr. Bird, one of the members, that the prevailing money rates paid by cultivators should be made the basis of assessments; that they should be fixed with a tendency to moderation for the term of settlement; and that the aggregate sum "composed of the items which each ryot is bound to pay" having been ascertained, the demand should be distributed over the various proprietary holdings. He demurred to any continuance of the attempt to ascertain what proportion of the crop would be a fair rent for each field. On the receipt of the Board's earlier notes Lord William Bentinck in an exhaustive Minute, dated the 25th September 1832, reviewed the whole history of settlement operations in the North-Western Provinces. His Lordship disapproved of Mr. Bird's proposals to fix the rents of all cultivators for the term of settlement on the ground that they had not all the same rights, and showed how an aggregate demand might be calculated on general considerations. "The assessment," he wrote, "may be fixed on an ascertainment in the aggregate of the cultivated area of each estate and a general acquaintance with the advantages possessed by each village as regards fertility, position, population, and any other matters which require to be taken into consideration when regulating the Government demand." In another portion of his Minute His Lordship observed that "a relinquishment by Government of 30 or 35 per cent of the estimated gross rent would seem to be sufficient under the most unfavourable circumstances to serve as a remunerating return and to cover all expenses and risk of collection. By the term 'gross rent,'" His Lordship adds, "I mean the proportion of the produce or the value of the produce remaining after defraying the wages of labour and profits of stock."

Lord William Bentinck reviews Mr. Bird's proposals and substitutes "general considerations."

Conference at Allahabad in 1833.

7. The Minute concluded by giving instructions for a series of enquiries, "having for their object the ascertainment and recognition of tenures of all kinds, and the speedy and equitable assessment of the land revenue for extended terms under some more summary system than that adopted by Regulation VII of 1822".* These injunctions resulted in the autumn of 1833 in a Conference

of Revenue officials at Allahabad under the presidency of the Governor-General, the object of which was "to ascertain the best means of simplifying and expediting the existing process of survey and settlement".*

8. The conference met under the presidency of the Governor-General in person, and resulted in the enactment of Regulation IX of 1833, which remained in force until its provisions, so far as they regarded the assessment of revenue in the North-Western Provinces, were repealed, though not materially altered, by Act XIX, 1873 (the North-Western Provinces Land Revenue Act). The system of assessment introduced by Regulation IX of 1833 differed chiefly from that laid down or supposed to have been laid down by Regulation VII, 1822, in this, that it dispensed with a minute investigation and ascertainment of the produce of the soil, and permitted the assessing officer to determine the revenue payable by each village on the basis of those general considerations indicated by Lord William Bentinck in the Minute above quoted. Under Regulation IX of 1833 the settlements of all districts in the North-Western Provinces were effected. The work was conducted by officers of undoubted ability and experience, much labour was bestowed upon it, and an accuracy was attained far greater than had been reached in previous assessments. The inequality of assessment which had characterised many of the earlier settlements was to some extent removed and the record of rights was perhaps for the first time brought into order. As a whole, the settlement was an undoubted benefit to the country, which before had been harassed by constantly recurring, and in most cases increasing, assessments of revenue. These benefits, however, were not universally secured: instances of over-assessment were not unknown; while it seldom occurred that in making a forecast of the profits of an estate sufficient attention was paid to the liability of the harvests to occasional failure. Few, indeed, of the settlements worked easily until towards the end of the first decade, the increase in the area under cultivation and the rise in the prices of produce added greatly to the resources of the agricultural classes.

Regulation IX
1833, based on Lord
William Bentinck's
Proposals.

9. The settlement of Regulation IX, 1833, was made on the principle of taking for the Government two-thirds of the net assets or of the rental of the land. This was no doubt a most generous settlement as compared with the terms prevailing under Native Governments. But it must always be remembered that the Native system of collection is far less stringent and more elastic than ours. It affords more opportunities of evasion, and pays more consideration to bad seasons and deficiencies in the harvest. The occasional failure of the new settlements, together with the recollection of the mischief wrought by over-assessment in the years subsequent to the cession and conquest of the provinces, led the Government of the North-West, when the period of the settlements under Regulation IX was drawing to a close, to reconsider the conditions which should be imposed on the proprietors of land. At that time (about 1854) apparently men's thoughts had been completely turned away from the consideration of a permanent settlement. In 1802-03, a pledge had been given by the local authorities to the people of the provinces that the settlement should be made in perpetuity. The pledge was given subject to the sanction of the Honourable Court of Directors and the sanction was withheld. It must be looked upon as a matter of congratulation that the Court took this view. For, looking to the complicated tenures in the North-Western Provinces, and the ignorance on the subject which prevailed among our officers at that early time of the British rule, it is certain that much injustice and evil would have resulted from a perpetual settlement on the Bengal model, to say nothing of the loss of revenue that must have ensued. After that time, as the faults of the Bengal settlement became more and more apparent, the idea of making a permanent settlement ceased to be entertained. Under Regulation VII of 1822 the term which the Government of India was generally disposed to accept is stated in the Resolution issued with the Regulation to be from ten to twelve years, though a longer period was in some cases to be admitted. Lord William Bentinck, in his Minute of the 26th September 1832, advised the extension of the term to fifteen or twenty years. The advantages of a long period were at length so far acknowledged that most of the settlements effected under Regulation IX of 1833 were made for thirty years. Revenue officers accepted as established the

Period of settle-
ments and reduction
of Government share
of rental to one-half
from two-thirds.

The idea of a
permanent settle-
ment set aside.

Moderate assess-
ment for long terms
adopted.

*Preface to Government Selections, 1822 to 1833, North-Western Provinces.

system of a temporary assessment for a long term, and thought only of perfecting it. Hence, it was that when Mr. Thomason, Lieutenant-Governor of the North-Western Provinces, considered the best mode of avoiding the faults of former years, he thought not of a permanent settlement, or of a settlement for a longer term than thirty years, but of a more lenient settlement. He determined accordingly to reduce the share of the rental or net assets taken by Government to one-half, and all the assessments made within the last five-and-twenty years in the North-Western Provinces, Oudh and Central Provinces have been calculated on that scale.

Question of a permanent settlement revived by Colonel Baird Smith in 1861.

10. The question of a permanent settlement was thus for the time set at rest, and perfection was thought to have been attained in a moderate settlement for a long period. The next stage in the history dates from the famine of 1861, which drew earnest attention to the state of the agricultural classes in Northern India. Colonel Baird Smith, who was sent to report on the famine, was struck by the great resistance offered to the calamity by the people in 1861, as compared with that offered in 1837-38. Arguing that the improvement in the wealth of the peasantry and their ability to bear up against misfortune was due to the long term of the settlement, he inferred that a further application of the same principle would achieve greater success. He became a strong advocate of a permanent settlement, and the discussions which arose from his report led to the issue of Sir Charles Wood's despatch of 1862, in which Her Majesty's Government announced its resolve "to sanction a permanent settlement of the land revenue throughout India".

Sir C. Wood's Despatch of 1862.

11. The despatch dwelt on the political and social advantages attendant on such a measure and on the stimulus it would give to agriculture and to the growth of a middle class connected with the land. The recommendations of Colonel Baird Smith and of Sir Thomas Monro, and the example of the lightly assessed district of Tanjore, were cited. Coming to the question of a future fall in the value of money, the despatch considered that it was not of sufficient moment to influence the judgment of Her Majesty's Government to any material extent. Prices, it was said, were unlikely to rise greatly; even if they should rise, the Government of India might easily find sources of income other than the land. The alternative to a permanent settlement was pronounced to be a long protracted and elaborate revision of assessments every 30 years, and the "harassing, vexatious and even oppressive" nature of such revisions was forcibly dwelt on. "The remedy for these evils, the needless occupation of the valuable time of the public officers employed in the revision, the extortion of the subordinate officers, and the loss of wealth to the community from the deterioration of cultivation, lies in a permanent settlement of the land revenue." The principle thus settled, the Government of India was invited to consider to what extent it could be immediately applied throughout the different provinces. Of Bombay and Madras, it was said that the settlement of the former Presidency requires revision before it could be made permanent, while the settlement of the latter was not as yet completed. To these presidencies, therefore, a permanent settlement could not be immediately given. The North-Western Provinces, where revision of the settlements was in progress, were finally selected as the fittest place in which the measure could be carried out.

Orders permanent settlement in North-Western Provinces.

Orders accepted but objections pleaded.

12. The despatch was communicated to the North-West Government by the Government of India, and was followed by a discussion as to the best way of giving effect in that province to the wishes of the Secretary of State. The Honourable Mr. F. Drummond, Lieutenant-Governor of the North-Western Provinces, Messrs. Muir and Money, Members of the North-Western Provinces Board of Revenue, Sir C. Trevelyan, and Mr. H. B. Harington, Members of Council, took a prominent part in this discussion. The conclusion seems to have been accepted that the orders of Her Majesty's Government must be carried into effect. Two pleas, however, against the introduction of a permanent settlement into many parts of the province found strong expression: the first, that the agriculture of many tracts was in a backward condition; the second, that the scale of rent rates in other more fully developed tracts was comparatively low.

13. Lord Lawrence summed up his own conclusions in a lengthy Minute, in which he recommended that the permanent settlement should only be conceded to estates of which the rentals, as well as the agriculture, were fully developed. The test of the latter condition was that 80 per cent of the cultivable area should be under cultivation. The former condition was left to the judgment of the revenue authorities. Estates which did not fulfil these conditions were to be assessed on the basis of their present assets for 30 years. A compromise was, however, to be permitted in the case of undeveloped estates by the offer to their proprietors of a permanent assessment based on prospective assets. A maximum permanent demand was to be fixed which it would be in the option of the proprietors at any time to accept in lieu of the temporary assessment. Lord Lawrence, in permitting this offer to be made, had little hope that advantage would be taken of it, nor did the proposal meet with favour from his advisers.

Lord Lawrence proposes to attach conditions.

14. Sir Charles Wood, after a consideration of the proceedings of 1864, communicated to the Government of India in his despatch of the 24th March 1865 revised instructions under which districts were to be divided into three classes :—

Sir C. Wood's Despatch of 1864 accepts conditions with modifications.

- (1) Those in which the agricultural population and rent were undeveloped.
- (2) Those in which cultivation and resources were fully developed.
- (3) Those in which resources were undeveloped.

With regard to the first two classes, he remarked that no difficulty existed. Permanency of settlement was to be refused to the first and granted to the second. He admitted that there might be difficulty in the case of the third class; but he negatived the proposal to allow any offers to be made which might be based upon a calculation of the future assets of an estate. He limited the offer of a permanent settlement to those villages in which the cultivation might amount to 80 per cent of the cultivable area, but did not require that the rule limiting the demand to 50 per cent of the existing assets should be strictly adhered to. No definition of "resources" was given. And no distinct instructions were contained in the despatch as to the course to be taken in the case of estates in which 80 per cent of the cultivable land had been brought under cultivation, but in which the resources were undeveloped.

15. Meanwhile a growing reaction of official opinion, to which further reference will presently be made, against the sacrifice of prospective land revenue, especially of that resulting from extension of canal irrigation, led to a reopening of the question by Earl de Grey and Sir Stafford Northcote.

Reaction against permanent settlement.

Sir Stafford Northcote in his despatch of the 23rd March 1867 laid down two conditions for permanent settlement, the second of which had originally been laid down by Earl de Grey :—

Further limitations imposed by Sir S. Northcote and Earl de Grey.

First, that no estate shall be permanently settled in which the actual cultivation amounts to less than 80 per cent of the cultivable or malguzari area.

Secondly, that no permanent settlement shall be concluded for any estate to which canal irrigation is likely to be extended within the next twenty years, and the existing assets of which will thereby be increased in the proportion of 20 per cent.

16. We will not endeavour to follow the history of the efforts which were made in obedience to the successive instructions of Sir Charles Wood and Sir Stafford Northcote for the introduction of a permanent settlement. A full record of the steps that were taken and of the discussions which ensued finds place in the volume of papers submitted to Her Majesty's Secretary of State with the despatch from the Government of India, No. 7, dated 26th May 1871. The papers include Minutes by Sir John Strachey and Lord Mayo pointing to the advantages of a grain assessment over a fixed money settlement. Lord Mayo gave an important indication of the manner in which it might be possible to avoid the recurrence of temporary settlements in the following words :—"In India at original settlement it will always be necessary to consider more fully than in Europe the quality of soil and the quantity of produce which, under fair cultivation, is ordinarily produced; but once this is

Despatch of 26th May 1871, Government of India advises abandonment of permanent settlement.

established, the fluctuation of market price may form the main test for determining value from time to time."

17. His Grace the Duke of Argyll was finally advised that the conditions laid down regarding permanent settlements in the North-Western Provinces could not be applied in their existing form without leading to the most serious and certain injury to the future interests of the public.

We shall in succeeding paragraphs of this despatch be constrained to examine the causes which led to so decisive a rejection of a permanent settlement as that which is embodied in the despatch of the 26th of May, but we desire, first, to describe to Your Lordship what has occurred between 1871 and the present date.

Home Government suspends decision pending receipt of further evidence.

18. Your Lordship is aware that in the despatch No. 26, dated 27th July 1871, Her Majesty's Secretary of State communicated the conclusion arrived at by a Select Committee of the House of Commons, that further proceedings for extending the permanent settlement in the North-Western Provinces must for the time be suspended, but that Her Majesty's Government should be placed in a position to form a judgment upon so important a subject so soon as the Government of India had fully weighed the additional evidence which was to be furnished by the Lieutenant-Governor, North-Western Provinces. The instructions of Her Majesty's Government were communicated to the Governments of the North-Western Provinces, Punjab, and Oudh, with a request for an early expression of opinion, and replies* were received

Local Governments consulted.

To North-Western Provinces, Punjab and Oudh, Nos. 283-285, dated 13th September 1871.

by the Government of India bearing Western Provinces letter contained a

*From North-Western Provinces Government, No. 658-A., dated 2nd March 1874.

From Chief Commissioner, Oudh, No. 1338, dated 24th April 1872.

From Government, Punjab, No. 1470, dated 8th October 1873.

for a permanent settlement. The papers were placed before His Excellency Lord Northbrook, who referred them for the opinion of Sir John Strachey, then Lieutenant-Governor of the North-Western Provinces, and of the Honourable Mr. J. Inglis, then Officiating Member of Council.† Sir John Strachey

†From North-Western Provinces Government, No. 2372-A., dated 6th October 1874.

depreciated any steps which would fetter the future finances of the country by fixing for ever the amount which the land should contribute to the State, and found reason to doubt whether even the grain assessment which he had formerly suggested would be entirely successful. Mr. Inglis, on the other hand, who had from the first advocated a permanent settlement, brought forward a mass of evidence from the Native papers in proof of the unpopularity of the existing system, and showed the political advantages that would attend the introduction of permanency.

Lord Northbrook proposes a self-regulating system.

19. When the papers again came before Lord Northbrook in 1876 they were brought forward in the Finance Department. Sir William Muir was now Finance Minister, and was considering at the time the difficult question of the depreciation of silver which was then causing considerable embarrassment to the Government of India. The financial position, however, afforded satisfactory proof of the danger of attaching permanency to a fixed money assessment.

In 1879 the papers are deposited without orders.

After some discussion the papers were, as has been said before, referred to Sir Alexander Arbuthnot, the Honourable Member in charge of the Department of Revenue, Agriculture and Commerce, and when they were finally returned by him in 1879, it seems to have been considered inexpedient, on the grounds that no Local Government desired a permanent settlement, to take any further measures. The papers were accordingly deposited without orders. His Excellency in Council, however, now considers that the time has come when the important question of settlement reform must be earnestly revived.

20. Before submitting definite proposals for the consideration of Her Majesty's Government, it is necessary to examine more precisely the causes which have led to the failure of previous attempts and projects to place the land revenue assessments of Northern India upon a satisfactory footing. The difficulties which have stood in the way of a solution of the most serious problem with which we have had to deal since the beginning of the century must be thoroughly appreciated and removed before any further step is taken towards reform.

Necessity of arriving at a definite question of settlement reform.
Causes of failure of previous attempts.

21. The foremost of these difficulties is the valuation of land. It appears to be sufficiently evident that the efforts made from 1822 up to the present time to make a satisfactory estimate of the value of agricultural land have been far from uniformly successful. In analysing the history of these attempts the Minute by Lord Mayo, to which we have alluded in our 16th paragraph, will afford much assistance. His Lordship, whom a familiarity with land questions in Ireland rendered peculiarly able to deal with the subject, explained that there are four principal modes by which the value of land is usually ascertained—*1st*, the quantity of produce; *2nd*, the price of produce; *3rd*, the quality of soil; *4th*, the letting value. On none of these, in Lord Mayo's opinion, could certain reliance be placed. "The objection," he said, "to testing value by quantity only is—*first*, that it is most difficult and nearly impossible to ascertain; and, *secondly*, that it depends to a great extent upon the varying industry of the cultivator and the chances of the season." The history of the struggles made between 1822 and 1833 to estimate the quantity of produce is a sufficient illustration of the truth of His Lordship's opinion. We have already had to relate how the impossibility of the task drove the authorities of 1833 to look for other methods.

Impossibility of accurately valuing land.

whether based on an estimate of produce.

22. The authors of Regulation IX of 1833 abandoned the attempt to ascertain the produce. They did not, however, condemn the principle of basing the assessment on a valuation of land. "There can," wrote Lord William Bentinck of the system introduced by Regulation VII of 1822 (paragraph 72, Minute of 7th April 1831), "be but one opinion as to the soundness of its theory; its practical application is all that can be doubted." He complained that various and contradictory methods were practised by Settlement Officers for ascertaining the value of land, and sought to introduce uniform principles, of which the most important in his view was the ascertainment of the capabilities of each class of soil. "Assessment according to the capabilities of the soil," we find His Lordship writing in the 119th paragraph, "would appear to be the simpler and more equitable method, if regard be had to fixing rates according to position as well as according to fertility." The practical development of the system of enquiry pursued under Regulation IX of 1833 is illustrated by the instructions contained in Mr. Thomason's Directions to Settlement Officers, published some sixteen years after the issue of the Regulation. Two-thirds of the net produce was to be taken as the Government share. "Net produce is defined to be the surplus which the estate must yield after deducting the expenses of cultivation, including the profits of stock and wages of labour: this in an estate held by cultivating proprietors will be the profit on seer, but in leased estates will be the gross rental." In order to come to a correct opinion on this subject, the Settlement Officer is referred to the areas of cultivation and irrigation and to an examination of different kinds of soils. Other general considerations were to influence his judgment, but the above are the principal guides which he is to follow. These instructions were repeated in the authoritative orders issued in 1855 known as the Saharanpore Rules, by which for the next twenty years Settlement Officers in the North-Western Provinces were guided.

or on examination of the capabilities of soils.

23. The existing rules which were framed in 1873 give still more precise instructions to Settlement Officers to divide any tract which is to be assessed into circles or areas of similar soils possessing similar advantages, and to ascertain the prevailing rent rates paid upon each class of soil in the locality. In the latter words we have the first clear instructions for the adoption of the method of assessing land by its letting value. Lord Mayo himself placed considerable reliance on this method. "The letting price of land," wrote His Lordship, "is the best and surest test of value where there is full competition." But His Lordship feared that the test would not be found a satisfactory one in

or on the letting value of land.

this country, and quoted both Sir William Muir and Sir John Strachey in support of this opinion. "It is clear," he decided after referring to their evidence, "that the letting value of land or the rent paid can form in India no safe test of its value." In other words, the letting value of land on which Settlement Officers had been instructed to base their assessments was not admitted by Lord Mayo and his advisers to be the true value of the land.

Lord Mayo's suggestion to ascertain the quantity of produce reaching the market.

24. His Lordship's conclusion was that the most simple method to adopt might perhaps be to ascertain how much produce from an estate found its way to the trader's hands, and to regulate future settlements by the changes which might occur in the selling price of this amount. "If this is impossible," concluded His Lordship, "If the objections which can be urged against this system are found to be too weighty, then no other course is left to us but to continue that system of periodical settlement which prevails in the greater part of India."

Difficulty of valuing land influenced rejection of Permanent Settlement.

25. There are two points to which we desire to draw Your Lordship's attention in the above paragraphs—one is the difficulty of making a thoroughly correct valuation of land in Northern India by any available method; the second is the impossibility of attaching to all land for purposes of its assessment the full value which it may be expected ultimately to attain.

It appears important to give some prominence to these conclusions because we cannot but perceive that the rejection of the permanent settlement in the North-Western Provinces, at the period of which we have been writing, was mainly due to the feeling of the provincial authorities that the value of land, as then estimated, was not always its true value. Some feared that the benefit arising from the limitation of the Government demand based upon an imperfect valuation of the land would remain entirely with the landlords and would not reach the tenants. Their sense of justice was offended. Others avowed their regret that Government should lose any portion of the full share to which it would be entitled when the full value of land had been reached. On both grounds were the proposals for a permanent settlement viewed with disfavour. The comprehension of this position possesses in our judgment so much importance as to deserve further illustration.

Other objections to permanent settlement.

26. Although the feeling, that the cultivators would not share in the benefits which were to be offered to the landlords, seems to have had considerable influence in leading Settlement Officers to oppose the introduction of a permanent assessment, we are not for the moment concerned with this part of the question. We desire to show that the revenue authorities grudged the loss to Government of its share in the enhancement of the rental which, apart from any increase in the cultivated or irrigated areas, the landlords could, under existing laws, exact from the tenantry. The feeling is strongly reflected in the following passages in Sir W. Muir's Minutes written during the progress of the enquiries which were intended to lead to the partial introduction of a permanent settlement:—

Loss of Government share in increased rental.

Urged by Sir William Muir.

"The lesson may also fairly be learned from the history of this settlement (Bulandshahr) that the two conditions enjoined by Her Majesty's Government for a permanent settlement are not sufficient. I do not here advert to the policy itself of making settlements in perpetuity; that policy has been definitely adopted by Her Majesty's Government, and announced, if not promised, to the people; I should not, even had I not myself concurred in the policy, have felt at liberty to question it on the present occasion. It is evident, however, that the sacrifice to which Government in conceding a permanent settlement has consented is one of future revenue from improvements accelerated by the increased investment of capital by proprietors when secure of the whole result. But in the case of a settlement like the present, based on an imperfectly developed rental, the sacrifice would be of future revenue created by no such expenditure, but simply by the exertion of proprietary power in increasing the relative share of the produce which constitutes rent. This is a process which in the nature of things will come to pass equally whether the settlement be in perpetuity or for a term, and the sacrifice would be consequently gratuitous made without any corresponding object or return.

"I think, therefore, that a third condition for permanent settlement is thus shown to be quite necessary, namely, evidence that the standard of rent prevalent, or the estimate of 'net produce' on which the assessments are based, is adequate; or (having due regard to soil, facilities of irrigation, and ratio of dry and wet land) is not below the level of rent throughout the country at large."—(Minute, dated 22nd December 1869)

And again, writing of pargana Baghput, he says:—

“The present case is represented as being one of inadequacy in the rent, not of individual villages compared with the pargana, but in the prevailing rates of the pargana itself compared with other parganas. It is also a case in which all the conditions prescribed by Her Majesty's Government as entitling proprietors to a permanent settlement exist: cultivation in Baghput is highly developed; canal irrigation has reached its full limit. But the cultivator appears here to retain a larger share of the profits than elsewhere.”
(*Minute, dated 13th February 1869.*)

27. While the arguments used in the above passages indicate an unwillingness to resign to the landlords the whole increase of rent which they were certain to obtain from their tenants, they point also to another cause which seems to have influenced the revenue authorities in their rejection of a permanent settlement and which deserve serious consideration. We refer to a desire to effect an equalisation of the Government demand. The theory that the share of Government must be made to approach as nearly as possible to the same fraction of the net produce in all parts of the country has beyond doubt done very much to keep alive the efforts of the revenue officers to reach a true valuation of land. In the “Saharanpore Instructions” of 1855 it was laid down that the principal aim of the assessing officer should be “the equalisation of assessments.” The ultimate aim of a precise valuation of agricultural land was to obtain for Government an equal share of the net produce from every part of it. But if we are constrained to admit that a perfect valuation of agricultural land by any method is an impossible task, we must also confess that the equalisation of assessment is no less unattainable. No one dealt more plainly with this matter than Colonel Baird Smith, whose arguments on this point, when pleading for the introduction of a permanent settlement, appear to have been worthy of more consideration than they received. His conclusion may be accepted that “the safest and best policy as regards the internal action of society is simply to leave it alone and let it assume its natural forms and conditions with the smallest amount of external interference that is consistent with good and efficient administration.” The idea that artificial regulations can succeed in effecting and sustaining a perfect equality in the assessment of landed interests must indeed be rejected.

Existing inequality of the Government demand.

Equalisation considered unnecessary by Colonel Baird Smith;

is in fact, unattainable.

28. If then it be admitted that the attempt to secure and maintain for purposes of assessment a thoroughly correct and complete valuation of land can rarely succeed, if it is true that settlements operations which have for their main object the correction of previous valuations of land cannot be undertaken without much harassment to the people and interference with agricultural progress, it will not be difficult to persuade Your Lordship that a time must come in the the fiscal history of every district and of every province when the renewal of a valuation of agricultural property on any elaborate system should cease. The conclusion at which we have thus arrived involves no intention to detract from the value of the work already performed by the Settlement Department, or to interrupt the completion of the task upon which it is already engaged. We owe to the Settlement Department of every Province the greater part of the knowledge which we possess of the agricultural life of the people of India; we have received from it a careful description of every village and every estate in those districts through which it has passed. It has demarcated the boundaries of every property, and provided a map of every field. It has recorded the rights of every person, whether proprietor or tenant, who possesses an interest in the land of the country. If its labours had been confined to these matters alone, they would still have been a subject for pride and congratulation. But it has also achieved a result which is absolutely necessary to the Government for the attainment of the purposes now in view. It has furnished the administrators of the land revenue with a valuation of estates which in the face of the many difficulties recounted in previous paragraphs has been accomplished with wonderful success, and is, we believe, as at present conducted, as free from imperfection as it is possible for an official valuation of land to be. Without an initial schedule of the agricultural value of every estate the establishment of any reforms in the system of settlement would be impossible. The Settlement Department has, in a majority of the districts

Elaborate valuation of land must sooner or later cease.

Value of work already performed by the Settlement Department.

of the Upper Provinces, provided the Government with a schedule of this kind, and will within a few years have completed a similar task in the remainder.

Lord Northbrook's
advice to arrange
self-regulating
system adopted.

29. What we desire is that the agricultural value of an estate, having once been ascertained with fair accuracy, may be taken as a basis for future adjustment without having recourse to periodical repetitions of a troublesome and vexatious investigation. For this purpose we are convinced that we shall do well in following Lord Northbrook's advice to arrange a self-regulating system, upon the basis which the Settlement Department has already furnished or will shortly be able to provide. The main characteristics of such a system will be to adjust the Government demand upon facts, rather than upon estimates; to do away with the repeated valuations by the Settlement Officer, but not with the land settlement; to give security of property to the agricultural population, by letting them know exactly the conditions and limitations of future assessments, and to ensure to the public exchequer a reasonable share in the increase of agricultural wealth due to causes independent of the exertions of the agriculturists themselves. The settlement must be such as to secure to owners and tenants of land the profits of the improvements which they may make, and to allow them to form a safe estimate of the future value of their property.

Difficulty of the
task.

30. The question is how to attain these ends. We do not disguise from ourselves the difficulty of the task. The objects before us cannot be accomplished by the rough and ready method of fixing the revenue at its present figure in perpetuity, for we acknowledge the necessity of ensuring to the estate for all time a right to enhance its land revenue demand on certain fixed principles which we shall presently describe. But hitherto it has been difficult to see how periodical adjustments could be made without constantly renewed surveys and expensive settlement establishments.

diminished by
recent establishment
of Agricultural De-
partments,

31. It happens, however, at the present time that, with other objects and other ends in view, a machinery has been formed which will, it is hoped, enable us to solve the problem. The reasons which have led the Government of India to re-establish the Revenue and Agricultural Department, and to attach to the Provincial Departments of settlement the new duties of agricultural enquiry required by the Famine Commission, have been made known to your Lordship. They have no immediate reference to any radical change in the system of settlement. We were influenced, firstly, by a sense of the importance of obtaining an accurate knowledge of agricultural facts for the general purposes of administration; and, secondly, by a desire to lessen the excessive cost of periodical surveys and settlements, and to attain a greater accuracy in land assessments. The measures which we have undertaken for the accomplishment of these objects will now enable us to deal with reform in the settlement system itself. We agree entirely with the remark made by Sir Louis Mallet in his Minute of the 3rd February 1875, that if there is one thing which is wanting in any investigation of Indian problems, it is an approach to trustworthy and accepted facts; and we are convinced that the absence of any record of facts upon which reliance could be placed has been hitherto one of the chief obstacles in the way of any improvement of the settlement system.

which will supply
the knowledge of
facts hitherto want-
ing.

32. It is a cause of much regret that a vast deal of the labour and money already expended by settlement officials in the arduous duty of framing a correct record has been lost through an unfortunate neglect to establish any sound system for its maintenance year by year. Elaborate schedules, carefully prepared by one set of assessing officers, have been placed on the shelves of the record-room only to be condemned as useless by their successors in consequence of the perplexing and unrecorded changes which had occurred in the interval between the two settlements. Maps and records, which have cost the State a very large sum of money, have been permitted to lose the greatest part of their value by a failure to adopt the simple precautions necessary to maintain them up to date. "The whole of the uncertainty," wrote the Secretary to the Board of Revenue, North-Western Provinces, in 1873, "which affects our present assessment to such a serious extent might be swept away by a series of even tolerably accurate field statistics; but it is the fact that even in districts which have been lately under settlement, and in which records reconstructed at an

enormous expense were handed over to Collectors, no measures are taken to keep them up to date." Evidence that the unfortunate neglect thus brought to light continues to be a blot on the administrative system of the north of India is found in the very latest settlement report which we have received from the Punjab. "Why" asks the writer, "should it be held in practice that such records are complete as soon as they leave the Settlement Officer's hands? It is obvious that they must always require adding to, and may require correction; why then should the Settlement Officer alone record his experience? Why should not the Revenue Officers carry out the orders of Government, and do so also."

33. It was the absence of any organised system by which agricultural facts could be brought to the knowledge of revenue officials that mainly induced Sir John Strachey, at the express desire of the Secretary of State, conveyed in his despatch No. 35, dated 29th April 1875, to establish a department in his province for the maintenance of an agricultural record; and the same cause led the Famine Commission to recommend the extension of the measure to other provinces. An able exposition by the Secretary to the Commission of the measures which in 1880 had been taken or were still required in each province for the proper collection of agricultural statistics finds place in Appendix I to the Famine Commissioners' Report. The policy adopted by the Government of India, under the sanction of Her Majesty's Government, in re-establishing the Central Secretariat of Agriculture was directed to the same end. The first duty committed to the revived Secretariat was that of assigning to the united Departments of Settlement and Agriculture in each Province the task of organising an efficient system of recording and maintaining agricultural statistics. In the Resolution of the 8th of December last, the primary efforts of the combined Departments were directed to "the duties of gauging the stability of agricultural operations in every part of a province, of classifying the areas of the province according to the result of careful investigation, and of deciding what method of administrative treatment is suitable to each;" and it was laid down that a thorough knowledge of the circumstances of every village must be continuously maintained. These instructions have involved the annual record of the circumstances of every field in the temporarily-settled provinces, under the careful supervision of a properly organised staff, the construction of which is now being undertaken in each one of the provinces concerned. The Settlement Department will still therefore have its work to perform. Its duty as a valuer of land having been accomplished, it will in its new form continue to exercise the many other functions which are involved in the maintenance of a land settlement.

By systematic maintenance of village records.

34. In thus adapting existing machinery to the performance of those duties which are requisite to the working of a self-acting system of land revenue assessment, we are able to enter upon the difficult problem before us with some hope of success. The problem is how to give that assurance of security which is attached to permanency of the demand, without depriving the Government of its unquestioned claim to enhance the land revenue upon defined conditions.

Statement of the problem before us.

35. After mature consideration we have arrived at the conclusion that a self-acting system of settlement cannot be established, if any increase of assessment is permitted on other than the three following grounds:—

Grounds of enhancement must be limited to three:

(1) Increase of area under cultivation.

Cultivated area.

(2) Rise in prices.

Prices.

(3) Increase in produce due to improvements effected at Government expense.

Improvements.

36. We propose to abandon altogether any attempt to value or assess any profits which may, in future, arise from improvements effected by the people themselves, and in this category we of course include those made with the assistance of money borrowed from Government. Of such improvements in Upper India the larger portion consist of wells and other works connected with irrigation. Hitherto these have been too freely assessed. The rules laid down for their

Protection of private improvements.

Irrigation works.

exclusion from assessment have not been liberal and, such as they are, have been greatly neglected. It is true that the right of Government to share in the profits of irrigation under certain conditions may be admitted. But we consider it so enormous an advantage to offer the strongest possible inducement to the agricultural population to protect the land against drought, that we are prepared to surrender the enhanced revenue which might be imposed on land irrigated otherwise than at the expense of Government.

Other improvements.

37. The assessment of revenue upon profits of other kinds of improvements made by the agriculturists themselves, would be unjust in itself, and would involve those difficult enquiries into the valuation of land which we have resolved in future to avoid. This is especially the case in regard to the gradual enhancement of value effected by the application of greater labour and skill to the operations of tillage, heretofore an important item in the increment of revenue acquired by new assessments. We are convinced that it is false economy to discourage in any way the employment of such increased skill and labour, and are therefore prepared to resign any revenue leviable on the profits of improvements of this kind.

Initial assessment must be determined,

38. We now proceed to a consideration of the method in which the principles set forth in paragraph 35 are to be applied in introducing a self-acting settlement. The first step to be taken is to determine for each estate the initial assessment which is to be the basis of all future revisions of revenue. The question at once arises whether we are to accept as our initial assessments the present revenues, or whether we are to revise them. We are decidedly of opinion that the present revenues should be accepted in all estates in which this course will not involve a serious loss to the State. We have therefore to consider in what way we can, without a difficult enquiry, distinguish between the two classes of estates, *vis.*, those in which the present revenue can and those in which it cannot be accepted as the initial assessment. On this matter we shall be ultimately guided by the advice of Local Governments, but we deem it nevertheless advisable to indicate to Your Lordship the general lines which we are, as at present advised, disposed to follow.

to be present revenues wherever adequate.

They are adequate in all districts assessed since 1872 and in some before 1872.

39. The whole tenor of our present despatch has been to shew the expediency of avoiding, as far as possible, the difficult operation of valuing land. We therefore propose to accept existing revenues as they stand, without an enquiry of any kind into the value or assets of each estate, in all districts in which the Local Governments are on general grounds assured that the present revenues are reasonably adequate. From information before us we believe that such is the case in all districts settled since 1872, and that we may, therefore, safely declare the present revenues of districts assessed after that date to be the initial revenues for the purposes of this scheme without any further enquiry. We understand that there are also a certain number of districts settled before 1872 which are known to be adequately assessed. The revenues of these also may, on a report from the Local Government concerned in each case, be accepted in like manner.

Enquiry necessary in districts where revenues are not adequate,

40. There remain those districts in which there is not sufficient assurance that the revenues are generally adequate. In these some sort of enquiry, estate by estate, is necessary for the purpose of ascertaining whether or not the revenue is adequate. The test of adequacy will be the proportion borne by the present revenue to the existing assets in each case.

but need not be elaborate if records are in fair order.

41. But we do not propose that the enquiry undertaken for the ascertainment of the existing assets should be of that elaborate kind which has hitherto characterised land settlement revisions. In all districts in which records are in fair order the matter will be very simple; there need perhaps be no local enquiry at all in such districts if, as we would propose, the assets recorded in the village papers are accepted as the existing assets, with the necessary correction involved by applying the recorded rent rate to land held by proprietors or grantees.

If not in fair order resurvey and revision are necessary.

42. There will then be left only those districts in which records are incomplete, and in which, therefore, the village papers, as they stand, afford no basis for the calculation of existing assets. In such districts a resurvey and revision of the record will be inevitable before the existing assets can be ascertained. But the main object of the revision of maps and records will not as heretofore be that of effecting an elaborate valuation of land. The settlement officers'

operations will in all parts of the country in which the landlord's income depends chiefly upon rents, be directed primarily to the record of the acknowledged rents, and not to an estimate of what, in his opinion, the rents ought to be.

43. We have thus described three classes of districts :—

- (1) Those in which the revenues can be summarily accepted at once as the initial revenues. They will comprise more than half the districts in the North-Western Provinces, Oudh, and the Punjab.
- (2) Those in which the revenues of many estates are unduly low, but can be summarily estimated upon an examination of the village papers. This class will probably be confined to a few districts in the North-Western Provinces and Oudh.
- (3) Those in which no estimate of the revenues can be made without a resurvey and revision of the record. This class will include all districts in the Central Provinces, and a few only in the provinces of the Punjab and the North-Western Provinces and Oudh.

Three classes of districts have been described.

44. When the assets of each estate in classes 1 and 2 have been determined by the comparatively simple process already described, they will be compared with the revenue of the estate. If the latter is found to be unduly low, it will be raised, but not otherwise. We will not, in this despatch, discuss the grounds upon which a revenue should be deemed unduly low. Each Local Government will be required to frame rules for its province under which the adequacy of a revenue, or the proportion which it should bear to the existing assets, should be determined. But it will be provided that no increment in the revenue of any estate assessed at an unduly low rate will be collected until the termination of the current contract.

Revenue will only be raised if low when compared with the assets.

45. We have in the preceding paragraphs indicated the manner in which it may be practicable to establish our initial revenues without elaborate enquiry and without disturbing the existing contract between the Government and the proprietors of land during the currency of the settlement. We have now to explain to Your Lordship the method by which it may be possible, without involving the recurrence of vexatious enquiries, to arrange for future adjustments of the revenue demand. Reverting to a consideration of the three conditions by which in paragraph 35 we have proposed to restrict the enhancement of the land revenue, we may ask Your Lordship to accept our conclusion that the alteration of the Government revenue in connection with improvements effected at the expense of Government is not one which need be particularly discussed on the present occasion. It will perhaps be considered sufficient that we should state that the Government has no intention of resigning the fair profits due to works of irrigation and agricultural improvements, constructed out of the taxes of the general community, provided that it be understood that the construction of railways or works of that kind will not constitute a ground for enhancing the land revenue except in so far as it causes a rise in price. We have, therefore, at present only to deal with the adjustment of the demand on account of increase in the cultivated area or of rise in prices.

Initial assessments having been fixed, future adjustments how to be arranged.

46. In dealing with the cultivated area, we think it will be desirable to allow the Local Governments to fix for each district a year in which the cultivated area shall be taken as the initial area upon which all future adjustments will be made. The initial revenue would be arranged for the same year as that for which the initial area of cultivated land is recorded, although, as previously explained, no increment will be actually collected until the termination of the present contract. In districts of the 1st class above described the year chosen would, if these proposals are sanctioned before the expiration of many months, probably be the year now current. In districts of the 2nd class the examination of the village papers might require some delay, but not, we think, more than two or at the most three years. The year chosen would in that case not be later than 1885. In districts of the 3rd class the arrangement cannot be effected until the completion of the new survey.

in accordance with changes in the cultivated area by determining an initial area for a given year.

and by fixing rates to be assessed on land newly cultivated.

47. The initial area having been established, fixed revenue rates will be laid down for the future assessment of uncultivated land. Care would be taken that they should be moderate. The rates thus fixed would not come into force until the time for the revision of settlement arrived. The revenue of newly-cultivated land would then be calculated and levied at those rates. We think, however, that it may be desirable in some cases to avoid making any addition to the Government demand on account of new cultivation, unless the increment exceeds a certain percentage of the initial area. On this point we should have to be greatly guided by the advice of Local Governments.

Period of settlement 20 years.

48. The period for which revised assessments should in future run need not, we think, be precisely determined at present. But we are inclined to believe that a term of twenty years will probably be found to be most suitable. The rapid progress which the country is now making in railways, canals, and other works which foster the extension of agricultural enterprise will in many parts of India give rise to so great a development in the value of landed property that it would probably be both difficult and unwise to demand anything like a proportional increase in the revenue after so long a period as thirty years. In this matter also each Provincial Government should have a voice, and the question must be referred to them.

To be adjusted hereafter in accordance with change of prices.

49. As to the manner in which the revenue is to be periodically adjusted in relation to changes in the value of produce, we are not prepared to enter into details in this despatch. As in the case of the revenue and cultivated area, so in the matter of the prices an initial schedule must be prepared, by reference to which future adjustments of the revenue will be made. This initial schedule will be based not on the prices of any one year, but on the average prices of a period of years, say ten, immediately preceding the year which is taken as the commencement of the settlement. The staples which are to be taken into consideration, the markets at which prices are to be registered, the period for which the average is to be calculated, and the like—are matters which must be decided in consultation with the Local Governments.

It is sufficient to say that after a careful consideration of the subject we see no difficulty in arranging these details on a satisfactory basis.

Revenue will not be increased for small rise in prices, nor beyond certain limits.

50. There is, however, in connection with this subject, one question of sufficient importance to be mentioned in this place, and that is, the question whether every rise of prices, however small, will justify an increase of the revenue at the time of the periodical adjustment; and whether the revenue can be raised in full proportion to the rise in prices without any limit. This is a matter of principle which we have attentively considered. It can hardly be doubted that to the mass of the people a settlement based on a distant and incalculable contingency would mean uncertainty, and would be looked on with suspicion. It appears expedient also for many reasons at each periodical revision to leave untouched a margin of the profits arising from increase of prices with the view both of raising the standard of living among the agricultural classes, and of meeting the increasing cost of labour, stock and implements. For these reasons, as at present advised, we think that a point may be fixed to which prices must rise before the revenue is enhanced on this ground, and that a limit, say fifteen per cent., may be laid down to any increase of revenue to be made on the ground of prices at any one time. If some such lines as these are followed, we are of opinion that as much certainty will be given as is possible, without fixing the revenue unalterably for ever.

Present reforms conceived in the interests of owners,

51. We have stated in the above paragraphs the principles on which we wish to base future revisions of the land revenue. If these principles are adopted, there can be little doubt that the value of landed property will rise considerably owing to the complete protection thereby given to improvements effected by the owners of land, and owing also to the security which the proposed system will afford against large and sudden enhancements of revenue.

The improvement of the system of assessing land to revenue has indeed been our chief object in proposing these measures, which have, in the first instance, been conceived entirely in the interests of the owners as distinguished from the occupiers of land.

52. It is, however, our desire, in anything that may now be done, to avoid the mistake of looking to the rights and interests of only one of the parties concerned. Of the evils which may result from a settlement of the land revenue in which the interests of the tenants have not been sufficiently considered, we have an example in Bengal, and it is only necessary on this point to refer Your Lordship to the recent correspondence regarding the Bengal Rent Bill. It is true that the proposals we are now making do not amount to a completely permanent settlement of the revenue. They go, however, a very long way in that direction, inasmuch as they limit future assessments by fixed principles, and to that extent will be binding on future Governments. There is no doubt that the periodical revision of the revenue, as at present practised, operates to some extent as a check on the rack-renting tendencies of bad landlords, and that this check will be removed, if the principles now advocated by us are adopted. We wish, therefore, emphatically to state that a fair and reasonable measure of protection to all tenants is, in our opinion, a necessary condition of the proposals now made. Unless the benefits which a better system of assessment is calculated to secure can be in some degree extended to the tenants, we do not care to move in the matter. There is no doubt that our proposals involve a sacrifice of future revenue, and we are not sure that we should be justified in incurring this sacrifice solely in the interests of the landowners. If, however, the advantages can be passed on to the agricultural classes generally, and a substantial improvement effected in their condition, the prospective loss of revenue becomes a matter of comparatively small importance.

but necessitate protection of occupiers of land;

53. In what manner this object can be best attained, what form of protection may be most suitably adopted, we are not yet in a position finally to determine. Our view is to limit enhancement of rent where possible to the same grounds as those on which alone it will be in the power of Government to enhance the revenue, and to some extent to maintain a similar proportion in the amount of enhancement. This can only be done effectually by combining it with a certain fixity of tenure in the case of tenants of the classes now unprotected by the law; but whether this can be done by absolute prohibition of ejectment, except for arrears, or by compensation for disturbance, or by any other means, depends greatly on the existing conditions of tenant right in each province. In this respect the circumstances of each province are materially different, and it is more than probable that no one measure can be devised which will suit all. It is enough here to state that the measures proposed with the view of giving a character of permanency and certainty to the land revenue must, if adopted, be accompanied by measures for giving a certain fixity of tenure to the ryots, and for securing them against oppressive rents. The two matters are in our opinion inseparable. What those measures of protection shall be must be determined by us in consultation with the Local Governments, with due consideration to the special circumstances of each province.

in what manner is for future consideration.

54. We wish, before closing this despatch, to place on record a distinct intimation that in the measures we now bring forward we do not intend to do more than to limit the grounds on which land revenue itself is to be enhanced, and that the liability of landowners, either to bear a share in local or provincial cesses, or in any general taxation which it may be necessary to impose, remains altogether unaffected by the proposals herein contained.

55. Finally, we desire to explain to Your Lordship that we are aware that the present communication is wanting in many details. These we shall be prepared to provide if the general outline of our proposals meets with Your Lordship's approval. We have seen and consulted the Lieutenant-Governors of the North-Western Provinces and of the Punjab about these matters, and have, after receiving their opinions, convinced ourselves that, until an expression of Your Lordship's opinion on the main issues of our proposals has been received, it will be difficult to elaborate the minor details of the scheme. We

trust, therefore, that Your Lordship will consent to accord approval to the principles upon which the system of self-regulating settlement or adjustment of revenues is under the present proposals to be based.

We have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient, humble Servants,

RIPON.

D. M. STEWART.

J. GIBBS.

E. BARING.

T. F. WILSON.

C. P. ILBERT.

S. C. BAYLEY.

T. C. HOPE.

INDIA OFFICE,

*London, 22nd March 1883.*Revenue.
No. 24.

To His Excellency The Most Honourable the Governor General of India in Council.

MY LORD MARQUIS,—I have considered in Council, with the attention demanded by the importance of the subject, Your Excellency's letter of the 17th October last (No. 17 Revenue), proposing for my approval principles in accordance with which you think that the existing system of the revision of periodical settlements of the land revenue in Upper India should now be modified:

2. These principles involve, in the first place, the final abandonment of the policy of a permanent settlement of the land revenue in cash. The adoption of that policy was decided on by Sir C. Wood in his Despatch No. 14 (Revenue) of 1862. But, after the long discussion summarised in paragraphs 12—17 of your letter, its execution was suspended by the Duke of Argyll (Despatches Nos. 24 and 26 of 1871), pending a reconsideration of the whole question, in accordance with recommendations of the then Government of India and of the Select Committee of the House of Commons on Indian Finance.

3. The report of the Government of India called for by the Duke of Argyll has not, for reasons stated in paragraph 19 of your letter, been received, although the Secretary of State has learnt from a compilation of papers transmitted in 1874, ending with the letter of the Lieutenant-Governor, North-West Provinces, dated 2nd March 1874, the result of the enquiries undertaken with a view to its submission. And I presume that your present letter is to be understood as in substitution of that report.

4. Under these circumstances, it is desirable that I should state briefly the reasons which have led me to concur in your decision to reject the policy of a permanent settlement, pure and simple. I shall not, however, refer to the practical difficulties of the measure, which have been amply discussed in India, and have been shown to be great. I shall merely consider whether the experience of the last 20 years supports the views on which Sir C. Wood's Despatch of 1852 chiefly based that policy.

5. It was believed in 1862 that no material increase was possible in the revenue of tracts then pretty fully cultivated. Now the increase in the land revenue receipts between 1861 and 1881 has been about 2,500,000*l.*; that is to say, temporarily settled revenue has risen in 20 years about 17½ per cent. Great part of this increase, it is true, is due to the extension of cultivation which will not recur in the same degree; but, on the other hand, the proportion of assets taken as revenue has been lowered in Upper India from two-thirds to one-half, while some original settlements elsewhere have reduced the demand. The increase of the rental of Bengal since 1793 affords a still more striking illustration of the possible sacrifice of future revenue which a perpetual settlement may occasion. It is estimated that the net rental left to the landlord classes by the permanent settlement has increased 14 times, and that the gross rental, including the fixed Government revenue, has more than trebled, in three generations. It appears to me therefore that, even with the strict and careful limitations of enhancement of assessments which your proposals involve, the temporarily settled revenue may reasonably be expected to rise by something like 5 per cent., or say by 750,000*l.*, each decade. I need not point out of what importance such an increase will be to meet the growing cost of necessary reforms and of improved administration.

6. It must, moreover, be borne in mind that the fiscal policy of India has been materially changed since 1862. Import duties as such have been abandoned; the salt tax has been lowered; the income tax has been abolished; the

license tax is comparatively small ; and the stamp taxes are not likely to be enhanced. The rates of excise revenue are nearly as high as they can be, and an increase in its yield from larger consumption of liquor or drugs is not desirable. There are, therefore, few existing taxes the proceeds of which would be likely to be considerably augmented by the possible increase of wealth arising from the introduction of the permanent settlement. At the same time, the general popular discontent which might be caused by the imposition of new taxes, needed to meet growing requirements of public expenditure, in the absence of the normal growth of the land revenue, would probably outweigh the advantages of such a settlement.

7. The expectation entertained in 1862 that fixity of the Government demand on the landowners would lead to more considerate treatment by them of their tenants, and would thus promote the prosperity of the cultivators generally, has not been confirmed by the results of the recent discussions on the Bengal Rent Law ; while it does not appear to be generally admitted that the agricultural population of the permanently settled districts of the North-West Provinces is more prosperous than that of the temporarily settled districts.

8. Finally, it was thought that a permanent settlement must certainly be advantageous to the existing landowners. In Bengal it was not so. Most of the zemindars with whom the permanent settlement was made were ruined within a generation. There were doubtless special causes of this. But I cannot but think that the general introduction of a permanent settlement would intensify the tendency to a transfer of the ownership of land from the agricultural to the commercial classes. In the greater part of India the economical effects of this change would be so doubtful and the political risks so great that it is not expedient to take any step which may promote it.

9. For these reasons I concur with Your Excellency's Government that the policy laid down in 1862 should now be formally abandoned. But, on the other hand, you are equally opposed to periodical, complete, re-settlements. You considered that only the most prominent of the evils attending them are " the uneasiness arising from uncertainty, the harassment of the agricultural classes, the discontent engendered by mistaken assessments, the check to expenditure on improvements, the positive deterioration of agriculture in the last years of the term of settlement," to which I may add the heavy cost and great delay involved in the operations. My predecessor has expressed similar views, and I need only say that I concur in them.

10. You seek, therefore a system which shall secure the advantages and avoid the evils of the other two systems ; which, while insuring to the public exchequer a reasonable share in the increase of agricultural wealth due to causes independent of the exertions of the agriculturists themselves, shall give security of property to landholders, and shall make the conditions and limitations of future demand clear to them. Such a system you think can be framed upon the principles you now recommend for my approval.

11. You call this system, I must first remark, a self-acting or self-regulating one. The expression appears to me hardly appropriate, for, as you show, it will need on the part of the officers employed to revise assessments, and of the Government, much care, attention, and discretion. Nor can I conceive any method by which these requirements can be dispensed with.

12. You lay down two principles as the basis of your scheme. First, that a reasonably fair and equitable assessment of an estate at a given time having once been arrived at, that assessment, which you call the initial assessment, shall not be altered on revision with the view of establishing under changed circumstances an equality of incidence with the assessment of other estates. This principle has, in effect, been already accepted by my predecessor, and subject to the observations made below paragraph 24, I approve it. Second, that no improvements of any kind made by the landholders, owners or tenants themselves shall be taken into account in revising assessments. This principle is embodied in the land law, or is admitted in the settlement rules in almost all parts of India, and I approve it without qualification.

13. You also point out that the success of the measures you propose depends upon the establishment, where it does not already exist, of an efficient system of agricultural statistics and village records. The steps which, with the approval of my predecessor, you have taken for the formation of an Agricultural Department under each Government will, you believe, secure this object.

14. The scheme you propose is, as you explain, merely sketched. Its details will be elaborated in consultation with the Local Governments, and with due regard to local circumstances, when my approval of the general principles on which it is based has been received ; but a general outline of it appears to be as follows.

15. The first step is to decide the initial assessment to be taken as the basis of future revisions. For this purpose you divide the districts of Upper India into three classes:—

- 1.—Those, re-settled generally since about 1872, in which the Local Government is assured that existing assessments are now fair and adequate. This class, you believe, will comprise the greater part of the North-West Provinces, Oudh, and the Punjab. In it the existing is to be assumed as the initial assessment.
- 2.—Those probably confined to a few districts in the North-West Provinces and Oudh, in which the Local Government believe that the existing assessment is decidedly inadequate as compared with the actual assets. In this class you propose that the existing assessment shall be, on a summary examination of the village papers, raised nominally to a fair sum, and that sum assumed as the initial assessment. I am not certain of the exact meaning of this proposal, but it would seem to be this :—On an estate, the actual assets of which are now shown by summary inquiry to amount to Rs. 1,000, while the assessment is only Rs. 300, or 30 per cent instead of 50 per cent., the initial assessment will be assumed to be Rs. 500, and on the expiration of the current settlement it will be considered whether not Rs. 300 but Rs. 500 shall be enhanced on general considerations.
- 3.—Those districts, the whole of the Central Provinces, and a few districts elsewhere, in which the existing settlement is so inadequate, imperfect, or inequitable that no initial assessment can be arrived at without a regular revision. Even in this case revision operations should, you think, be simplified.

16. I entertain some doubt whether these proposals are in all respects judicious. As regards the second class, you, in effect, propose to declare in 1883, not only on what principles assessments are to be revised, but also what will be on the expiration of the current settlement, perhaps 20 years hence, the amount of an assessment to be imposed under any circumstances, and which may be still further enhanced. The proposed summary inquiry seems to me not unlikely to lead to erroneous results, especially in the case of estates largely cultivated by the proprietors, and where the village papers will not show the actual rental. And in that case the total prospective enhancement arrived at may be an injudicious or oppressive one.

17. I desire therefore that, in framing the details of your system, you will consider whether it will not be better to omit the Central Provinces, as these territories, it is acknowledged, must have a regular revision ; and as regards other parts of Upper India, to declare now the general rule that current settlements shall in future be revised only to the extent and on the principles approved in the following paragraphs ; but that it is left at the discretion of the Local Government, before each settlement expires, to represent to the Government of India that the district or part of it requires more complete and systematic revision, subject, of course, to the rule that improvements of the landholders are not to be taken into account. If, as I think should be the case (paragraph 24 below), the enhancement be not necessarily an uniform one throughout a district so that estates hitherto assessed particularly lightly may receive a somewhat

higher proportionate enhancement, cases of the exceptional treatment of districts or estates will probably not be numerous. It is another argument in favour of this course that the village records on which you rely for information as to whether an estate should be treated exceptionally or not ought to be more trustworthy some years hence than they can be now.

18. The initial assessment having been determined, the principle which you propose is that it shall be enhanced on revision on three grounds only :—

- (1) Increase of cultivation.
- (2) Increase of produce due to improvements made by the State.
- (3) Rise of prices.

Subject to the following remarks, I approve this principle.

19. As regards the first ground, you consider that a small extension of cultivation beyond the initial area should not be taken into account. Beyond this, waste land, if brought under the plough, will be assessed when the current settlement expires at fixed and moderate rates which will be now laid down. This plan, apparently borrowed from the ryotwari systems, involves questions of detail which may be left to your further consideration in consultation with the Local Governments.

20. As regards the second ground of enhancement, you intend to lay down the rule that no State improvement which does not directly increase the quantity of produce shall constitute a ground for enhancement, save in so far as it causes a rise in price. In the case of a village which used to suffer from want of drinking-water, but is near a new tank or canal, there can be no doubt that, irrespective of any question of prices, the value of the estate is raised as compared with that of a similar village a few miles from the water-supply. Again, an estate close to a station on a new railway is benefited more than one of ten or twenty miles distant. The advantage in this case may be ultimately resolved into one of price, but it is not one which can appear in the price returns on which the Settlement Officer must act, since the gain to the cultivator is not one of increase of market price, but of saving in carriage. The argument applies equally to any saving in the cost of production which is not general, and you will therefore on further consideration no doubt conclude that the proposed rule goes somewhat too far.

21. The third is by far the most important of the three grounds of enhancement. You propose, in the first place, that assessment shall not be enhanced on account of a trifling rise in general prices; secondly, that enhancement on account of a more considerable rise shall not exceed a certain limit, say 15 per cent. You think also that enhancement should not be in full proportion to a rise in prices; that it will be expedient to leave a margin with the view of meeting any increase in the cost of agriculture and of providing for a rise in the standard of comfort. Subject to these limitations, there will, you believe, be little difficulty in arranging the details of a scheme by which assessments shall rise on revision with rise of prices. Your intention appears to be, having decided what staples and markets are to be adopted for the purpose of the calculation, to take as the initial price the average price of, say, ten years before the introduction of the current settlement, and to compare this with the similar average price for its last decade.

22. These views I in general approve, but in framing the details of your scheme I request your careful consideration of the following observations :—

First.—Scarcity prices, you will agree with me, ought certainly not to be taken into consideration as a reason for enhancement. I presume, therefore, that years of famine will be carefully excluded from the series on which average prices are to be computed.

Second.—The danger of regulating assessments with reference to average prices is that assessments low during a series of years of high prices may be raised on the average prices so obtained when the series is at an end and a cycle of years of low prices has set in, so that practically assessments will be in inverse ratio to prices. The excessive oscillations of prices in India make this danger an appreciable one, as, you are aware, recent experience of the

Deccan settlements has shown. Still, however, there can be no doubt that there is a steady tendency in India to a rise of prices. The greater abundance and efficiency of the circulating medium and the development of means of communication, which tends to bring prices in India more nearly to a level with those prevailing in the countries to which she can export her produce, are causes which must produce this effect. Where, therefore, the land is largely cultivated by its proprietors and actual rent payments are rare, the course of prices must be the principal guide, though one to be used with great caution.

But *thirdly*, in tracts where land is generally let to tenants for cultivation there is the difficulty, one much insisted upon in the North-West Provinces discussions of 1872, that where rents are much regulated by custom they, and consequently assessable assets, do not necessarily vary in proportion to varia-

• His letter of 2nd March 1874.

tions of prices. Hence Sir W. Muir* recommended that assessments should be enhanced in some proportion to, not a rise in prices alone but, a general rise in the letting value of land, the mode of ascertaining which he pointed out. This the improvement in the village records will render easier, and where, as in Oudh, land is generally let, I am disposed to think Sir W. Muir's the safer method.

23. There is one other consideration, alluded to in paragraph 8 of your Resolution of 4th October 1881, which is undoubtedly of much importance in deciding on enhancements of assessment. I mean the revenue history of the tract or estate under revision. Your scheme necessarily assumes that the initial assessment is fair, but this is not really always the case, as indeed the instances cited in the appendix to your letter sufficiently show. However carefully a settlement may have been made, nothing but experience can show whether it is really a fair one. If a district or an estate has not prospered during the term of the expiring settlement, if cultivation has not extended, if stock has not increased, if the people have grown poorer, if the original settlement proprietors have largely lost their proprietary right, if there has been much difficulty in realizing the revenue, the Settlement Officer may be pretty sure that the assessment ought not to be enhanced even though general considerations should indicate an increase.

24. If it is intended to impose an uniform percentage enhancement arrived at on the general considerations which are to guide the Settlement Officer, upon all the estates included in the settlement under revision, I am not sure that this principle is correct. On the one hand, public improvements may have specially affected particular estates; on the other hand, particular estates or tracts, especially the less fertile ones, may clearly have been assessed disproportionately high by the settlement under revision; or their general state of prosperity may not justify the imposition of the usual rate of enhancement. I would therefore desire you to consider whether the method should not be that of determining, upon the principles you advocate, the general enhancement of the tract under revision, and of distributing that enhancement over the estates comprised in it in accordance with the circumstances of each, which it is the object of the improvement in village records to enable the Settlement Officer readily to ascertain.

25. I observe that your proposals relate to Upper India only; they are, however, it appears to me, equally applicable, *mutatis mutandis*, to the ryotwari settlements of Madras and Bombay. A scheme closely resembling that which you propose was unsuccessfully advocated by the Government of Madras in 1868, and my predecessor in Despatches of the last two or three years has urged principles in all essentials similar upon the Government of Bombay. I would suggest, therefore, that you should consult the Local Governments of Madras and Bombay whether the principles now approved may not be extended to those Presidencies, with such modifications as may be required by local circumstances.

26. I entirely concur in the views expressed in the 54th paragraph of your Excellency's Despatch; that the liability of landowners, either to bear a share

in local or provincial cesses, or in any general taxation which it may be necessary to impose, remains altogether unaffected by the proposals now approved.

27. In your 51st and following paragraphs you state your views upon a collateral and extremely important subject,—that of the protection of tenants, in its connection with the question of the principles of settlement. The policy you now propose has, you say, been conceived entirely in the interests of owners as distinguished from those of tenants; but a fair and reasonable measure of protection to all tenants is, you think, a necessary condition of it; the two questions are inseparable, and unless the benefits of the new land system can be extended in some degree to the tenants, you do not care to move in the matter. The particular measures of protection to be adopted for each province must be settled after local inquiry and in consideration of local circumstances; but, speaking generally, you consider that rents should be enhanceable only on the same grounds as and in some proportion to enhancement of revenue; and that tenants now unprotected by the law shall receive a certain fixity of tenure. And you ask in effect that, in accepting your proposals as to the future principles of the land revenue demand, I shall approve your views on the question of tenant right.

28. While I fully sympathise with you in your desire to make the agricultural population generally sharers to the greatest practicable extent in the benefits which a better system of assessment is calculated to secure to the country, I could not sanction the announcement of any policy on so important and difficult a subject as tenant right for any part of the empire until the facts and proposals had been fully laid before me, with the views and opinions of the local authorities.

29. The circumstances of the agricultural community, and the laws and customs on which the relative rights of the various agricultural classes rest, vary greatly in different provinces. In some (as the North-West Provinces and the Punjab) the law has within recent years been settled on a basis generally recognised to be upon the whole satisfactory. In others, the law is now under revision irrespectively altogether of the question of settlements. Elsewhere (as in Oudh) we are bound by concessions, engagements, and laws, which render it necessary to proceed with the utmost caution and deliberation.

30. It is obvious, therefore, that if any change be proposed as regards tenant right, the subject must be treated on its merits in each province.

31. I so far agree with you, that I am of opinion that the introduction of new arrangements in respect to settlement which offer special advantages to the zemindar and superior holder affords a fitting opportunity for making any change which may be thought desirable in favour of the tenant; but I am unable to concur in your view that the one reform must be treated as inseparable from the other.

32. Unless, therefore, the Local Government of any particular province is of opinion that the opportunity should be taken for adopting measures of additional protection to tenants, I see no reason why on that account you should delay the introduction of the principles of assessment now approved, which are sound in themselves and will confer great benefits on the agricultural community.

I have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient, humble Servant,

KIMBERLEY.

No. 4 (Revenue), dated India Office, London, the 8th January 1885.

From—Her Majesty's Secretary of State for India,

To—The Government of India.

I have considered in Council your predecessor's letter, Revenue, No. 16, dated 16th August 1884, transmitting, with the recommendations of the Government of India, a letter from the Government of the North-West Provinces, in which Sir A. Lyall submits his own views, together with opinions of the Board of Revenue, of several local officers, and of some of the leading landholders, upon the subject of the practical application to revisions of settlement in the North-West Provinces of the principles laid down in the letter of the Government of India, Revenue, No. 17, dated 17th October 1882.

2. Of these principles, the following were included in the original scheme submitted for my sanction; they were approved by my despatch dated 22nd March 1883; they are accepted by the Lieutenant-Governor and by the majority of the local authorities who have been consulted; and they may therefore be considered as finally decided upon:—

- (1) That the policy of a permanent settlement, pure and simple, shall be abandoned.
- (2) That the State shall still retain its claim to share in the "unearned increment" of the value of land to which there is a tendency in a progressive country
- (3) That a general and permanent rise in the prices of produce is one of the principal indications and measures of this increment.
- (4) That it is nevertheless desirable to modify the existing system of revision of the temporary settlements of land revenue, with the view of rendering it less arbitrary, uncertain, and troublesome to the people.
- (5) That this modification should be effected at least in the following particulars:—
 - (a) Repetition of field operations (survey, valuations, minute inquiries into assets, and the like) which are considered to be inquisitorial and harassing to the people should be, as far as possible, dispensed with on a revision of settlement.
 - (b) Enhancement of assessment should be based mainly on considerations of general increase in the value of land.
 - (c) The assessment of an estate should not be revised *merely* with the view of equalising its incidence with that of the assessment of other estates
 - (d) Improvements made by the landholders themselves should not be taken into account in revising assessments, but improvements made at the cost of the State should be taken into account, and also, to some extent, increase of cultivation.

3. From certain portions of the original scheme, such as the proposal to frame "initial" assessments in anticipation of the expiration of current settlements, and for reducing the period of the currency of settlements, I was compelled to withhold my approval. The Lieutenant-Governor objects to them; and as the letter now under acknowledgment does not insist upon them, it will not be necessary to refer to them further.

4. Of the principles included in the original scheme which remain to be decided on, the following are the most important. They are closely connected,

but it will be convenient in this despatch to deal with them separately so far as is possible :—

- (1) That enhancement of assessment shall be uniform over a province, or at least a district, and shall not ordinarily (with some exception as regards extension of cultivation) be modified in any way, in respect of particular estates, in consideration of the actual change, either increase or decrease, which may have taken place in their rental value, during the currency of the expired settlement.
- (2) That the rules which govern enhancement shall be so framed as to enable the landowner himself to forecast, with approximate certainty, what will be the enhancement upon his own estate on revision.
- (3) That, especially with the object stated in the last clause, enhancement of assessment on revision shall (with some exception as regards extension of cultivation) be regulated solely by rise in the prices of produce, a limit, however, being fixed to the enhancement, so that (a) no rise in prices shall justify an enhancement of more than 15 per cent, (b) a small increase in prices shall not authorise any enhancement.

5. In my Despatch of 22nd March 1883, I expressed the doubts which occurred to me respecting these principles, and the present papers show that the Lieutenant-Governor and the majority of the local authorities are opposed to them. But in the letter under acknowledgment the original views of the Government of India are still maintained. In these circumstances it is necessary for me to state, for the information of Your Excellency, the decision at which I have arrived after careful consideration of the papers before me.

6. As regards the first point, it appears to me that the correspondence now forwarded from the North-West Provinces justifies the doubts expressed in paragraphs 20, 23, 24 of my Despatch of 22nd March 1883. Practically the case stands thus. It is shown by the most experienced officers that in every district there are estates which could not bear an enhancement, or of which the assessment ought even to be reduced, on a revision, though the general rise of prices or increase of agricultural wealth might justify a considerable enhancement on the whole district. This may arise from several causes, either from actual error in the original settlement in ascertaining existing or estimating future assets, or from calamities affecting the estate during the currency of the settlement. For such tracts or estates any uniform rate of enhancement, although it might be justifiable on an average, would manifestly be too high, and as Government could never deliberately ruin such localities, it follows that if the proposed rule were adopted, considerations of the effect on such exceptional estates must govern the general rate of enhancement; it must be low enough not to injure them, *i.e.*, must be practically *nil*.

7. On the other hand, it is shown that there are estates whose value, quite independently of any exertion or outlay of the owners, will be found to have increased during the settlement period to an amount far beyond the general increase in value of the tract to which an uniform rate of enhancement would be applied. The same observation applies with equal force to parganas or even districts. The cases of Lalitpar (p. 172 of the compilation), the rental value of which will probably be doubled by the construction of a railway, and of Bulundshar, in which district the increase in actual rentals since the last settlement would justify an enhancement of 58 per cent. (pp. 287, *et seq.*), are examples in point. Although I share the opinion of Your Excellency's Government that the enhancement of the assessment of such prosperous localities should be strictly moderate, and should not, merely in order to secure equality of incidence, be higher than financial or other considerations may show to be appropriate in each case, yet I am unable to perceive either the justice or the policy of the Government binding itself to impose upon them no higher a rate of enhancement than might be properly applied to other localities which were originally assessed more heavily, or which have prospered less.

8. It appears to me that the rule of uniformity, if applied in the manner apparently contemplated (paragraphs 6, 7, 8, 16, of the letter under acknowledgment) would unduly restrict the expansion of the land revenue in general, while it would have a strong tendency to cause over-enhancement of the less prosperous localities. For these reasons I am unable to approve it.

9. To the second of the above-mentioned principles the objections appear to me equally strong. In the first place, it does not seem to me possible that, under the system which your Government desire to introduce, any landholder "should have a criterion beforehand of what increase, within the limit of 15 per cent. he might have to pay" on the expiration of his current settlement. No one can do more than guess at the future course of general prices, or at the course of prices of the particular staples of any estate, yet it is proposed that on considerations of prices the future determination of the assessment shall depend. The landowner could only make a rough estimate on the expiration of his settlement of the assessment which Government ought to impose, and the power of making such an estimate, it seems to me, would be practically valueless to him, and would only make him dissatisfied, since he would be powerless to enforce his anticipation, which must still be dependent on the justice and moderation of Government, unless, indeed, it is intended to permit him to establish the accuracy of his own estimate by suit, and thus to transfer to the courts of law the determination of the amount of the revenue, an innovation which can hardly be contemplated. Finally, it is intended that the liability of landowners, to whatever local, provincial, or general taxation may from time to time be imposed, shall remain unchanged (paragraph 54 of the letter of 17th October 1882). Such a reservation, indeed, is necessary; but it will, as is justly pointed out in the North-West Provinces papers (pp. 51, 65, 77 of the compilation) effectually prevent the growth of that feeling of confidence in the limitation of the treasury demand which it is the object of the proposal to promote.

10. The third point is one of great importance, and is that which is chiefly dwelt on in the correspondence from the North-West Provinces. The Government of Your Excellency propose that the uniform and limited enhancements contemplated shall be determined solely on the ground of a general rise in prices.

11. In ryotwari provinces, that is, in those parts of the country where the actual cultivator holds direct from the State, the assessment of a holding is determined by Government in proportion to its value on general considerations, irrespective of individual exertion, investment of private capital, or other cause special to the holding. In such a case the rule proposed is in principle sound, although there are considerable difficulties in applying it even in a ryotwari country, owing to circumstances which are strongly insisted on in the North-West Provinces correspondence. Such are the great fluctuations in the prices of produce common in India, and the consequent uncertainty whether the prices ruling at the time of revision will not again fall; the difficulty of determining the staples, the price of which affects the assessment of each estate; the questions whether the "standard of comfort" of the ryot, the share of the produce he habitually requires for his subsistence, has not risen since the old assessment was fixed, or whether an increased population does not demand a larger proportion of the total produce. Still the principle has been decided to be sound as regards Madras and Bombay, and this may also be admitted as regards those estates in the North-West Provinces which are cultivated solely by their owners.

12. It is, however, shown in the correspondence that the case is widely different when, as is general in the North-West Provinces, the assessment is paid, not directly from the produce of the land, but in fact as well as in theory from cash rents paid by the actual cultivators to the revenue-paying proprietors. Such rents, it is demonstrated, though in the long run influenced by prices, have no immediate relation to them, and the result of applying the principle under discussion might be, often would be, that the proprietor would be called on to pay a heavier assessment though his rental had not increased, and though the purchasing power of his income had been diminished by the rise of prices; or, on the other hand, that his assessment would not be enhanced though he had in-

creased his income by raising the rents of his tenants without the justification of higher prices. It is not necessary for me to insist further on this point. Your Government admit that the objection is fatal to their scheme taken alone. "We cannot," it is said in the letter under acknowledgment (para. 10), "avoid the conclusion that, as matters now stand, prices will prove an unsafe basis for revenue enhancement."

13. But it is argued (para. 11, *et seq.*) this would not be the case if rents, as well as revenue, were made to depend on prices. Your Government, therefore, reverting in effect to their original proposals (paras. 52 and 53 of letter of 17th of October 1882), contemplate such a modification of the rent law of the North-West Provinces, as shall give an occupancy right to almost all tenants, and shall permit the landlords to enhance rents solely on the ground of, and in some proportion to, a rise in prices. It is urged, first, that such a measure will be greatly to the advantage of the tenants; next, that it will be to the advantage of the landlords, because it will render possible the scheme for the regulation of revenue enhancements which will, it is believed, benefit the landlords; finally, that the two measures ought not to be dissociated because, by the offer of the enhancement scheme, the consent of the landlords to the proposals as to rent can be purchased.

14. My instructions are asked for upon these suggestions for modifying the existing rent law in the direction of a large extension of tenant right, suggestions of far greater importance than the alterations proposed in the settlement system. But I have not before me the materials for any definite decision on the subject. In my despatch of 22nd March 1883 (paras. 28-32) I informed your predecessor that I could not sanction proposals of the nature of those contained in paras. 52 and 53 of his letter of 17th October 1882 without being fully acquainted with the facts on which they were grounded and with the views of the local authorities regarding them. This information I have not received. Paragraph 13 of your letter now under reply contains a statement of the opinion of your Government, that a revision of the rent law of the North-West Provinces is necessary, but neither in that letter nor in that of the 17th October 1882, do I find any statement of facts in support of that opinion. The Lieutenant-Governor has not referred the question for the consideration of the authorities whom he consulted upon the assessment scheme, and has expressly refrained from committing himself to any opinion on it. Indeed, it appears from paras. 13 and 22 of the letter now under acknowledgment that the local Government is still prosecuting inquiries, without reference to the assessment discussion, into facts bearing upon the working of the present rent law.

15. Without, however, prejudging the question it may be useful that I should remind Your Excellency that about 1832, when the original settlement of the North-West Provinces was undertaken, a very high authority, Mr. Bird, recommended a policy not widely differing in principle from that which is now advocated, namely, that on the introduction of a settlement, Government should fix for its term not only the revenue but the rates at which the proprietors should be entitled to levy their rents. This proposal was carefully considered by the then Governor-General, Lord W. Bentinck, and his reasons, at that time accepted as conclusive, are still on record for rejecting it, and for leaving it to the people (except in the case of those who were then decided to possess occupancy rights), to determine among themselves the amount of rents. For nearly two generations, therefore, the economical system which it is now proposed to alter has prevailed, and the immense property in land which has grown up in the North-West Provinces during the past half century has been founded on it. Forty years later, in 1872, a law was enacted, after most careful inquiry and discussion, which defined the rights of the permanent cultivators or occupancy tenants, and gave them all the protection to which they were ascertained to be entitled. I need scarcely observe that interference with existing rights of property must always be attended with grave inconveniences, and is justifiable only on the most clearly established necessity. There is nothing before me at present to prove that such necessity exists.

16. Finally, I am not convinced either that the particular scheme for determining the relations between landlord and tenant which is advocated by the Government of India is practicable, or that it would be accepted by the people generally without dissatisfaction. I observe in the correspondence that although some able and experienced officers are in favour of it, most of the authorities who have noticed it view it with apprehension, and the Board of Revenue (page 50 of the compilation) "cannot conceal from themselves the grave discontent which its introduction will excite among the landowning classes, and the extreme difficulty of determining the rent of petty cultivators' holdings on the proposed basis" of prices. As regards the latter remark the great difficulty of regulating rents on this basis has been shown in connection with the pending legislation for Bengal, where it has not yet been found possible to frame a satisfactory scheme for the purpose.

17. For these reasons I am unable to approve of those of the proposals before me the feasibility of which depends upon the adoption of the suggestions relating to an extension of tenant right, and I am compelled therefore to withhold my assent from those portions of the general scheme for the amendment of the settlement system which are detailed in paragraph 4 above. I should greatly regret, however, that on this account nothing should be done to diminish the admitted evils of periodical resettlements on the present system, and I therefore proceed to consider Sir A. Lyall's proposals.

18. These proposals appear to be briefly as follow :—

- (a) It is advisable to declare a limitation to the amount of enhancement of the land revenue that may be demanded at all future revisions of assessment of fairly developed estates, and to abandon the scrutiny of rental assets and the system of detailed settlements in such estates.
- (b) To this end the estate should be declared the unit of operations, and all estates in temporarily-settled districts where fresh survey and complete revision of records and assessment are not absolutely necessary, might be classed as—
 - (I) Fairly developed estates, that is, estates having a cultivated area reaching to or exceeding a certain percentage (to be determined by the Government of India) of the malguzari area ; and
 - (II) imperfectly developed estates, that is, estates having a cultivated area below the fixed percentage of the malguzari area.
- (c) In estates belonging to Class II, revision of assessment might be made on the village papers after such scrutiny and testing as might be found necessary, and no limitation in the enhancement below the standard proportion of half-assets would be fixed.
- (d) In estates belonging to Class I, the revenue might be enhanced by the assessment of a general rate (without scrutiny of rental assets in individual estates or reference to increased cultivation) on general considerations, such as the rise in the letting-value of the land throughout the pargana or tract ; but the amount of the enhancement should not exceed a certain fixed percentage (to be fixed by the Government of India) of the expiring demand.
- (e) The settlement of any estates in Class I, the landholders of which might object to assessment by the general rate, or the expiring assessment of which was known to be inequitable and oppressive, might be allowed on the method applicable to Class II estates.
- (f) In both Classes the right of the State in the increased agricultural profits due to the introduction and extension of State improvements that directly increase the unproductive power of the soil would be reserved.

19. In some of the criticisms of Your Excellency's Government on this scheme (paragraphs 17—20 of the letter under acknowledgment) I concur. My principal objections to it, as a whole, are :—(1st) that it appears to carry too far the principle of uniformity of enhancement and to limit unnecessarily the revenue demand on the very estates (referred to in paragraph 7 of this Despatch) which can best bear enhancement ; (2ndly) that it involves what I cannot but consider the dangerous policy of pledging Government for ever to a particular line of action.

20. On the latter point I entertain a strong opinion. Some of the principal administrative difficulties which now exist in India arise in a measure from such pledges having been given on former occasions. I consider that there is a great difference between the Government making a public declaration beforehand of what its future action shall be, and its laying down from time to time the principles which shall regulate its action. The latter is necessary for the guidance of its officers and to secure uniformity and continuity in administration, while the former would bind its hands, and the hands of its successors, when circumstances may have greatly altered. In my opinion, no hard-and-fast rules on the subject of the present discussion should be laid down; no such pledge or promise as that enhancements shall not exceed 15 per cent. should be given to the people. All the benefits anticipated from the scheme will accrue in due time if the new rules are promulgated simply by administrative order. When the people see that these rules are really acted on, this will give more confidence than any prior declarations. Besides, however good the scheme may be, it is certain that there will be points on which experience may enable the Government to introduce improvements, and it would be a grave mistake, by making promises now, so to tie up the hands of the administration as to prevent such improvements in the process, or the amendment of such flaws in it as may become apparent.

21. It is not desirable that I should attempt to lay down, for the guidance of the Local Government, rules for the revision of settlements. But I may state the general principle upon which, in my opinion, such operations should be conducted, subject, of course, to the conditions specified in paragraph 2 of this despatch.

22. All tracts which are in a backward condition, whether whole districts or parts of districts, will, of necessity, in the first instance, be excluded from the operation of the scheme, because their present assessment would evidently afford no proper basis for the future assessment. These tracts must be left for regular settlement. As regards other localities, when a settlement is about to expire, a summary inquiry should be made into the condition and resources of the tract, similar to that which has been so successfully carried out by Mr. Benett for Bulandshar (p. 287, *et seq.* of the compilation), and upon the results of this inquiry the Local Government, with the approval of the Government of India, should determine the general rate of enhancement to be applied to the tract. The factors to be taken into consideration would be, general rise in agricultural prices, in actual rentals, and in letting value and sale-price of land, and care would, of course, be taken that the increment determined on should be such as would not unduly raise the revenue, certainly not in any case beyond 50 per cent. of apparent assets. There is no necessity for determining beforehand what shall constitute the unit of area, that is, the area to which the same rate of increment will apply. This must depend upon local conditions. It might be the whole district, or, when the conditions of progress vary, different sections of it. Within that area the rate of increment, as determined by the Local Government would, as a rule, be applied by the Settlement Officer rateably all round. But it should be in his discretion to treat special cases exceptionally. There may be tracts or groups of estates to which a rate higher than the average rate should be applied, such, for example, as have benefitted by improvements made at the expense of Government, or where there has been an unusual increase of cultivation or rise of rental. There may very probably, on the other hand, be estates in which, from over-assessment or other cause, it may not be expedient to take the whole increase, or any part of it, or in which possibly even a reduction of the existing demand may be required. And objecting proprietors might have the option, as proposed by Sir A. Lyall, of a regular revision.

23. A procedure, such as is here sketched, if introduced with care and applied with discretion, may be expected to diminish, if not altogether to remove, the evils of the present system of periodical re-settlement, whilst it would not unduly sacrifice the claims of the State to profit by the increasing value of the land.

24. I desire that no time may be lost in issuing instructions to the Local Government in accordance with the decisions contained in this despatch, and a copy of it should be supplied to the Lieutenant-Governor for his information.

APPENDIX E.

[Referred to in answer to Question No. 48.]

Statement showing the number of Primary Schools for Boys and Girls, the number of scholars in such schools and the expenditure on such schools in British India for the years 1912-13 and 1914-15.

Primary Schools for Boys and Girls in British India.

Province.	NUMBER OF PRIMARY SCHOOLS.		NUMBER OF SCHOLARS IN PRIMARY SCHOOLS.		DIRECT EXPENDITURE ON PRIMARY SCHOOLS.	
	1912-13.	1914-15.	1912-13.	1914-15.	1912-13.	1914-15.
Madras	26,504	28,444	1,118,228	1,265,308	Rs. 80,30,472	Rs. 88,50,619
Bombay	13,363	10,980	814,409	671,080	62,87,263	61,31,479
Bengal	34,906	35,062	1,204,894	1,224,242	84,84,282	89,32,701
United Provinces	11,108	11,627	580,494	612,116	20,60,236	24,54,496
Punjab	4,393	5,470	229,348	266,647	12,42,748	16,90,048
Burma	5,321	6,769	184,356	239,194	8,48,266	11,45,114
Bihar and Orissa	23,050	23,408	674,496	650,426	21,00,447	25,36,634
Central Provinces and Berar	3,703	4,045	278,778	269,513	12,60,060	14,44,060
Assam	3,790	4,271	166,081	180,878	5,37,767	7,04,009
North-West Frontier Province	364	577	18,943	23,451	69,009	1,60,683
Coorg	90	101	6,466	7,365	33,851	47,412
Delhi	78	93	4,308	5,724	22,954	75,307
Total	127,727	131,712	5,265,861	5,447,650	2,30,31,379	2,66,58,800