

[The Hon. Mr. McPherson]

RESOLUTION : DAMAGES CAUSED BY THE PHALGU RIVER

the recent settlement operations. I hope, in view of the intentions of Government now expressed, the mover will not consider it necessary to press his resolution. For the larger committee which I have outlined will have to look into all pending projects, including the case of the Phalgu river, and the Irrigation Department will meanwhile be asked to make inquiries regarding the existing condition of that river and the modifications that may be necessary in the estimates of 1909 to meet present requirements.

The President : Does the mover of the resolution desire to withdraw it in view of the Government's announcement or does he propose to reply to it?

Babu Mithila Sharan Sinha : In view of the fact that the committee is enlarged—

The President : Will the hon'ble member please answer my question? In view of the fact that the Government intend to appoint a larger committee, does the hon'ble mover of the resolution desire to withdraw or does he propose to reply to this resolution?

Babu Mithila Sharan Sinha : I withdraw the resolution in view of the suggestion of the Hon'ble Member to appoint a larger committee.

The resolution was withdrawn by leave.

AMENDMENT OF THE BENGAL TENANCY ACT.

Swami Vidyanand alias Bishva Bharan Prashad : Sir I beg to move:

That this Council recommends to the Government that a commission of nine members, composed of both official and non-official members of this Council, be appointed to inquire into the grievances of the tenants of the Province and to report within six months.

Sir, the resolution as it stands does not need any long speech to commend it to the House. I do only say that the matter is so very urgent that it cannot be put off for any length of time, hence I move this resolution before the House, and I hope that the House will accept it. I reserve to myself the right of reply, if necessary.

Babu Ambika Prashad Upadhyaya : I beg to move the following amendment which runs thus:

That for the words 'to inquire into the grievances of the tenants of the Province' be substituted the words 'to consider the necessary amendments in the Bengal Tenancy Act'.

This amendment I think, Sir, will serve the purpose of the resolution of the hon'ble mover.

The President : This amendment will be considered later. There are other amendments on the agenda paper, and I shall call upon the hon'ble members to move their amendments first.

Babu Shyam Narayan Sinha Sharma : Sir, I beg to withdraw the following amendment:

That the words 'the causes of the unsatisfactory relations, if any, that may subsist between the landlords and tenants' be read after 'inquire into' and before 'of the Province' and in the place of the words 'the grievances of the tenants'.

Maulavi Malik Mukhtar Ahmad : Sir, I beg to withdraw the following amendment:

That after the word 'tenants' be added the words 'and of the landlords'.

Start
Continue

[22nd July 1921]

RESOLUTION : AMENDMENT OF THE BENGAL TENANCY ACT

The President: The original resolution and the amendment of Babu Ambika Prasad Upadhyaya are now before the Council. I have been instructed by the Secretary that Maulavi Saiyid Moinuddin Mirza has instructed him to say that he will not move his amendment which runs as follows:

That after the words 'grievances of' be added the words 'the landlords and' and therefore it will be taken as withdrawn.

The President: I desire to point out that the conduct of Rai Bahadur Dvarika Nath in so openly prompting hon'ble members as to what they should or should not do is not proper and correct.

Rai Bahadur Dvarika Nath: I apologize, Sir.

The President: No non-official member evidently desires to make a speech or to support either the resolution or the amendment. Unless some one rises to speak, I shall call upon the Hon'ble Member to reply.

Maulavi Saiyid Mubarak Ali: Sir, I had no intention of speaking on this question, as I had no materials before my mind's eyes to suspect that an acute situation existed anywhere in my own Province as regards the relationship between the landlords and their tenants. But on a careful scrutiny of the list of the questions put by the members of this Council and the answers to them returned in print on the 18th instant, I find that no less than nineteen questions for information had been sent in by the mover of the resolution under discussion to-day and they undoubtedly tend to show a very serious state of grievances from which the tenantry in the specified areas, indicated therein, are suffering and that since long. The fact that petitions, memorials, personal representations and public meetings have all alike failed to move the Government and their officers to take the necessary steps to do justice to the aggrieved tenants, as the questions prove, render it necessary for this Council not to evade the duty that rests upon its shoulders in the public interest. It is a notable circumstance that the bulk of the hon'ble member's questions touching the grievances of the tenants remained unanswered even at the expiration of the usual ten days' notice. That is some evidence of the fact that by some cruel irony of fate the patience of the aggrieved tenants and their friends is being tried. I cannot view such a situation with satisfaction. Then the fact, that this Province has enjoyed an immunity from the agrarian manifestations in a neighbouring Province, must not be misunderstood as being capable of remaining dormant for all time to come. The chief spokesman on behalf of the tenantry urges the appointment of a committee to go into the question of agriculturists' grievances, and I feel disposed to support this proposition, because as an humble landowner I see no reason to feel ashamed at the idea of disclosures being made. I have clean hands and so I need feel no qualms of conscience.

It seems to me desirable to say a few words more as I find some stir has been caused in the ranks of zamindar members of this Council to which profession I myself belong. Therefore I would like to point out that the resolution as it is worded does not in the least show that any unfriendly kick at the landlord is intended. The agriculturists may have one hundred and one grievances against many classes. I positively feel that they have grievances against the Government for inattention towards their needs in the direction of irrigation, cattle problem, supply of better seeds and labour-saving machinery, some education in practical agricultural improvements and the like. Similarly they have grievances against the district boards and the many railway systems that pass through the Province obstructing the free passage of rain and flood waters damaging crops and destroying houses. Yet they have grievances against absentee landlords and their rack-renting heartless *thikadars* who impose intolerable restrictions on the rights and privileges of the tenantry as sanctioned by immemorial usages and that mostly without the consent and

Continue

RESOLUTION: AMENDMENT OF THE BENGAL TENANCY ACT

knowledge of the absentee landlords. Then they have very proper grievances that pasture-land has disappeared from the villages rendering the maintenance of cattle difficult and anxious. Thus I feel that it has not been quite proper to suspect that the resolution is a bomb intended for the landlord alone. If the members of this Council have closely followed the interpellations in the last and the present session of the Council, they would have noticed that very serious grievances of the tenantry have been given vent to not so much by Swamiji, the champion of the tenantry in this Province, but by my own humble self at much greater length and still greater detail, although I come from a zamindar family owning land in two provinces and six districts and that since many generations past. As I understand my friend Swamiji is willing to accept the amendment moved by Babu Ambika Prashad Upadhyaya, therefore I support the resolution as amended.

Babu Lakshmi Mohan Misra : Sir, I will be failing in my duty. I do not support this resolution moved by Babu Bishva Bharan Prashad. I have experience that there are several grievances to be inquired into in the landlords. The time has come when the tenants must enjoy the privileges of a tenant or a son and the landlords must also enjoy the privileges of a landlord and a father. In the *Shastras* the relation of a landlord and a tenant is defined as a relation of father and son and the main duty of the *maliks* is to look after the comforts and ease of the tenants and at the same time the duty of the tenants is to be loyal to their *maliks* and to join hand in hand with him in any of his difficulties. But, unfortunately, Sir, the present condition of the *maliks* and the *raiyyat* has changed to worst and in most cases they behave with each other like enemies. I am unable to say that the *maliks* are only to be blamed in this respect. In some cases the tenants are most unruly and trouble their *maliks* in an undesirable manner. They do not pay their rents in due course and do not obey their *maliks* in carrying out their works. But in most cases the *maliks* or their *amlas* and *babus* are more troublesome to the tenants even if the tenants are loyal and paying. The disputes mostly arise for the gratification of the *amlas* of bigger estates, where the *amlas* were always getting something as *takwi* or *farkawan*. Now since the Agrarian Commission met in Champaran where the troubles were intolerable, and recommended that even the *farkawan* paid to the *patwaris* is illegal and should be discontinued, the tenants understood their right and began to stop all sorts of payment excepting their rents entered in their record-of-rights. In several estates *farmaish* were being collected from the tenants on the occasion of Durga Puja and other ceremonies performed by the *maliks*. Goats were taken on payment of annas eight, ghee at four seers a rupee and so on. In many districts *abwabs* of some 40 kinds such as *bapahi*, *putahi*, *marwashi*, *motorohi*, *ghorahi*, *paharahi* and others are always realized from the tenants by the indigo planters and other lease-holders of Bettiah and Ramnagar estates. Most of these illegal cesses have now been let off, but because even the *amlas* have been destitute of their out-pickings, they do not let the *raiyyats* sit at rest. The planters and other lease-holders are also not satisfied although they have been afforded a very high rate of commission for village management, that is to say 20 per cent. exclusive of the usual remissions which they get almost every year for one reason or another.

The *maliks* have no doubt chosen the way of harassing their tenants by the help of the courts and litigations in which although the tenants may be successful they may not stand to the last and are ruined for ever. For instance, I would like to mention to the House that ejectment for half a *dhur* or one is being instituted by the estate on the report of the *thikadars* of encroachment by the tenants who own land more than 10 to 20 bighas. This case costs too much the value of the land and no landlord will choose to proceed unless he has some grudge against the tenants and where the management is under the Court of Wards and such others. The instances may be multiplied, but I need not forestall them as it will be the duty of the commission to find out and report before the House.

[22nd July 1921]

RESOLUTION : AMENDMENT OF THE BENGAL TENANCY ACT

The representatives of the zamindars may or may not oppose this resolution, but to my opinion it will not be wise to oppose it, if they do not think that they are at fault in the matter of the troubles in question.

I admit frankly that in some cases the zamindars are also in troubles and it will be the duty of this commission to inquire into them and report before the House when matters could be set right. But to oppose the resolution and to let the matter rest hidden, as it has been for so many times, will, no doubt, bring forth a very unsatisfactory result and the Government will have to undergo unnecessary troubles.

The amendment of the Bengal Tenancy Act is also absolutely necessary as it is an incomplete law and causes confusion in several places both in giving privileges to the tenants and the landlords.

With these words I support the resolution.

Rai Bahadur Prithi Chand Lal Chaudhuri: Sir, we hear much now-a-days of the friends of the poor, the would-be protector of the dumb voiceless millions and it is very nice to hear about their efforts to increase the happiness of the raiyats by speech or otherwise, but we the much abused zamindars must not be supposed to have no feelings about the welfare of our tenants. The practical results achieved by us are not so well-known which have really helped the tenants, for we the zamindars have rarely the gift of eloquence, nor have we any inclination to trumpet our deeds abroad.

It is a well-known principle which is recognized everywhere that on the prosperity of the peasants depends the landlords' prosperity. At the time of the monsoon we watch the advent of the rains no less eagerly than the peasants for the welfare of both depending on the crops are so inter-related that we stand to rise or fall together. If there is a bad harvest, we cannot get the rents from them and many of us have to borrow to pay the revenue. I need not dwell too much to prove the point but I hope it is conceded that one cannot do without the other and we cannot afford to kill the goose that lays the golden eggs. And grievances of tenants there would be and is, I don't deny. But as there are grievances of the peasants there are also the grievances of the landlords. The use of the word tenants connotes the presence of the landlords and therefore to make the inquiry a just and proper one the committee ought to hear both the sides. We of the Council who have been talking ourselves hoarse about justice for the last few days should not lose sight of the fact that one-sided version is not always a safe view-point and it is better to come to a decision after hearing both the sides impartially. A thing which often looks iniquitous and wrong if it stands alone has quite a different bearing when an explanation is forthcoming. A murder is always a murder but it is no longer a crime if you do it in self-defence.

The landlords as a class are a much maligned community and a long-suffering one. They have been exploited in the olden days by the Government, by the educated class, by the lawyers, by their managers and employes, and by the people themselves. It might appear a little strange to hear this for the first time, but if we ponder over it you will feel the truth of it. And in these days to overlook the fact would not be quite fair.

In these days of high prices, industrial unrest and agricultural discontent, we the landlords are being taboed by the *Kishans* who refuse to pay us rent saying (though wrongly) that the word has gone forth from Mahatma Gandhi—that no rent need be paid from this year, and are threatened with social boycott and ostracism by the people and the servants and all in the name of the Mahatma who is so strongly against all these things.

We on our part are trying to do our duty valiantly in spite of opposition and misunderstanding, and this is the time when I am asking you on behalf of the landlords to go into the matter thoroughly so as to put ourselves on a footing on which the agrarian unrest, which is so prevalent in the United

[Rai Bahadur Prithi Ch. L. Chaudhuri]

RESOLUTION: AMENDMENT OF THE BENGAL TENANCY ACT

Provinces and other places, should be unknown here. I am glad and proud to say that in my parts the relations between tenants and landlords are quite happy except in a very few cases. But because the adjustment of relations is friendly now, I see no reason why the Council should not try to draw up a scheme in which frictions that might arise should not be nipped in the bud. Prevention is better than the cure. It is the business of this Council to see and look into it to stop the growth of the bitter feelings that are raising their head elsewhere. With these few words, Sir, I support the amendment.

We, as a buffer estate between the people and the Government, are trying to keep the balance even, and I hope the Council should not view our efforts with suspicion but treat us quite on the same plane as the others. A fair field and no favour is all that we want from the members. Preferential treatment I do not seek but we also have certain grievances to redress. Rents are always falling in arrears not only on account of bad years but sometimes the raiyats would like to withhold it for a number of years and then try to show that the relationship of landlord and tenant does not exist. Again a suit means time, when after a year or so it is ripe for hearing, the other years' rent falls due and so on. Then there is the appeal and in some case Second Appeal and afterwards comes the execution and every zamindar knows to his cost that to realize the dues he has almost to spend a little fortune in litigation expenses. When this is the state of affairs, when we are oppressed on all sides, when raiyats enjoy more lands than they take lease of, when peons and police think that we are their legitimate prey, are there not grievances enough to be remedied?

One way in which the *Patni* revenue is realized is by an application which costs eight annas stamp, however large the amount be or the property is, put up to auction, after the hearing of the objection by the Collector. Cannot this be introduced in rent suits on a similar manner? Then the Government has introduced the realization of the co-operative bank loans by a certificate. It is a much easier and speedier way of realization and we, the zamindars, would like to have the benefit of that procedure in our rent suits.

Of course, all these are matters of detail and I venture to propose that the committee should go into it.

I hope, Sir, I have made out a *prima facie* case of our grievances and hope the Council will cordially support the amendment. At best it is only to find a way out and that a lot of good will be done only if both sides are heard, though it be felt that nothing could be done to remedy it. Misunderstanding will vanish, bitterness will disappear, and we shall know to appreciate each other's difficulties and will look upon each other, if not with love, with charitable feelings in our hearts. With these few words, Sir, I support the amendment.

Babu Shiva Shankar Jha: Sir, the grievances of the tenants have been formulated from time to time and submitted to Government as well as to the Secretary and the President of the Bihar Landholders' Association who are the accredited representatives of the zamindars. Last time in the second session of the conference over which I had the honour to preside, the grievances were formulated and a resolution was passed. A copy of the resolution with a covering letter was forwarded both to the President and to the Secretary of the Bihar Landholders' Association. There was also an invitation to form a conciliatory board representing the interests of the tenants and of the landlords so that any differences that might exist might be settled amicably between them. As there was no response to the invitation, this resolution has been brought forward by my friend Swami Vidyanand. Now, Sir, it cannot be denied even for a moment that tenants have grievances. It would be unjust for me to gainsay that some of the landlords also have grievances though the percentage is very small indeed. Grievances there are

[22nd July 1921]

RESOLUTION : AMENDMENT OF THE BENGAL TENANCY ACT

om which the tenants as well as the landlords are suffering, and it is for this reason, Sir, that my friend has moved this resolution for the appointment of a committee of inquiry. It is no use putting off a thing which we all know is sure to come up some day sooner or later. There is discontent among the tenants—an important section of the people—the proportion being about 89 to 90 per cent. These people, so long as they are ignorant of their rights, will go on tolerating all the disabilities they might be suffering from under the drastic law. But a time will come when they would get rid of this ignorance and they will rise equal to the occasion and then certainly it would be very difficult to control them. It is therefore better to nip the discontent in the bud. As regards the enumeration of certain *abwabs* by my friend Babu Lakshmi Mohan Misra, I would only say that no amount of legislation can stop them. It is well-known that all these *abwabs* are illegal and if the tenants go on paying them without asserting their own rights, no amount of legislation can stop it. Then, Sir, as regards the suggestion that some of the tenants and the servants of the landlords say that the mandate of Mahatma Gandhi is that all should stop work and stop payment of rent, I submit we cannot avoid abuse. Abuse there would be and it cannot be suggested even for a moment that even if all that is required is done, there would not be any abuse. We cannot expect a millennium in this world. The only thing that is needed is that some sort of relief should be given to those tenants or landlords wherever they suffer. Sir, I had a desire to deliver a long speech giving full details of the grievances of the tenants, but owing to an understanding come to between my friend the mover of the amendment on behalf of the landlords and ourselves, I content myself with a short introductory remark and support the amendment and the resolution as amended.

Maulavi Malik Mukhtar Ahmad : Sir, I was given to understand that the amendment moved by my friend Babu Ambika Prasad Upadhyaya was to be accepted by the mover of the resolution and it was on this understanding that I did not press my amendment. What will be the result of the resolution which is being moved by the mover? The result will be that, if carried, the Bengal Tenancy Act will have to be amended. That will be the only result if the resolution is carried out, but at last I find that the mover is not going to accept the amendment.

Swami Vidyanand alias Bishva Bharan Prashad : I accept the amendment as moved by my friend Babu Ambika Prasad Upadhyaya.

The Hon'ble Mr. McPherson : Sir, I confess that I am disappointed with the meagreness of the discussion which has so far taken place on this important resolution. The Council has spent long hours in the discussion of questions that are to my mind of comparatively minor importance, such as the establishment of a college at Ranchi or the substitution of an honorary for a paid vice-chancellor in the Patna University, but when it comes to a question that is of the most profound importance to the toiling millions of our population, our eloquence is dried up and the Council is dumb. I think Government have a right to complain that in a matter like this, which affects the vital interests of the great masses of the people, they have received no help, no advice from the representatives of the people. If I heard aright, one member complained that he was handicapped in this debate, because Government had not made replies to certain of his questions. Sir, I think that this complaint comes singularly ill from the lips of a member who has exceeded all limits of moderation in exercising his rights and has poured upon the Council nearly 200 questions out of a total of 650. If all other members had followed his example, we should have had to deal with 20,000 questions instead of 650. He has only himself to blame if the over-strained Secretariat has found it physically impossible to keep pace with his questions. With these preliminary remarks I proceed to explain to Council as briefly as possible what is the attitude of Government towards this resolution and I ask the forbearance of

[The Hon. Mr. McPherson]

RESOLUTION: AMENDMENT OF THE BENGAL TENANCY ACT

Council if on account of the unexpectedly early close of the debate I am not so fully prepared to deal with the question as I might have been had the discussion been more prolonged.

First of all, I desire to say that Government welcome very heartily the opportunity afforded by the resolution of explaining their attitude towards the agrarian law of the Province. Government regard it as wholly important that the Tenancy Acts of the Province should be kept up-to-date, so as to provide for the new conditions that arise in course of time or for the settlement of disputes that are not found to be clearly dealt with by the existing law. The agrarian law of Orissa was brought up-to-date in 1913 and that of Chota Nagpur in 1919, but the agrarian law of Bihar remains as laid down in the Bengal Tenancy Act which was passed in 1885, and was last amended, and that chiefly in its procedure provisions, in 1907.

Government consider that the time is now opportune for examining the question whether the Bengal Tenancy Act requires further amendment in the light of modern conditions and ascertained facts. It is the more opportune in that the Local Governments have been exhorted by the Government of India as a part of their general policy in the face of the present political unrest to ascertain where genuine grievances exist and to take steps for their removal or adjustment.

It is, however, neither expedient nor necessary to appoint a roving commission as proposed in the resolution, to enquire into the grievances of the raiyats. It is inexpedient because in the present state of political unrest such a commission would be a public danger; it is unnecessary because we already know with sufficient completeness what are the points that must be considered in any attempted revision of the agrarian code of Bihar. Since the last amendment of the Bengal Tenancy Act the Settlement Department have completed the record-of-rights in the South Bihar districts of South Bhagalpur, South Monghyr, Patna, Shahabad and Gaya and they have revised the record-of-rights in the North Bihar districts of Champaran and Saran. The reports of these settlement operations are available and supply the most complete information on all points that are likely to call for consideration in any general amendment of the Act. No commission roving over the Bihar districts for six months could get down to basic facts or add to the information already compiled by the Settlement Department. It was always expected that when the Settlement Department had completed the record-of-rights of South Bihar, the question of amending the Bengal Tenancy Act in the light of ascertained facts would be taken up, and indeed the late Government of Bihar and Orissa recognized its duty in this matter, but in view of the general desire to avoid contentious legislation during the Great War, they deferred any serious consideration of the question till 1918. The matter was then taken up vigorously and after full consultation of revenue and judicial experts and local bodies and associations a Draft Amending Bill was prepared. The consent of the Government of India was obtained to the introduction of this Bill in the Local Legislative Council, and the late Lieutenant-Governor, His Honour Sir Edward Gait, was most anxious to pass the Bill in the last session of the expiring Council, but eventually in deference to a generally expressed wish, he decided that this piece of legislation should be left over to the new Council which was about to be elected under the Reforms Scheme and would be more fully representative of all interests concerned than the old Council. Such is the history of the case, and Government now propose to appoint a mixed committee of officials and non-officials, not necessarily limited to the members of the Legislative Council, because it must include experts like the Director of Land Records—which will report to Government whether in their opinion it is necessary or desirable to amend the existing tenancy law of Bihar and, if so, in what respects. The committee will be provided with the draft Bill and with all the opinions and reports on the basis of which it was prepared, and if they consider that the law should be amended, will recommend in what respects, if any, the draft Bill should be modified.

[22nd July 1921]

RESOLUTION: AMENDMENT OF THE BENGAL TENANCY ACT

It has been suggested to me that from the raiyat's point of view the present time is not opportune to undertake the amendment of the Bengal Tenancy Act on the ground that the present Council contains a preponderance of representatives of the landlord interest. Whether this is a fact or not I do not know, as my acquaintance with the Council is short. But I make bold to think that no modern Council, whatever be its composition, would venture to interfere with the cherished principles of tenant right embodied in an Act which is the Magna Charta of the raiyats. I feel confident and, what I have heard to-day from the lips of some of the landlords present in the Council increases my confidence, that the landlord community of Bihar is sufficiently alive to the spirit of the times and to know the danger that would be involved in substracting anything from the existing rights of tenants. I am therefore in favour of going ahead and not waiting till the clamour of the raiyats for the redress of grievances or the concession of rights becomes so loud that it cannot be composed by acts of the legislature.

Holding these views I cordially support the resolution as amended which is, I think, to the effect that Government appoint a committee to consider the question of the amendment of the Bengal Tenancy Act.

Babu Kameshvar Narayan Sinha: Sir, I entirely agree with the view expressed by the Hon'ble Mr. McPherson. The landholders of this Province do realize the sense of the times. If that was not the case, I think the landholders would not have supported the amendment. The landholders sitting in this Council room would have all opposed the amendment with one voice, but I know that they realize the spirit which has been expressed by the Hon'ble Mr. McPherson and therefore they have accepted this amended resolution.

The Hon'ble Mr. McPherson: I am not exactly sure how the resolution as it now stands reads, but there is one point which I would like to make clear, I must reserve discretion to Government as regards the size and composition of the committee. The resolution says: "That this Council recommends to the Government that a commission of nine members, composed of both official and non-official members of this Council, be appointed to inquire into the grievances of the tenants of the Province and to report within six months." My own opinion is that nine members will not be enough and also that we cannot limit the committee to members of this Council because it is absolutely necessary to have certain experts on the committee, for example, the Director of Land Records, and perhaps a District Judge also. I therefore think that it would be a great mistake to limit the composition of the committee in the manner proposed.

The President: I think the best thing would be to request the Hon'ble Mr. McPherson himself to move an amendment which the House may be able to accept. I understand that the House is in favour of adopting the resolution as amended by Babu Ambika Prashad Upadhyaya. I would suggest to the House in order to avoid any waste of time that the Hon'ble Mr. McPherson as representing the Government may himself suggest an amendment in view of his announcement which perhaps the House may find little difficulty in accepting.

The Hon'ble Mr. McPherson: The draft amendment which I should like to suggest is this:

Omit all the words after 'that' and read instead 'a committee be appointed to consider the necessary amendments in the Bengal Tenancy Act'

The President: In other words Mr. McPherson would not have any limitation as regards the number of members nor in the character of the members, but would leave it to the discretion of the Government to appoint outsiders who may not belong to this Council. These are the two suggestions which, I understand, Mr. McPherson has put forward.

RESOLUTION : AMENDMENT OF THE BENGAL TENANCY ACT

Babu Ambika Prashad Upadhyaya : I have no objection to the number being increased, but I do object to there being an official majority. There should be a non-official majority.

The President : Order, order. The hon'ble member is confusing the points. The first point is with regard to the number. Now in the original resolution the number is fixed at nine and I understood Mr. McPherson to have said that nine is perhaps too small a number.

The Hon'ble Mr. McPherson : It may be or may not. I want the right of deciding the constitution of the committee to be left to Government. The resolution is simply a recommendation to Government. We want of course to have non-officials on the committee too, so as to hear their views. We do not want to force anything down people's throats. Surely the number of persons to be included ought, in all cases, to be left to the discretion of Government.

Rai Bahadur Dvarika Nath : Sir, so far as I have been able to understand the feelings of the members of the Council on this resolution, they do not insist that the number should be limited to 9 or to 11 but what they do want is—and what they are anxious about is—that the committee should contain a majority of the members of this Council and that they should have an effective voice in its deliberations. The second thing which they want is that both the landed and tenant interests should be adequately represented on the committee so that there may be no complaint whatsoever that the committee is over-represented either with regard to landed interests or to tenant interests. We also want that there should be a substantial non-official majority. If Government accept that—and I think I am expressing the unanimous wishes of this Council in saying so—the members will be willing to accept the amendment moved by the Hon'ble Mr. McPherson. I believe that the atmosphere will be cleared up if the Hon'ble Mr. McPherson would give an assurance on behalf of the Government to that effect.

The President : Will the Hon'ble Mr. McPherson say whether he is prepared to give that assurance?

The Hon'ble Mr. McPherson : I am ready to give the assurance wanted. The resolution as amended according to my suggestion will read :

That this Council recommends to the Government that a committee be appointed to consider what amendments are necessary in the Bengal Tenancy Act.

The resolution as amended by Mr. McPherson was then put to the vote and carried.

UNSATISFACTORY WORKING OF THE BENGAL AND NORTH-WESTERN RAILWAY.

Babu Ambika Prashad Upadhyaya : SIR, I beg leave of the House to move my resolution, which is to the following effect:—

That this Council recommends that Government be pleased to transmit to the Government of India the opinion of this Council that the unsatisfactory working of the Bengal and North-Western Railway and the grievances of Indian passengers caused by the same be inquired into, specially under the following heads :—

- (i) Inadequate supply of drinking water on the railway stations, (ii) Insufficient accommodation for third class passengers, specially in *mela* and marriage seasons, (iii) Want of proper arrangements for light in trains, (iv) Insanitary and filthy conditions of the carriages, and (v) Difficulty of securing waggons.

In commending this resolution for the acceptance of this House, I do not think it is necessary for me to inflict a long speech, as I am confident that such of the hon'ble members as have had occasion to travel on the other side of the Ganges on the Bengal and North-Western Railway,—and I believe most of the hon'ble members, both officials and non-officials have had such an occasion,—will at once realize that this resolution has not been brought before this House a day earlier and I am sure they will all lend it their whole-hearted