

[*Babu Surendranath Banerjee ; Mr. Buckland.*]

EXAMINATION RULES ISSUED BY CALCUTTA MEDICAL COLLEGE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of the Government been called to the rules purporting to have been issued by the authorities of the Medical College, and affixed to the Notice Board of the College, two of which rules, marginally noted, practically lay down that a student failing twice at the 1st L. M. S. or M. B. Examination will be removed from the

“4. Students of the third year will present themselves for the 1st L. M. S. or 1st M. B. Examination of the Calcutta University. Those who fail at this Examination will be relegated for a further year to the third year class.

“5. Students of the first, second, or third year class who fail a second time to gain promotion to the next higher class will be removed from the College and will not be entitled to re-admission.”

College and will not be entitled to re-admission? Does the Government approve of these rules, which conflict with the terms of the Government Resolution published in the *Calcutta Gazette* of the 6th November, 1895, page 2581, which says that students will be removed only if they fail at a moderate class test, as will be seen from the following extract from the Resolution:—“It has been decided to hold at the end of each session a test examination, such as is held at other educational institutions. The standard fixed is so studiously moderate that no student of the most ordinary assiduity and ability need run any risk of failing to gain promotion. Those who fail to pass this examination will have to go through the year's course again, and if they fail a second time, will be removed from the College”? Do not the rules issued by the authorities of the Medical College referred to above institute a much severer test than what is contemplated by Government, the University pass marks being 50 per cent. in each paper, and in the practical part of each subject, while in the moderate class test proposed, and as interpreted by the authorities of the Medical College, not more than 20 per cent. marks are insisted upon?

Will the Government kindly state if the rules now issued will have a retrospective effect?

The Hon'ble MR. BUCKLAND replied:—

“(1) The rules in question were issued under the authority of Government after full consideration by His Honour the late Lieutenant-Governor.

[*Mr. Buckland; Babu Surendranath Banerjee.*]

“(2) The passage quoted from the Resolution of the 6th November, 1895 gives a brief summary of the general purport of those rules, and was not intended to furnish an exhaustive account of them. When the Resolution was written Government had already sanctioned the rules, and had decided to apply to students failing a second time at the University Examination (*i.e.*, 1st L.M.S. or 1st M.B.) at the close of the third year, the same rule of removal from the College as was applicable to students failing a second time at the test examination of the first or second year.

“(3) It is stated in the rules that they will apply to existing students of the College. As the test examination has not yet been instituted, the rules regarding that examination cannot have retrospective effect. It is not intended to apply the rule, prescribing removal from the College for students failing a second time at the 1st L.M.S. or 1st M.B. Examination, to those who have already failed at either examination.”

CERTAIN REMARKS OF COMMISSIONER OF PRESIDENCY DIVISION.

The Hon'ble BABU SURENDRANATH BANERJEE asked —

(a) Will the Government state in what cases Native Magistrates, as stated in the Report of the Commissioner of the Presidency Division, were found (1) “very weak or negligent in dealing with false complaints,” and (2) “though satisfied with the proof of an offence, they did not convict when they knew that there was a lenient Appellate Court over them”?

(b) Will the Government further state in what cases, as stated in the report of the Commissioner of the Presidency Division, (1) “the Courts appeared to expect a standard of evidence which is impossible of attainment among an essentially inaccurate people,” (2) “judicial officers did not appear to endeavour to winnow out the truth as they used to do,” (3) “the Magistrates were reluctant to commit, although convinced of the truth of a case and of the sufficiency of proofs,” (4) “the Superior Courts appeared to require an impossible standard of evidence, and to take advantage of little discrepancies, which are the result of the natural inaccuracy of the people of the country, to acquit persons guilty of the most heinous crimes,” (5) “Courts betrayed considerable ignorance of

[*Babu Surendranath Banerjee ; Mr. Cotton.*]

the habits and modes of thought of the people," and (6) "the Subordinate Magistrates did not convict or commit for trial, however manifest the truth of a case, for fear of acquittal" (*vide Calcutta Gazette*, 11th September, 1895)?

(c) Does the Government approve of such condemnation of the whole body of superior and subordinate Courts by an officer in the position of the Commissioner of the Presidency Division, which condemnation is calculated to exercise an unwholesome influence upon Magistrates and Judges, and to affect their independence? Did not the Secretary of State recently prohibit such public criticism of judicial work by executive officers? If so, what notice does the Government intend to take of Mr. Westmacott's violation of the orders of the Secretary of State for India?

The Hon'ble MR. COTTON replied:—

"The remarks quoted in the Hon'ble Member's question are taken from the Annual Administration Report of the Commissioner of the Presidency Division for the year 1894-95, and are the expression of Mr. Westmacott's individual opinion. It would serve no useful purpose to enquire into the particular cases upon which that opinion is based. In accordance with the orders of the Secretary of State all administrative officers of whatever rank are prohibited from publishing officially reflections upon the decisions and judicial acts of Magistrates and Courts of Law. These orders refer to reflections upon particular decisions and judicial acts, and do not apply to a general expression of opinion; but the Lieutenant-Governor regrets that general observations, such as those quoted in the Hon'ble Member's question, should have been officially published."

FISHING IN TIDAL RIVERS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(a) Is it the case that the Police have been endeavouring to prevent fishermen from fishing in the river Hooghly and the tributaries thereof within tidal limits, unless they obtain licenses? If so, whether they have been acting under the authority of the Government?

(b) Whether the officers of the Forest Department in the Sundarbans have not made similar objections in regard to the tidal rivers in the Sundarbans, acting under the Government Notification No. 177T.R. of the Revenue

[*Babu Surendranath Banerjee ; Mr. Buckland.*]

Department (Forest), dated 18th May, 1895, and whether it is the intention of the Government that the rules in question should apply to tidal rivers ?

The Hon'ble MR. BUCKLAND replied:—

“No information has reached Government that the Police have been endeavouring to prevent fishermen from fishing without licenses in the river Hooghly and its tributaries within tidal limits, but it is probable that steps were initiated locally to enforce the Rules for regulating, hunting and fishing in reserved and protected forests, published with the Notification to which the Hon'ble Member refers. It was not intended to apply those Rules to tidal waters like the rivers of the Sundarbans, and the Lieutenant-Governor, when his attention was drawn to the matter, at once issued executive orders that Police or Forest Officers were not to interfere in any way with fishing in tidal waters by fishermen who have never hitherto paid any fees for fishing in such waters. On His Honour's recommendation the Government of India have recently sanctioned a modification of the Rules above mentioned by adding thereto a proviso to the effect that no license or permit shall be required for fishing in any tidal waters. This modification has been published in the *Calcutta Gazette* of January 29th, 1896.”

MR. FORBES' CIRCULAR REGARDING WHIPPING.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of Government been called to a Circular issued by Mr. Forbes, Commissioner of the Patna Division, dated the 10th December, 1895, in which he says:—

“Officers who have not yet been given the necessary (whipping) powers, should be instructed to refer cases freely for the orders of the District Magistrate under section 349 of the Criminal Procedure Code ; the others should be warned against giving way to sentiment. Where these instructions are not acted up to, the District Magistrate should forbid the passing by a subordinate Magistrate of a sentence of imprisonment on any youth of, say, 21 years or

[*Babu Surendranath Banerjee ; Mr. Cotton.*]

under without reference to himself, where the offence proved is punishable with whipping."

Does the Government approve of this interference, on the part of an executive officer in the position of the Commissioner of the Division, with the judicial discretion of Magistrates subordinate to him in the trial of cases which may come before such Magistrates? If not, will the Government be pleased to direct the withdrawal of the Circular referred to above?

The Hon'ble Mr. COTTON replied:—

"This question has been answered by the reply already given to the Hon'ble Mr. Bose on the same subject."

CASE OF RAJ KISSORE SINGH.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(a) Whether the attention of the Government has been drawn to the sentence of whipping upon a charge of rioting passed by Mr. Russell, Joint-Magistrate of Sitamarhi, upon one Raj Kissore Singh, a boy of 12 years, belonging to a highly respectable family with an income of sixteen thousand rupees a year? Whether it is true that the High Court, in upsetting the order of the Magistrate, commented as follows upon the case:—

"The case seems to have been badly prosecuted, badly defended and badly tried. It is not easy to say which was worst. Now, as far as the boy is concerned, even if he was present, of which we have the gravest doubt, having regard to his age, having regard also to the fact that he had no interest whatever in attacking these men in the field, his presence would probably be easily explained by his curiosity to see what was going on in this field, which was not very far from the house where he lived. That would be sufficient to justify us in saying that it is impossible to suppose that there are facts in this case upon which we could be certain that he was guilty of any offence."

And again:—"Before leaving this part of the case, we think we ought also to observe that the Magistrate ought, before he inflicted upon him the sentence of whipping; to have considered that this boy apparently occupied a good

[*Babu Surendranath Banerjee; Mr. Cotton.*]

position in society, that he is a boy of some means; and from his point of view, even assuming that he was present, and did help in the beating, could his conduct be put down for anything more than a boyish freak, and scarcely one which ought to be punished with either whipping or imprisonment? Moreover, the Magistrate has omitted to state in his orders that this whipping should be the whipping of a juvenile. Apparently, this order intended it to be a whipping, such as is inflicted upon an adult, which of course should not have been done in the case of an offender of this kind."

(b) Will the Government be pleased to state whether the orders of the Joint-Magistrate inflicting the punishment of whipping were carried out or not? If carried out, whether the punishment inflicted upon the boy was, in the nature of whipping, such as is administered to juvenile offenders, or such as is inflicted upon adults?

(c) Does the Government approve of these proceedings of the Joint-Magistrate of Sitamarhi? If not, will the Government be pleased to issue orders, impressing upon Magistrates the desirability of not enforcing the provisions of the Whipping Act against persons of education and respectability, except under exceptional circumstances?

(d) Is it the case, as stated in the newspapers, that Lord Lawrence issued a Circular in connection with the infliction of the punishment of whipping; that this Circular has not been withdrawn; and that it directs that whipping is not to be inflicted upon respectable persons (*Bhadra log*), except under exceptional circumstances? Will the Government be pleased to lay the Circular on the table?

The Hon'ble Mr. Cotton replied:—

"This question has also been dealt with in the reply already given to the Hon'ble Mr. Bose. It is only necessary to add that the punishment of whipping was not inflicted in this case, and that the Magistrate on his own responsibility refrained from carrying out his order in order to allow an opportunity for appeal. The orders of Government prohibiting the punishment of whipping in the case of persons of respectability are stringent and leave nothing to be desired. Orders to this effect were issued in 1868, again in 1882, and recently in 1887. It is not considered necessary to lay them on the table, but they will be communicated to the Hon'ble Member if he desires it."

[*Babu Surendranath Banerjee ; Mr. Cotton.*]

ADDITIONAL PUNISHMENT INFLICTED BY JOINT-MAGISTRATE
OF ALIPORE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of the Government been drawn to a paragraph, which appeared in the *Hitabadi* of the 20th December, to the effect that, on the 10th December last, Mr. C. Fisher, Joint-Magistrate, Alipore, convicted and sentenced one Nidhiram Uriya to receive ten stripes, and, after the execution of this sentence, caused ten more stripes to be inflicted on him, and that there is no memorandum of this additional punishment in the records?

Is there any truth in this statement? If so, what action does the Government propose to take in the matter?

The Hon'ble MR. COTTON replied:—

“This question has been answered by the reply already given to the Hon'ble Mr. Bose on the same subject.”

THE 5TH BENGAL CAVALRY MILITARY GRASS-CUTTERS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of the Government been called to a serious riot at Moheshtolla reported in the *Hitabadi* and other newspapers, alleged to have been caused by some Military grass-cutters attached to the 5th Bengal Cavalry? Is the Government aware that the Military grass-cutters were ordered last year by the Magistrate of the 24-Parganas to obtain their supply of grass from railway embankments, and not to enter the villages; and that notwithstanding this order, the grass-cutters went to the village of Moheshtolla, and began forcibly cutting the grass of the villagers which led to the riot? Will the Government be pleased to state what steps it proposes to take, with a view to enforce the orders of the Magistrate, and prevent the recurrence of acts of violence on the part of the Military grass-cutters?

[*Mr. Cotton ; Babu Surendranath Banerjee.*]

The Hon'ble MR. COTTON replied :—

"The facts are substantially as stated in the question. Arrangements have been made by Government for the supply of grass to the Military grass-cutters at Alipore from the railway embankment and from the Baraset subdivisional compound, but it appears that on the 2nd February a party of grass-cutters trespassed upon land belonging to certain villagers of Moheshtolla, who called for the assistance of the police, and that a fight ensued, which resulted in nine of the grass-cutters being arrested and sent up for trial. The Lieutenant-Governor is in communication with the Military authorities, with a view to effectually putting a stop to further incidents of this nature."

ALLEGED OPPRESSION BY MOHUNTS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been called to the telegram noted, in the

ALLEGED OPPRESSION BY A MOHUNT.

(*From a Correspondent, Sitakunda, February 4th.*)

Although in the late Sitakunda case the Mohunt has been ordered to refund the tax illegally extorted by him from two pilgrims, his oppression has not yet ceased. Fortunately, the attention of the Commissioner and the Magistrate has been drawn to his proceedings. The latter personally made a thorough enquiry into the complaints, about 150 pilgrims having been recently obstructed with fencing in a public road leading to the temple of Samvunath by Mahomedans employed by the Mohunt, who is still extorting a tax from pilgrims against their will. These facts were proved beyond doubt. The Magistrate has kindly promised his help and protection to pilgrims against this oppression after enquiry. Pilgrims are coming down in numbers by every day's train, and many thousands are expected on the occasion of the next anniversary ceremony of Sivaratri, to be held on the 11th instant. All are anxiously awaiting orders from the Commissioner and the Magistrate.

margin, which appeared in the *Statesman* newspaper headed "Alleged Oppression by a Mohunt"? Will the Government be pleased to enquire into the circumstances alleged in the telegram, and also disclosed in the issues of the *Hitabadi*, dated the 17th and 24th January? Is it the case that the Mohunts of Sitakunda and Barar shrines in the Chit-

tagong district are levying a regular tax upon pilgrims by issuing tickets of admission to the shrines which are public places of worship—a proceeding hitherto unknown in connection with any other shrine? If so, will the Government be pleased to direct that the old practice of voluntary contributions made

[*Babu Surendranath Banerjee ; Mr. Cotton.*]

by pilgrims be reverted to, or will the Government take such other steps as to the Government may seem fit, with a view to put a stop to this extortionate practice?

The Hon'ble Mr. COTTON replied:—

“The Lieutenant-Governor has caused enquiries to be made on the subject of the Hon'ble Member's question. It appears that two pilgrims sued the Mohunt of Sitakund in the local Small Cause Court to recover the fees paid by them for admission to the Temple, and that the Court decided in their favour. Being a Small Cause Court case there is no appeal, but it is stated that the Mohunt has moved the High Court on a point of law. The measures adopted by the local authorities are exactly the same as they have been for many years past. When the pilgrims' cases were won, the Adhikaris, who own the pilgrim rest-houses at Sitakund, and whose interests conflict with those of the Mohunt, applied to the District Magistrate to take action to remove all barriers and to order that every one should be admitted free of charge to the shrine. In reply to this, the Magistrate pointed out that barriers were put up every year for the regulation of overcrowding, with the consent of the officer who was placed in charge of the *meta* arrangements, and that, in accordance with long-standing practice, this officer had authority to admit persons who were unable to pay to pass without payment.”

WITHDRAWAL OF ACT X OF 1859 FROM JALPAIGURI.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the Government received any memorial from the inhabitants of the Jalpaiguri district, submitted before the last Pooja, for the withdrawal of Act X of 1859 from the regulation portion of the district? Is it a fact that the local authorities are in favour of the prayer of the memorialists? Is it also the case that the present Commissioner of the Division has repeatedly and strongly recommended the withdrawal of the said Act and the introduction of Act VIII of 1885 in its place? If so, and having regard to the strong local feeling on the subject, will the Government be pleased to comply with the prayer of the memorialists in accordance with the recommendation of the Commissioner of the Division and other local authorities?

[*Mr. Buckland; Babu Guru Proshad Sen.*]

The Hon'ble Mr. BUCKLAND replied:—

“(a) A petition, dated the 12th September, 1895, was received by Government, purporting to be signed by residents and inhabitants of the district of Jalpaiguri, who asked the Lieutenant-Governor to abolish ‘the jurisdiction of the Collector and Deputy Collector to try rent suits in the Regulation portion of the district, and vest it in the Civil Courts by withdrawing Act X of 1859 therefrom and introducing Act VIII (B.C.) of 1869 (which differs from Act X of 1859 only in jurisdiction).’

“(b) The memorial was not referred to the local authorities for report, as it had been decided by Government in connection with the passing of Act VII (B.C.) of 1895 (which repealed the Bhutan Duars Act, XVI of 1869), on the 3rd August, 1895, that Act X of 1859 should be introduced into the Duars, and it was deemed undesirable to have different rent Acts prevailing in different parts of the same district.

“(c) The present Commissioner has all along been of opinion that, when Act XVI of 1869 was repealed, its place should be taken by the Bengal Tenancy Act, VIII of 1885, but his views were not accepted by the late Lieutenant-Governor.

“(d) There is no evidence of any strong local feeling on the subject. The memorial referred to prayed for the extension of Act VIII (B.C.) of 1869 (not of the Tenancy Act) to the district; the point on which special stress was laid being that, under Act X of 1859, rent suits are tried by Deputy Collectors. In deference to the wishes of the memorialists, the late Lieutenant-Governor asked the High Court whether the Hon'ble Judges had any objection to the Munsifs in Jalpaiguri being vested with powers for the trial of rent suits under Act X of 1859 and Act VI (B.C.) of 1862. No answer has yet been received to this reference.”

POST OFFICES AT POLICE-STATIONS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Whether a Government Post Office does not exist at all the police-stations? Will the Government be pleased to order the preparation of a statement, showing in what cases they do not exist, district by district?

[*Mr. Buckland ; Babu Guru Proshad Sen.*]

The Hon'ble MR. BUCKLAND replied:—

“It is not clear whether by the words ‘Government post office’ the Hon'ble Member means an Imperial post office as distinguished from a zamindari dāk post office, and whether by the words ‘police-stations’ the Hon'ble Member means only thanas or both thanas and outposts ; but, in any case, the reply to the first half of the question is ‘No.’

“As to the second half of the question, if the Hon'ble Member will let me know precisely the information he desires, the Government will endeavour to obtain it for him.”

ZAMINDARI DAK CESS FUND.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will the Government be pleased to state, whether, when a post office is established with the Zamindari Dāk Cess, the income out of it is credited to the Zamindari Dāk Cess Fund ?

The Hon'ble MR. BUCKLAND replied:—

“When a post office is established with the Zamindari Dāk Cess, the receipts from it are not credited to the Zamindari Dāk Fund ; but neither is the expenditure on supervision, control, accounts and audit, delivery, forms, seals, and other items debited to the fund ; and the expenditure on these items often equals or exceeds the postal income.”

ZAMINDARI DAK CESS RATES.

The Hon'ble BABU GURU PROSHAD SEN asked—

Regard being had to the provisions of section 5 and section 10 of Act VIII of 1862 (B.C.), should the fixing of the rates of Zamindari Dāk Cess for five years, by order of the Board of Revenue, be allowed to continue ?

The Hon'ble MR. BUCKLAND replied:—

“In April, 1892, Government, after full consideration of the question of substituting a fixed annual payment for the variable charge on account of the District Post devolving on zamindars, a question which arose from certain

[*Mr. Buckland ; Babu Guru Proshad Sen.*]

representations of the British Indian Association, decided on the principle of fixing for five years, from January, 1893, the rate at which the zamindari tax was to be levied in each district, on the grounds of economy and of administrative convenience to all concerned. 'The rates were fixed accordingly, and Government would prefer to give the arrangement a fair trial.'

REPEAL OF ACT VIII OF 1862.

The Hon'ble BABU GURU PROSHAD SEN asked—

Considering the great development of our postal system and the profit with which it is being worked out in Bengal, and also considering the fact that the reason or reasons for which the levy of a cess from the zamindars for the conveyance of letters on public service between Police officers and police-stations and the magisterial offices of the district was thought necessary, do no longer exist, will it please Government to order the repeal of Act VIII of 1862 (B.C.)?

The Hon'ble MR. BUCKLAND replied :—

"Government cannot admit the correctness of the statement that the reasons for the levy of the zamindari dâk cess no longer exist, and are not prepared to propose the repeal of the Act, VIII (B.C.) of 1862. The complete substitution of Imperial for zamindari lines is not now, and for many years to come will not be, a practical question in any district in Bengal. At the present time the extension of Imperial lines has no other effect than the temporary displacement of zamindari lines, the release of postal runners in one direction facilitating their employment in another, where their absence is, with the growing needs of the administration, beginning to be felt. Railways and other communications are developing new centres of trade and population, which, for police as well as other purposes, have to be brought into closer connection with the district authorities. Even where new places are not starting into importance, the increasing activity of life and the multiplied wants of the present day, necessitate greater despatch than formerly in communicating with old established centres. Thus the question of abolishing the zamindari dâk system is really not one of immediate possibility."

[*Babu Guru Proshad Sen ; Mr. Buckland.*]

COURT-FEE STAMPS ON JOINT APPLICATIONS.

The Hon'ble BABU GURU PROSHAD SEN asked—

In proceedings under section 104, (2), of the Bengal Tenancy Act, which commence by *applications* and not by *plaints*, and in which under Rule 25 of the Rules issued under section 189 of the Act on the 1st November, 1894, any number of tenants may join in making a joint *application*, or may be joined as defendants in *one application*, if 50 ryots join, or are joined as defendants, 50 eight-anna court-fee stamps are being charged for *one such application*. Will it please Government to say under what provision of the Court-fee Act the court-fee is thus levied?

The Hon'ble MR. BUCKLAND replied :—

“It has been held that a Revenue Officer is acting as a Court when fixing a fair rent under section 104 (2) of the Bengal Tenancy Act on the application of a party, except when the record is being framed under section 101 (2) (d) of the Act. Applications by a party for the fixing of a fair rent under section 104 (2) are, therefore, chargeable with court-fees in estates not under revenue settlement, and, were it not for an exempting Notification of the Government of India, such applications would be treated as *plaints* instituting suits under section 107 of the Bengal Tenancy Act, and would be liable to *ad valorem* fees, as prescribed in Schedule I of the Court-fees Act. It would be a complicated matter, but not impossible, to calculate the value of the suit for the purpose of levying an *ad valorem* fee. In consideration of this difficulty, the Government of India, on the suggestion of this Government, have, under section 35 of the Court-fees Act, remitted all other fees chargeable on applications referring to any entry made, or proposed to be made, in a draft record of rights, while directing that the fee payable on any application made under section 104 (2) for a settlement of rent shall not exceed the sum of 8 annas for each tenant making or joining in or joined in such application.

“Rule 23 of Chapter VI of the Rules issued under section 189 of the Bengal Tenancy Act, makes no reference to the levy of fees at all; they are levied under the Court-fees Act. If it should be held by any superior Court that this Rule, whereby tenants are permitted to be joined in one application, prevents the levy of more than a single fee on it, it might be necessary to alter

[*Mr. Buckland ; Babu Guru Proshad Sen.*]

the Rule (which was made entirely in the interests of applicants), in order to make it clearer that the joinder of several tenants shall not prevent the levy of a separate fee on account of each tenant included in the application. But this difficulty has not yet arisen."

COSTS OF CADASTRAL SURVEY AND RECORD OF RIGHTS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will it please Government to state whether it intends to credit to the costs of the cadastral survey and record of rights in calculating such costs under section 114 of the Bengal Tenancy Act all stamp-fee revenue realized, and all process fees and other receipts on account of the various proceedings between landlords and tenants necessitated by the order for the cadastral survey and record of rights?

The Hon'ble MR. BUCKLAND replied:—

"It was decided by the Government of India, in 1893, on the recommendation of this Government, that the cost incurred on account of the stamp fees referred to should be deducted from the costs of survey and settlement recoverable under section 114 of the Bengal Tenancy Act."

INCONVENIENCES ARISING FROM WITHDRAWAL OF E. B. S. RAILWAY DESPATCH STEAMER SERVICE.

The Hon'ble BABU GURU PROSHAD SEN asked—

What steps have been taken by Government to remove the inconveniences felt by passengers travelling between Goalundo and Naraingange, noticed in the Annual General Administration Report of the Dacca Division for the year 1894-95, paragraph 130, and published in the Supplement to the *Calcutta Gazette*, page 130, since the withdrawal of the Eastern Bengal State Railway despatch steamer service?

[*Mr. Cotton; Babu Guru Proshad Sen; Mr. Buckland.*]

The Hon'ble MR. COTTON replied:—

“The control over the Eastern Bengal State Railway System and of the steamer lines connected with it was transferred to the Director-General of Railways under the Government of India in 1892, and the Bengal Government has no official knowledge of the circumstances under which the steamer service between Goalundo and Naraingunge has been placed in the hands of the India General Steam Navigation Company. The inconvenience felt by passengers travelling between Goalundo and Naraingunge has been brought to the notice of Government by a Memorial from persons concerned, as well as by the Commissioner of the Dacca Division in the paragraph of the report quoted; and this Memorial, together with the remarks of the Manager of the Eastern Bengal State Railway, and of the Commissioner of the Division thereon, has been submitted to the Government of India. The Lieutenant-Governor has also himself personally mentioned the matter to the Manager of the Railway.”

TOURS OF DISTRICT AND SUBDIVISIONAL OFFICERS.

The Hon'ble BABU GURU PROSHAD SEN asked—

(a) Is the Resolution of the Government of Bengal, dated 21st April, 1888, regarding the tour of district and subdivisional officers, published in the issue of the *Amrita Bazar Patrika*, dated 13th January, 1896, still in force?

(b) In view of the great inconvenience and harassment caused to the parties and their witnesses in criminal cases by reason of their being compelled to follow Magisterial officers about in camp during their tour, will it please Government to order in terms of that Resolution that Subdivisional Officers should endeavour to do as much of their regular case work as possible at headquarters, and should arrange their tour so as to render it unnecessary for large parties of muktears and clerks to follow their camp?

The Hon'ble Mr. BUCKLAND replied:—

“The Resolution of the 21st April, 1888, dealt only with the tours of Subdivisional Officers, and was among the papers considered before the Resolution of Government, No. 398T.G., dated the 17th October, 1891, was issued. The

[*Mr. Buckland ; Mr. Cotton.*]

Resolution last mentioned was published in the Supplement to the *Calcutta Gazette* of the 21st October, 1891, and contains Sir Charles Elliott's orders, which have hitherto been in force, on the subject of official tours.

"The Lieutenant-Governor has recently issued a Resolution No. 749, dated the 18th February, 1896, published in the Supplement to the *Calcutta Gazette* of the 19th idem, in which he has laid down revised orders regarding the tours of Commissioners, District Officers, and Subdivisional Officers."

THE PROTECTION OF MUHAMMADAN PILGRIMS BILL.

THE Hon'ble MR. COTTON moved for leave to introduce a Bill to provide for the protection of Muhammadan Pilgrims in the town of Calcutta. He said:—

"Hon'ble Members are doubtless aware that for the ports of Bombay and Karachi a law has been passed to protect Muhammadan pilgrims embarking from those ports, and to enable the local authorities to exercise control over a class of men known as Muhammadan pilgrim brokers. That law was passed in Bombay in 1887, and it is stated that it has worked satisfactorily in that Presidency. Messrs. Thomas Cook and Son, who were for several years in charge of the pilgrim arrangements between India and the ports of the Hedjaz, repeatedly brought to the notice of the Government of India that it would be very desirable if a law, similar to the Bombay Act, were enacted for Calcutta. They made their recommendation in 1890, and again in 1891 and 1892, and in their report for the year 1893. I will, with Your Honour's permission, read to the Council the recommendation they made in the last of these years. Messrs. Cook and Son wrote:—

'I wish again to call the attention of the Government of India to the fact that through the Pilgrim Brokers' Act not applying to Calcutta, it is impossible for any one to carry out the arrangement for shipping of pilgrims satisfactorily from that port; the troubles the pilgrims have to encounter in Calcutta at the present time are, if anything, worse than they were in Bombay before the Brokers' Act was put into operation, and in this my final report, I would impress upon Government the advisability of passing an Act governing the pilgrim brokers in Calcutta, similar to the one now in operation at Bombay and Karachi.'

"On receipt of this report the Local Government placed itself in communication with the Commissioner of Police for the town of Calcutta, and also with the leading Muhammadan Associations of this City, and we have received a report

[*Mr. Cotton.*]

from Sir John Lambert in which he strongly supports the proposal for legislation. He states that about a hundred persons follow the profession of pilgrim brokers in Calcutta, and that they pillage and deceive the pilgrims in every way possible, but as the parties aggrieved were always in a hurry to proceed on their pilgrimage, they would not come forward to complain, and naturally objected to being detained in Calcutta or to appear in Court. He furnished several instances in which these pilgrim brokers were proved to have oppressed and swindled pilgrims passing through the town of Calcutta, but as the brokers were under no legal control, no effective action could be taken; the pilgrims leave for the Hedjaz, and the brokers are left untouched. The Central Muhammadan National Association and the Muhammadan Literary Association have also represented to the Government that in their opinion the introduction of the present Bill is very desirable. The number of pilgrims who leave Calcutta cannot be accurately stated. Formerly a considerable number left by steamer from Calcutta. In the year 1891 the number of pilgrims who left by steamer exceeded 1,000; since then the numbers steadily fell off. In 1894 no pilgrim left by steamer direct from Calcutta, and in 1895 the number was only 48. The pilgrims who now leave from Calcutta all go by train to Bombay, and their number is very considerable. According to the best calculation I have been able to make, it amounts to between 4,000 and 5,000 in a year, principally from the districts of Eastern Bengal, and I include in this expression the district of Sylhet, which is well known to supply a large number of *Hajees*. It is for the protection of this large number of pilgrims that I ask for permission to introduce the present Bill. It is necessary to protect them just as much for the railway journey as it is for the sea passage. The practice is for the pilgrims to take their tickets here to Bombay and from Bombay to Mecca. It has been known that pilgrims whose tickets should have been taken to Bombay have been stranded half way to that City, the actual ticket taken by the broker in such cases being for some intermediate station only. The pilgrims from the districts of Eastern Bengal are mostly very simple men, and not acquainted with the wiles of city life; they are accosted on arrival, and fall, without difficulty, into the hands of those whose business it is to promote their pilgrimage, but who in fact pillage them.

“The object of the Bill I propose to introduce to-day is to protect these pilgrims, and to bring this class of brokers under strict and effective control.”

[*Mr. Cotton; The President.*]

The Bill which has already been circulated to Hon'ble Members is based on the lines of the Bombay Act, but certain modifications have been found necessary to adapt it to the conditions of Calcutta and to make it applicable to railway as well as to sea traffic. But none of the substantive provisions of the Bill are new or other than those which already exist, and have, as I am informed, been found to work well in Bombay.

"With these remarks I ask for permission to introduce this Bill."

The Motion was put and agreed to.

The Hon'ble MR. COTTON applied to the President to suspend the Rules of Business to enable him to introduce the Bill, and to move that it be read in Council.

The Hon'ble THE PRESIDENT having declared the Rules suspended-

The Hon'ble MR. COTTON introduced the Bill and moved that it be read in Council.

The Motion was put and agreed to.

The Bill was read accordingly.

The Council adjourned to Saturday, the 14th March, 1896.

<p>CALCUTTA;</p> <p><i>The 16th March, 1896.</i></p>	}	<p>C. E. GREY,</p> <p><i>Offg. Assistant Secretary to the Govt. of Bengal,</i></p> <p><i>Legislative Department.</i></p>
--	---	--

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 14th March, 1896.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.
The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General.
The Hon'ble H. J. S. COTTON, C.S.I.
The Hon'ble D. R. LYALL, C.S.I.
The Hon'ble C. A. WILKINS.
The Hon'ble C. E. BUCKLAND, C.I.E.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble M. FINUCANE.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.
The Hon'ble A. M. BOSE.
The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.
The Hon'ble GURU PROSHAD SEN.
The Hon'ble W. B. GLADSTONE.
The Hon'ble MADHU SUDAN DAS.

NEW MEMBERS.

The Hon'ble MR. W. B. GLADSTONE and the Hon'ble MR. MADHU SUDAN DAS took their seats in Council.

INTERFERENCE WITH DEPUTY MAGISTRATES IN STAMP CASES.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(a) Whether the attention of the Government has been called to an order passed by the Magistrate of Khulna, reported in the newspapers, to the effect that in no stamp case should a Deputy Magistrate fine less than five

rupees? Does the Government approve of this order, which interferes with the judicial discretion of Deputy Magistrates?

(b) In view of the above order and the circular letter issued by Mr. Forbes, Commissioner of the Patna Division, to all Magistrates within his jurisdiction, recommending that whipping should be inflicted by Magistrates in certain class of cases referred to in that circular letter, will the Government be pleased, in the spirit of the circular letter issued by the Bengal Government, No. 446J., dated the 29th August, 1893, based on the orders of the Secretary of State, containing the clear and distinct declaration that it is not open to any executive or administrative officer, "to adopt any action which may have a tendency to shake public confidence in the decisions of Courts of Justice," to issue a circular letter or take such other action as to the Government may seem fit, with a view to prevent interference by executive order with the judicial discretion of Magistrates—a proceeding which is calculated, in the words of the circular letter of the Bengal Government referred to above, "to shake public confidence in the decisions of Courts of Justice."

The Hon'ble Mr. Cotton replied:—

"The following is the order of the District Magistrate of Khulna referred to in the Hon'ble Member's question:—

"In most stamp cases the law allows the Collector to compound, but fixes a minimum of Rs. 5, which he can accept. In the case of receipts, &c., stamped with one-anna receipt stamp, the law does not allow him to compound: he must prosecute. It is clear that the law intends the punishment to be more severe in such cases, and a Magistrate who passes an order of fine of less than Rs. 5 defeats the object of the law.

W. B. BROWN.'

The 23rd March, 1895.

"The Lieutenant-Governor is advised that this order is based upon an incorrect appreciation of the law, and has therefore directed that it be withdrawn.

"His Honour does not, however, consider that the orders referred to could have 'a tendency to shake public confidence in the decisions of the Courts of Justice,' and does not propose to take action in the direction indicated in the second part of the Hon'ble Member's question."

[*Babu Surendranath Banerjee; Mr. Cotton.*]

ASSAULT BY MR. WINDSOR.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been called to a letter, which has appeared in the *Indian Mirror* of the 25th February last, signed by Amar Nath Mookerjee, to the effect that Mr. Windsor, Magistrate of Burdwan, struck with his whip a carter who happened to block the road when the Magistrate was driving through Memari, a town in the Burdwan district, and that the assault committed upon the carter was so severe that the blood flowed from his face and nostrils? Is there any truth in the statement? If so, what action does the Government propose to take in the matter to mark its disapproval of such conduct on the part of a high officer in the position of the District Magistrate? Is Mr. Windsor the same officer who, as Subdivisional Officer of Serampore, was charged with assaulting a gate-keeper?

The Hon'ble MR. COTTON replied:—

“The letter in the *Indian Mirror* referred to by the Hon'ble Member is as follows:—

‘A MAGISTRATE WHIPPING CART-DRIVER.

[To the Editor of the *Indian Mirror*.]

SIR,—Kindly allow me a little space in your far-famed newspaper to divulge a secret, clearly showing how brutally our district authorities deal with their poor, dumb Indian subjects in the dark recesses of the distant mufassal. The other day Mr. Windsor, the present Magistrate and Collector of Burdwan, went to Memari on tour. Here, as His Honour was driving along a road, a poor bullock cart-driver chanced to stop his course with his cart. It goes without saying that the poor driver was, at that time, unable to manage his bullocks; in consequence His Honour had to wait a few moments on the road. This audacious impudence on the part of the poor cart-driver was no longer bearable to the hot-blooded, impetuous Englishman. Mr. Windsor waited, fiercely frowning upon him. In an instant, his hand was seen to rise; he took aim at the pale face of the cart-driver, and for the next few moments the glittering lash of his long whip was playing in the air and on the face of the innocent man to the rapid musical tune of *shop a shop!* Then, oh! the most heart-rending of scenes ensued: in torrents blood gushed out from the nostrils and different parts of the man's face. We would not speak a word more on this subject. Will Mr. Windsor now have the temerity to deny the perpetration of this abominable deed? Does he think that this and the like

[*Mr. Cotton ; Babu Surendranath Banerjee.*]

despotic acts of his perpetrated in the obscure nooks of the remote mufassal will escape the notice of the higher authorities? I ask, is this the outcome of the education Mr. Windsor has received? Has Mr. Windsor forgotten, in the reckless pride of vigorous youth, that the silent tears and sighs of the innocent man and his relatives have been marked by One above, that the painful appeal of the wounded man has already gone up before that Mighty Judge in whose eye there is no distinction between man and man, between a Magistrate and a cart-driver.

BURDWAN; }
The 16th February, 1896.

Yours, &c.,
 AMAR NATH MOOKERJEE.

“The Lieutenant-Governor caused a copy of this letter to be forwarded to the Magistrate of Burdwan, and called upon him for a report on the facts of the case. Mr. Windsor denies the charge as absolutely as it is possible to do in a case in which neither name nor date is given. He writes:—

“I have no recollection of being obstructed by any cart at Memari. It is possible that if a cartman did wilfully block the road, I may have flicked him with my whip in passing, but I do not remember any such incident having occurred at Memari. I certainly did not strike any cartman so as to make his nose bleed.”

“The Lieutenant-Governor considers that more than sufficient notice has already been taken of the matter.”

ADDITIONAL PUNISHMENT BY JOINT MAGISTRATE OF ALIPORE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(a) Has the Government received a petition from one Nidhiram Ooriya (who received twenty stripes by order of Mr. C. Fisher, Joint-Magistrate of Alipore, when the sentence was that he should receive only ten stripes), challenging the explanation given to the effect that in the first instance the punishment was inflicted in a perfunctory and superficial manner, and praying for a public enquiry as regards the truth of this allegation?

(b) Is it the case that this petition is supported by his own affidavit and that of two legal practitioners who witnessed the whipping, and who say that, so far as they could judge, “the first ten stripes were inflicted in the usual way, and were not inflicted in a superficial and perfunctory manner”?

[*Babu Surendranath Banerjee ; Mr. Cotton.*]

(c) Will the Government be pleased to state what action it proposes to take in the matter, and whether the public enquiry prayed for will be granted?

(d) Is it the case that this officer has recently been promoted and appointed Officiating District Magistrate of Burdwan?

The Hon'ble MR. COTTON replied :—

“The answer to paragraphs (a), (b) and (d) of this question is in the affirmative. The Government does not intend to take any further action in the matter or to grant the public enquiry prayed for. The Lieutenant-Governor regrets that this question should have been put after the answer given on the same subject at the last Meeting of Council.”

FINES FOR NON-RENEWAL OF ARMS LICENSE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been drawn to some Arms Act cases reported in the *Hitabadi* newspaper of the 21st ultimo? Is it true that one Bainuddee Akan was fined Rs. 25 on the 15th February by Mr. C. Fisher, Joint-Magistrate of Alipore, for neglect to apply for the renewal of his license, despite his having applied for and obtained a new license on the 28th January? Is it also true that on the 17th February another man, named Sheik Bhola Mistree, was fined Rs. 25 by the same Magistrate for a similar delay in applying for the renewal of his license, and that about sixty more cases of this nature were then pending before the same Court?

Does the Government think it desirable that the provisions of the Arms Act should be enforced with such exceptional rigour? If not, will the Government be pleased to take such steps as may be deemed advisable?

The Hon'ble MR. COTTON replied :—

“The facts are substantially as stated in the Hon'ble Member's question. The fines inflicted may be considered to have been severe, but it must be remembered that exemplary punishments are occasionally called for to ensure that the provisions of the law are complied with, and the Joint-Magistrate of

[*Mr. Cotton ; Babu Guru Proshad Sen.*]

the 24-Parganas has explained that out of 4,340 renewals which were due on the 1st of January last, applications for renewal within that date had, notwithstanding that the date of expiry of the license is clearly entered in each form, been made in 425 cases only. There has been great remissness among the licensees of the district, and it was thought necessary to make an example of some of the offenders. The Government sees no reason to interfere."

POST OFFICES AT POLICE-STATIONS.

The Hon'ble BABU GURU PROSHAD SEN asked—

The words "Government post" and "police-stations" being words used

Act VIII of 1862 (B.C.).

Whereas the conveyance of letters on the public service, between police officers and police-stations, and the Magisterial offices of the districts subject to the Government of Bengal, is defective, &c., &c., &c.

Section 4.—Provided always that no zamindari dak shall be established or maintained under this Act between any two places between which a Government post for the time being exists.

in Act VIII of 1862 (B.C.), as in the Preamble and section 4 of the Act quoted in the margin, and not the words "Imperial Post Office," "Thanas and outposts," in the Act, or any amendment thereof, will it now please the Government, with reference to the reply given to the second half of my question No. I,

on the Zamindari Dak Cess, on the 29th February last, to order the preparation of a statement, district by district, showing in what "police-stations" [words as used in the Preamble to Act VIII of 1862 (B.C.)] a Government post [words as used in section 4 of Act VIII of 1862 (B.C.)] does not exist?

The Hon'ble MR. COTTON replied :—

"The Government will place itself in communication with the Post-master-General, Bengal, with a view to supplying the information desired by the Hon'ble Member."

ZAMINDARI DAK CESS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will it please the Government to state how, with a five years' settlement, fixing the rates and the amount of the zamindari dak cess for that

[*Babu Guru Proshad Sen ; Mr. Cotton.*]

period, effect is being given to the provisions of section 5 and section 10 of Act VIII of 1862 (B.C.)? .

The Hon'ble MR. COTTON replied :—

“The settlement for five years was introduced by Sir Charles Elliott, for the convenience of Government and zamindars alike, and was concluded outside the provisions of the law to which the Hon'ble Member refers. The fourth year of this settlement is now running. No complaints, so far as the Government is aware, have been made in regard to it, and it would be convenient that it should be continued for the full period; but if serious objection to it is taken by those interested, the Lieutenant-Governor will be prepared to revert to the precise arrangements contemplated by the Act.”

PROMOTION OF MUNSIFFS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Has the attention of Government been drawn to the fact that, as matters now stand, members of the Judicial Branch of the Provincial Service have to serve as Munsifs for about twenty-one years before they can expect to be promoted to the rank of Subordinate Judges, and that when they get this promotion, they are, as a rule, about fifty years old?

If the Government consider that this state of things is not conducive to the efficiency of the public service, will it please the Government to take steps for the adoption of adequate measures for its removal?

The Hon'ble MR. COTTON replied :—

“There are now 54 Subordinate Judges in the service and 295 Munsifs, and it follows therefore that promotion to the grade of Subordinate Judges cannot be as rapid as many Munsifs would wish. The Government is not prepared to increase the number of Subordinate Judges merely in order to stimulate promotion. It must be guided in fixing the strength of these establishments solely by the requirements of the work to be done.”

[Babu Guru Prashad Sen ; Mr. Risley ; Mr. Cotton.]

PROFIT FROM PROCESS-FEES

The Hon'ble BABU GURU PROSHAD SEN asked—

Will the Government be pleased to state what was the amount of process-fees realised (1) in the Civil Courts of all classes and grades in the Mufassil, (2) in the Revenue Offices and Courts; and what was the net profit left to Government under each of these two heads after payment of salaries, &c., to the process-servers during the financial year 1894-95?

The Hon'ble MR. RISLEY replied :—

“As process-fees are paid in court-fee stamps and credited as stamp revenue, the accounts for the financial year 1894-95 do not show separately the sums realized as process-fees in the Civil Courts. In the High Court's Report on Civil and Criminal Justice for 1894, the receipts from process-fees in the Civil Courts of all classes and grades in the mufassal are shown to have been Rs. 21,78,849 and the charges Rs. 7,31,928. The latter sum, however, does not include charges for contingencies and travelling expenses; and the sum of Rs. 8,14,051, which is shown under the head of Mufassal Civil Courts in the Law and Justice Accounts for 1894-95, more correctly represents the actual expenditure, though even this leaves out of account charges for pensions, stationery, printing, and supervision, and a proportion of the salaries of the muharrirs employed partly on writing out processes. As the receipts can only be given for the calendar year and the charges, subject to the remarks above, for the financial year, it follows that the surplus cannot be accurately stated, though for practical purposes it may be taken to have amounted to about 13 lakhs in 1894-95. In the Revenue Courts the receipts from process-fees during 1894-95 were Rs. 3,78,242 and the expenditure Rs. 2,17,589, leaving a surplus of Rs. 1,60,653.”

THE PROTECTION OF MUHAMMADAN PILGRIMS BILL.

The Hon'ble MR. COTTON moved that the Bill to provide for the protection of Muhammadan Pilgrims in the town of Calcutta be referred to a Select Committee, consisting of the Hon'ble Mr. Wilkins, the Hon'ble Nawab Syud

[*Mr. Cotton ; Maulvi Muhammad Yusuf.*]

Ameer Hossein, the Hon'ble Maulvi Muhammad Yusuf Khan Bahadur, the Hon'ble Mr. Gladstone, and the Mover. He said:—

“It is unnecessary that I should trouble the Council with any further observations on this Bill, but I may say that the Government have forwarded a copy of the Bill to the leading Muhammadan Associations of Calcutta, with a request that they will favour us with an expression of their opinion upon it, and we have also consulted the Commissioner of Police. Sir John Lambert has replied, stating that he thinks this Bill is well suited to meet the object for which it has been prepared ; and he adds, as I am sure you will be glad to hear, that our late colleague, Hajee Maulvi Abdul Jubbar Khan Bahadur, has examined the Bill, and has expressed his entire approval of its provisions.”

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—“I have to offer no criticism on this Bill, as the Hon'ble Member in charge of it has done me the honour to put me on the Select Committee. But I may state to the Council, by way of assurance, that I have consulted some of the leading Muhammadans of the leading communities in Calcutta, such as Hadjee Noor Mahomed Zakariah and Suchadeena, and others, and so far as I have been able to ascertain Muhammadan public opinion upon the principle of this Bill, it is in favour of it, and Muhammadans generally consider that this Bill is necessary for the protection of the *Hajees*.”

The Motion was put and agreed to.

The Council adjourned to Saturday, the 28th March, 1896.

CALCUTTA ; The 19th March, 1896.	}	C. E. GREY, <i>Offg. Assistant Secretary to the Govt. of Bengal,</i> <i>Legislative Department.</i>
-------------------------------------	---	---

*Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal,
assembled for the purpose of making Laws and Regulations under the provisions
of the Indian Councils Acts, 1861 and 1892.*

THE Council met at the Council Chamber on Saturday, the 28th March,
1896.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor
of Bengal, *presiding*.

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General.

The Hon'ble H. J. S. COTTON, C.S.I.

The Hon'ble D. R. LYALL, C.S.I.

The Hon'ble C. A. WILKINS.

The Hon'ble C. E. BUCKLAND, C.I.E.

The Hon'ble C. W. BOLTON.

The Hon'ble H. H. RISLEY, C.I.E.

The Hon'ble M. FINUCANE.

The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.

The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.

The Hon'ble SURENDRANATH BANERJEE.

The Hon'ble J. G. WOMACK.

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.

The Hon'ble A. M. BOSE.

The Hon'ble RAI ESHAN CHUNDRA MITTREA BAHADUR.

The Hon'ble GURU PROSHAD SEN.

The Hon'ble W. B. GLADSTONE.

The Hon'ble M. S. DAS.

NEW MEMBER.

The Hon'ble MR. C. W. BOLTON took his seat in Council.

CONFERENCES OF EDUCATION COMMISSION.

The Hon'ble MR. A. M. BOSE asked—

With reference to the following recommendation of the Education Commission, viz.—

“that Conferences (1) of officers of the Education Department, and (2) of such officers with managers of aided and unaided schools, be held from time to time for the discussion of questions affecting education,”

[*Mr. Bose; Mr. Bolton.*]

will the Government be pleased to state when such Conferences were last held; whether their proceedings have been published; whether institutions invited to take part in such Conferences are, or will be, allowed to nominate their own representative or representatives as the case may be; and when such Conferences may be next expected to be held?

The Hon'ble MR. BOLTON replied:—

“Conferences of one or other of the classes referred to were held in 1884, 1886, 1887 (one of each class), and 1891. The latest Conference of class I was held in 1896, to discuss the question of agricultural education. The latest Conference of class II was held in 1895, for the revision of the European School Code. The results of neither Conference have yet been published; but those of the Conference of 1895 are expected to be issued immediately. A Conference by correspondence also took place in 1895, when the authorities of all Colleges in Bengal, Government, aided and unaided, were invited to consider the revision of the Transfer Rules relating to Colleges. The results of this were published.

“Conferences are held when any question of importance arises, upon which the advice of Educational Officers or of Managers of aided and unaided institutions is likely to be useful. No such question is before the Government at present, nor can it be said when the next Conference is likely to be held. Since the transfer of large educational duties to District Boards, however, the necessity for holding Conferences occurs less frequently than was anticipated in 1883.

“When institutions rather than individuals are invited to a Conference, it is usual to allow them to nominate their own representatives, unless, in any case, the presence of a particular person at the Conference is thought desirable.”

MR. MORSHEAD'S CIRCULAR.

The Hon'ble MR. A. M. BOSE asked—

Has the attention of the Government been drawn to a Circular alleged to have been issued by Mr. Morshead, Deputy Commissioner of Purulia, and published in the *Amrita Bazar Patrika* of the 6th instant? While the Circular

[Mr. Bose ; Mr. Cotton.]

aims at an object which must command public sympathy, does the Government consider the means adopted to be legal or justifiable? If not, will it be pleased to direct the withdrawal of the Circular.

The Hon'ble MR. COTTON replied :—

“The order of the Deputy Commissioner of Manbhum, to which attention is drawn by the Hon'ble Member, is published as follows, in the *Amrita Bazar Patrika* of the 6th March :—

No. 139.

In future no compromise must be allowed by any Magistrate in cases in which persons complain of wrongful confinement or fraudulent recruitment for purposes of emigration without reference to the Deputy Commissioner.

Dated the 7th December, 1895

“The Lieutenant-Governor is advised that there is no illegality in these orders, and that they are indeed distinctly laudable, the object being to control compromises in cases where ignorant coolies are misled by crafty recruiters. The Hon'ble Judges of the High Court have laid down in the case of *Murray versus Queen-Empress*, reported in page 193 of Volume XXI of the Calcutta Series of the Indian Law Reports, that Courts are to scrutinize the terms of the composition in compoundable cases, and satisfy themselves that both parties thereto have, with full knowledge, entered into a legal compromise. Mr. Morshead's order will ensure this being done more efficiently than it would be done if the Subordinate Magistrates, who are occasionally hasty in their desire to get rid of a case, were left altogether to themselves. They will know that the Deputy Commissioner will scrutinise the facts, and they will therefore be unlikely to slur over the case. Moreover, it may sometimes happen that Subordinate Magistrates will allow compromises in cases where an offence outside the sections of the law which permit compromise has been committed. In such cases it is both legitimate and desirable that the District Magistrate should advise his subordinates in their procedure with a view to prevent miscarriage of justice.”

[*Mr. Bose.*]

MR. BIDWELL'S CASE.

The Hon'ble Mr A. M. Bose asked—

Has the attention of the Government been drawn to the two letters given below, published in the *Hitabadi* of the 20th March, and professing one to have been written by Mr. Morshead, Deputy Commissioner of Purulia, and another to have been addressed to him?

PURULIA ;

The 8th November, 1895

DEAR MR. MASEYK,

I am transferring the case to your file from Jadu Babu's, as Mr. Bidwell seems to think that he will not get a fair trial before a Babu. This does not of course mean that his case is not true, but I would ask you to take particular care with it. On the one hand the old man is unscrupulous, but I believe he resorts to violence rather than decoit when he thinks himself injured. At the same time he is uneducated and ignorant, and, like all ignorant people, mixes up what he sees and what he fancies. On the other hand all the people in the neighbourhood are against him, as an unnecessary and troublesome intruder, and probably the Police also, as he caused a head-constable to be dismissed for taking a bribe, and they at first refused to send up the case. It is also on the border of civil and criminal jurisdiction, and it will be necessary to see that it falls on the criminal side. * * *

I have written about your first class powers.

Yours, &c.,

L. F. MORSHEAD.

MY DEAR MR. MORSHEAD,

After careful perusal of your comments on my judgment in Mr. Bidwell's case, I am sorry I cannot be induced to change my view. I am still of opinion that my remarks on Mr. Bidwell's case are justifiable under the circumstances, and I could not think of retracting them. Apart from this, having regard to section 369, Criminal Procedure Code, I am afraid I would be acting illegally were I to accede to your wishes. The records of the case, as also your comments thereon, are herewith returned.

Yours, &c.,

C. H. MASEYK.

Will the Government be pleased to enquire into the genuineness of the letters, and take such action as to it may seem proper under the circumstances of the case. Is there any foundation for the statement that after Mr. Maseyk had passed his judgment in the case, an attempt was made by the Deputy Commissioner to induce him to alter it; and will the Government lay the Deputy Commissioner's letter or proceeding, if any, on the subject before the Council?

[Babu Surendranath Banerjee.]

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(a) Will the Government be pleased to enquire whether, as stated in the *itabadi* newspaper, Mr. Morshead, Deputy Commissioner of Purulia, wrote the following letter to Mr. Maseyk, an Honorary Magistrate subordinate to him, in connection with a case in which one Mr. Bidwell was concerned, and which was transferred from the file of a Bengali Deputy Magistrate to the file of the said Honorary Magistrate:—

PURULIA ;

The 8th November, 1895.

DEAR MR. MASEYK,

I am transferring the case to your file from Jadu Babu's, as Mr. Bidwell seems to think that he will not get a fair trial before a Babu. This does not of course mean that his case is not true, but I would ask you to take particular care with it. On the one hand the old man is unscrupulous, but I believe he resorts to violence rather than deceit when he thinks himself injured. At the same time he is uneducated and ignorant, and, like all ignorant people, mixes up what he sees and what he fancies. On the other hand all the people in the neighbourhood are against him as an unnecessary and troublesome intruder, and probably the Police also, as he caused a head-constable to be dismissed for taking a bribe, and they at first refused to send up the case. It is also on the border of civil and criminal jurisdiction, and it will be necessary to see that it falls on the criminal side. * * * *

I have written about your first class powers.

Yours, &c.,

L. F. MORSHEAD

(b) Is it true that subsequent to the disposal of the case by the said Honorary Magistrate, Mr. Morshead tried to induce the trying Honorary Magistrate to modify some observations made by him in the course of his judgement, and that the said Honorary Magistrate wrote the following reply:—

MY DEAR MR. MORSHEAD,

After careful perusal of your comments on my judgment in Mr. Bidwell's case, I am sorry I cannot be induced to change my view. I am still of opinion that my remarks on Mr. Bidwell's case are justifiable under the circumstances, and I could not think of retracting them. Apart from this, having regard to section 369, Criminal Procedure Code, I am afraid I would be acting illegally were I to accede to your wishes. The records of the case, as also your comments thereon, are herewith returned.

Yours, &c.,

C. H. MASEYK.

[*Babu Surendranath Banerjee; Mr. Cotton; Mr. Bose.*]

Does the Government approve of interference of this nature by a district officer with the judicial discretion of a Subordinate Magistrate?

What action does the Government propose to take in the matter?

(c) Is not Mr. Morshead the same officer who was deprived of summary powers because of some observations made by the High Court in regard to his judicial work while in charge of the Hajipur subdivision?

The Hon'ble MR. COTTON replied :—

"A copy of the correspondence quoted by the Hon'ble Members was placed in the hands of Government by a third party before it was published in the *Hitabadi*, and the Lieutenant-Governor then caused an enquiry to be made into the facts. The letters are genuine. It is true also that the Deputy Commissioner did try to induce Mr. Maseyk to modify certain remarks in his judgment, imputing maliciousness to Mr. Bidwell. He did not, however, want him to alter the wording of his decision but only to add a note taking away the sting of the remarks, which it was feared might lead to further trouble. This was an indiscretion on Mr. Morshead's part, of which the Commissioner of the Division has taken due notice, and Mr. Morshead has been warned to be more careful in future. The Lieutenant-Governor does not propose to take any further notice of the matter. The case is not a serious one, and it appears clear that no injustice was done."

MR. NORMAN WARDE-JONES' CASE.

The Hon'ble MR. A. M. BOSE asked—

Is the Government now in a position to state the result of the enquiry into the case of Mr. Norman Warde-Jones, late Sub-divisional Officer of Gobindpur? Will it be pleased to lay the papers relating to his case before the Council?

The Hon'ble MR. COTTON replied :—

"The services of Mr. Warde-Jones have been dispensed with. The Government considers that it would serve no useful purpose to lay the papers of the case before the Council."

[Mr. Bose ; Mr. Bolton.]

GRADUATE AND PRIVATE SCHOLARSHIPS.

The Hon'ble MR. A. M. BOSE asked—

Will the Government be pleased to state—

(a) Whether it is not the fact that the “graduate scholarships,” the establishment of which was recommended by the Bengal Provincial Committee of the Education Commission, were specially meant to be not *private* scholarships, but public scholarships, or scholarships not limited to any particular institution, or to any particular section of the community?

• (b) Are not the Mohsin and Madrassa Scholarships, which have been referred to as having been established since the date of the Education Commission's Report (in answer to the question on the subject put on the 29th of February), private scholarships? And are they not the result of the recommendations of the Education Commission about “special encouragement of Muhammadan Education” [Rule 7b (1), page 597] and about liberal encouragement to “higher English Education for Muhammadans.” [Rule 7b (7) page 598], and not of the recommendation about the establishment of graduate scholarships, which were to be of a non-private character, referred to in the question?

(c) Are the Presidency College Scholarships, referred to in the same answer, also private scholarships? Were they not in existence from long before the appointment of the Education Commission?

(d) Has any scholarship which is not private been created since the date of the recommendation of the Bengal Provincial Committee, open to graduates reading for the M.A. degree?

The Hon'ble MR. BOLTON replied :—

“(a) The ‘graduate scholarships’ are contrasted, in the recommendation of the Bengal Provincial Committee, with ‘private’ or endowed scholarships. The establishment of graduate scholarships by Government is evidently intended by the recommendation. The establishment of Government scholarships for graduates of any particular institution, or belonging to any particular section of the community, would come within the terms of the recommendation.

“(b) The Mohsin scholarships are ‘endowed’ scholarships, created by Government and paid from the Mohsin Endowment Fund. The Madrassa

[*Mr. Bolton; Mr. Bose.*]

scholarships are Government scholarships, paid from Provincial Revenues. The former are 'private' in the sense of being endowed scholarships; the latter are 'public' scholarships, though limited to Muhammadans. The recommendations of the Education Commission, referred to in the latter part of the question, did not go beyond the establishment of scholarships for Muhammadans awardable on the results of the First Arts Examination.

"(c) The Presidency College graduate scholarships are 'private' in the sense of being endowed scholarships. They were in existence long before the appointment of the Education Commission.

"(d) The Madrasa graduate scholarships, above referred to, are not private scholarships, and have been created since 1883. Six Government scholarships of the value of £200 a year each, and tenable for three years in England by graduates who are Natives of India, were created by Home Department Resolution No. $\frac{1}{457}$, dated 12th February, 1886. The scholarships were placed at the disposal of the Universities of Calcutta, Bombay, Madras, and the Punjab in rotation."

PUBLIC SCHOLARSHIPS.

The Hon'ble MR. A. M. BOSE asked—

Are there any public scholarships open to candidates on the result of the Entrance or the First Arts Examination of the University? And if so, what is their number and the date of their establishment?

Will the Government be pleased to take into its consideration, as soon as circumstances may permit, the desirability of affording the same encouragement to students reading for the M.A. or the highest examination of the University, by the creation of some graduate scholarships open to general competition, as that which it has been graciously affording for so long past to students reading for the B.A. or the F.A. Examination of the University, and thus give effect to the unanimous recommendation of the Bengal Committee of the Education Commission?

The Hon'ble MR. BOLTON replied:—

"There are 50 Government senior scholarships—10 of Rs. 25 a month and 40 of Rs. 20 a month—open to candidates passing the First Arts Examina-

[*Mr. Bolton; Babu Guru Proshad Sen.*]

tion. There are 152 Government junior scholarships—10 of Rs. 20, 47 of Rs. 15, and 95 of Rs. 10 a month—open to candidates passing the Entrance Examination. These were established in 1872.

“There are also 20 senior scholarships of Rs. 10 and Rs. 7 a month, and 20 junior scholarships of Rs. 7 a month, limited to Muhammadan candidates. These were created in 1886.

“There are also two senior and three junior scholarships, one of each grade in either case, limited to female candidates. These were created in 1887.

• “There are also two junior scholarships of Rs. 8 a month each reserved for candidates of aboriginal races who pass the Entrance Examination. These were created in 1891.

“It is not thought necessary, in the present advancement of higher education in Bengal, to offer any special inducements to candidates reading for the M.A. degree. The number of such candidates has increased from 74 in 1883 to 173 in 1895.

“The Education Commission suggested (Report, page 312, No. 14) that the assignment for Government scholarships tenable in Arts Colleges should not exceed two per cent. of the Provincial grant for education. The Provincial expenditure on education in 1894-95 amounted to Rs. 22,76,285 (Report on Public Instruction for 1894-95, General Table IV, page vii), two per cent. of which would amount to Rs. 45,526. The Provincial expenditure on scholarships tenable in Arts Colleges in the same year was Rs. 73,825, which is over three per cent. of the Provincial expenditure on education. The Government is not prepared to increase the grant for scholarships tenable in Arts Colleges.”

DISTRICT BOARD'S RECEIPTS FROM CERTAIN SOURCES.

The Hon'ble BABU GURU PROSHAD SEN asked—

Are the receipts under Cattle Trespass Act and tolls on Ferries made over to the District Boards on the introduction of the Local Self-Government Act, 1885, *plus* contributions to the Boards from Provincial revenues, equal in amount to the total of all charges on Education, Medical, Famine Works, and additional charges on Civil Works; as also charges on several smaller items thrown on these Boards on the introduction of the aforesaid Act, and to the

[*Babu Guru Proshad Sen ; Mr. Risley.*]

total of the amount by which the Provincial revenues had been since then relieved of these charges? If not, will the Government be pleased to relieve the District Boards of charges over and above the receipts under the aforesaid heads, thus enabling them to spend a greater proportion (say one-fifth) of their income from the cess levied under Act IX of 1880 in excavating tanks and wells, and in otherwise providing for the construction and maintenance of any means and appliances for improving the supply of drinking water—one of the objects for which the cess is levied—than the paltry sum of Rs. 43,000 out of an income of Rs. 36 lakhs realised from the proceeds of the cess as in the year ending with 31st March, 1894.

The Hon'ble MR. RISLEY replied:—

“In March, 1888, certain charges on account of Education, Medical, Pounds and Ferries were made over to District Boards with the corresponding receipts, and a grant from Provincial revenues was made at the same time so as to equalise income and expenditure. During the year 1894-95, the expenditure of the Boards under these heads, including Famine Works, amounted to Rs. 13,65,923 and their income to Rs. 14,16,997, leaving a surplus of Rs. 51,072. This does not include Civil Works transferred from Provincial to Local, for each of which separate allotments have been made from time to time. During 1894-95 the Boards spent Rs. 63,768 on the improvement of water-supply, and in paragraph 48 of the Resolution reviewing the reports on the working of District Boards for that year, each Board was urged to set apart at least Rs. 5,000 a year for that purpose.

“The attention of the Boards will now be specially drawn to the existing scarcity of water, and they will be asked to take such steps as are possible in the circumstances.”

STAMP REVENUE.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will the Government be pleased to state whether there is any return published in any of the Reports of the Stamp Revenue, showing how much court-fees are realised from suits compromised, withdrawn, decided *ex parte*, or in which the judgment is confessed?

[*Babu Guru Proshad Sen ; Mr. Risley ; Mr. Bolton.*]

Is the Government in a position to say what amount of revenue, out of the total amount of Stamp revenue, is derived (1) from court-fees, (2) the process-fees, in these cases? Are not these for the most part cases in which the raiyats and the poorer classes of the community are concerned?

The Hon'ble MR. RISLEY replied :—

“The reply to the first head of the question asked by the Hon'ble Member is, No.

“The reply to the second head is, No.

“The reply to the third is, that the accounts kept by Government do not show separately the amount of stamp-fees realised in contested and uncontested cases, nor is there any information before Government regarding the status and circumstances of the parties who are for the most part concerned in uncontested cases.”

ZAMINDARI DAK CESS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will the Government be pleased to state whether the Zamindari Dâk cess is paid by Government, when it holds zamindari estates as a landlord? If not, does not the incidence of the cess fall heavily on the other holders of estates, especially in districts where a great part of it is held by Government as its zamindari?

The Hon'ble MR. BOLTON replied :—

“The position of the Government in regard to liability to the Zamindari Dâk cess is explained in the following rule, which will be found on page 39 of the Miscellaneous Volume of the Board's Rules, 1888 :—

“It has been decided by Government, after consultation with the Legal Remembrancer, that the Collector is not a zamindar who pays revenue to Government within the meaning of section 3 of Bengal Act VIII of 1862 in respect to Government estates, and that in a Government estate under direct management the raiyats are not persons who come under the description of “persons paying revenue direct to Government,” such as zamindars and sadar farmers mentioned in that section. It is, therefore, held (a) that as in a Government estate under direct management there is no sadar jama within the

[*Mr. Bolton ; Babu Guru Proshad Sen.*]

meaning of section 5 upon which the rate for Zamindari Dâk cess can be assessed, no Zamindari Dâk cess is payable by such an estate; (b) that in estates the property of Government let on farming leases, the farmer is liable to pay the assessment; (c) that in estates the property of individuals which are let on farming leases, in consequence of the refusal of the proprietors to take settlement, the farmer is liable; and (d) in the case of estates of the same kind as class (c) but managed directly by Government, and not let on farming leases, no person is liable. Under this explanation it is only sadar malguzars under revenue engagements to Government who can be called upon to pay the cess, which in fact only represents the old customary liability of such malguzars to forward police reports of crime, and district officers are to be guided accordingly. It follows that no provision is necessary for the payment of the Zamindari Dâk cess on account of estates, whether the property of Government or of private individuals, which are held under the direct management of the Collector.'

ZAMINDARI DAK CESS UNDER THE FIVE YEAR'S SETTLEMENT.

The Hon'ble BABU GURU PROSHAD SEN asked—

What is the incidence of the Zamindari Dâk cess in a hundred rupees of Government revenue under the five years settlement of 1892, and what was this incidence in the five preceding years? What is the total amount of cess now raised, and what was the total amount of it in the five preceding years?

The Hon'ble MR. BOLTON replied :—

"The information asked for in the first part of this question can only be obtained by local enquiries in each district, which the Lieutenant-Governor does not think it worth while to make.

"The total amount of Zamindari Dâk cess realised during the past six years is as follows :—

[*Mr. Bolton ; Babu Guru Proshad Sen ; Rai Eshan Chundra Mittra Bahadur.*]

					Rs.
1889-90	...	...	...	...	3,71,441
1890-91	...	...	...	...	3,61,029
1891-92	...	...	...	...	3,64,736
1892-93	...	...	...	...	4,37,411
1893-94	...	...	...	...	4,30,000
1894-95	...	...	...	...	3,90,886 "

CONTROL OVER ZAMINDARI DAK CESS FUND

The Hon'ble BABU GURU PROSHAD SEN asked—

Will it please Government to state whether this Government exercises any sort of control over the expenditure of the money raised by the levying of the Zamindari Dâk cess? Is any detailed account of the receipts and expenditure published? If so, in which of its reports?

The Hon'ble MR. BOLTON replied :—

"The estimates of the Postal Department for the establishments paid out of the Zamindari Dâk cess are checked annually by the Collector and the Commissioner and are reviewed by the Government. Annual detailed statements of the receipts and charges are also submitted to the Government.

"Detailed accounts of the receipts and expenditure of the cess are not published by the Government."

SANITATION IN BENGAL JAILS.

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR asked—

Has the attention of Government been drawn to an article on "Sanitation in Bengal Jails" by Brigade-Surgeon Lieutenant-Colonel W. H. Gregg, published in the *Calcutta Review* of January last, showing the extraordinary success that attended the introduction of some simple sanitary precautions in the Hooghly Jail, resulting in entire cessation of dysentery and some other diseases, and the marked improvement in the general health of the prisoners?

(a) Has the Government received any official report on the subject?

(b) If so, has the Government taken any action on the report?

[*Rai Eshan Chundra Mittra Bahadur ; Mr. Cotton ; Mr. Bolton.*]

(c) If not, will the Government be pleased to endeavour to bring about the introduction of those special sanitary improvements referred to in the article in question consisting of an improved dietary, improved ventilation, a supply of disinfected and wholesome water, and an allowance of sufficient clothing in all unhealthy jails in Bengal?

The Hon'ble MR. COTTON replied:—

“The Government has received an official report on the subject of the Hon'ble Member's question from the Commissioner of the Burdwan Division. That officer has taken exception to the accuracy of some of the statistics published by Dr. Gregg, and further enquiry has been ordered into the matter. In the meantime the Lieutenant-Governor desires to assure the Hon'ble Member that the greatest possible attention is bestowed on dietary, ventilation, water-supply and clothing in all the Jails in Bengal. A reference to recent Jail Reports will show what has been done, and the efforts in this direction, which were persistent during the past year, are systematically continued.”

EXCESS SCHOOLING FEES FOR UNIVERSITY ENTRANCE EXAMINATION.

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR asked—

Is the Government aware that since 1891, candidates for the University Entrance Examination in Government schools are required to pay schooling fees for sixteen months, from February of one year to May of the succeeding year, instead of 12 months, as was the rule before?

(a) Will the Government be pleased to consider whether or not this rule causes hardship to the said class of students, and will the Government be pleased to pass such orders on the subject as it thinks fit.

The Hon'ble MR. BOLTON replied:—

“The question is understood to refer to Rule X of the Transfer Rules for High Schools, which runs as follows:—‘A student shall not be sent up to the Entrance Examination until he has paid all sums due to the institution in which he has been reading, including fees up to the end of the session in May.’ The

[*Mr. Bolton ; Mr. Das ; Mr. Cotton ; Mr. Womack.*]

rule is not, as the question suggests, confined to Government schools, but is applicable to all classes of high schools, whether Government, aided or unaided.

“(a) The rule affirms the principle that fees are payable by students up to the close of a session, which the Government accepts as a salutary principle. The rule has been in operation from 1889, and no complaint against it has been made by the managers of schools. The Government, as at present advised, sees no necessity for altering it.”

MUNSIFFS FOR ORISSA.

The Hon'ble MR. M. S. DAS asked—

In appointing Munsifs for Orissa, will the Government be pleased to take into consideration the superior claims of candidates who, having obtained their B. L. degree from the Cuttack Ravenshaw College, are practising as pleaders in Orissa, and who have consequently a knowledge of the language and of all that is peculiar to Orissa.

The Hon'ble MR. COTTON replied:—

“The Lieutenant-Governor will place himself in communication with the High Court on the subject of the Hon'ble Member's question.”

REDUCTION OF FEES IN SMALL CAUSE COURT SUITS.

The Hon'ble MR. WOMACK asked—

Will the Government be pleased to state if any, and if so what, decision has been come to regarding a reduction of the institution and other fees on suits in the Court of Small Causes ?

The Hon'ble MR. COTTON replied:—

“The Lieutenant-Governor, after consulting the High Court and the Chief Judge of the Small Cause Court, is of opinion that some reduction should be made in the rate of institution fees in Small Cause Court cases in Calcutta which are valued at five hundred rupees and under. His Honour has caused a representation on the subject to be made to the Government of India.”

[*Mr. Womack ; Mr. Cotton ; Mr. Risley.*]

REFORMS IN SMALL CAUSE COURT.

The Hon'ble MR. WOMACK asked—

Will the Government give any information in its possession respecting the probability of the early introduction of reforms in the practice and procedure of the Court of Small Causes ?

The Hon'ble MR. COTTON replied :—

“A memorial submitted by the Calcutta Trades' Association suggesting certain reforms in the practice and procedure of the Calcutta Court of Small Causes was received by this Government and is still under the consideration of the Hon'ble Judges of the High Court, to whom it was transmitted for the favour of a report.”

BENGAL FINANCIAL STATEMENT FOR 1896-97.

The Hon'ble MR. RISLEY laid on the table the Bengal Financial Statement for 1896-97 with explanatory notes.

BENGAL FINANCIAL STATEMENT FOR 1896-97.

PART I.—General Review.

(1) ACCOUNTS OF 1894-95.

1. The accounts of 1894-95, as presented to the Council this time last year, were estimated to work out to a surplus of Rs. 7,49,000. As the actuals now stand, they are better by Rs. 9,49,000 owing mainly to an improvement of $3\frac{1}{4}$ lakhs on the revenue side, and a diminution of $6\frac{1}{4}$ lakhs in expenditure, chiefly under Customs establishment ($1\frac{1}{4}$ lakhs), Stationery stores supplied to Government offices and Presses (3 lakhs), Irrigation works ($1\frac{3}{4}$ lakhs) and Land Revenue ($\frac{1}{4}$ lakh).

(2) REVISED ESTIMATE OF 1895-96.

2. The receipts of the current year are now estimated at Rs. 4,56,39,000 against Rs. 4,41,97,000 anticipated when the Budget was first framed, and the total expenditure will probably amount to Rs. 4,44,10,000 against Rs. 4,43,08,000, the original sanctioned grant for the year. The net result is

[*Mr. Risley.*]

a surplus of Rs. 12,29,000 against a deficit of Rs. 1,11,000 anticipated last year. The chief causes of this are (a) the restoration of the special contribution of 3 lakhs made to the Imperial Treasury in the preceding year, (b) an unexpected increase of more than $4\frac{1}{2}$ lakhs in railway receipts owing to the brisk traffic in jute, (c) a diminution in the charges for exchange compensation allowance (nearly $1\frac{3}{4}$ lakhs) owing to the rise in the rate of exchange, and (d) a large increase of receipts under Jails, Marine and Miscellaneous and minor improvement under almost all revenue heads.

(3) BUDGET ESTIMATE 1896-97.

3. The Budget estimate for 1896-97, as finally passed by the Government of India, accepts Rs. 55,51,000 as the opening balance, and provides for receipts aggregating Rs. 4,46,36,000 and expenditure Rs. 4,67,47,000, leaving a closing balance of Rs. 34,40,000.

4. It is estimated that on the whole the receipts, which are only Rs. 13,000 better than the actuals of 1894-95, will be less by Rs. 10,03,000 than the revised estimate for the current year, which has been swollen by the special causes referred to above.

5. On the expenditure side the total grant exceeds the revised estimate of 1895-96 by Rs. 23,37,000, of which Rs. 13,51,000 is under Civil Works, Rs. 2,18,000 under Irrigation and Navigation, Rs. 1,26,000 under Judicial Courts, Rs. 1,09,000 under Land Revenue, Rs. 1,61,000 under Education, Rs. 1,28,000 under Medical, Rs. 90,000 in half share under Forest, Rs. 51,000 under Salt, Rs. 37,000 under Marine, and Rs. 62,000 under Superannuation charges. The amount of the grant for civil works is a fair measure of the prosperity of the Provincial finances. The comparatively large provision under this head, though still falling short of the full requirements of the Province, makes up to some extent for the severe economy imposed by the financial necessities of several years past. A part of the larger grants for Revenue and Civil Departments is for expenditure of a nature which must increase with the natural development of the administration. At the same time the charges on account of Exchange Compensation Allowance have been reduced by Rs. 1,09,000, and now stand at Rs. 8,13,000 for 1896-97, against Rs. 9,22,000 for 1895-96.

6. The net result is that the total revenue of the year, together with the opening balance, is taken at Rs. 5,01,87,000, and the grant for expenditure at

[*Mr. Risley.*]

Rs. 4,67,47,000, so that the year is estimated to close with a credit balance of Rs. 34,40,000.

PART II.—Details of the Accounts and Estimates.

SECTION I.—THE ACCOUNTS OF 1894-95.

7. In the Financial Statement, which was laid before the Council on the 23rd March 1895, it was assumed that the year 1894-95 had opened with a credit balance of Rs. 26,24,000, and had closed with a credit balance of Rs. 33,73,000; that the total amount available for expenditure during the year, less the minimum working balance of Rs. 20,00,000 reserved under the orders of the Secretary of State, was Rs. 4,49,21,000, and that out of this sum Rs. 4,35,48,000 had been spent. The actual result proves to have been better than this estimate by Rs. 9,49,000. The amount available for expenditure was Rs. 4,52,47,000, and the amount actually expended Rs. 4,29,25,000 against Rs. 4,29,09,000, the total expenditure of the preceding year, so that the closing balance for 1894-95 was Rs. 43,22,000 instead of Rs. 33,73,000 taken in the revised estimate. This improvement was caused by the actual receipts exceeding the estimate by Rs. 3,26,000, while, at the same time, the expenditure fell below the estimate by Rs. 6,23,000.

8. The increase in receipts was chiefly (1) under Land Revenue collections (Rs. 71,000), mainly from Government Estates; (2) under Salt (Rs. 21,000), from Rents of warehouses; (3) under Assessed Taxes (Rs. 32,000), due partly to careful assessment and partly to the rise in exchange compensation allowance raising the aggregate of taxable salaries; (4) under Jails (Rs. 72,000), from increased sale of manufactures chiefly to the Military Department; (5) under Miscellaneous (Rs. 78,000), owing to larger lapses of unclaimed deposits and larger receipts from Partition fees and fees for the survey of tea lands; (6) under Railways (Rs. 32,000), a nominal increase due to fluctuations under "traffic suspense heads," and (7) under Irrigation Receipts (Rs. 58,000), due to the recovery of outstanding demands and better collection of tolls on the Midnapore canal. There were also smaller increases of Rs. 18,000 under Interest on Loans, especially on drainage and embankment advances, and Rs. 19,000 under Scientific and other Minor Departments for increased sale of cinchona alkaloids, &c. Under the head of adjustments between Imperial and Provincial, there was a decrease of Rs. 73,000, due mainly to a credit for only Rs. 68,000 having been given to Provincial instead of for Rs. 1,64,000.

[*Mr. Risley.*]

taken in the estimate for the increase of Customs establishments, consequent on the re-imposition of import duties. Increased credits were, however, obtained for Imperial Buildings transferred to Local, and on account of the reservation of the Western Duars for khedda operations under the Military Department.

9. The decrease of expenditure was chiefly (1) under Customs (Rs. 1,28,000), owing to the full establishment and increases of salaries sanctioned for the Department not having been entertained or paid during the year; (2) under Stationery and Printing (Rs. 2,91,000), chiefly in the value of stationery stores supplied for Government offices and Presses; (3) under Irrigation and Navigation (Rs. 1,86,000), owing to diminished outlay on works repairs of the Sone Canals and Minor Works; and (4) under Management of Government Estates—(Rs. 32,000).

10. The net result was a surplus of Rs. 16,98,000 on the year, against Rs. 7,49,000 anticipated when the revised estimate was passed.

SECTION II.—THE REVISED ESTIMATE OF 1895-96.

11. The budget estimate for 1895-96, as adopted by the Government of India, assumed that the year would open with a credit balance of Rs. 33,73,000, and that the total revenue would amount to Rs. 4,41,97,000 and the total expenditure to Rs. 4,43,08,000, so that the year would close with a balance of Rs. 32,62,000. The latest estimate available for the accounts of the year puts the total receipts at Rs. 4,56,39,000, which is better than was originally expected by Rs. 14,42,000, and the expenditure at Rs. 4,44,10,000, which gives an increase of Rs. 1,02,000 only. Including the increase of Rs. 9,49,000 in the opening balance, the net result is an improvement of Rs. 22,89,000 on the original estimate for the year.

12. Half of the increase in receipts is under "Principal Heads of Revenue," and is caused by the repayment of the special contribution of three lakhs made to the Imperial Revenues in 1894-95; and by increases of Rs. 1,50,000 in the one-fourth share of Excise, of Rs. 75,000 in the half share of Assessed Taxes, of Rs. 60,900 in the three-fourth share of Stamps, of Rs. 80,000 under rents of Salt warehouses, of Rs. 45,000 in the half share of Forest receipts, and of smaller amounts under other heads, against a decrease of Rs. 30,000 under Registration. The Railways show an improvement of Rs. 4,63,000

[Mr. Risley.]

caused by the carriage of a specially large jute crop. There is an increase of Rs. 1,59,000 in Miscellaneous Receipts, and of Rs. 93,000 under Civil Departments, of which Rs. 65,000 comes under Jail Manufactures and Rs. 50,000 under Marine, against decreases under other heads.

13. The net increase in expenditure is, as stated above, Rs. 1,02,000, which is made up of an increase of Rs. 3,47,000 under Civil Works and of Rs. 99,000 under Contributions to Local Funds for increased grants to primary education and Civil Works, against decreases of about a lakh in heads which are classed as "Direct demand on the Revenues;" of nearly a lakh in "Salaries and expenses of the Civil Department;" of nearly Rs. 60,000 under Miscellaneous, chiefly under Stationery and Printing; of Rs. 64,000 under Irrigation and Navigation; and of Rs. 17,000 under Interest payable to the Imperial Government on allotments for loans. A part of the decrease in Revenue and Civil heads is due to the rate of exchange above the figure assumed for the calculation of the cost of exchange compensation allowances. The average taken for this purpose in the original budget was 13d. the rupee, whereas the four quarterly rates, with reference to which the allowances have been paid, yielded an average for the whole year just over 13½d. This saving which affects almost all the expenditure heads of the estimate, amounted to Rs. 1,71,000 in the Bengal Provincial account only, the total payments being now estimated at Rs. 9,22,000, against Rs. 10,93,000 originally provided for in the budget. The net result of these variations from the budget of 1895-96 is an increase in the closing balance of Rs. 22,89,000, from Rs. 32,62,000 to Rs. 55,51,000.

SECTION III.—THE BUDGET ESTIMATE OF 1896-97.

RECEIPTS.

14. *Land Revenue*.—The total collections under Land Revenue in 1894-95 amounted to Rs. 3,89,10,000, and the estimate for 1896-97, as passed by the Government of India, is Rs. 3,89,47,000, which includes Rs. 2,00,000 for recoveries of the landlords' and tenants' shares of the cost of the Bihar Survey. The 12 per cent. on collections from Government estates yielded in 1891-92, Rs. 4,69,000; in 1892-93, Rs. 4,74,000; in 1893-94, Rs. 4,79,000; and in 1894-95, Rs. 4,84,000, while the estimate for 1896-97 stands at Rs. 4,90,000.

15. The *adjustments* between Imperial and Provincial will probably result in a net transfer of Rs. 12,00,000 to Imperial in 1896-97, as shown below:—

[Mr. Risley.]

				Estimate, 1896-97 Rs.
From Imperial to Provincial—				
	Advance for the Hijili Tidal Canal	...	...	24,000
	Grant for transfer of Imperial buildings to the charge of local bodies	...	...	10,000
	Assignment for Gnatong Police	...	...	16,000
(a)	Grant to meet the cost of additional Customs establish- ment	...	...	2,12,000
	Salary of a Probationer Gardener for the Royal Botanic Gardens	...	...	2,000
(b)	Towing charges of <i>Rhotas</i>	...	...	10,000
				<hr/> 2,74,000 <hr/>
From Provincial to Imperial—				
	Lump contribution under the contract	...	...	14,39,000
	Interest on advance for the Hijili Tidal Canal	...	...	30,000
(c)	Contribution towards the cost of a tower clock to be set up at the General Post Office	...	...	5,000
				<hr/> 14,74,000 <hr/>
	Net transfer from Provincial to Imperial	...	...	<hr/>12,00,000 <hr/>

(a) The Government of India, while passing orders on the budget for 1895-96, allowed for an assignment to Provincial revenues of Rs. 2,64,000 for an additional establishment to be entertained in the Calcutta Custom House, consequent on the passing of the Tariff Acts, VIII and XVI of 1894. Since then, in the Finance and Commerce Department letter No. 3356Ex., dated the 16th July 1895, the Government of India have sanctioned an additional establishment, costing Rs. 17,667-6-8 a month. A credit of Rs. 17,667-6-8 \times 12, or Rs. 2,12,000, has accordingly been taken in the estimate for 1896-97.

(b) The charge for towing the *Rhotas* for His Honour the Lieutenant-Governor's tour has been provincialized with an annual assignment of Rs. 10,000, and this amount has accordingly been entered in the estimate for 1896-97.

(c) A grant of half the cost of an illuminated clock to be erected on the General Post Office in Calcutta, not exceeding Rs. 5,000, has been promised to

[Mr. Risley.]

the Postal Department, and a debit of this amount has accordingly been made against the Provincial share of Land Revenue in 1896-97.

16. Owing to these adjustments the estimates of the Provincial share of Land Revenue will stand thus:—

				Estimate, 1896-97. Rs.
Gross Land Revenue	...	...	...	3,89,47,000
Deduct 12 per cent. on estimated collections from Gov- ernment estates (Provincial)	...	...	...	4,90,000
„ Recoveries on account of Bihar survey and settle- ment charges (Imperial)	...	...	...	2,00,000
Total deductions			...	6,90,000
Net amount divisible between Imperial and Provincial Funds	...	...	...	3,82,57,000
Provincial share of above (one-fourth)	...	...	...	95,64,000
Add 12 per cent. collections (wholly Provincial)			...	4,90,000
Total Provincial share		...	...	1,00,54,000
Deduct on account of adjustments			...	12,00,000
Net Provincial share		...	...	88,54,000

17. *Salt*.—The budget estimate of Provincial receipts for 1895-96 was Rs. 95,000, but the actuals of the twelve months ending 30th September amounted to Rs. 1,73,615, and later actuals point to a further increase in consequence of the continued high importation of salt, involving a larger demand for accommodation in bonded warehouses. Both the revised estimate for 1895-96 and the estimate for 1896-97 have been placed at Rs. 1,75,000.

18. *Stamps*.—The estimate of stamp revenue for 1895-96 was passed by the Government of India for Rs. 1,67,00,000. The latest returns from the Comptroller-General show that the receipts during the first eleven months of the year exceeded those of the corresponding period of last year by about Rs. 80,000. The actual receipts in 1894-95 amounted to Rs. 1,87,03,000. In view of the increase that has already occurred, both the

. [Mr. Risley.]

revised estimate for 1895-96 and the estimates for 1896-97 have been placed at Rs. 1,67,80,000, and the Provincial share of three-fourths amounts to Rs. 1,25,85,000. Of the increase two-thirds is in general stamps and nearly one-third in court-fee stamps and plain paper to be used with court-fee stamps.

19. *Excise*.—The revenue from Excise for 1895-96 was estimated at Rs. 1,27,00,000. The actuals of 1894-95 amounted to Rs. 1,25,62,000, and the figures of the first 11 months of 1895-96 show an increase of nearly seven lakhs over the actuals of the corresponding period of the preceding year, while the settlement of Excise shops for the year has yielded a net increase of Rs. 3,95,000 under License fees over and above the demand for 1894-95. The estimate has accordingly been raised to Rs. 1,33,00,000 for 1895-96, and the same figure has been adopted for 1896-97. The Provincial share of one-fourth is Rs. 33,25,000.

20. *Provincial Rates*.—The budget estimate of receipts from Provincial Rates for 1895-96 amounts to Rs. 42,81,000. The actual collections of the Public Works Cess in 1894-95 amounted to Rs. 41,79,000, and the average actuals of the past three years were Rs. 41,69,000. In view of these figures and of revaluations now in progress, the Revised Estimate has been placed at Rs. 41,70,000, and the budget estimate for 1896-97 at Rs. 41,80,000. The estimate of receipts under "General rates for the management of private estates" is Rs. 1,40,000 against Rs. 1,35,000, the budget estimate for the current year, and Rs. 1,29,000, the actuals of 1894-95. The collections in the first eight months of the current year amounted to Rs. 64,670, against Rs. 32,814 in the corresponding period of last year, showing an increase of Rs. 31,856. The revised estimate has accordingly been raised to Rs. 1,40,000, and this figure has been adopted for 1896-97.

21. *Customs*.—The original estimate of Provincial receipts for 1895-96 was Rs. 61,000. The actuals of 1894-95 were Rs. 73,000, and those of the first seven months of 1895-96 exceeded the actuals of the corresponding period of 1894-95 by Rs. 12,000. Both the revised estimate for 1895-96 and the estimate for 1896-97 have been placed at Rs. 81,000 with reference to the fact that the imposition of the import duties tends to raise the receipts from fines and confiscations.

22. *Assessed Taxes*.—The budget estimate of receipts from Income-Tax for 1895-96 was passed by the Government of India for Rs. 45,00,000. The