

ted vast irrigation works, the remains of which you will find not only in the basins of the Jumna and the Indus, but also in Southern India. Many of these works have been preserved and added to by the British Government ; but sufficient attention has not been paid within the last hundred years to constructing new irrigation works. Too much attention has been paid to railways for facilitating the export and import trade of England with India ; too little attention has been paid to irrigation for facilitating the agriculture of the people of India. 225 millions sterling have been spent on railways ; and only 25 millions have been spent on irrigation works. And thus it happens that out of over 220 million acres of cultivated land in India, not much over 20 millions are protected by irrigation works. I am glad to find, however, that recent famines have at last disturbed the conscience of the India Government ; and that a Commission, headed by an eminently qualified man, has just been appointed to enquire into this much neglected subject.

The irrigation works required in the different provinces of India are of different kinds. In the alluvial basins of the Ganges and the Indus, the most suitable irrigation works are CANALS fed from these rivers, and distributing their water through tributaries to the surrounding country. In many parts of Northern India not irrigated by the rivers, the most suitable works are WELLS, and some help and encouragement to their construction have lately been given to the people by that ablest of the present Indian administrators, Sir Anthony

MacDonnell. In Bengal, where the rainfall is copious, and the fields are often inundated by rivers, SHALLOW PONDS excavated in the fields are the most suitable irrigation works; and I have seen such ponds, excavated by the old Rajas of the country, two or three miles in circumference, the like of which has never been done in recent times. Away in Madras and Southern India where the soil is undulating, and the underlying rock helps the retention of water, the most suitable irrigation works are RESERVOIRS made by constructing large embankments, and thus impounding all the water descending from the hill slopes. Some of the most magnificent works of this kind, constructed by the old Polygars of Madras, were seen by Dr. Francis Buchanan in his journey through Southern India a hundred years ago. If such works had been multiplied within these hundred years, famines would have been less frequent and less disastrous than they are to-day.

AFFORESTATION.

Gentlemen, it may sound somewhat strange, but it is nevertheless a fact, that the needed humidity of the soil is closely connected with the preservation of trees and forests. The question whether large forests and plantations cause and increase the rainfall has often been discussed, and I will not enter into that debateable matter. But there can be no doubt that forests and large plantations, by lowering the temperature, cause the rain to descend in gentle showers, where the clouds would otherwise pass on, or burst in

wasteful torrents. Thus, if trees do not cause rainfall, they certainly distribute the rain; if they do not increase the quantity of rain, they certainly increase the number of rainy days. It has been noticed that in one station in southern India, that of Utakamand, the total number of rainy days in five years, from 1870 to 1874—excluding the monsoon months—was 374. This was when the station was bare of woods. Since then, trees have been planted and the place is well wooded now, and the total number of rainy days in the five years from 1886 to 1890,—excluding the monsoon months—was no less than 416. This increase in the number of rainy days is a great advantage to agriculture, even if there be no difference in the actual quantity of annual rainfall.

WANT OF PASTURE LAND

You will see, therefore, that forests are required, not only for supplying fuel to the agricultural population, but also for distributing and utilising the rains. Another great use of forests and jungles is to supply grazing lands for cattle. In olden times, most villages in India had their adjoining jungle or waste lands for the grazing of cattle, and such lands, pertaining to each village, were used by the villagers in common. The great increase in the area of cultivation in recent times has led to the enclosing of these commons, as you would describe the process in England, until the want of sufficient pasture lands has become a real and grave difficulty. When the crops have been reaped, the cattle are let loose on the

fields; but in other months they are fed on straw and fodder procured with difficulty. This growing evil has come to the notice of the Government. Up to 1880, wrote Mr. Nicholson of Coimbatore, every tenant used to hold one-fifth of his farm as pasture at one quarter the usual assessment; but this salutary rule was abolished at the new Settlement of 1880. In 1883 the Government of India recorded a resolution that the cultivated area in India had steadily increased at the expense of the grazing area. And in 1890 Sir D. Brandis recorded that in Madras the working plans for the fuel and fodder reserves should contain proposals for throwing open certain forest areas to grazing. Adequate measures, however, have not yet been taken, and the subject is one which requires the closest attention, both of the Government and of private landlords.

AN UNCERTAIN LAND-TAX.

The last evil from which agriculture suffers in India is an uncertain land-tax. You are aware that in England the Government levied a high tax of four shillings in the pound, or 20 per cent. of the rental, during the wars of the early years of the eighteenth century; and this was reduced to two shillings, and then to one shilling in the pound, or 5 per cent. of the rental, after the Peace of Utrecht. The land tax in England varied between these limits for about a hundred years, till it was made permanent and redeemable by the great minister, William Pitt, in 1798. In India the land tax was made permanent only in Bengal and a few other places. In Northern India, after many blundering and oppressive experiments,

the land tax was fixed in 1855, not at 5 per cent. of the rental; but at 50 per cent. of the rental; and in Southern India, too, the same general rule of levying the land tax at 50 per cent of the rent was recognised in 1864. You will consider this rate both excessive and oppressive; but the worst of it is that even this heavy rate is not strictly adhered to. In Northern India, the Government sought to levy 50 per cent., not on the current rental, but on the prospective rental of estates; and a great many minor taxes are assessed on the land in addition to the land tax. In the Central Provinces of India the rule of levying 50 per cent of the rental as tax was evaded in 1863 and openly abandoned in 1888; and a higher tax was levied. And in Southern India, *i. e.*, in Bombay and Madras, the tax which is levied from the cultivators often approximates to 100 per cent. of the economic rent. Fresh Settlements are being continually made in different parts of India; neither the landlord nor the cultivator knows what the State demand will be after each new settlement; and this uncertainty deadens agricultural energy, and prevents agricultural improvements. What is wanted for the improvement of agriculture in India is a clear intelligible limit to the land tax—a limit which will not be evaded or altered by the whims and fancies of Settlement officers and Provincial rulers. 50 per cent. of the rental or the economic rent is the rule theoretically recognised in all parts of India where the land tax has not been permanently fixed; and it is a heavy tax for an agricultural nation to pay. But something would be gained even if

this heavy rate was religiously adhered to, and was not evaded and exceeded, as it now constantly is, at each recurring Settlement in many parts of India. Nothing can be more fatal to agricultural prosperity, nothing is more destructive to agricultural improvements, than any uncertainty in the State demand from the soil.

Gentlemen, I thank you for the patient hearing which you have given me on a subject which is not altogether familiar to you. But it is a subject of the greatest importance to the prosperity and well-being of India, and to three hundred millions of your fellow-subjects. The Indian Government commands ability, knowledge, and experience, but is not in touch with the lives of the vast Indian population. There are no Indian members either in the Secretary of State's Council in London, or in the Viceroy's Executive Council in India ; and questions, involving military operations or the revenue, naturally receive more attention than questions involving the well-being and the prosperity of the unrepresented nation. It is a truism that there can be no government for the good of a people without some sort of representation ; and the Indian Government will fail to secure the happiness of the Indian people until there is some representation of the popular opinion in the Executive Councils of the Empire. The economic condition of the people of India will never be improved until the people themselves are permitted a reasonable share in the administration of their own concerns.

X. INDIAN MANUFACTURES.

[*Paper read before the Sukha Samiti London,
on December 20th, 1901.*]

THE decline of Indian manufactures and indigenous industries within the last 150 years is one of the saddest episodes of British Rule in India, and presents one of the most difficult economic problems to Indian administrators at the dawn of a new century.

India was known from ancient times, not only as a great agricultural but also as one of the greatest manufacturing countries in the world. Egypt and Babylon in the palmy days of their civilisation largely imported Indian manufactures ; and Phœnycian and Arabian merchants navigated the Red Sea to convey the produce of the Indian loom into the markets of the west. Later on, Constantinople and Alexandria became the great centres of the Indian trade ; and as they declined under the rule of the Turks, Venice became the proudest seaport of Europe, and displayed before the rude barons of Germany, France and England the valuable products of Indian industry.

The success of Venice aroused the jealousy of other nations, and they endeavoured to find out a new path to India. Columbus discovered America in endeavouring to discover a new route to India, and Vasco da Gama at last succeeded in finding a way round the Cape of Good Hope. This was the main cause of the fall of

Venice and the rise of Portugal. Throughout the sixteenth century Portugal monopolised the trade of the East; and nearly all the important trade centres in Eastern Africa, in Arabia and Persia, in India and the Indian Archipelago, were in the possession of the Portuguese. Holland rose in power after the great war of independence, early in the seventeenth century, and the Dutch were the most successful traders with India in that century. A French traveller, Bernier, who resided in India for many years during the seventeenth century, speaks of vast quantities of cotton and silk fabrics manufactured by the weavers of India which were shipped annually by the Dutch merchants for the markets of Europe. Millions of Indian artisans found employment and earned an income from weaving these fabrics; and it is scarcely an exaggeration to state that there was hardly a village in India in those days where women did not earn something from spinning and weaving, in addition to what their husbands and fathers earned from agriculture and other industries.

The Dutch declined in power in the eighteenth century, and France and England strove for supremacy in India. The contest was finally decided by the peace of Paris in 1763, which left the British supreme in Bengal and in Madras, with the important port of Bombay in their possession on the western Coast. Two years after this, the East India Company obtained from the Great Mogul a formal charter as Dewan or Administrators of Bengal and the Northern Circars.

The East India Company then pursued a policy

different from what all preceding traders had done. Not content with the trade of India, they desired to discourage the manufactures of India, in order to encourage the manufactures of England.

As early as 1769, the Directors of the Company wished the manufacture of raw silk to be encouraged in Bengal, and that of silk fabrics discouraged. And they also directed that silk weavers should be made to work in the Company's factories, and prohibited from working outside "under severe penalties, by the authority of the Government."¹ This mandate had its desired effect. The manufacture of silk and cotton goods declined in India, and the people who had exported these goods to the markets of Europe and Asia in previous centuries began to import them in increasing quantities. The following figures² shew the value of cotton goods alone, sent out from England to ports east of the Cape of Good Hope, mainly to India, during twenty years.

Year ending 5th January. £	Year ending 5th January. £
1794. 156	1804. 5,936
1795. 717	1805. 31,943
1796. 112	1806. 48,525
1797. 2501	1807. 46,549
1798. 4,436	1808. 69,841
1799. 7,317	1809. 118,408
1800. 19,575	1810. 74,695
1801. 21,200	1811. 114,549
1802. 16,191	1812. 107,306
1803. 27,876	1813. 108,824

(1) *General Letter*, dated, 17th, March 1769.

(2) Return to an order of the House of Commons dated 4th May 1813.

The Company's Charter was renewed in 1813. An enquiry was made, and witnesses were examined previous to this renewal. Very important witnesses like Warren Hastings, Thomas Munro, and Sir John Malcolm were examined; and the House of Commons shewed the utmost concern for the general welfare of the people of India. But in respect of the Indian manufactures, they sought to discover how they could be replaced by British manufactures, and how British industries could be promoted on the ruins of Indian industries.

Warren Hastings who had been Governor General in India for nearly twelve years was the most important witness examined. Notwithstanding his blunders and mis-rule in India, he had carried away with him a lively idea of the many virtues of the people of that country, and he boldly stated his opinion before the Committee of the House of Lords. "I affirm by the oath that I have taken," he said "that this description of them [that the people of India were in a state of moral turpitude] is untrue and wholly unfounded. * * * They are gentle, benevolent, more susceptible of gratitude shewn them than prompted to revenge for wrongs inflicted, and as exempt from the worst properties of human passion as any people on the face of the earth." And asked by the Commons Committee as to whether the Indian people were likely to consume British manufactures, he replied : "The supplies of trade are for the wants and luxuries of a people; the poor in India may be said to have no wants. Their wants are confined to their dwellings, to their food, and to a scanty portion of clothing, all of

which they can have from the soil that they tread upon."³

Sir John Malcolm who had lived a good deal among the people of India, and knew them as few Englishmen have known them since, bore high testimony to the many virtues of the nation. Speaking of Northern India, he said: "The Hindoo inhabitants are a race of men, generally speaking, not more distinguished by their lofty stature * * * than they are for some of the finest qualities of the mind; they are brave, generous, and humane, and their truth is as remarkable as their courage." And replying to the question as to whether they were likely to be consumers of British goods, he replied: "They are not likely to become consumers of European goods, because they do not possess the means to purchase them even if from their present simple habits of life and attire, they required them."⁴

Græme Mercer, who had served the East India Company as a doctor, and also in the revenue and political departments, described the people of India as "mild in their dispositions, polished in their general manners, in their domestic relations kind and affectionate, submissive to authority, and peculiarly attached to their religious tenets, and to the observance of the rites and ceremonies prescribed by those tenets." And in reference to the introduction of European goods in India he deposed that Lord Wellesley had endeavoured to find markets for such goods by instituting fairs in Rohilkhand, exhi-

(3) *Minutes of Evidence on the affairs of the E. I. Company 1813* p. 3.

(4) *Ibid.*, pages 34 and 57.

biting British wollens in those fairs, and by directing the British Resident to attend the great fair at Hardwar with the same object.⁵

But the most important witness examined by the Committee of the House of Commons on this memorable occasion was Thomas Munro; and the whole of his evidence is inspired by that sympathy with the people of India, and that appreciation of their virtues, which had distinguished that gifted Scotchman during his 27 years' work in India, from 1780 to 1807.

Munro said that the average wages of agricultural labour in India were between 4 shillings and 6 shillings a month; that the cost of subsistence was between 18 shillings and 27 shillings the head per annum; that there was no probability of extending the sale of British wollen goods because the people used coarse-wollen of their own manufacture; and that they were excellent manufactures and were likely to imitate English goods. Asked if Hindu women were not slaves to their husbands, Munro replied: "They have as much influence in their families, as I imagine, the women have in this country" [England.] And asked if the civilisation of the Hindus could not be improved by the establishment of an open trade, he gave that memorable answer which has often been quoted and will bear repetition: "I do not understand what is meant by the civilisation of the Hindus; in the higher branches of science, in the knowledge of the theory and practice

(5) *Ibid.*, pages 88 and 89.

of good government, and in education which, by banishing prejudice and superstition, opens the mind to receive instruction of every kind from every quarter, they are much inferior to Europeans. But if a good system of agriculture ; unrivalled manufacturing skill ; a capacity to produce whatever can contribute to convenience or luxury ; schools established in every village for teaching reading, writing, and arithmetic ; the general practice of hospitality and charity amongst each other ; and above all, a treatment of the female sex, full of confidence, respect, and delicacy ; are among the signs which denote a civilised people, then the Hindus are not inferior to the nations of Europe ; and if civilisation is to become an article of trade between the two countries, I am convinced that this country [England] will gain by the import cargo."⁶

Munro had a high idea of the excellence of the Indian manufactures of his time. Among the causes which precluded the extended sale of British goods in India he mentioned "the religious and civil habits of the natives, and more than anything else, I am afraid, the excellence of their own manufactures." He had used an Indian Shawl for seven years, and found very little difference in it after that long use ; while with regard to imitation shawls produced in England he said : "I have never seen an European Shawl that I would use, even if it were given to me as a present."⁷

The evidence of one other witness deserves mention,

⁶) *Ibid*, pages 124, 127, 131.

⁷) *Ibid*, pages 123 and 172.

that of John Stracey. He had served the East India Company in the Judicial department, and as Under Secretary to Government on the Bengal establishment; and he deposed that the Indian labourer earned from 3 shillings and 6 pence, to 7 shillings and 6 pence a month. How could such a nation use European goods? "I do not know that they use anything in their ordinary use from Europe, except it is some small wollens and broad cloths which they may have accidentally got at a cheap rate." ⁸

Enquiries like these fairly disclosed the objects of the House of Commons Committee. It is not in human nature for any race of men to sacrifice their own interests for another race; and the British statesmen in the early years of the nineteenth century did all they could to promote British industries at the sacrifice of Indian industries. British manufactures were forced into India through the agency of the Company's Governor General and Commercial Residents; while Indian manufactures were shut out from England by prohibitive tariffs. The evidence of John Ranking a merchant, examined by the Commons Committee, will explain this.

"Can you state what is the *ad valorem* duty on piece goods sold at the East India House?"

"The duty on the class called Calicos is £3. 6s. 8d. per cent. upon importation; and if they are used for home consumption, there is a further duty of £68. 6s. 8d. per cent.

(8) *Ibid*, page 296.

"There is another class called Muslins, on which the duty on importation is 10 per cent. ; and if they are used for home consumption, of £27 6s. 3d per cent.

"There is a third class, Coloured Goods, which are prohibited being used in this country, upon which there is a duty upon importation of £3. 6s. 8d. per cent. ; they are only for exportation.

"This session of Parliament there has been a new duty of 20 per cent on the consolidated duties, which will make the duties on Calicoes * * used for home consumption £78 6s. 8d. per cent. ; upon the Muslins for home consumption £31. 6s. 8d."

There was no thought of concealing the real object of these prohibitive duties. The same witness, Joseph Ranking said, further on, 'I look upon it as a protecting duty to encourage our own manufactures.'⁹

What was the result of these duties on Indian manufactures ? Henry St. George Tucker was himself a Director of the East India Company ; and he does not conceal the scope and the effect of England's commercial policy towards India. Writing in 1823, i. e. only ten years after the date of the Parliamentary Enquiry referred to above, he condemned that policy in the strongest manner.

"What is the commercial policy which we have adopted in this country with relation to India ? The silk manufactures and its piece-goods made of silk and cotton intermixed have long since been excluded alto-

(9) *Ibid.*, pages 463 and 467.

gether from our markets ; and of late, partly in consequence of the operation of a duty of 67 per cent., but chiefly from the effect of superior machinery, the cotton fabrics which hitherto constituted the staple of India, have not only been displaced in this country, but we actually export our cotton manufactures to supply a part of the consumption of our Asiatic possessions. India is thus reduced from the state of a manufacturing to that of an agricultural country." ¹⁰

Still more emphatic is the impartial verdict of H. H. Wilson, the historian of India.

"It is also a melancholy instance of the wrong done to India by the country on which she has become dependent. It was stated in evidence [in 1813] that the cotton and silk goods of India up to the period could be sold for a profit in the British market at a price from 50% to 60% lower than those fabricated in England. It consequently became necessary to protect the latter by duties of 70% and 80% on their value, or by positive prohibition. Had this not been the case, had not such prohibitory duties and decrees existed, the mills of Paisley and Manchester would have been stopped in their outset, and could not have been again set in motion, even by the power of steam. They were created by the sacrifice of the Indian manufactures. Had India been independent, she would have retaliated ; would have imposed prohibitive duties upon British goods, and would thus have preserved her own productive

¹⁰ *Memorials of the Indian Government*, being a selection from the papers of Henry St. George Tucker. London, 1855. p. 494

industry from annihilation. This act of self-defence was not permitted her; she was at the mercy of the stranger. British goods were forced upon her without paying duty, and the foreign manufacturer employed the arm of political injustice to keep down and ultimately strangle a competitor with whom he could not have contended on equal terms." ¹¹

The duties which were imposed on the import of Indian manufactures into England between 1812 and 1832 on various articles of trade are shewn in the following table. ¹²

(11) *Mill's History of British India*, Wilson's continuation, Book I, Chapter VIII, Note

(12) *Evidence taken before the Commons Committee, 1832*, Vol II.

	1812	1824	1832
Ornamental Cane Work	71	50	30 Per cent on value.
Muslins	27 $\frac{1}{2}$	37 $\frac{1}{2}$	10 " "
Calicoes	71 $\frac{1}{2}$	67 $\frac{1}{2}$	10 " "
Other cotton manufactures	27 $\frac{1}{2}$	50	20 " "
Goat's wool Shawls	71	67 $\frac{1}{2}$	30 " "
Lacquered Ware	71	62 $\frac{1}{2}$	30 " "
Mats	68 $\frac{1}{2}$	50	20 " "
Raw Silk	£2-13-4. on value + 4s. per lb.	4s. per lb.	1d. per lb.
Silk manufactures	Prohibited	Prohibited	20 per cent on value.
Taffaties or other plain or figured Silks.	Prohibited	Prohibited	30 " " " "
Manufactures of Silk	Prohibited	Prohibited	20 " " " "
Sugar, (cost price about £1 per cwt.)	£1-13-0 per cwt.	£3-3-0 per cwt.	£1-12-0 per cwt.
Spirits (Arruck)	£0-1-8 per gallon + £0-19-1 $\frac{1}{2}$ Ex- cise Duty.	£0-2-1 per gallon + £0-17-0 $\frac{3}{4}$ Ex- cise Duty.	£0-15-0 per gallon.
Cotton Wool	£0-16-11 per 100 lbs.	6 per cent.	20 per cent.

Note. To what extent the unjust commercial policy of England discouraged and ruined the manufactures of India will appear from the following tables.

Exports shipped from Calcutta to United Kingdom only.

Year	Cotton Bales	Cotton Piece goods Bales	Silk Bales	Silk Piece goods Bales	Lac & Lac dye Maunds	Indigo Chests
1800	506	2,636	213	Figures not given	Figures not given	12,811
1801	222	6,341	238	"	"	9,928
1802	2,072	14,817	400	"	"	8,694
1803	2,420	13,649	1,232	"	"	12,986
1804	602	9,631	1,926	"	"	18,339
1805	2,453	2,325	1,327	"	"	13,426
1806	7,315	651	1,689	"	"	17,542
1807	3,717	1,686	482	"	"	19,452
1808	2,016	237	817	"	"	16,622
1809	40,781	104	1,124	"	"	8,852
1810	3,477	1,167	949	"	"	13,264
1811	160	955	2,623	"	"	14,335
1812	—	1,471	1,889	"	"	13,703
1813	11,705	557	638	"	"	23,672
1814	21,587	919	1,786	"	"	16,544
1815	17,228	3,842	2,796	"	"	26,221

Year	Cotton Bales	Cotton Piece goods Bales	Silk Bales	Silk Piece goods Bales	Lace & Line dye Mounds	Indigo Chests
1816	85,024	2,711	8,884	Figures not given	Figures not given	15,740
1817	50,176	1,904	2,260	"	"	15,583
1818	127,124	666	2,066	"	"	13,044
1819	30,683	536	6,998	468	"	16,670
1820	12,939	3,186	6,805	522	"	12,516
1821	5,415	2,130	6,977	704	"	12,635
1822	6,544	1,668	7,893	950	"	19,751
1823	11,713	1,534	6,537	742	14,190	15,878
1824	12,415	1,337	7,069	1,105	17,607	22,472
1825	15,800	1,873	8,061	1,558	13,491	25,837
1826	15,101	1,253	6,856	1,233	13,573	14,904
1827	4,735	511	7,719	971	13,756	30,761
1828	4,105	736	10,431	550	15,379	19,041
1829	—	433	7,000 (?)	—	8,251	27,000 (?)

Note. These figures will shew that while the export of raw silk held its ground, that of silk piece goods shewed a decline. The export of cotton too was on the decline, but the most marked decrease was in that of cotton piece goods. In the early years of the nineteenth century, in spite of all prohibitions and restrictive duties, six to fifteen thousand bales were annually shipped to the United Kingdom. The figure fell to less than 1000 bales in 25 years.

The preceding figures shew the decline in the exports to the United Kingdom only. A similar decline took place in the export of Indian piece goods to the other countries of the world, notably to America, Denmark, Spain, Portugal, Mauritius, and the markets of Asia. The export to America declined from 13,633 bales in 1801 to 258 bales in 1829; Denmark which took 1,457 bales in 1800 never took more than 150 bales after 1820; Portugal which took 9,714 bales in 1799 never took a thousand bales after 1825; and the exports to the Arabian and Persian Gulfs which rose to between four and seven thousand bales between 1810 and 1820, never exceeded two thousand after 1825.

On the other hand, as India lost her manufacturing industry, she began to import British and other foreign piece goods, paying for it in food grains. The following figures are interesting. ¹⁴

Some British and foreign goods imported through Calcutta into Bengal.

Year	Broad Cloth Pieces	Cotton Yarn lbs.	Cotton Twist lbs.	Mule Twist lbs.	Piece goods Value in £ sterling	Liquors Value in £ Sterling
1813	3,381	Figures not given	Figures not given	Figures not given	Figures not given	52,253
1814	4,635	"	"	"	"	57,201
1815	3,908	"	"	"	"	59,462
1816	3,707	"	"	"	"	56,411
1817	2,355	"	"	"	"	53,157
1818	5,633	"	"	"	"	36,712
1819	9,244	"	"	"	"	20,988
1820	5,546	"	"	"	"	26,949
1821	7,590	"	"	"	"	30,382
1822	5,108	"	"	"	"	46,235
1823	7,346	"	"	"	64,449	30,129
1824	5,401	"	"	"	43,030	22,439
1825	13,981	"	"	"	158,076	14,223
1826	9,629	"	"	"	178,481	56,058
1827	5,430	82,738	432,878	339,234	296,177	80,595
1828	7,609	149,076	642,306	464,776	235,837	41,142
1829	11,838	93,154	398,930	918,646	197,290	31,311

Some British and Foreign Goods imported through Madras into the Madras Province.

Year	Chintz	Long Cloth	Muslin	Piece Goods	Satin	Silk Piece Goods	Broad Cloths	Shawls	Wollen Apparel	Wollens
	£	£	£	£	£	£	£	£	£	£
1824	—	—	—	—	—	—	—	181	—	—
1825	—	—	—	—	—	—	—	920	—	—
1826	—	—	342	903	312	—	835	1,159	—	614
1827	510	470	941	536	637	—	2,176	754	601	915
1828	219	380	789	958	593	—	915	1,115	481	1,310
1829	352	348	598	474	853	644	1,417	409	581	844
1830	372	—	224	1,121	577	136	1,158	476	365	457

Note. Public men and public writers in England never spoke or wrote of this policy pursued in India. The great Political Economists of the time, headed by Ricardo, had nothing to say on the subject. Later Political Economists, headed by John Stuart Mill, were equally silent on the subject. Down to the present time no popular English writer on India has dealt adequately with the greatest fact of modern Indian history,—the extinction of Indian Industries under British rule.

Englishmen in England were engaged in the Thirties and Forties in carrying on the agitation against the Corn Laws to a successful issue. Sir Robert Peel, who repealed those Laws in 1846, trusted that his name would be remembered by Englishmen who would "recruit their exhausted strength with abundant and untaxed food, the sweeter because no longer leavened with a sense of injustice." But the bread of the Indian artisan and manufacturer is still leavened with a sense of injustice; and no statesman has yet seriously endeavoured to protect, foster, and revive their old and ruined industries. Lancashire would not permit any such an endeavour if it was made.

Continental economists were able to take a more unbiassed view of the situation, and to speak more openly and freely. In a great work on Political Economy written in Germany in 1844, while the injustice of the Corn Laws was occupying the minds of English Economists, a German Economist pointed out the graver injustice which had been perpetrated in India.

"Had they sanctioned the free importation into England of Indian cotton and silk goods, the English cotton and silk manufactories must of necessity soon come to a stand. India had not only the advantage of cheaper labour and raw material, but also the experience, the skill, and the practice of centuries. The effect of these advantages could not fail to tell under a system of free competition.

"But England was unwilling to found settlements in Asia in order to become subservient to India in manu-

facturing industry. She strove for commercial supremacy, and felt that of two countries, maintaining free trade between one another, that one would be supreme which sold manufactured goods, while that one would be subservient which could only sell agricultural produce. In the Northern American Colonies, England had already acted on these principles in disallowing the manufactures in those colonies of even a single horse shoe nail, and still more, that no horse shoe nails made there should be imported into England. How could it be expected of her that she would give up her own market for manufactures, the basis of her future greatness, to a people so numerous, so thrifty, so experienced and perfect in the old systems of manufacture as the Hindus?

"Accordingly, England prohibited the import of the goods dealt in by her own factories, the Indian cotton and silk fabrics. The prohibition was complete and peremptory. Not so much as a thread of them would England permit to be used. She would have none of these beautiful and cheap fabrics, but preferred to consume her own inferior and more costly stuffs. She was however quite willing to supply the Continental nations with the far finer fabrics of India at lower prices, and willingly yielded to them all the benefit of that cheapness she herself would have none of it.

"Was England a fool in so acting? Most assuredly, according to the theories of Adam Smith and J. B. Say, the Theory of Values. For according to them, England should have bought what she required where

she could buy them cheapest and best; it was an act of folly to manufacture for herself goods at a greater cost than she could buy them at, elsewhere, and at the same time give away that advantage to the Continent.

"The case is quite the contrary, according to our theory, which we term the Theory of the Powers of Production, and which the English Ministry, without having examined the foundation on which it rests, yet practically adopted when enforcing their maxim of importing produce and exporting fabrics.

"The English Ministers cared not for the acquisition of low priced and perishable articles of manufacture, but for that of a more costly and enduring *Manufacturing Power*" 15

The above extract will shew that while English political economists professed the principles of free trade from the latter end of the eighteenth century, the English nation declined to adopt them till they had crushed the Manufacturing Power of India, and reared their own Manufacturing Power. Then the British Ministry turned free traders, and invited other nations to accept free trade principles. The other nations, including the British Colonies, knew better, and are now rearing their Manufacturing Power by protection. But in India the Manufacturing Power of the people was stamped out by protection against her industries; and then free trade was forced on her so as to prevent a revival.

(15) *The National System of Political Economy* by Friedrich List. Translated by Sampson S. Lloyd M. F., London 1886, p. 42.

But is it Free Trade which has been imposed on us? Thrice within the present generation has the Indian tariff been altered, not in the interests of Free Trade, but in the interests of Lancashire. The Indian Government used to impose a small import duty on foreign goods imported into India, not as a protective measure, but simply as a needed source of revenue which did not operate as a protection to her industries. To this insignificant duty, Lancashire objected. Lancashire had twenty or more votes in the House of Commons, and was in a position to coerce the Indian Government and the Secretary of State. The Indian Government yielded against the strong protest of their ablest advisers like Whitley Stokes and Rivers Thompson, afterwards Lieutenant Governor of Bengal; and the import duties were abolished. A legitimate source of revenue was thus sacrificed some 20 years ago.

But the Indian Government could not do without this source of revenue. Endeavours were made to conciliate the Lancashire voters,—in vain! Appeals were made to their generosity,—in vain! At last a remedy was found which was worse than the evil. An Import duty was reimposed on goods imported into India, but in order to conciliate Lancashire importers, an Excise Duty was also imposed on cotton duties manufactured in India. The ablest officers of the Indian Government, including Charles Stevens afterwards Lieutenant Governor of Bengal protested, but *the mandate* had come from England, that official members must not vote against the policy decided upon by the

Home Government And thus an Excise Duty on cotton manufactures,—unknown in any other part of the civilised world,—was imposed on Indian manufactures While every other Government on Earth is helping and encouraging its manufacturers in the great international competition, the Indian Government hampers and obstructs Indian manufacturers by an Excise Duty on Indian fabrics. Is this Free Trade ? Is this administration of India for the good of the Indian people ?

But, gentlemen, I go further than this I do not pin my faith to Free Trade, and I do not pin my faith to Protection. I hold that the policy most conducive to the prosperity and happiness of the people of India is the policy which should be adopted for India.

My conclusion is therefore this :

(1) That whatever trade policy conduces to the prosperity of the Indian people is the policy which should be adopted for India

(2) That it is more advantageous to the general well being of India to encourage and revive her native industries and manufactures than to obtain articles manufactured in other countries for the consumption of her population

(3) That seeing that every country in the world takes measures to promote home manufactures and industries by measures needed for the purpose, India would be doubly justified in adopting similar measures to revive her Manufacturing Power crushed by unjust and unfair methods, and to give varied employment to her population who are now almost entirely dependent

on agriculture and therefore subject to frequent and devastating famines.

(4) That it is the duty of every Indian to do all that he can, all through his life, to help in the revival of Indian industries and manufactures, so as to diversify the occupations and add to the resources of the people of India.

XI. BOMBAY LAND REVENUE AMENDMENT ACT.

[*Memorial to the Secretary of State for India, presented
in November 1901*]

A CONFERENCE of Indians residing in the United Kingdom was held at 84, Palace Chambers, Westminster, on the afternoon of November 23, Mr Dadabhai Naoroji in the chair, the object being to adopt a Memorial to the Secretary of State for India in regard to the Bombay Land Revenue Amendment Act. Among those present were Messrs Romesh Dutt, C. I. E., Martin Wood, J. M. Parikh, E. Hellier, O. P. Vaidya, H. L. Ahuja, N. B. Wagle, and K. H. Singh. The following report appeared in *India*.

The CHAIRMAN called upon Mr. Dutt to move the first resolution, remarking that there was no one more competent to treat with the subject under debate than that gentleman.

Mr. DUTT moved:—"That this Conference adopts this Memorial, printed copies of which have been circulated, and requests Messrs. Naoroji, Dutt, and Harnam Singh, to forward the same to the Right Hon. Lord George Hamilton, M. P., Secretary of State for India in Council, for his kind and careful consideration." He said that the Memorial itself fully explained the object for which they were assembled. It began by describing the state of the cultivators of Bombay in the early days

of British rule, as well as under the Mahratta rule which obtained immediately prior to 1817. They were told that during the first four of five years after the Bombay Presidency came under British rule, very able and benevolent officers like the Hon Mountstuart Elphinstone and Mr Chaplin went into the land question, and ascertained what was the status of the cultivators under the old Mahratta rule, and extracts were given from their recorded opinions.

The Hon'ble Mountstuart Elphinstone, who became Commissioner of the Deccan in 1818, submitted, in October, 1819, a long report on the territories conquered from the Peshwa, in the course of which he said — "A large portion of the Ryots are the proprietors of their estates, subject to the payment of a fixed land tax to Government," and that "their property is hereditary and saleable." Two years afterwards the whole question was gone into by the different Collectors in the Bombay Presidency; and Captain Robertson, the Collector of Poona, said in 1821, that the Bombay cultivator was "in no way inferior in point of tenure on its original basis as described in the quotation to the holder of the most undisputed freehold estate in England." Another Collector, Captain Pottinger of Ahmadnagar, wrote in 1822 "The Mirasi tenure has existed in this part of India from time immemorial, and when I have asked about the period of its establishment, I have been told I might as well enquire when the soil was made." Again, Mr Commissioner Chaplin, in his report of August, 1822, stated that "the Mirasi tenure is very

general throughout the whole of that part of the conquered territory which extends from the Krishna to the range of Ghats which divides Gungterre from Khandesh," and "a Ryot having once acquired the hereditary right of occupancy, is together with his heirs entitled to hold it by sale, gift, or mortgage, and, according to the usage of the Deccan, without previously obtaining the permission of the Government."

These extracts from reports written by the ablest officials of the Bombay Presidency proved, that at the time when the Peshwa's dominions came under British rule, the fixed tenants of the Bombay Presidency were possessed of the rights of sale and mortgage and inheritance, and paid a fixed land tax. The Mahratta Government, no doubt, from time to time imposed additional taxes to meet war and other expenses, but the land tax was a fixed tax. During the first years of British rule there were many experimental land settlements, failures more or less, but at last Captain Wingate and other officials, who were employed to make a more satisfactory land settlement, issued their joint Report in 1847. The principles advocated in that Report, and adopted by the Government, were, firstly, that separate settlements should be made with individual cultivators; secondly, that leases for thirty years should be substituted for the short leases which had preceded; and thirdly, that the estimated value of lands should be accepted as the basis of assessment. The heritable and transferable rights of the tenants were recognised, but the principle of a fixed land tax was abandoned in favour of a land

tax to be settled at each recurring settlement. Thus the British Government accepted and continued the rights of inheritance and of sale and mortgage which the Bombay cultivator had previously possessed, but they discontinued the right of paying a fixed land tax.

The Survey Officers fixed a new land tax according to their own judgment, and called upon the cultivator to accept his holding on condition of paying the tax, or in the alternative to give it up. While that settlement was still going on, the East India Company's Charter came under consideration, and in 1853 a Committee of the House of Commons held an enquiry into the Bombay Land Settlement, at which Mr W. A. Goldfinch, one of the officers who had been working under Captain Wingate, was examined. He was asked the following question by Sir T. H. Maddock :—"After the survey was finished when you found a field—say No. 11—of five bigas of land in the possession of some particular person, did the Collector assess the revenue upon it arbitrarily, or did he ask the occupant or proprietor whether he was willing to pay the amount?" He answered ; "The assessment was fixed by the Superintendent of the Survey, *without any reference to the cultivator*, and when those rates were introduced the holder of each field was summoned to the Collector, and informed of the rate at which his land would be assessed in future ; and if he chose to retain it on those terms he did ; if he did not choose, he threw it up." Thus it was clear that on the question of the land tax the cultivator was placed entirely at the mercy of the

Survey Officer, and was not consulted at all. It was a contract between two parties—the Government and the cultivator—in regard to which one party had no chance of expressing an opinion. Where a man had inherited land from his forefathers, dating back it might be for many generations, and even centuries, the land tax was assessed solely on the judgment of the Survey Officer, and the man's retention of his holding was made to depend on his willingness to pay the new tax; refusal, in fact, involved forfeiture of the land. Thus, the great fault of the system introduced by the British administrators in the forties and fifties was the arbitrary fixing of the land tax without consulting the views and wishes of the cultivators. It was acknowledged that the cultivators had certain rights of sale and mortgage, and that those rights passed with the transfer of the inheritance; the only thing that was not acknowledged was the right to a fixed land tax.

Nine years later—in 1862—Lord Canning caused an exhaustive enquiry to be made into the cause of the famine which had desolated Northern India in 1860. Col. B. Smith conducted it, and he came to the conclusion that, for the benefit of the people of India, it was necessary to fix a permanent limit to the land tax, so that, in future, addition to agricultural income might go to the people themselves and not be made the basis for additional taxation. Lord Canning thereupon consulted the Bombay and Madras Governments. The latter replied that their settlement was virtually permanent, as they did not ask for any increase in the land tax unless

waste lands were brought into cultivation. On the other hand, the Bombay Government said they did not agree as to the propriety of a fixed land tax, as prices of food were going up and there was no reason why the Government should not increase its taxation accordingly. These were the words of the Bombay Governor:—"As the prices of the produce are yearly increasing, I see no infringement of the original conditions of the settlement, nor will such be felt by the Ryot, if on the expiration of this experimental settlement the Government land tax should be re-adjusted according to those increased prices, and to other circumstances." Lord Canning's proposal for a permanent settlement received the support of both Lord Halifax and Sir Stafford Northcote; and had Lord Canning lived five years after his retirement, no doubt the people of India would have got a permanent settlement. But, unfortunately, he died shortly after his retirement. The question consequently hung fire for about 20 years, and at last, in 1883, the proposal was absolutely rejected.

At that time the Marquis of Ripon was Viceroy of India, and he made another suggestion, giving some sort of security to the cultivators of India against an unreasonable increase in the revenues. He suggested that in all districts which had once been surveyed and settled, there should not be any increase in the land tax except on the ground of an increase in prices. That proposal, which was rejected by the Bombay Government, was accepted by the Madras Government, and for a year or two was acted upon, but Lord Ripon

having retired from India in 1884, it was vetoed by the India Office in 1885. That brought them back to the old state of things; the cultivators had absolutely no voice in fixing the land tax; there was no appeal from the decision of the Survey Officers—who he was willing to admit were experienced considerate men—and the contract was altogether one-sided.

What had been the result of this state of things which existed up to last year? The land tax had gone on increasing, and it had been estimated that in the survey commenced in 1866, the revenue increased 32 per cent., and so far as the 1896 survey had proceeded there had been a further increase of 30 per cent. These continuous increases necessarily left the cultivators poorer after each settlement. They would all remember the opinion expressed by the late Sir William Hunter that the difficulty of improving the condition of the cultivator of Bombay was attributable to the fact that the land tax was so heavy as not to leave the cultivator sufficient money to support his family and himself for twelve months. And no doubt most of them had read the report in which Sir A. MacDonnell's Commission declared that in Gujrat the land tax was so "full" that its rigorous collection necessarily drove the cultivator into debt, and put him under the thralldom of the money lender. What was the remedy for this state of things? It was to make an enquiry into the circumstances of the land tax and to reduce it where it was too heavy. That had been urged from time to time, but so far no enquiry had been held. The Government claimed that their desire

was to rescue the cultivator from the thralldom of the money-lender, but they had adopted a wrong remedy.

For they were now taking power in the Act, to which the Memorial took exception, to withdraw from the cultivator his ancient right of holding his fields in perpetuity, as recognised under the old Mahratta rule, and under British rule from 1835 to 1900. The Hon. Mr. Mehta, speaking before the Bombay Council, thus described that ancient right: "The combined operation of Sections 68 and 73 shows that every occupant of land has an heritable and transferable right in it, and if the Survey Settlement is applied to that land, the occupant is entitled to the use and occupation in perpetuity. It is impossible to explain away the final words of Section 73—'the right of occupancy shall be deemed and heritable and transferable property, etc., and shall immediately pass to the person whose agreement to become occupant shall have been accepted by the Collector.' The last words would never have been allowed to form part of the Act unless it was deliberately intended to render impossible annual or short term tenancies of land brought under settlement. My hon friend (Mr. Monteath) has told us a great deal in his speech about individual existing occupants and their vested rights and interests. But he quietly gives go-by to the fact that leaving individual occupants alone, the effect of Section 73 is to permanently impress the land with occupancy rights, the tenure in perpetuity being the most essential in them. Individuals may hold and individuals may relinquish it, but the land itself can be held

only, whenever held by a tenure, in perpetuity. It is this deliberate character impressed upon the land that this Bill is framed to destroy."

Under the system which existed in Bombay down to 1900, certain rights attached to the land itself. The system was similar to what prevailed in Bengal, where, when an estate was sold, the purchaser acquired it with the right of paying the old land tax. The same principle obtained, too, in England. Under this Bill the Government, however were taking power to confiscate the right which had so long attached to the land in Bombay. What were the words of Mr. Monteath in regard to this proposal? "There are strong reasons for believing that it was not the intention of the Code to deprive the Government of the power to grant land in special cases." Surely, if the Government only proposed to apply this new power to special cases there might be some justification for it. But the special cases were not even indicated in the Act itself, and that was one of its vital defects. It might be necessary, for political reasons, to restrict the right of sale, mortgage, or inheritance, in the case of certain hill tribes. But the Bill enabled the power to be exercised wherever the Bombay Government liked in the whole Presidency. Of course there was no intention to apply it universally, but surely a limit should be placed in the Act itself. Their objections to the Act then were: Firstly, that it confiscated a right which existed under the Mahratta rule and which had been respected under British rule, and for the withdrawal of which there was no

sufficient justification ; and, Secondly, that the Act was too vague, enabling the Government to withdraw the right in any part of the Presidency without giving any details or assigning any reasons. The Memorialists, therefore, asked the Secretary of State to veto the Act, or at any rate to exclude from its operation all lands to which the Survey Settlement had been extended, and in which, therefore, the heritable, transferable, and perpetual right of the cultivator has already been recognised by British legislation ; and the Memorialists believed that the effect of the Bill would be to deepen agricultural distress and create a political danger. (Cheers.)

Mr. GADGIL seconded the resolution. Reasonable men, he said, looked upon this piece of legislation as a defective and retrograde step. It would not achieve the object which the Government professed to have in view ; it would not improve the position of the poor down-trodden agriculturist of the Bombay Presidency ; but pernicious results were bound to follow from it. It was a small piece of legislation, but it had created great consternation throughout the Presidency. He particularly desired to direct their attention to Section 68, which read :—

“Provided that nothing in this or any other Section shall make it, or shall be deemed ever to have made it, unlawful for the Collector at any time to grant permission to any person to occupy any unalienated unoccupied land, for such period, and on such conditions as he may, subject to the orders of the Government, prescribe, and in any such case the occupancy shall, whether a

survey settlement has been extended to the land or not, be held only for the period, and subject to the conditions so prescribed."

Now, until this Act was passed, a tenant, immediately he entered into possession of a piece of land, became entitled to all the rights attaching to it in perpetuity; but the effect of Section 68, read with Section 73, would be to make the cultivator absolutely dependent on the will of the Collector, who would impose his own conditions and make the tenure for any period he pleased—short or long. This was a very large power indeed. What were the reasons advanced by the Government for making this change? It was alleged that they desired to prevent the cultivator being overburdened and falling into the hands of the money-lender, who was said to have brought him into his present distressful condition. But how was it proposed to do it? They took away from the agriculturist the power to transfer or mortgage his piece of land, which he held in perpetuity; the money-lender would consequently refuse to lend him any money because the security was gone; and the man would become absolutely dependent on the Government even for his living. Failure to pay the land tax would lead to forfeiture, and the land would only be re-granted on entirely new conditions. They were told by Mr Monteath that the occupants on the restricted tenure would have the same right of holding in perpetuity as other occupants, and the guarantee of the survey assessment would be as binding in their case as in any other case. That in itself was a very good

assurance, but what was there to prevent any future officer of the Bombay Government giving full force to the Act irrespective of that assurance? What was desirable was to make the Act thoroughly explicit. He would especially like to draw their attention to the first sentence of Section 68. That gave retrospective effect to the Act. Then again Section 73 gave absolute power to the authorities to deal with the proprietary rights of the cultivators, and he ventured to urge in conclusion that the general effect of the Act would be to detract from the desire of the occupant of the land to improve the soil, because he would never be sure that his descendants would be allowed to benefit by his improvements.

Mr. VAIDYA said that undoubtedly the Bombay holders were hampered by their indebtedness, but it was curious that the Government should take this opportunity of introducing fresh legislation calculated to make their position worse. He did not think the Act would remove the evil at which it was aimed. He looked upon it as a suicidal policy and regretted to say that it was only another illustration of the tendency of the Government, whenever it dealt with the land question, to further restrict the rights of the land owners. If they wanted to deal with the money-lending evil, let them put some limit on the operations of the money-lending classes.

Mr. J. M. PARIKH said the new Act gave the Government complete dominion over the land which they had never before possessed. The indirect effect

of the legislation was to legalise the position of the Government as absolute owner of the land in the Bombay Presidency, and it constituted a deprivation of the rights of the occupants for the time being without any compensation whatever. They were promised that the Act should not be applied at random, but they wanted a clear statement in it of the intentions of the Government, so that in the future the evils which they feared might not be brought about. The past history of the British administration in India did not give them confidence that the promises now made would be fulfilled, and hence the necessity for clearly limiting the operation of the Act. Collectors were bound to fill the coffers of the Treasury as completely as possible, and in the days to come the Act would be construed not according to the utterances of Mr. Monteath but by the canons of statute law.

The resolution was then put and carried unanimously, and the proceedings closed with hearty votes of thanks to Mr. Naoroji and Mr. Dutt, proposed by Mr. Ahuja and seconded by Mr. Patker.

TEXT OF THE MEMORIAL.

To the Right Hon'ble Lord George Hamilton,
Secretary of State for India.

My Lord,—We, the undersigned, have been empowered at a Conference held on November 23, 1901, to forward to your Lordship in Council this memorial on the subject of the Bombay Land Revenue Code

Amendment Act, known as Bombay Act VI of 1901, which received the assent of His Excellency the Viceroy and Governor-General of India on the 24th September 1901.

2 —We desire, at the commencement, to submit to your Lordship that the Bombay cultivator's right of inheritance, sale, and mortgage, with regard to his holding, is an ancient right, and is not a creation of British legislation. The dominions of the last Mahratta Peshwa were annexed by the British Government in 1817, and two years after, the Hon'ble Mountstuart Elphinstone wrote thus in his "Report on the Territories conquered from the Peshwa," submitted in October, 1819:—

"A large portion of the Ryots are proprietors of their estate, subject to the payment of a fixed land tax to Government; that their property is hereditary and saleable, and they are never dispossessed while they pay their tax, and even then they have for a long period (at least thirty years) the right of reclaiming their estate, on paying the dues of Government. Their land tax is fixed, but the Mahratta Government loaded it with other impositions."

3 —Captain Robertson, who was Collector of Poona in 1821, bore his testimony to the rights of the Mirasī or hereditary cultivator in the following terms:—

"He is in no way inferior in point of tenure on its original basis, as described in the quotation, to the holder of the most undisputed freehold estate in England." "The ancestors of many of the present occupants of the lands of the Deccan were probably

holders of land antecedent to the Mussalman conquest of the country, on condition of paying a 'reddendum' equal to a sixth part of the produce." "Every original paper relating to Thalkaris [Mirasi tenants] and their occupation of the land, every return I have obtained from the districts concerning them and the ancient distribution of land, proves beyond a shadow of doubt that at a former time the whole of the arable land of each village was apportioned out among a certain number of families" "Their descendants collectively are termed a Jutha, they are inferred to possess the whole of the original estate among them; they are responsible as a body corporate for the payment of whatever is due to Government." Captain Robertson also showed that the Mirasi tenure was heritable and transferable and existed in all villages in Poona district

4 — Captain Pottinger, the Collector of Ahmadnagar, wrote in 1822 that the Mirasi tenants "can dispose or mortgage their lands when they like" "The Mirasi tenure has existed in this part of India from time immemorial, and when I have asked about the period of its establishment, I have been told I might as well enquire when the soil was made."

5 — These and other reports were enclosed by Mr. Commissioner Chaplin in his exhaustive and famous report of the 20th August, 1822. And with regard to the Mirasi tenure he recorded that it "is very general throughout the whole of that part of the conquered territory which extends from the Krishna to the range of Ghats which divides Gungterre from Khandesh."

"A Ryot having once acquired the hereditary right of occupancy is, together with his heirs, entitled to hold it by sale, gift, or mortgage, and according to the usage of the Deccan, without previously obtaining the permission of the Government." A Mirasdar "has a voice in all the village councils, has a right of pasture on the village commons, can build a house or dispose of it by sale." "The Collector [of Poona] is very properly an advocate for preserving the rights of Mirasdars, a line of policy which he strenuously recommends in several places; but as nobody, I trust, has ever thought of invading their rights, the discussion of the question at any length would be superfluous."

6.—We have made these extracts from the reports of the first five years after the Mahratta dominions came under the British rule, in order to show the position of the majority of the cultivators under the old Mahratta rule. It is too often assumed that the cultivators had no heritable and transferable rights under the old regime; that their heritable and transferable rights were the creation of British legislation. The extracts we have made will show that the very opposite of this is the truth. Laws were not passed by Legislative Councils, nor recorded in published Acts under the Hindu rule, but were embodied in the customs and usages of the land, which were more durable and less variable than the Acts and Laws of modern times. And the testimony of Elphinstone, Robertson, Pottinger, and Chaplin, quoted above, will show that the usages and customs of the land recognised the right of inheritance and transfer in the

Bombay cultivator, and also respected his right to hold his land on payment of a fixed land tax.

7.—The Government of Bombay, after many experimental land settlements, at last based their policy on the famous Joint Report of 1847. The principles advocated in this report, and adopted by the Government, were, firstly, that separate settlements should be made with individual cultivators; secondly, that leases for thirty years should be substituted for the short leases which had preceded; thirdly, that the estimated value of lands should be accepted as the basis of assessment. The heritable and transferable rights of the tenants were recognised, but the principle of a fixed land tax was abandoned in favour of a land tax to be settled at each recurring settlement.

8.—From that date, the heritable and transferable rights of the Bombay cultivators have been uniformly recognised up to the present year. In the Bombay Land Revenue Code of 1879 (Bombay Act V of 1879), Section 68, runs thus:—

“An occupant is entitled to the use and occupation of his land for the period, if any, to which his occupancy is limited, or if the period is unlimited, or a survey settlement has been extended to the land, in perpetuity conditionally on the payment of the amounts due on account of the land revenue for the same, according to the provisions of this Act, or of any rules made under this Act, or of any other law for the time in force, or on the fulfilment of any other terms lawfully annexed to his occupancy.”

And Section 73 runs thus :—

"The right of occupancy shall be deemed an heritable and transferable property, subject to the provisions contained in Section 56, or otherwise prescribed by the law, and shall immediately pass to the person whose agreement to become occupant shall have been accepted by the Collector."

9.—Thus stood the law in 1879. The law of 1901 empowers the Bombay Government to extinguish at its pleasure these ancient and customary rights of the cultivators, hitherto recognised by British legislation.

In Section 68, the following Proviso has been added, by the new Act :—

"Provided that nothing in this or any other Section shall make it, or shall be deemed ever to have made it, unlawful for the Collector at any time to grant permission to any person to occupy any unalienated unoccupied land, for such period, and on such conditions as he may, subject to the orders of Government, prescribe, and in such case the occupancy shall, *whether a survey settlement has been extended to the land or not*, be held only for the period and subject to the conditions so prescribed."

And after section 73, the following new Section has been added by the new Act :—

"(1) Notwithstanding anything in the foregoing Section, in any tract or village to which Government may, by Notification published before the introduction therein of an original survey settlement under Section 103, declare the provisions of this Section applicable, *the*

occupancy or interest of the occupant in the land shall not after the date of such Notification be transferable without the previous sanction of the Collector.

“(2) Government may, by Notification in the Bombay Gazette, from time to time exempt any part of such tract or village, or any person or class of persons, from the operation of this Section.”

10.—The italics in the foregoing two paragraphs are our own, and indicate the principal changes introduced by the new Act. The new Act empowers the Government

(1) to abolish the tenant's right “in perpetuity” in tenures to which the survey settlement had been extended, and empowers it to make temporary settlements ;

(2) to restrict the right of transfer hitherto recognised in all tenants of lands to which the survey settlement had been extended.

11.—We do not believe that it is the intention of the Indian Government to confiscate tenant rights which are based on the ancient customs of India, and which have been recognised by British rulers and by British legislation for more than two generations. It is intended, as we learn from the assurances of the Bombay Government, to exercise the power taken by the Government only in exceptional cases. The fatal defect of the Act just passed is that it does not indicate these exceptional cases. It empowers the Bombay Government to withdraw old and legalised rights by a simple Notification, i.e., by a simple exercise of the executive power of the Government. It invests the Bombay Government

with a more unlimited power in this respect than is possessed or claimed by the Government of any Province in India. Laws are made to indicate, as nearly as possible, the powers which they vest in the Executive, and the rights which they assure to the people; and the Land Revenue Codes of other Provinces of India and the Rent Laws of Bengal have been framed on this plan. Laws which vest in the Executive unlimited powers to extinguish or to preserve tenant rights fail in their primary object, and have hitherto been unknown in India.

12 —It is remembered in Bombay that the rights of holding land "in perpetuity" and of sale and transfer were legally conferred by the British Government on tenants as substitutes for the same rights which they enjoyed previous to the British rule, and which were observed and recorded by Elphinstone and Chaplin. It is politically unwise now to withdraw the legal assurance to these ancient rights, and to make them dependent on the will of the Executive. It is politically unwise to empower the Executive to preserve or to extinguish those tenant rights which have been customary in Western India for centuries, and which have hitherto been legally recognised by the British Government.

13 —No laws made by British rulers in India affect the interests and the lives of the great mass of the Indian population more intimately than the laws relating to tenant rights. The laws attaching certain rights to survey tenures in Bombay have been keenly appreciated by millions of cultivators in that Province, and these

rights have been recognised since the dawn of British rule. The new Act making these rights dependent in the future on the will of the Executive has created alarm and consternation. There has been a strong, unanimous, and vehement opposition against the new Act on the part of the Indian public such has never before been witnessed in Bombay. To keep the Act on the Statute Book will create a feeling of unrest among the agricultural population of Bombay.

14.—We therefore pray that your Lordship, in Council, will, after due consideration, veto the Act which has lately received the sanction of the Indian Government. In any case we trust and hope that your Lordship will exclude from the operation of the Act all lands to which the survey settlement has been extended, and in which, therefore, the heritable, transferable, and perpetual right of the cultivator has already been recognised by British legislation.

The Memorial was signed by Mr Dadabhai Naoroji, Mr Romesh Dutt, and Mr K Harnam Singh, on behalf of the Conference.
