

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

end when he leaves school; he begins then to mature what he has learned before, and a library is very necessary for that purpose; and taking the proposal in connection with the establishment and maintenance of schools for which provision is made in the Bill, I cannot conceive a more useful purpose. But whether this provision should be inserted where it is proposed by the Hon'ble Mover of the amendment, as an addition to clause (v), or where the Hon'ble Mr. Grimley suggests it should come, is for the Hon'ble Member in charge of the Bill to consider."

The Hon'ble MR. RISLEY, by way of amendment, moved that the following new clause be inserted after clause (xi), in section 6:—

"(xii) the establishment and maintenance of free libraries;"

Also that the remaining clauses of the new section 69 (1) be re-numbered accordingly, and that in the proviso to the same section for "xi" the figures "xii" be read.

These amendments were put to the vote and agreed to, and the original motion of the Hon'ble Rai Eshan Chundra Mittra Bahadur was withdrawn.

The Hon'ble BABU GURU PROSHAD SEN moved that in section 6, clause (viii), the words "and of veterinary practitioners" be omitted, that is to say, that the training and employment of veterinary practitioners be not included as one of the objects upon which Municipal Funds may be expended.

He said:—"There is no doubt that the object aimed at by these clauses of the Bill are very desirable ones. But the question is whether the scanty revenue of our Municipalities should be devoted to the purpose. I submit in reference to this amendment, and also with reference to other amendments standing in my name on this subject, in regard to which I shall not separately address the Council, that they are very desirable objects no doubt, but the question with reference to all of them also is whether Municipal Funds should be applied to these purposes. Instead of giving you my opinion upon the matter, I shall simply put before you certain opinions given by public Associations and other bodies and persons. The Calcutta Trades' Association, of which we find an hon'ble representative here, say:—

'The Bill further proposes to empower municipalities to spend money on the improvement of the breed of horses, cattle and asses, and on the breeding of mules. The Committee

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submit that these are purely agricultural objects, which do not come within the scope of municipal enactment, and on which, therefore, municipal funds should not, in their opinion, be employed: indeed, the committee consider it would be unwise to divert any portion of the scanty revenues of municipalities to objects other than those for which they are intended, such as the provision of a water-supply, the repair of roads, the improvement of sanitation, etc. If experiments for the breeding of mules and the improvement of draft cattle are necessary, the committee submit that the same should be conducted by, and at the expense of, the State alone. As to the probability of such experiments proving a source of profit to the Commissioners, the committee of the Association doubt the expediency of allowing a township to embark on schemes for the improvement of cattle and the breeding of mules, on the chance of obtaining a profit. There is in this an element of speculation which the committee feel should not be introduced amongst municipal objects.'

"The Indigo Planters' Association say:—

'It seems very improbable that natives will take advantage of any veterinary staff or hospital for the treatment of cattle or horses. There is at present a competent establishment in Muzaffarpur under charge of persons who have passed through the Lahore Veterinary College; but it receives little or no encouragement or support from the zemindars or people generally. It is believed that horses cannot be bred with success on this, the (north) side of the Ganges, and the attempt at mule-breeding, made under Government auspices some years ago, was a conspicuous failure.'

"The Eurasian and Anglo-Indian Association say:—

'The Association, however, are inclined to question whether it would be good policy, and whether any practical benefit would result, if breeding establishments for cattle and horses or for mules were directly established and maintained by municipalities. It is doubted whether municipal bodies are fitted for the management of such enterprises, which, to be economically and efficiently worked, must be conducted by owners under the stimulus of personal interest, and which under paid agency are likely to be costly failures, as even the Government stud department has proved.'

"The Bengal National Chamber of Commerce say:—

'The Committee cannot refrain from observing that municipal funds, specially intended as they are for purposes of sanitation and conservancy and other purposes of a cognate nature, and which are hardly sufficient for satisfying their requirements, cannot legitimately be devoted to objects specified in the second paragraph of the letter under reply, the costs of which, vast as their scope is, should, the Committee respectfully submit, be borne from the Provincial funds.'

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“The British Indian Association has something to say to the same effect:-

‘Considering that the resources at the disposal of Municipal Commissioners are limited, and that the number and character of works on which the municipal fund may be spent are diverse, it is desirable that, except in the matter of works of primary importance, they should be given full and free scope in the selection of works. The training and employment of medical and veterinary practitioners and the establishment of dispensaries for the treatment of animals—in short, all the new clauses added to section 69 should be left entirely to their discretion. They should be also left unfettered as to the system of training and treatment, for it is still a moot question whether the native system of treatment of domestic cattle is not superior to any foreign system.’

“The Bhagalpur Landholders’ Association say:—

‘As regards section 5, the new provisions occur in clauses (6), (8), (9) and (10) of sub-section 1 to section 69 and in sub-section 3. There is not much objection to the provisions contained in clause (6). The establishment and maintenance of veterinary dispensaries at the cost of the municipality is not required, and is not desirable at present. The treatment of horses and other animals, however desirable, is not of such urgency as improvements in other directions. The municipal fund should not be applied for the above purpose unless it can be spared after adequate provision has been made for more legitimate purposes. There are municipalities where roads are in a wretched condition, and conservancy and latrine arrangements are very unsatisfactory, and yet the municipal fund is diverted to pet projects, and the same may be done if discretionary power be vested in the Municipal Commissioners under these new provisions. As regards clause (10), the objection would apply very forcibly. It is not the business of municipalities to embark in trade. It is not desirable to burden them with the work of improvement of the breed of horses, cattle and asses and the breeding of mules. There will be a danger of the municipal fund being appropriated to this purpose at the sacrifice of improvements of a more legitimate character affecting the health, comfort and well-being of the townspeople. A small expenditure will be inadequate for the purposes referred to in clauses (6), (8), (9) and (10), and if the expenditure be large, it would affect the other purposes to which the municipal fund can be applied. Novelty is more attractive, and a Municipal Chairman and Municipal Commissioners, for the sake of introducing a new thing, would not be unwilling to incur expenditure, for the purposes referred to in the aforesaid clauses, to the sacrifice of other necessary purposes. The matter should be considered from a practical and not from a theoretical point of view. The argument that the appropriation of the municipal fund to the purposes mentioned in the new provisions will be entirely in the discretion of the Commissioners may be good in theory, but in practice the discretion is not always judiciously exercised. The power should not be given unless it be required, and my Association are of opinion that the power to apply the municipal fund to the purposes specified in clauses (8) and (10) is not required. My Association would further

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suggest that the training of medical and veterinary practitioners should be restricted to such of them as would practise within the limits of the municipality defraying the cost of the training, so that it may reap the benefit of the cost incurred. Why should a person trained at the cost of a particular municipality be free to practise anywhere he may choose, and not be bound to practise in the municipality which met the cost of his training ?

“To these opinions may be added the opinions of some officials. I shall not trouble the Council by reading all the opinions in favour of my amendment, but I shall call attention to the opinions of Mr. Westmacott, Commissioner of the Presidency Division, Mr. Bourdillon, Commissioner of Patna, and Mr. Dutt, Commissioner of Orissa.

“Mr. Westmacott says:—

*‘Training of veterinary practitioners, veterinary hospitals and dispensaries, appointment and payment of veterinary practitioners.—*I do not think that municipal funds should be spent on these objects until there is a public demand for it. At present, I believe, any veterinary hospital would remain empty, and any veterinary practitioner would remain idle, so far as native owners of cattle are concerned. Such a legal provision as is proposed might do no harm so long as Municipal Commissioners are unable to spend money on these objects without the sanction of the Commissioner of the Division, but I do not think the provision, even when permissive, is at all required by the people. A few fussy amateurs might get up an agitation on the subject; but so long as the public do not want the expenditure, I see no use in making it permissive.’

“Mr. Bourdillon says:—

‘As regards section 5, my personal opinion is that the improvement of the breed of horses, cattle, and asses and the breeding of mules are not objects on which the money of the rate-payers should be expended. Besides the fact that the rate-payers will derive little if any, benefit from them, there remains the consideration that these operations to be successful must be carried on by a specially trained staff, and that they require constant attention, are expensive, and as far as the experience of Government goes, doomed to failure. For all these reasons, I should be unwilling to see any municipality given the opportunity of spending public money on such schemes.’

“Mr. Dutt says:—

‘Mr. Bell's opinion is quoted below:—

‘He says:—“While fully realising the importance of endeavouring to improve agriculture in these as in many other ways, I think that such an object should not be delegated to municipalities, but should be kept under the direct control of the central Government of the

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Province. The improvement of agriculture is a public function which, specially in a country like India, concerns all, and that alone is a weighty reason for entrusting it to a central Government."

"I think there is considerable force in what Mr. Bell says. It appears to me that *the training and employment of medical and veterinary practitioners* is an object in which residents outside municipalities have a larger interest than those in towns, and I scarcely think such institutions should be supported from municipal contributions, unaided by contributions from other sources, and the same remark applies to the establishment and maintenance of veterinary dispensaries, the appointment and payment of qualified persons to treat animals, and the improvement of the breed of horses, cattle, &c.

"The resources of mufassal municipalities are also exceedingly poor, and are not fully adequate in any large town that I know of in Bengal to provide for necessary sanitary improvement and the provision of water-supply."

"It will probably be said that there are the opinions of the Chairmen of a number of municipalities in favour of the provision in the Bill, but looking to those opinions, we find that most of them say:—'We are poor; the provisions do not affect us; but we do not see any objection to the provision applying to Municipalities which can afford to spend money over them;' if not, like the opinion of a Deputy Commissioner, who says 'I am very busy, have no time for this, but I approve, I submit that the body of weighty opinions which I have quoted should not be disregarded. The only thing that will be said is that the expenditure is permissive. The legislature simply enables—it does not compel.' True, but let me remind you of what Mr. Westmacott says:—'A few fussy amateurs might get up an agitation on the subject.' Let me then tell you what the Bhagalpur Landholders' Association say:—'Novelty is very attractive, and a Municipal Chairman and Municipal Commissioners, for the sake of introducing a new thing, would not be unwilling to incur expenditure for the purposes referred to in the aforesaid clauses, to the sacrifice of other necessary purposes.' While on this point I shall give you a concrete case. The other day I asked a question in this Council about the expenditure by a certain Municipality of Rs. 37,000 for the acquisition of certain land."

[The Hon'ble MR. RISLEY:—"I submit this is not relevant."]

[The Hon'ble THE PRESIDENT:—"It is by way of illustration, and is not out of order."]

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The Hon'ble BABU GURU PROSHAD SEN, continued:—"I am simply illustrating my point. The acquisition of land was for the purposes of the Sonapur fair. On turning to the law, you will find that there is nothing in the law to justify the expenditure of money for such a purpose, and if in that instance money could be expended beyond the sanction of the law, what would there be to prevent it being done in regard to the matter now under discussion. Again, the subject of deterioration of cattle in this country attracted attention long ago. In 1871 there was a Commission, and an elaborate report was drawn up, after a searching enquiry. The Commission determined the causes and pointed out remedies. It is only the Imperial Legislature which can, to some extent, grapple with the causes, and it is the Imperial exchequer which alone can supply sufficient funds for carrying out the remedies. We have waited these twenty-five years without taking any initiative whatever, excepting, perhaps, the formation of a veterinary school at Belgachia two or three years ago, and now it appears to me somewhat odd that the first experiments regarding this matter should commence with local funds. It is not fair, I submit, that to carry out the suggestions of that commission or to try experiments, money should be spent from local funds. The subject is one of Imperial interest or at least of Provincial concern. We here in Bengal entertain a costly establishment under a Director of Land Records and Agriculture. To outsiders it appears from the work turned out that this Department is dying of inanition. The proper course possibly would be to give it work, and work for which at least the Provincial funds should be available. But certainly I am sure that the money for these purposes should not come out of municipal funds. Look at the state of those funds. You have in all about 22 lakhs raised by 146 Municipalities; under municipal administration, you have 2½ million inhabitants, but the municipal revenues are not contributed by all these people, but by a small knot of rate-payers whose number does not exceed 450,000, *i.e.*, about one-sixth of the population under municipal administration. Why then should the Municipal funds be charged with the additional duty of looking after animals with which they have no concern when they have not only themselves, who supply the rates, but five-sixths of their fellowmen, who do not pay the rates to look to? With these remarks, I ask the Council to support my amendment."

The Hon'ble MR. RISLEY said:—"The Council has nothing to do with the question whether veterinary medicine and surgery are or are not wanted in India.

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That point has been settled long ago by authority. The Cattle Plague Commission in 1870, Dr. Voelcker in 1892, and Dr. Fleming in his various writings had said the last word on the subject. Their conclusion is that enormous numbers of cattle and horses die every year from preventable causes, and Dr. Fleming, the leading expert on the subject,—an expert with special Indian experience—estimated the yearly loss on this account, the yearly diminution of the wealth of the country, at nine millions sterling. If anyone is rash enough to attempt to go behind this mass of evidence, all I can say is that that person will have a very long day's work. By the time he has read the literature he will probably have learned enough to qualify him to agree with the experts. If he has not, his opinion may be neglected. The real question before the Council is—Can Municipalities, and local bodies generally, properly be empowered to contribute to veterinary schemes? This is only a part of the larger question of which much has been heard in Europe and is likely to be heard in this country—What is the proper division of functions between the Central Government and the organs of Local Government? Much has been written on this subject of late years, and all writers of whatever school and whatever nation, agree that the principle of general and particular interest governs the division—what affects the whole society is done by the Central Government; what is specially needed by a locality or minor division is usually done by the latter. All who have touched the subject, whether practical politicians like Mr. Goschen, or theoretical economists like those of the continental school, accept this principle, which, after all, is the plainest common sense. I ask that this principle be applied to what is proposed by the Government. It is to the general interest of the people of the Province that veterinary practitioners, like medical practitioners, should be properly trained, so that they may cure and not kill. Therefore Government started, as it has done here, and as other Governments have done in Bombay and Lahore, Veterinary Colleges. These Colleges further serve the interest of the society generally by opening respectable and lucrative careers to educated young men of the over-crowded middle classes. The conversion of the existing school here into a college, and the raising of the scales of pay will greatly improve the prospects of the men who take up this line. It is also to the interests of Society generally that veterinary practitioners and veterinary institutions should be subject to inspection and control. For this reason the Government provides an inspect-

[*Mr. Risley.*]

ing and controlling staff. As to the practical working of the scheme, the Hon'ble Mr. Finucane is better acquainted than I am with the administrative details, but I understand the general idea is to place before the local bodies of a certain number of districts a scheme for a veterinary dispensary with a suitable staff, and to invite them to accept it. Something may at the same time be done for the interior of districts by opening dispensaries, or appointing Veterinary Assistants in large Government or Wards' estates. In all dispensaries some income might be secured by charging fees on a reasonable scale, to be approved by local bodies and Commissioners of Divisions, for the treatment of horses and cattle belonging to well-to-do individuals or companies. A scheme thus framed is precisely in accordance with the principle which I have quoted. It puts upon local funds matters of particular interest—dispensaries which will serve a special area and so forth,—and it leaves matters of general interest to Provincial funds. Municipalities will, moreover, have another source of income to help them in the form of the fines realised under the Act of 1869 for the Prevention of Cruelty to Animals. During the five years ending 1894-95, receipts from that source increased in mufassal Municipalities from Rs. 5,000 to Rs. 28,000, and the Government of India have sanctioned the continuance of the existing arrangement for a further period of five years. This concession will, no doubt, be maintained as an inducement to Municipalities to interest themselves in veterinary undertakings.

“The Hon'ble Mover of the amendment has spoken to the whole case, and I will also deal with the whole matter. The Hon'ble Member has quoted certain ‘opinions’ on the matter. I will deal with those opinions in the order in which they have been quoted. As to the opinion of the Trades' Association, that Association makes, only with less authority, the same points as the Planters' Association does. The Association suggests that the assistance of Municipalities ‘should be limited to the grant of scholarships.’ But this is exactly what is meant by training. This and practically nothing more. The term could not be defined more closely. The opinion of the Planters' Association is an opinion which should carry some weight. It should be treated with respect, as the planters certainly know what they were talking about. But even the planters were not infallible. They argue from a single instance of very recent date. The establishment at Muzaffarpur is only a year old. I should have liked to have heard a little more about it. It is possibly due

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to the fact that the institution is in charge of unsympathetic foreigners,—Punjabis—that it received so little support from local zemindars. Punjabis and Purbias, like oil and vinegar, cannot unite. They hate each other and cannot understand one another's language. Government has recognised this difficulty and has proposed to raise the status of the local veterinary school, and teach up to a higher standard, in order to avoid employing foreigners from Bombay or Lahore. As to horses there is little doubt that they cannot be bred successfully north of the Ganges, nor at Dacca, but surely they can south of the Ganges in Arrah. In regard to mules, where Government failed Municipalities might succeed. At any rate Municipalities will not attempt to breed them unless there is a fair prospect of remuneration. The Defence Association has no authority for their opinion. As for the Bengal National Chamber of Commerce, its opinion, taken as a whole, is that the proposed system will be to the advantage of Municipalities. Most of the Municipalities have declared in favour of the scheme. The Hon'ble Mover of the amendment has laid special stress upon the remarks of Mr. Bourdillon, the Commissioner of the Patna Division. It is true that Mr. Bourdillon says:—'Besides the fact that the rate-payers will derive little if any benefit from them, there remains the consideration that these operations to be successful must be carried on by a specially-trained staff, and that they require constant attention, are expensive and, as far as the experience of Government goes, doomed to failure.' Now, as to the benefit to be derived by the rate-payers; surely very many of them own cattle. In all Municipalities, in overgrown villages, even in real towns, cattle are kept under horribly unsuitable conditions. Take the case of Dacca, where four or five years ago there was a severe outbreak of cholera. Several cases were traceable to bad milk. If Dacca had kept a veterinary practitioner, he would have stirred up the Gowalas, if he did nothing else, and would have earned more than his pay in the saving of human life, let alone the cows. As to the necessary trained staff, Government has a college whence to supply them. Then as to the anticipated failure. The real cause of the failure of the Government Stud was that the establishments were worked on a very expensive scale, and the cost of a horse bred at one of these establishments was very high. Horses could be obtained cheaper from Australia. Where Government failed, private enterprise has everywhere succeeded. Then the fact is overlooked that Municipalities will not undertake breeding operations unless

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they are assured that they are likely to pay and can undertake the operations cheaply. Mr. Bourdillon then goes on to say that 'trained assistance should be available for the use of the rate-payers.' Of course it will be. They do it already in the case of medical practitioners. Municipalities will assuredly take excellent care that the people they train will work for them when their education has been completed. They can deal with them under any bye-laws they may frame. As far as I understand him, Mr. Bourdillon would not object to the section in its present form.

"One very interesting opinion has been received from Babu Umesh Chunder Ghosh, the Chairman of the Jessore Municipality. His concluding remark in his reply to the application for his opinion runs thus: 'The provisions for breeding and training of medical men may be made both in the Municipal Act and in the District Board Act.' This gentleman is evidently a very advanced person, and it would be interesting to know how he intends that his recommendation for the 'breeding and training of medical men' should be given effect to. It is a difficult enough job to train doctors, let alone breeding them. The Hon'ble Mover of the amendment has quoted the opinion of Mr. Westmacott, the Commissioner of the Presidency Division. It is pleasant to see how, in the necessities of debate, the lion and the lamb have lain down together. Mr. Westmacott, as is well known, is an authority on horses, but I am not aware that he is strong on cows. He, however, sees no harm in the measure 'so long as Municipal Commissioners are unable to spend money on these objects without the sanction of the Commissioner of the Division.' That of course they can in no case do. The opinion of Mr. R. C. Dutt, the Officiating Commissioner of the Orissa Division, is also, as a whole, in favour of the section, under certain reservations. In regard to the purchase of a plot of land at Sonapur, an unfair attempt has been made to prejudice those who have brought it about. What is the use of Local Self-Government if local bodies are not to be trusted to some extent? The Sonapur District Board proposed the purchase, and the expenditure was perfectly legal. Before the purchase was completed, the local Government declined at first to give sanction, but said that if the District Board pressed the point and showed good cause, the necessary sanction would be given. They did show cause, and Sir Charles Elliott accorded his sanction to the arrangement. This was done in the interests of sanitation and for the better regulation of a great fair, and

[*Mr. Risley.*]

it is well known that Sonapur during its annual great fair is the centre of cholera.

“I have also to say that the scheme on which the Municipalities have recorded their opinions is distinctly less favourable to them than the scheme as it now stands. The former said nothing about the combination of all the local bodies in a district, an arrangement which obviously lightens the burden of any particular Municipality. Nevertheless 102 Municipalities are for, and only 7 are against, it. Had they had before them the scheme as it now stands, I have little doubt that the opinion would have been unanimous. Anyhow I have stated the facts. A definite proposal has been put before the local authorities, and all but an insignificant minority have accepted it. What happens next? The professed advocates of Local Self-Government turn round and laboriously discredit the action of local authorities whom they themselves represent. I confess I do not understand the position. If the Council cannot trust the elective Municipalities to know their own minds, how can these bodies be trusted to do anything—to elect a member of Council for example. What is the good of them? That is not what I say, but what the supposed friends of Local Self-Government have been saying this day. But people must be consistent. One cannot face both ways—swear by Local Self-Government when it suits one's purpose and disown it when it produces unexpected results. I note that what I will call the coercion argument has been made use of in the Council to-day and has apparently had its weight with the Hon'ble Member for the Trades' Association. Now this talk about coercion reminds me of the famous examination answer, which everybody knows—‘The horse is a noble animal, but if you drive him he will not do so.’ That is just the way of Municipalities. They are noble institutions, but if you drive them ‘they will not do so,’ particularly if you want to drive them to do something which the law leaves optional with them.

“In conclusion, I trust seriously that the Council will reject all the amendments on this subject, and pass the provisions in the Bill as they stand. The Bill is a deliberate and well considered attempt to deal with a very difficult problem. It deals with it, as I have shown, on recognised principles, and in the present stage of the question we are bound to be comprehensive. We are some extent feeling our way. We are also bound, as far as possible, to follow the same lines as other Provinces. The thing has got to be tried.

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There is every reason to believe it will succeed. At any rate I can give the most positive assurance that it will be worked with all fairness towards local interests."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"While I sympathise to a great extent with what has fallen from the Hon'ble Member in charge of the Bill, I think the Council should not accede to his suggestion to receive all these proposals *en masse* in the form in which they have been recommended by the Select Committee, by whom no doubt they were very carefully considered. The clauses should, I think, be considered separately with reference to the modifications which have been proposed. I have listened with great interest to the speech of the hon'ble mover of the amendment. But I have not been convinced by his arguments. When this Bill was introduced in March last, it was recommended, I believe, by the Hon'ble BABU GURU PROSHAD SEN himself that the Bill should be circulated among different public bodies and among the several municipalities in the Province for an expression of their opinion. That has been done, and we have before us a big tome of papers, mostly from the municipalities which have been consulted. It is a matter of the first importance that we should consider with great care and attention the opinions of the municipalities who will be called upon to administer the provisions of this Bill. However great may be my respect for the various Associations who have submitted their opinions, the Bihar Planters' Association, the Chamber of Commerce, the British Indian Association, the Bengal National Chamber of Commerce, I am bound to say that, in matters affecting municipal interests, I would attach greater importance to the opinions of those who have a larger interest in and a more intimate knowledge of municipal affairs. As has been pointed out by the Hon'ble Member in charge of the Bill, 106 municipalities gave their opinion in favour of the veterinary clauses of the Bill. Only five or six are opposed to them, and about a dozen at the most give a somewhat uncertain sound. I say that we are bound to pay the utmost possible deference to these expressions of opinion. My hon'ble friend the mover of the amendment referred to the opinion of the British Indian Association, and let me repeat the words he used in doing so. He said:—"The British Indian Association say something on the subject." What that something was, he left his hearers to infer. That something was distinctly in

[*Babu Surendranath Banerjee.*]

favour of the Bill before us. I will read to the Council what the Association say. They observe:—

‘Section 5.—Considering that the resources at the disposal of the Municipal Commissioners are limited, and that the number and character of works on which the municipal fund may be spent are diverse, it is desirable that, except in the matter of works of primary importance, they should be given full and free scope in the selection of works.’

“I claim on behalf of the Select Committee that such full and free scope is provided by the terms of the proviso we have attached to this section of the Bill. The British Indian Association go on to say—and I desire to draw the special attention of my hon’ble friend the mover of the amendment to this part of their observations;—

‘The training and employment of medical and veterinary practitioners and the establishment of dispensaries for the treatment of animals—in short, all the new clauses added to section 69—should be left entirely to their discretion. They should be also left unfettered as to the system of training and treatment, for it is still a moot question whether the native system of treatment of domestic cattle is not superior to any foreign system. The Committee would accordingly beg leave to suggest that the new clauses be added to the proviso appended to section 69.’

“In fact we have gone a step further. We have provided that it is only after the primary needs of a municipality have been fully met that a municipality will be at liberty to spend municipal funds upon the objects mentioned in clauses (viii) to (xii) of the section. Thus then the opinion of the British Indian Association, to which my hon’ble friend referred in somewhat ambiguous and doubtful terms, is an opinion which entirely supports these provisions of the Bill as now modified by the Select Committee.

“There is another opinion to which I think my hon’ble friend will attach the utmost importance, because it is the opinion of a gentleman who is held in the highest possible respect by all those who have the honour and the privilege of his acquaintance—I refer to Babu Ambica Charan Mazumdar, Secretary to the Faridpur People’s Association. He says:—

‘The avowed object of the Bill seems to be to provide for the protection and improvement of the live-stock in the country. In this the Committee of the Association fully shares the views of the Government; and as a preliminary attempt towards the practical solution of a great economic problem, it cordially welcomes the proposal of Government to accord its sanction to the establishment of veterinary institutions in the country. Though the Committee is not very sanguine as to the probable results of the proposed experiment, it

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would not hesitate to say that it wholly dissent from the view expressed in certain quarters that no portion of the municipal funds can be legitimately appropriated to any such purpose as the one now under consideration. In fact, since the amending Act of 1894 has rendered even agricultural holdings chargeable with the municipal tax, the Committee does not see how municipal corporations can altogether repudiate the responsibility which naturally attaches to them for effecting some improvement in the breeding and rearing of cattle. Those who are entrusted with the duty of preventing cruelty to animals ought at least to have some arrangement made for protecting them either from natural diseases or from the effects of such treatment. It may be that in many cases, owing to want of necessary funds, this object of the Bill will practically remain a dead-letter. Nevertheless, if the barest recognition of the principle by Government will encourage and stimulate some Municipalities to give effect to the noble intentions of the Bill, the labour of the Government and of its Council will not be deemed to have been spent in vain.'

"I attach very great importance to this opinion, and I am certain that my hon'ble friend will attach a similar measure of importance to it. Therefore, having regard to these expressions of opinion, I submit that these clauses should form a part of the Bill. Whether they should be modified and changes made here and there are matters which may fairly admit of discussion; but as far as the principle of the inclusion of these veterinary clauses within the scope of the Bill is concerned, I am bound to say that, having regard to the opinions which have been received, and to which the Hon'ble Member in charge of the Bill has referred, we ought to come to a conclusion distinctly in favour of these clauses. At the same time I desire to say that in a matter like this the Provincial Government ought to come to the assistance of local bodies. I hope and trust when the Bill is passed, the Local Government will see its way to give wherever possible contributions to help local bodies in regard to an object in which the Local Government is interested, in which the people at large are interested, and in which, I am perfectly certain, are involved the best interests of an agricultural country like ours."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said :—"I happen to be the Chairman of a neighbouring Municipality, and I think I ought to say something. Before making any remarks upon the subject of the amendment now before the Council, I may inform Hon'ble Members that some two or three years ago the Commissioners of the Hooghly and Chinsura Municipality purchased a very fine bull at a cost of Rs. 200 and has been maintaining it at an expenditure

[*Rai Eshan Chundra Mittra Bahadur.*]

of Rs. 15 or Rs. 16 a month, but it unfortunately so happened that the animal got sick and there was no body in the district who was able to discover the disease from which the animal suffered and to treat it, and the animal is still suffering. I may also inform the Council that the District Board of Hooghly, of which I am a member, passed a resolution recommending a scholarship to be given to any one who would study in the Veterinary College at Belgatchia, and then practise as a Veterinary Surgeon in the Hooghly district. That resolution was passed by the representatives of the people not under pressure from any quarter, but in due discharge of their duties. They have under the present law committed an illegality, but I may say in their defence that they have done a little legal wrong to do a great right. I am in a position to say that there is a growing want for improvement in the breed of cattle, and I therefore submit that it is not quite the proper thing to object to the clauses under discussion. To the Indian peasant cattle is of more concern than roads and bridges, and looking to the constitution of the municipal fund, and the class of people who pay the rates, I submit that a portion of those funds should be devoted to the relief of diseased cattle. Something has been said in the reports that have been read by the Hon'ble Mover of the amendment about the novelty of the scheme operating as an inducement to Municipal Commissioners to spend money upon it. I must say I do not relish that remark. Municipalities in Bengal are now represented mostly by elected Commissioners, and the men so elected are not likely to fritter away the municipal fund through official pressure; they have their independent judgments, and I do not appreciate the remark that the Commissioners will be attracted by the novelty of the scheme, and be thus led away unless restrained by the provisions of the Bill. Lastly, I would observe that Hindus have a very sacred veneration for the bovine class, and a measure like this, which tends to the improvement of that class of animals, will be welcome to the Hindus. It will be equally welcome to the Muhammadan and the Christian communities. It is said that municipal funds ought not to be spent for this purpose, but in fact bulls and other animals are kept by Municipalities for conservancy purposes, and they require some such person as a Veterinary Surgeon to look after them. Therefore I submit there can be no possible objection to these clauses of the Bill, and I support the provisions of the Bill and oppose the amendment."

[*Maulvi Muhammad Yusuf Khan Bahadur.*]

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said :—" This day's debate in Council has served to bring to a focus the real question and the real point in connection with the clauses under consideration. The question is whether the clauses relating to the training and employment of veterinary practitioners should be allowed to find a place in the Bill, and the existence of the proviso to the section must not be forgotten in connection with that question. The effect of the proviso is to render the Bill only an enabling measure. The Bill simply seeks to confer on the Municipal Commissioners a power which they do not possess under the Act: it only legalises the expenditure of municipal funds on such objects, when the Commissioners should think it desirable to incur such expenses, and when their funds permit them to do so. It could not be denied that the measure is one of great importance and utility: the obvious tendency of it will be to improve the condition of the agricultural classes, whose sole wealth not unoften is their cattle; and the treatment of cattle-disease and the improvement of the breed of cattle is calculated to improve the general prospects of agriculture.

"The objections against the measure are two: first, it is the duty of Government to provide funds for the object, and, secondly, that the permissive character of the measure might not be sufficient in some cases, and that, in spite of the permissive character of the Bill, 'a few fussy amateurs might get up an agitation on the subject,' and thus induce the general body of Commissioners to devote funds on this subject to the detriment and prejudice of more important objects.

"As regards the latter objection, what I have to say is that legislation must be undertaken on the assumption that people concerned in and entrusted with the carrying out of the law will do their duty. If we are to go into such side issues as have been raised to-day, and if we are to be deterred from legislating by reason of want of confidence even in such a body of intelligent and reliable persons as the Municipal Commissioners generally are, it will be impossible to pass a single measure in connection with Municipalities. We are bound to proceed on the assumption that the Municipal Commissioners as a body of men having a deep sense of their high responsibilities will do their duty unflinchingly, and will not attempt to abuse the power by diverting the resources of the Municipalities to this purpose to the neglect of other proper and more needful purposes.

[*Maulvi Muhammad Yusuf Khan Bahadur.*]

“As regards the first objection, it is urged that the subject is one of Imperial interest or at least of Provincial concern, and the Imperial exchequer alone ought to supply funds, and that at least Provincial funds must be applied to this purpose, for which local funds should not be employed. As regards this objection, what I have to say is that I am not here to advocate that the Government is not bound to contribute towards the purposes of these clauses. On the other hand, I say it is the paramount duty of a good Government to promote by all possible means the welfare of the subject, and more particularly of the agricultural classes, and I say that the Government is bound to contribute from Provincial or Imperial funds for all measures having a tendency towards the improvement of the condition of these classes. But this duty of the Government has not much to do with the question. Alongside with the duty of the Government it is the duty of the Municipalities, *when they have surplus funds and superfluous money*, to apply that surplus and superfluity to such a desirable object. At least they should have the power to do so, and be in a position to exercise that power whenever they are inclined and willing to spend money in this direction after other necessary purposes have been satisfied.

“It must be remembered that these clauses comprehend the treatment of cattle both within municipal limits and outside such limits; but the fact that cattle coming from outside the municipal limits are to be benefited by the operation of these clauses affords no ground for the rejection of these clauses. Hospitals and schools situated within a Municipality are institutions by which the population generally is benefited: their usefulness is not confined to those only who reside within municipal limits: it has never been made an objection that because persons residing outside municipal limits are benefited by schools and hospitals, therefore municipal funds should not be expended for the maintenance and support of schools and hospitals. In the same way cattle within municipal limits will be benefited by the operation of these clauses, and there should be no objection based on the benefit being extended to areas outside the municipal limits or shared in by persons living outside such areas.

“The Muhammadan bodies who were invited to give their opinion on this Bill have expressed themselves in favour of the inclusion of these clauses in the Bill. In East Bengal the bulk of the *chasa* population consists of Muhammadans; in Bihar the cultivating class consists both of Hindus

[*Maulvi Muhammad Yusuf Khan Bahadur ; Mr. Das.*]

and Muhammadans. But whether Hindus or Muhammadans, the ignorance which prevails in the country in regard to the treatment of cattle is simply appalling. Even *salutrees*, ignorant and useless as they are, are difficult to get at. These *salutrees*, it is said, work very much by the rule of the thumb, and they kill more cattle than they cure by their treatment. Nobody is more fully acquainted with the condition of Bihar than the Hon'ble Mover of the amendment. I appeal to him to say whether the Bihar raiyats have any knowledge how to treat cattle, and whether it is not a fact that cattle there are dying by hundreds and thousands every day, the people being powerless in the matter and wholly apathetic, attributing the result to divine visitation. I have taken care to ascertain the state of feeling of the people on this question, and I find that these clauses are generally accepted as a boon to the country, and that the Muhammadan feeling is very keen in favour of the Bill: in fact I have been told that the Bill falls short of what it ought to be, that this measure should have been made one of the chief objects of municipal administration, and not be allowed to have a place given to it where it might remain a dead-letter. As, however, there is no motion before the Council in the direction of making the provision more stringent, I must be content with what we have in the Bill. But I certainly say that to deprive the population of the benefit to be derived from the training and employment of veterinary practitioners, because it is the duty of the Government to provide for it, is not a just appreciation of the duties of the municipal bodies: also that to refuse to accept power, because the power might be abused, is not showing that confidence in the Municipalities generally which they, in my opinion, fully deserve. I would vote against the amendment."

The Hon'ble Mr. M. S. Das said:—"There cannot be any general objection to the introduction, into the Municipal Act, of a proviso relating to veterinary matters. Much has been already said on the subject, but it strikes me that now that certain agricultural areas are included within municipal limits, it becomes the legitimate duty of the Municipality, when funds can be spared for the purpose, to do something towards improving the breed of cattle in the country, and we cannot do a greater service to the agricultural population than to improve the breed of cattle. I am glad to hear that the Hooghly Municipality have been maintaining a bull for this purpose. I always thought the disappearance of the old *Brahmini* bull, which was a fine specimen of a bull, was due to the avarice

[Mr. Das ; Mr. Finucane.]

of Municipalities. The *Brahmini* bull, which is dedicated to an idol, is often found in Municipalities in the scavenging cart, and I am glad to see that one Municipality at least has exhibited its zeal for the atonement of the sacrilegious misappropriations by purchasing and maintaining a bull specially for the purpose of improving the breed of cattle. As regards the remark that the attempt to establish veterinary dispensaries in certain places has proved a failure, I think that in a country like India any new institution must be launched under the most favourable circumstances, and efforts should be made to see that the people take to it. Conservative people like those in India will not easily take to new institutions. When the Cattle Commission sat, I believe that two or three years before that there was a good deal of cattle-disease in Bengal, and steps were taken by the Government to check it. It was then in the contemplation of the Government to meet the expense of preventive measures from the revenues derived from pounds. Now that revenue goes to Municipalities, and I think therefore that they may be well called upon to devote a portion of this fund for veterinary purposes. I do not think we shall get a favourable answer from the Hon'ble Member in charge of the Bill as to the probability of a grant from the Provincial Revenues. The Hon'ble Member is never liberal in making grants, but where a measure is practicable and feasible, and it is put on the ground that it should be undertaken only when funds are available for the purpose, I do not see that there can be any objection to such a measure being included in the Bill." ✓

The Hon'ble MR. FINUCANE said:—"If I interpose in the debate on the particular questions now under consideration, it is because my official duty has necessitated my giving some attention to them for the past 10 or 12 years. So far back as 1885, I proposed the establishment of a Veterinary as well as an Agricultural School or College in Bengal.

"At that time it was held by many competent authorities that there was no demand in these provinces for the kind of instruction that would be given in these Schools or Colleges, and it was urged that the licentiates of them would obtain no employment, and would only add to that numerous class of persons who have already received instruction, at the expense of the State, in various branches of literary and scientific learning, which they are unable to utilise for their advancement in life, to the extent that they had expected, and therefore are disappointed and discontented.

[*Mr. Finucane.*]

“The Veterinary School has, however, already been established in Bengal, largely owing to the munificence of two native gentlemen—Sir Dinshaw Manockjee Petet, a Parsee of Bombay, and Rai Shewbux Bogla Bahadur, a Marwari of this city. Its classes have been attended by Hindu students of different castes from the highest downwards, by Muhammadans and others, who have shown much interest in the subjects taught and been very successful at the annual examinations hitherto held.

“In view of the assertions to which I have referred that there was no demand for veterinary instruction in Bengal, I had at first some misgivings regarding the immediate practical results of the establishment of the school, though none as to its ultimate utility. I listened therefore with great pleasure at one of the first meetings of this Council, at which I had the privilege to attend, to one after another of the hon’ble elected members expressing his cordial assent to the desirability and necessity of providing the means for giving instruction in agricultural science generally to such natives of Bengal as may desire to avail themselves of it. This approval was carried so far that Hon’ble Members vied with one another in their enthusiastic expressions of it, and each of them wished to have an Agricultural College in his own particular part of the country. Approval of the introduction of a system of agricultural instruction I thought implied approval also of providing instruction as to the means of improving the breed of cattle and of preventing and combating cattle-disease—subjects than which none can be more important to agriculturists.

“But, Sir, if the desirability of giving instruction in veterinary science is admitted, on what ground, it may be asked, is it now asserted that we are not to utilise the services of the veterinarians when we have got them? Or that we are to be prohibited from utilising them in the manner provided in this Bill?

“The Hon’ble Member who has proposed the present amendment says the Government of India or the Local Government ought to provide employment for them, while another Hon’ble Member appears to think that veterinary services should be paid for exclusively by such private individuals as may require them.

“Now I submit that it is absolutely out of the question that Veterinary Assistants should be appointed or veterinary dispensaries established in each and every local area throughout India or Bengal. Veterinary Assistants can at

[Mr. Finucane.]

present, and for many years to come, only be appointed in a few selected places where local opinion is sufficiently enlightened to require them. If this be so, why should the general tax-payer throughout India or Bengal be called upon to pay the entire cost of services rendered or advantages obtained in particular localities only? The Government of Bengal pays the whole expenditure on the establishment of the Veterinary School. It will also pay the cost of such an inspecting staff as may be required. I am not in a position to make any definite promise on the point, but I think it will probably be willing to give grant-in-aid to such local bodies as may be willing to employ veterinary Assistants and establish veterinary dispensaries. More it cannot be expected to do. As to the other view that private individuals should pay for veterinary aid if they require it, I admit there is more to be said for it. It is, I think, quite true that what we ought to aim at, and what we in fact are aiming at, is the attainment of a stage when each individual proprietor or each individual raiyat or other owner of cattle will pay for the services rendered by veterinary licentiates to him personally. This, as every one acquainted with the *mufassal* knows, at present is impracticable of attainment, and therefore we look to the smallest aggregate of individuals, or, in other words, to the smallest local body that we can reasonably look to, as the unit for employment and payment, for the present, of Veterinary Assistants for services locally rendered. It is hoped and believed that large proprietors will employ some of the Veterinary Assistants on their own estates, and the Government and Court of Wards will, as a matter of course, pay for such Veterinary Assistants as may be required on estates managed by them respectively. But this is not enough. We desire to enlist the co-operation of local bodies, knowing that even if Government were to send Veterinary Assistants to the *mufassal* as Government Agents, they would be at first regarded with suspicion, and would not be given a fair opportunity to show what they can accomplish. For this among other reasons we have asked local bodies whether they are willing to help in the matter, but we do not desire to force them to do so. What is their answer?

“I have looked through most of the reports which we have received on this Bill, and find, as we have been already told by the Hon'ble Mr. Risley, that of 109 Municipalities no less than 102 are in favour of the provisions which the Hon'ble Member would eliminate, and only 7 against them. But the Hon'ble

[*Mr. Finucane.*]

Member says two or three Commissioners and an important body like the Bihar Indigo Planters' Association are against the allocation of any part of municipal or District Board Funds to purposes of the kind. He does not, however, refer to the opinions of the six other Commissioners or of the 102 Municipalities or of many Public Associations who hold that it is right to give Municipalities the powers proposed to be given under this Bill, and he does not examine the arguments of the few Commissioners and Associations who hold the same views as himself. The reasons given by the Commissioners to whose reports he has referred are, that there is no demand for veterinary assistance among natives of this country, that the people are too ignorant to appreciate its advantages, and therefore that the provisions of the Bill now under consideration, however laudable their object may be, will remain a dead-letter. In answer to such arguments I would submit that some of the more enlightened Municipalities have already applied for Veterinary Assistants, and others have expressed their intention to do so if the law permits them, and so far is it from being a fact that Veterinary Assistants have failed wherever they have been tried, the exact reverse is the case.

“The Hon'ble Member has referred to the Bihar Indigo Planters' Association in support of his amendment. What does that Association say? Their Secretary writes:—

‘The native public generally will not make use of veterinary establishments, which would therefore be conducted at a dead loss. Private enterprise has already started such establishments in Muzaffarpur and Darbhanga, which are freely used by European gentlemen, and I have heard that it is likely that similar establishments will be opened at other centres, but in every case they will be dependent on European support.’

“The Veterinary establishments referred to by the Secretary to the Planter's Association are mainly intended for the treatment of horses, and prohibitive fees are charged at them, but the Veterinary dispensaries that we propose to establish with the aid of Municipalities and Local Boards are entirely or mainly intended for treatment of cattle disease in which little, if any, fees will be charged for treatment. Does the Hon'ble Member or does this Council think that it is only Europeans who are interested in, or will contribute anything towards, the treatment of cattle disease in this country? The Hon'ble Member refers to the opinion of the Bihar Planters' Association, but he does not refer to the

[*Mr. Finucane.*]

opinion of the most powerful and, from the landholders' point of view, the most representative of all such associations, namely, the British Indian Association.

"That body, as we have heard to-day from the Hon'ble Babu Surendranath Banerjee, say :—

'The training and employment of medical and veterinary practitioners and establishment of dispensaries for the treatment of animals—in short all the new clauses to section 69—should be left entirely to their discretion (i.e., of Municipalities and other local bodies).'

"This is precisely what the Bill proposes to do—to leave it entirely to their discretion. But the Hon'ble Member would refuse to give them that discretion.

"What, then, is the position? These 102 Municipalities say they desire to be allowed to spend part of their funds in employing Veterinary Assistants when they think fit. The Governments of India and of Bengal say they think it is right that Municipalities should be given power to spend their money in this way if they wish to do so after they have provided for more urgent needs; but the Hon'ble Gentleman says power should not be given to them to do anything of the kind, and he asks this Council to support him in taking up that position. There is no subject on which the overwhelming preponderance of opinion could be more on one side, that is to say, in favour of the provisions of the Bill, yet the Hon'ble Member would have us disregard this mass of opinion. I submit that it would not be consistent with the interests of the people of the country or with the principle of Local Self-Government for us to do so.

"The loss to agriculturists in India by preventible mortality among cattle is, according to the best estimates available, no less than six million pounds sterling, or say ten crores of rupees per annum. There can be no more humane or beneficent aim than that of reducing that loss, and no greater injury can, in my opinion, be done to the agricultural classes than would be done by successfully placing difficulties in the way of effecting that object.

"In other provinces District Boards and Municipalities have not felt that it was an improper allocation of their funds to entertain and to pay veterinary establishments. I am informed that Veterinary Assistants are employed by Municipalities and local boards in the Punjab and in Bombay, with excellent results.

[*Mr. Finucane.*]

‘It has been made a subject of reproach to this Province elsewhere that we are so much behind other provinces in this respect; and I hope, as a first step towards wiping out that reproach, that the Hon’ble Gentleman’s amendment will be rejected by the Council.

“Whether Veterinary Assistants should be employed or veterinary dispensaries opened, or either or both, is a question for each particular Municipality to decide, having regard to its own special wants and resources, but surely it is not too much to ask that Municipalities be given the option of coming to a decision on that point.

“On the subject of the establishment of dispensaries, I would explain that it is next to useless to employ a Veterinary Assistant, unless we give him a dispensary where he can treat diseased cattle and win the confidence of the people by showing what cures he can effect, and by dispensing the necessary medicines which are not to be otherwise procured in the mufassal. Further, the cost of such dispensaries will be trifling. A Veterinary Assistant and his establishment will cost about Rs. 570 per annum. The expense of instruments will be only Rs. 200 once for all, and that of drugs about Rs. 200 per annum. Is it worth while for any Municipality to spend Rs. 570 on a Veterinary Assistant, and then refuse to give him the trifling sum of Rs. 200 per annum to enable him to carry on his work satisfactorily?

“Sir, I attach little or no importance to the provisions of the Bill which enable Municipalities to spend money on improvement of the breed of horses, mules, and asses, and would not myself object to their omission, though their retention is, I think, harmless. But I attach great importance to the provisions enabling these bodies to spend moderate sums on improvement of the breed of cattle, and more especially on the prevention and curing of cattle disease.

“Bengal has produced the best native medical practitioners in India, as well as the best native lawyers and engineers. It will, I believe, produce the best veterinary practitioners also if they are given a fair start. I would ask Hon’ble elected Members to consider whether, by opposing the provisions of this Bill, they are not placing obstacles in the way of opening up a new profession, and a new outlet for employment to their fellow-countrymen, and, what is a far more serious matter, whether they are not placing unnecessary and merely technical difficulties in the way of reducing that enormous loss, to which I have already referred, that is now sustained by the agricultural community.

[*Mr. Finucane ; Mr. Bose ; Mr. Grimley.*]

"We have been told, and told truly, that my hon'ble friend in charge of this Bill has met all reasonable objections to it made by Hon'ble Members, in the most conciliatory spirit.

"Is it too much to ask Hon'ble Members to look at this matter in the same spirit, and in voting on the provisions of the Bill now under consideration, the objects of which are admitted to be most laudable, not to be influenced by technical and narrow considerations as to whether one particular body shall do more and another less towards mitigating the ravages of cattle disease. The right principle I submit is that all should, so far as their resources permit, do what they can towards attaining this most humane object."

The Hon'ble MR. A. M. BOSE said :—"I do not rise to support the provision in the Bill in regard to the training and employment of veterinary practitioners which is the subject-matter of the present discussion, because, after all that has been said, it stands in no need of any further support. I rise to thank the Government for the spirit in which it has met the difficulties which have been raised in connection with this clause, and for the promise made by the Hon'ble Member in charge of the Bill that the Government would meet with perfect fairness any proposals for carrying out these clauses which might be brought forward by any Municipality; and I rise also to thank the Government for the statement made by the Hon'ble Mr. Finucane, who, without making any absolute promise, said it was very likely the Government would make a grant, in order that these clauses might easily be brought into operation; for I believe it is only by cordial co-operation between the Government and the local bodies that the success of the measure can be ensured, and its provisions duly carried out."

The Hon'ble MR. GRIMLEY said :—"The Hon'ble Member in charge of the Bill has fully explained in his exhaustive speech the scope and object of the provisions relating to the training and employment of veterinary practitioners and the principles on which they rest. The Hon'ble Babu Surendanath Banerjee has described their permissive character and the safeguards which have been introduced in order to ensure that municipal funds shall not be expended in the treatment of cattle until all necessary objects have been sufficiently provided for. The Hon'ble Raj Eshan Chundra Mittra Bahadur, has given a concrete example in the case of the bull of Hooghly, on which money was or

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

might have been usefully spent. An ounce of fact is worth a pound of theory. I will give another instance embracing the treatment not of a single animal, nor indeed of a hundred, but of cattle in vast herds. Formerly, there were large grazing grounds for the pasturing of cattle in most districts of Bengal, but these have gradually disappeared, and very few now remain. But there are still to be found extensive wastes on the high table lands in the Native States to the north and west of Chota Nagpur, particularly in the State of Sirguja. Hither large herds of cattle are yearly brought to graze from the neighbouring districts in the North-West Provinces of Mirzapur, Allahabad and more distant places. They come in thousands and remain for months in charge of *Akirs*, who stock the ghi marts of the North-West and Lower Bengal. But though they come in thousands, they only return in hundreds when the grazing season is over, for they are carried off in thousands and tens of thousands by a frightful epidemic which the simple graziers are powerless to check. All that I could do from the distant station of Ranchi was to preach through the Chief of the State segregation of cattle and the burying of carcasses, and to disseminate leaflets of instructions. But the assistance might have taken a more practical form had only a few veterinary practitioners been available in the adjoining districts. This is a consummation to be wished for, and I shall therefore vote against the amendment."

The Hon'ble BABU GURU PROSHAD SEN in reply said:—"As to the desirability of the objects for which these clauses of the Bill are intended to provide, I do not like to differ in the least from my hon'ble colleagues who have addressed the Council. They are, indeed, very desirable objects, and I do not see why in a country like this there should not be colleges and dispensaries for the treatment of cattle and proper arrangements also for the improvement of the breed. The only question and I submit the important question—with which we are concerned is whether or not municipal funds should be applied for providing for such things. As, however, the Hon'ble Members who have spoken are in favour of the retention of these clauses in the Bill, I can only say that, with the assurance which has been given by the Hon'ble Member in charge of this Bill and by the Hon'ble Mr. Finucane, I beg leave to withdraw this amendment."

The Motion was, by leave of the Council, withdrawn.

[*Mr. Wallis.*]

The Hon'ble Mr. WALLIS moved that in section 6, clause (viii), the words "training and" be omitted.

He said:—"I am in perfect sympathy with the objects desired to be attained by the employment of female medical practitioners and of veterinary practitioners, the establishment of veterinary and medical dispensaries, and the appointment and payment of qualified persons to prevent and treat diseases of horses and cattle and other animals, but I oppose the use, even of surplus municipal funds, for the training of students. I should like to draw the attention of Hon'ble Members to the fact that on several occasions it has been proposed to introduce into the Bengal Municipal Act a clause providing for the training (at the expense of municipal funds) of medical practitioners. When the Act was being amended in 1883-84, a clause was inserted in the Bill providing for the training of medical practitioners, but this was omitted by the Select Committee, who considered that municipal funds could not properly be applied to such purposes. It was next suggested that the training should be confined to the training of female medical students, but this was also abandoned, and now again we find the proposal is brought forward. I agree with the employment of female medical practitioners and of veterinary practitioners, but I object to their being trained at the cost of Municipalities. If it is thought desirable that Municipalities should encourage the training of these students, they might go so far as to offer scholarships for this purpose. It is true that no part of the municipal funds can be utilised for this purpose without the sanction of the Commissioners in meeting, and it is equally true that the funds can only be so used after all the other purposes for which rates and taxes are levied have been fulfilled. But I submit that it is not a right use of the municipal funds to train men and women to earn their own living, and after they have been trained they may leave the Municipal Institutions if inducement should offer. It may be said that they can be legally bound to serve the Municipality after such training, but we know what the result of such contracts are. If a man is bound to serve against his own will, the chances are that he would be useless. I therefore say that even the surplus funds of a Municipality should not be spent in the training of female medical practitioners and of veterinary practitioners. It has also been urged by Hon'ble Members that the operation of this clause would be wholly permissive, and that of course is the only redeeming feature. I cannot agree with

[*Mr. Walkie; Mr. Risley.*]

the Hon'ble Member in charge of the Bill that the principle is a small one; I submit that the principle is a very large one. The principle is that municipal funds are to be utilised for purposes for which they have not been utilised in the past, and that is the principle I stand against.

"There is another aspect of the case, and that is in some year of unusual prosperity a Municipality may be induced to sanction funds for the training of such students, and having once done so they could not at short notice inform students that surplus funds being no longer available, their training must be discontinued. On the contrary the Municipality will be obliged to find funds to continue the studies of these students, and in consequence the needs of sanitation and other important duties will have to be put on one side. I hope I have been able to show that it is undesirable to utilise even the surplus funds of Municipalities for the purposes I have mentioned, namely, the *training* of female medical practitioners and of veterinary practitioners."

The Hon'ble MR. RISLEY said:—"It seems to me that my hon'ble friend, the Member for the Calcutta Trades' Association, has followed the somewhat unusual course of answering by letter, beforehand, the amendment he now moves in the Council. I shall read an extract from the letter of the Trades' Association on the subject. They say:—

"The Committee would venture to suggest that if Municipalities are desirous of obtaining the services of students of medicine, when qualified for their own dispensaries, their assistance should be limited to the grant of scholarships. This is the practice which is now followed in the case of female students studying at the vernacular medical schools, and the Committee see no reason why municipalities should extend any assistance beyond this point."

"I understand that to the grant of scholarships there is no objection, but that is precisely the meaning of the words 'training and' to which the Hon'ble Mover of the amendment objects. If it is proposed to allow the grant of scholarships for the purpose of receiving the necessary training, I think that is all it is desirable to have; namely, that grants may be made of whatever sum may be necessary to send a girl from any Municipality to the Calcutta, Dacca, or Cuttack Medical School to get a training there in order that she may go back and practise among the poor of the Municipality from which she was sent. That is what is now done, and that is what we want to legalise. It may, however, be necessary to pay for books and for expenses of travelling and the

[*Mr. Risley ; Mr. Bose.*]

like, which would not come under the head of scholarships, but there is no probability of a provision of that kind being unduly large. As to the history of the proposal, there is no doubt that it was brought forward in 1892. It was strongly urged upon this Government by the Government of India in 1887-88. They said there was a provision in the Madras Municipal Act which met a want which had been felt, and they asked that when the Bengal Municipal Act next came under amendment, the opportunity might be taken to introduce an amendment similar to that contained in the Madras Act. The question was brought up in the Select Committee first of all in the general form of training medical practitioners, and then again in the form of training female medical practitioners. The Select Committee then rejected the proposals on what I think were *à priori* grounds, but the real reply is that the proof of the pudding is in the eating; for while the Select Committee were discussing all the principal arguments on the subject, a great number of Municipalities had incurred very expenditure for this purpose. In 1894-95, the Serampore Municipality made a grant of Rs. 24 towards the training of a female medical student in the Campbell Medical School, the Darjeeling Municipality made a grant of Rs. 235; the Rampur-Boalia Municipality sanctioned Rs. 25 a month; the Hooghly Municipality paid the travelling expenses of a female student; the Backergunge Municipality provided a stipend of Rs. 5 a month, the Patna and Darbhanga Municipalities also made contributions; the Burdwan Municipality paid Rs. 40 in four months; the Khulna and Kutwa Municipalities failed to find any suitable girl. And as for the suggestion that these girls, when they were trained, did not work in the Municipality by which grants were made in their behalf, it appears to me that Municipal Commissioners are not so stupid as all that. When they paid a female student Rs. 4 or Rs. 5 a month for three years to be trained, they take good care to see that she does not go elsewhere to practise, and, moreover, she being a native of the place, has no inducement to go away. In Rampur-Boalia for example I found last year that the arrangement had been most successful, and now they are giving the girl a nominal retaining fee, and she is practising among the people there. So that really what is proposed to be done under this clause is precisely that which I understand is now actually done."

The Hon'ble MR. A. M. BOSE said:—"Having the honour of being connected with the Bengal Branch of the Countess of Dufferin Fund, I beg leave

[Mr. Bose ; Maulvi Muhammad Yusuf Khan Bahadur.]

to say a few words in support of the proposal of the Select Committee. The training which is intended to be given to female medical students is not to enable them to find employment wherever they choose, or to open out a new career for a class of Her Majesty's subjects at the cost of Municipalities. If that had been the object, I should entirely sympathise with the Hon'ble Mover of the amendment; but the object is to remove a grave and a felt want within the Municipality, which unfortunately is not met by the law of supply and demand, by the law of competition. There is not the slightest apprehension, as has been pointed out by the Hon'ble Member in charge of the Bill, of anything else being done, but to provide a little scholarship for some suitable female candidate to receive a training at the Campbell Medical School, or at some similar institution. A little money grant makes a deal of difference as to whether a candidate is available to receive that training, not for her own sake, but for the good of the people in the Municipality which provides the scholarship. It is not contemplated, as in the case of veterinary practitioners, that there should be a hospital or an educational institution suitable for the purpose of this training. I hope there will be no opposition to this proposal. The Government has for its own part most generously endowed suitable institutions where female medical practitioners may be trained. All that is wanted is that the Municipalities should, where necessary, supplement this by a special grant. It will be for the relief of suffering humanity in the case of those who specially need it, and I am sure the object will command the sympathy of the Council."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"The words proposed to be omitted from clause (viii) govern both parts of that clause, and the effect of the omission on the veterinary aspect of the clause will be something the mischief of which it is impossible to overrate. The result will be the retention and employment of the class of veterinary practitioners called *salutrees*, the extent of whose knowledge, or rather I should say ignorance, is well known to those who have come across them: it is highly undesirable that such a class of persons should have the authority of the Municipality to go about spreading destruction among cattle and rendering their disease worse by their unskilful and quackish treatment: the great object is that the Municipality should be able to train veterinary practitioners so that they might be useful to the country. The effect of the omission as regards female medical practitioners has already been pointed out by the Hon'ble Members who have

[*Maulvi Muhammad Yusuf Khan Bahadur ; Mr. Finucane ; Mr. Wallis :
Babu Guru Proshad Sen ; Babu Surendranath Banerjee.*]

preceded me. I therefore think it absolutely necessary that this clause should remain as it stands, and that the law should contain a provision for the training and employment both of female practitioners and of veterinary practitioners."

The Hon'ble MR. FINUCANE said:—"I wish to explain in a few words the effect of the omission of the words 'and training' in this clause as regards veterinary practitioners. It will be impossible if these words are omitted for Municipalities to send any persons to a veterinary school at their own expense or to give scholarships to students who go there of their own accord. In point of fact Municipalities have in several cases already established scholarships, and paid for them ever since the institution of the Bengal veterinary school, though without legal authority to do so. The effect of the omission of the words 'and training' will perpetuate the illegality which now exists. I do not think the Hon'ble Mover of the amendment really thinks there is any harm in Municipalities establishing scholarships at the school at Belgachia, and that is all that is meant by training. It is not meant that the expense of providing a veterinary school is to be borne by any Municipality. The only effect of the words is to enable Municipalities to provide for scholarships at established schools."

The Hon'ble MR. WALLIS in reply said:—"Taking into consideration the remarks which have fallen from the Hon'ble Member in charge of the Bill, and the Hon'ble Member who has just spoken, it seems to me that the Council is not disposed to vote for my amendment. I should not like specifically to narrow down the proposal to training by means of scholarships, but as I understand that to be the intention of the clause, I beg leave to withdraw my amendment."

The Motion was, by leave of the Council, withdrawn.

The Hon'ble BABU GURU PROSHAD SEN moved that clauses (ix), (x) and (xi) in section 6 be omitted.

The Hon'ble BABU SURENDRANATH BANERJEE said:—"We have already received an explanation from the Hon'ble Mr. Finucane with regard to these clauses. I have given notice of a motion to omit clause (ix). My objection to

[*Babu Surendranath Banerjee ; Mr. Finucane ; Mr. Risley.*]

clause (ix) is based on financial considerations. I believe that Municipalities will not be in a position, having regard to their financial resources, to establish dispensaries for the reception and treatment of horses, cattle and other animals, and it is on that ground I gave notice of this motion. The Hon'ble Mr. Finucane has explained that the establishment of veterinary dispensaries will not be an expensive matter, and I think he has stated that Rs. 200 a year is the normal expenditure on account of a dispensary of this kind. I have another question to ask, and if the explanation is satisfactory, I am prepared to withdraw my motion. I wish to know what the expense would be for the treatment of animals in these dispensaries. Whether I will press my motion or not will depend very much upon the answer I receive."

The Hon'ble MR. FINUCANE said:—"I have been informed by Veterinary Captain Gunn, who is an authority on the point, that persons who send their animals to these dispensaries will have to pay for their keep, and that no expense whatever will be incurred by Municipalities on that account."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"Then we may restrict the terms of the clause in that sense. The establishment and maintenance of veterinary dispensaries, and the reception and treatment of animals therein are two different things altogether. Municipalities in general are so poor that they would not have funds to do more than provide the cost of medicines, which, it has been stated, will come up to about Rs. 200 a year. It is distinctly unwise to clog a novel provision like this with a greater liability to expenditure than is absolutely necessary and which will render the clause partially inoperative. I would suggest the clause being restricted to the 'establishment and maintenance of veterinary dispensaries,' and I would omit the subsequent words 'for the reception and treatment of horses, cattle and other animals.'"

The Hon'ble MR. RISLEY said:—"The question is whether the expression 'veterinary dispensary' will include the treatment of horses, elephants, &c."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"A dispensary means a place for distributing medicines. That is the sense in which the word is used ; but when you speak of reception and treatment, you mean a hospital."

[*Mr. Finucane ; Mr. Risley ; Babu Surendranath Banerjee ; Mr. Wallis ; Mr. Bose.*]

The Hon'ble MR. FINUCANE said :—“ It is intended that horses and cattle shall be received for treatment. The owners of these animals will have to pay for their keep, but they will be treated in the dispensary. Therefore the expense which will be incurred will be the expense for the medicines.”

The Hon'ble MR. RISLEY said :—“ Dispensaries in the *mufassal* are usually used as hospitals.”

The Motion was, by leave of the Council, withdrawn.

The Hon'ble BABU SURENDRANATH BANERJEE, by leave of the Council, withdrew the motion of which he had given notice that clause (ix) in section 6 be omitted.

The Hon'ble MR. WALLIS said :—“ After the explanation which has been given that persons who send their animals for treatment in these veterinary dispensaries will have to pay for their keep while under treatment, I conclude this will be provided for in the rules to be framed by the Local Government.”

The Hon'ble MR. WALLIS therefore, by leave of the Council, withdrew the motion of which he had given notice, that at the end of clause (ix) in section 6, the following words be added :—

‘on payment by owners of certain prescribed fees.’

The Hon'ble MR. A. M. BOSE moved that in section 6, in the proviso to the new section 69 (1), for the words after “ both inclusive ” to the end of the proviso, the following be substituted :—

‘ unless such application be sanctioned by the consent of two-thirds of the Commissioners present at a meeting specially convened for considering such application, or held after special notice has been given that such application will be considered at such meeting.’

He said :—“ The words of this amendment are copied from the wording of the present section merely substituting ‘ two-thirds ’ for ‘ one-half,’ and I hope, having regard to the conciliatory way in which the several amendments to this section have been dealt with, the Government will be willing to allow a two-thirds majority to sanction the establishment of these veterinary dispensaries. I venture to suggest that in introducing a novel provision, in making an altogether new departure in municipal administration like that involved in the opening of such dispensaries and the like, a substantial majority of the Municipa-

[*Mr. Bose.*]

Commissioners should be obtained. This would disarm local opposition, and secure that support and co-operation which are necessary for the success of the undertaking. Under the Bill the procedure to be adopted seems somewhat complicated. There are to be two divisions or votings of the Commissioners in meeting. First, a division on the question whether funds are available for these new undertakings, and then there is to be a second motion and a second division on the point whether these available funds should be devoted for veterinary purposes. I submit that this is a complicated and a novel procedure. It is absolutely unknown to the Municipal law as it stands; and it is complicated because it requires two divisions where one would be sufficient, that one division being on the question whether on a consideration of all the issues relating to the matter, these measures should or should not be adopted. That question would be discussed in all its bearings and issues—the issue of available funds, the requirements of the Municipality, and the desirability of the undertaking. All these questions would be considered, and then a clear expression of opinion taken in one division. There is another matter regarding which I beg to ask a question of the Hon'ble Member in charge of the Bill. One of the purposes mentioned in section 69 is the training and employment of female medical practitioners and of veterinary practitioners. Expenditure for these purposes would ordinarily be incurred outside municipal limits—at the Campbell or other medical school, and at the Belgatchia Veterinary College; money would therefore have to be spent beyond municipal limits. But there is a special provision of the municipal law relating to this matter. Section 70 of the Bengal Municipal Act provides a special procedure when any expense out of the Municipal Fund has to be incurred in any other Municipality, or elsewhere, for any of the purposes mentioned in the Act, and the procedure is that the consent of two-thirds of the Commissioners has to be obtained in a certain manner. I wish to ask whether the Hon'ble Member in charge of the Bill has considered that for the purpose of spending money on the training of female medical practitioners or of veterinary practitioners outside the municipal limits, the vote of the Municipal Commissioners will have to be taken in a particular way, whereas under the proviso to section 69 now under consideration, for all these purposes a bare majority is supposed to be sufficient. This is a matter which requires solution at the hands of the Council in order to avoid uncertainty and trouble in the future. Passing on I would appeal to the Government

[*Mr. Bose.*]

whether instead of, I will not say driving Municipalities by a bare majority—for a majority is a majority—it is not desirable that a very clear and decided expression of opinion should be a condition precedent to the carrying out of these measures. The Hon'ble Member in charge of the Bill made one observation on the question of pressure or influence being brought to bear on Municipalities. He said that the Sanitary Commissioner would always see that the sanitary needs of the Municipality were first attended to. Suppose a Magistrate wants these objects to be carried out in any particular Municipality, how would the Sanitary Commissioner see that no pressure is brought to bear upon the Commissioners. The District Magistrate and the Divisional Commissioner are near; the Sanitary Commissioner is far; he has no opportunity of knowing what is proposed to be done until long after the budget has been passed and sanctioned. The large powers left in the hands of the Divisional Commissioner in passing the annual Municipal Budget give him a controlling influence which every Municipal Commissioner know and has felt only too well. It will only be in exceptional cases that the Sanitary Commissioner will have the opportunity of closely supervising the expenditure of the Municipality, that is to say, when a complaint is made to him, or when, in the course of many years, he pays a visit to the Municipality. There are two opinions bearing on this question among many in the mass of papers which have been circulated to which I may be permitted to refer. One of these is from the District Magistrate, or rather the Deputy Commissioner of Lohardaga, who says:—‘If there is any fear (and it is difficult to say that there is no fear) of expenditure under these heads being forced on unwilling municipalities, I would much prefer to see them omitted from the Act altogether.’ Therefore there is the fear entertained of some sort of pressure. The only other opinion to which I shall refer is from one who represents not a backward but an advanced district like the 24-Parganas, the Magistrate of which says:—‘The Bill is, I am of opinion, premature, but as it is permissive in character, there is no special objection to it, except that Municipalities are prone to expend money on new and attractive objects, and *there is some reason to apprehend that pressure may be brought to bear on them in this direction.* I speak, however, only for the Municipalities of this district.’ I may add that if this should be true for a Metropolitan district like the 24-Parganas, it may be held to be not altogether inapplicable to the circumstances of other parts of the Province. The question

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

of pressure, however, is a very delicate matter, and I will not stop to criticise how far these two officers are altogether correct in what they say ; but I beg to point out that these new undertakings will carry with them popular support and cordial appreciation on the part of the public if the Government were to accede to the suggestion that the vote of a majority of two thirds should be taken after considering all the circumstances, instead of following the novel procedure prescribed by the Bill."

The Hon'ble MR. RISLEY said :—" I trust the Council will support the Select Committee in this matter. This particular amendment was very carefully considered indeed. The solution which the Hon'ble Member has just put forward was very fully considered and deliberately rejected, and it appears to me wholly unnecessary. The section provides ample safeguards against any abuse of these provisions. Moreover, so far from this being a novel procedure, it is based on the nearest approach we could provide to the procedure followed in the Calcutta and Bombay Municipal Acts. In both those Acts separate provision is made for what may be called necessary purposes and for optional purposes. The members of the Select Committee will remember that we tried to define and separate by enumeration the two sets of purposes, but we could not do it to our satisfaction, and the procedure prescribed in the Bill was adopted as the nearest approach to it, and I think it goes as far as any reasonable person can expect us to go without unduly interfering with the discretion of the Commissioners. On principle I do not like a hard-and-fast rule of a two-thirds majority, as it lends itself to obstruction and merely retards business. As regards the Sanitary Commissioner, in point of fact he exercises a much closer supervision over the proceedings of Municipalities than the Hon'ble Member supposes, and he particularly watches to see that there is no diminution of expenditure on account of sanitary purposes. I merely mention this to show that there is no force in a two-thirds majority keeping the Commissioners from any possible abuse of their discretion."

The Hon'ble BABU SURENDRANATH BANERJEE said :—" I am sorry to find myself somewhat in disagreement with the Hon'ble Mover of the amendment, with whom I am generally in accord in regard to most matters. My objection to the amendment is that it dispenses with the safeguards which are now embodied in the proviso, namely, that it is only after the sanitary needs of a municipality have been amply provided for can municipal funds be devoted to veterinary purposes. The double division to which my friend refers imposes

[*Babu Surendranath Banerjee ; Maulvi Muhammad Yusuf Khan Bahadur.*]

this necessary safeguard. That safeguard is dispensed with in this amendment. I think the safeguard which the Select Committee have provided is more effectual than the safeguard of a two-thirds majority. If pressure is brought to bear on municipalities, it will be brought to bear on the whole body of Commissioners, and the two-thirds will come under it just as much as a bare majority. We ought to provide some safeguard against pressure being brought to bear on Municipal Commissioners by Commissioners of Divisions, who may have their hobbies to ride. A Commissioner of a Division may think it his duty to promote these veterinary objects; therefore we thought it would be better to legislate that it is only after a majority of the Commissioners present at a meeting are satisfied that the other purposes specified in this sub-section, or such of them as the majority consider it necessary to carry out, have been sufficiently provided for, that any portion of the municipal funds can be applied to the purposes referred to in clauses (viii) to (xii). The two divisions required under this provision constitute an effective safeguard. Instead of one division with a majority of two-thirds, we have two divisions each of which requires a majority; instead of one division on one occasion, we have two divisions on two occasions, and I think this, though a complicated procedure, will provide a better safeguard than that proposed by the Hon'ble Mover of the amendment."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"There is one aspect of this amendment with which I do not agree. I do not think it is necessary in the true interests of municipalities that the safeguard contained in the proviso should be so severely and strongly worded as to render the operation of the clauses next to an impossibility. As I have already explained in connection with a preceding amendment, there must be some hope left that these new objects, now recognised, will have their turn in the municipal administration. There must be some facility left for these clauses to be brought into play and to be reached and worked out in the event of funds being available; and the proviso should not be hemmed and hedged by language containing conditions and limitations so as to place the clauses beyond the bounds of possibility. The Hon'ble Mover of the amendment has referred to section 70 of the Bengal Municipal Act on the question of expenditure outside municipal limits. I do not think the wording of the section in question is such that one is obliged to say that the only possible construction of that section is as contended for by the Hon'ble Mover of the amendment: that however is a matter on which the Hon'ble the President can speak with authority. As at

[*Maulvi Muhammad Yusuf Khan Bahadur ; the President ;
Rai Eshan Chundra Mittra Bahadur ; Mr. Bose.*]

present advised, it appears to me that you can scarcely say that a scholarship paid to a person who is sent to a college elsewhere to be trained for work to be performed within the Municipality falls within the purview of section 70: if it does, and if the construction contended for by the Hon'ble Mover is fairly correct, or if it is even an open construction, then I admit that a difficulty does arise for which a remedy must be devised: but the remedy must not have a tendency so that the clauses should remain in-operative and be a dead-letter."

The Hon'ble THE PRESIDENT said:—"I think such an expenditure will certainly come within the scope of section 70. You will be spending the money of the Municipality elsewhere than within the Municipality itself."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I think the proviso in the Bill, as it stands, is a more effective safeguard than what the Hon'ble Mover of the amendment has proposed. The provision that expenditure for necessary purposes shall first be secured before any money is spent for the purposes mentioned in clauses (viii) to (xi) should not, I think, be dispensed with."

The Hon'ble MR. A. M. BOSE in reply said:—"I put a question pointedly to the Hon'ble Member in charge of the Bill in connection with the construction of section 70 of the Bengal Municipal Act, to which the Hon'ble Member has given no answer. It is a question of legal difficulty which cannot be shirked in this way. If this point has not been considered, and the Hon'ble Member requires further time to consider it, I would suggest that the decision upon the amendment, now before the Council, may be adjourned. And in that case I need not enter into other matters at present."

The Hon'ble THE PRESIDENT said:—"The section certainly reads as the Hon'ble Mover of the amendment suggests, and I think the point should be considered."

The further consideration of the Motion was postponed to the next meeting of the Council.

The Council adjourned to Saturday, the 15th instant.

CALCUTTA;
The 10th September, 1896. }

F. G. WIGLEY,

*Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.*

*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 15th August,
1896

P r e s e n t :

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

The Hon'ble W. H. GRIMLEY.

The Hon'ble J. PRATT.

The Hon'ble C. W. BOLTON.

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

The Hon'ble M. FINUCANE.

The Hon'ble J. G. H. GLASS, C.I.E.

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 MAHARAJA BAHADUR SIR RAVANESHWAR PROSHAD SINGH, K.C.I.E.,
of Gidhaur

The Hon'ble M. S. DAS.

The Hon'ble A. H. WALLIS.

THIRD CLASS PASSENGERS AT SEALDAH STATION.

The Hon'ble Mr. A. M. BOSE asked —

Has the attention of the Government been drawn to the letters of Babu Asit Chandra Chaudhari in the *Sanjibani* of the 11th and 25th July, in which, after personal investigation, he describes the many serious inconveniences to which third class passengers are subjected at the Sealdah Railway station?

[*Mr. Bose; Mr. Glass; Mr. Risley.*]

Will the Government be pleased to hold an enquiry into these allegations and adopt such of the measures suggested by the writer, and others, as may commend themselves to Government as likely to remove or mitigate the evils complained of?

The Hon'ble MR. GLASS replied:—

“The Administration of the Eastern Bengal State Railway is not vested in the Government of Bengal, but rests with the Government of India, and this Government is not therefore in a position to order the enquiry asked for by the Hon'ble Member. At the same time it is the desire of the Lieutenant-Governor that the convenience of all passengers by Railway should receive every attention that is possible, and the matters brought to notice by the Hon'ble Member will therefore be referred to the Government of India for consideration.”

GRANT-IN-AID RULES FOR MEDICAL INSTITUTIONS.

The Hon'ble MR. A. M. BOSE asked—

Are there any grant-in-aid rules for Medical Institutions? If so, will the Government place them on the table?

Having regard to the fact that the Government has been recently obliged to limit the number of admissions to the Calcutta Medical College, owing to want of sufficient accommodation in its class-rooms, will it be pleased to render liberal help to any fairly equipped and well-organized Medical Institution, which may be started by private effort, to impart superior medical instruction?

The Hon'ble MR. RISLEY replied:—

“There are no grant-in-aid rules for Medical Institutions.

“As no applications for admission to the Medical College have yet been refused, and the more crowded class rooms are about to be enlarged, the question of subsidizing other Medical Institutions seems hardly likely to arise. The Lieutenant-Governor is not prepared to sanction such grants.”

[*Mr. Risley ; Mr. Das ; the President.*]

BENGAL MUNICIPAL ACT, 1884, AMENDMENT BILL.

The Hon'ble Mr. RISLEY moved that the consideration of the Bill to further amend the Bengal Municipal Act, 1884, be resumed.

The Motion was put and agreed to.

✓ The Hon'ble Mr. M. S. Das moved that the following be substituted for the proviso to clause (a) of section 85 of the Bengal Municipal Act, 1884 :—

'Provided that the amount assessed upon any person or persons, in respect of the occupation of any holding, shall not be more than eighty-four rupees per annum.'

He said :—"It was no doubt the intention of the Legislature, in framing the proviso to section 85 of the Bengal Municipal Act, that the maximum assessment on any single holding, whether it is in the occupation of one person or of more than one person, should not exceed Rs. 84, but to this intention a sufficiently clear explanation is not given, and the result is that this clause has been differently interpreted in different Municipalities. I shall better explain myself by taking a concrete example. Suppose the case of a father and two sons each having a monthly income of Rs. 500. In a Municipality where the assessment is on persons, and according to the circumstances and property of such persons, if the assessment is at the rate of 1 per cent., these three persons will be taxed at Rs. 60 per head per annum if they occupy separate holdings, and if they live in one and the same house, they will not be charged with more than Rs. 84. That, I think, was the intention of the Legislature."

The Hon'ble THE PRESIDENT said :—"I do not see what this amendment means. The word 'person' is used in the Act, and 'person' includes 'persons.'"

The Hon'ble Mr. M. S. Das continued :—"If that word had been explained in the Interpretation Clause, or if it meant two or more persons, then a different construction would not have arisen in different Municipalities. As a matter of fact I may mention, that in the Fāridpur Municipality, where two such persons were living in the same house, they would pay Rs. 84, whereas in Cuttack they would pay Rs. 160; so that the proviso is actually interpreted in different ways in different Municipalities, and it is necessary that a clear interpretation should be put. The proviso should be so worded as to unmistakeably point

[*Mr. Das ; Babu Surendranath Banerjee ; Mr. Bose ; the President.*]

out the intention of the Legislature. It is for the Council to say whether or not they will apply the maximum rate to a case where more than one person, having separate incomes, occupy one and the same holding. That is a question for the Council to decide, but I submit it is absolutely necessary that there should be a uniform interpretation of the proviso, which hitherto has not been the case. I think that by inserting the words 'or persons' this ambiguity will be removed. We have now introduced what is called a lodger franchise, or in other words, a franchise in favour of persons who have an income of Rs. 50, but do not pay any Municipal rate. But Municipalities, where the assessment on the person is in force, will not have the benefit of that concession, unless the construction I contend for is put on the proviso; for if every person occupying a holding, or any number of persons occupying one and the same holding, are to be taxed according to their circumstances and property, then a person with an income of Rs. 50 would be entitled to vote as a rate-payer. Consequently this concession will not be extended to Municipalities, where the assessment is on the person and not upon holdings. On these grounds I submit that my amendment ought to be accepted."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"If the amendment of my hon'ble friend will help to remove an ambiguity, and I think there is considerable ambiguity from what I have heard myself of the procedure adopted in certain Municipalities, and if there is no further objection than that under the General Clauses Act, the word 'person' includes 'persons,' I think the amendment should be accepted."

The Hon'ble MR. A. M. BOSE said:—"It is just possible that the proviso may be open to the construction to which the Hon'ble Mover of the amendment has referred, and, as he has informed us, it has actually been so construed in some cases. Under the circumstances I think, in the interests of the Municipalities themselves, it may be well to remove that temptation from their path. If two or more persons occupy one holding, let not the tempting possibility of such a construction arise. I would therefore support the amendment."

The Hon'ble THE PRESIDENT said:—"I do not think this amendment is necessary. It is a tax upon persons occupying holdings; that means different persons occupying different holdings, not several persons occupying one holding."

[*Mr. Das ; Mr. Risley.*]

The Hon'ble MR. M. S. DAS in reply said:—"This is not an ambiguity which suggests itself to me alone. In Collier's edition of the Bengal Municipal Act, he makes the following comments on this provision:—

'Two or more persons having separate sources of income and occupying the same holding, may, it would seem, be separately assessed under clause (a). In such a case it appears somewhat doubtful whether each could be assessed up to the maximum of Rs. 84, or whether the total assessment upon all the occupiers of the holding must be within that amount. Probably the latter view is the correct one?'

"The difficulty has suggested itself to different Municipalities, and different interpretations have been put upon it; and the same difficulty suggested itself to Mr. Collier, and he has annotated upon it."

The Hon'ble MR. RISLEY said:—"I do not think the Council should amend an Act to correct a mistake made by a commentator."

The Motion was put and lost.

The Hon'ble MR. M. S. DAS also moved for leave to withdraw the following motion standing in his name:—

"That in section 14 the following be substituted for the proposed new section 351B:—

'Fees may be charged at such rates as may be fixed by the Commissioners at a meeting and sanctioned by the Commissioner of the Division, for the use of music by processions in the streets on the occasion of festivals or ceremonies.'

'The said fees should be levied by the Officer of Police who regulates such processions.'"

The Motion was, by leave of the Council, withdrawn.

The Hon'ble MR. M. S. DAS also moved that in section 14, for the proposed new section 351 B (1), the following be substituted:—

'351B. Fees may be charged at such rates as may be fixed by the Commissioners at a meeting and sanctioned by the Commissioner of the Division, for processions in the streets attended with music, for which a license has been issued under clause (3) of section 30 of Act V of 1861 of the India Council.'

[The President; Mr. Das; Mr. Risley.]

The Hon'ble THE PRESIDENT said:—"The objection to this section is that people have a perfect right to have religious processions in the streets; and under the Indian Council's Act, section 43, this Council has no right to interfere with them. Under that section this Council has not the power to legislate on any subject affecting religious rites, except, with the sanction of the Governor General in Council previously obtained. From time immemorial Her Majesty's subjects have had the right to have religious processions in the streets, and we cannot interfere with that right. The amendment should therefore be withdrawn."

The Hon'ble MR. M. S. DAS continued:—"My amendment is the only way out of the difficulties, under the section as it now stands. Religious processions are exempted from taxation under the section, and therefore the question whether a particular procession is of a religious character or not, will have to be decided by the Municipal Board. From my experience of mufassal Municipalities, I think if we were to convert Municipal Boards into Ecclesiastical Boards, we shall be doing something absurd. It will be for Municipal Boards to decide what is a religious procession and what is not a religious procession. In our Boards we have members of diverse religious persuasions. We have followers of Hinduism, Muhammadanism, and many other *isms*, and we are going to introduce the worst of all *isms*; which is *schisms*. What is proposed to be done is to convert Municipal Boards into tribunals of an ecclesiastical character, which would have the right to decide what is a religious procession and what is not a religious procession—tribunals—where the Hindu will have the right to decide what is or is not a part of the Moslem faith, and *vice versa*."

The Hon'ble MR. RISLEY said:—"I think the Hon'ble Mover of the amendment has said enough to show the serious difficulty which will arise in connection with the working of this proposed new section 351B, and as the learned Advocate-General is of opinion that the amendment will be *ultra vires*, I will ask the Council for leave to withdraw section 14 of this Bill."

Section 14 of the Bill was, by leave of the Council, withdrawn.

The Hon'ble MR. M. S. DAS thereupon withdrew his Motion.

The Hon'ble MR. RISLEY, by leave of the Council, withdrew the motion of which he had given notice, that the words and figures "when an

[Mr. Risley; Mr. Bose; Mr. Das.]

Officer of Police either has issued orders under section 30 of Act V of 1861 (*an Act for the Regulation of Police*) for regulating the use of such music or has refrained from issuing such orders" be inserted after the words "religious character" in the new section 351B, which it was proposed by section 14 of the Bill to insert in the Act.

The Hon'ble MR. RISLEY, by leave of the Council, also withdrew the motion of which he had given notice that sub-section (2) of the said section 351B, and the figure "(1)" before the words "Fees may" in the same section, be omitted.

The Hon'ble MR. A. M. BOSE, also by leave of the Council, withdrew the motion of which he had given notice that in section 14, the following words be added at the end of the proposed new section 351B, sub-section (1):—

'Such rates shall be communicated by the Commissioners to the District Superintendent of Police of the district in which the municipality is situated.'

The Hon'ble MR. A. M. BOSE, by leave of the Council, also withdrew the motion of which he had given notice that in section 14, for the proposed new section 351B, sub-section (2), the following be substituted:—

'The said fees shall be deposited with the Officer of Police to whom application is made under section 30 of Act V of 1861, at the time when the application is made, and intimation thereof, as well as the amount so deposited, shall be sent by him to the Commissioners.'

The Hon'ble MR. M. S. DAS also, by leave of the Council, withdrew the motion of which he had given notice that in section 14 the proposed new section 351B (2) be omitted.

The Hon'ble MR. RISLEY moved that the following be substituted for clause (iii) in section 3 of the Bill:—

'(iii) being a graduate or licentiate of any University, or having passed the First Arts Examination of the Calcutta University or the corresponding standard of any other University, or holding a license, granted by any Government Vernacular Medical School, to practise medicine, or holding a certificate authorising him to practise as a pleader or as a mukhtar or as a revenue-agent—occupies a holding, or part of a holding, in respect of which there has been paid, during the year aforesaid, in respect of any rates, an aggregate amount of not less than three rupees.'

[*Mr. Risley.*]

He said:—"Clause (iii) of section 3 of the Bill stood thus:—

'(iii) being a member of a joint undivided family, one of the members of which has, during the year aforesaid, paid, in respect of any rates, an aggregate amount of not less than three rupees—is a graduate or licentiate of any University, or holds a license, granted by any Government Vernacular Medical School, to practise medicine, or holds a certificate authorising him to practise as a pleader or a mukhtar or a revenue-agent.'

"In order to make the present proposal clear it is necessary to recall what happened at a previous meeting of the Council. The Hon'ble Member for the Calcutta Corporation then moved an amendment to insert after the word 'University' the words 'or having passed the First Arts Examination of the Calcutta or any other University,' and subsequently in the course of the discussion it appeared that the Council were in favour, for reasons upon which I need not dwell, of some such addition to the clause, and I agreed to accept it, provided it was altered so as to remove the difficulty that it proposed to confer upon undergraduates who pass the First Arts Examination—a privilege which is now given only to graduates of the elder Universities. My hon'ble friends on my left were under the impression when this amendment was brought forward that it would in some abstruse way be good for members of the Muhammadan community, but obviously it is impossible for Muhammadans to be members of a joint undivided family, and therefore the amendment as it was then framed have left Muhammadans out in the cold. I might have left the section there, but I am not sorry to have the chance of amending it in the manner now proposed. It is exceedingly difficult to understand why this joint undivided family clause, which governs the entire section, was ever introduced. It produces the absurd result that a pleader or mukhtar or revenue-agent who is a member of a joint undivided family has a vote as being a pleader, mukhtar or revenue-agent, irrespective of any rateable qualification, but a pleader who is not a member of a joint family has no vote. The history of the section is extremely obscure. I have looked through a mass of old papers, and I have been unable to discover why this clause was imported into the Act of 1884. As far as I can make out, it came from some very tentative and nebulous suggestions made in connexion with the Local Self-Government Act which was under discussion at the time, and apparently in the course of the proceedings of the Select Committee this clause somehow got imported into the Municipal Bill out of the discussions relating to the other Bill. I confess I have always found it difficult to understand this

[*Mr. Risley; Maulvi Muhammad Yusuf Khan Bahadur.*]

provision, and it must equally have puzzled the municipalities who have had to deal with it. I suspect that they ignore the limitation to members of a joint family and allow all pleaders and mukhtars to vote as such. By making the change which I now propose, we shall thus merely legalise what I believe to be the present practice of municipalities, and also combine educational qualifications with a certain amount of property qualification. You have in the amendment which I now propose an educational qualification in that a man must be a graduate or have passed the F.A., and a property qualification in that he must occupy a holding in respect of which rates amounting to Rs. 3 have been paid by some one. I think it is reasonable to combine the two qualifications. We want to recognise intelligence as giving a right to vote, but every one will feel that intelligence dissevered from responsibility is a dangerous thing, and therefore the amendment which I now move brings in a property qualification and will put Hindus and Muhammadans in respect of this qualification on equal terms. It merely cuts out the portion about a joint undivided family and adds to the end of the section a provision about occupying a holding in respect of which a certain amount of rates has been paid."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"I submit this amendment ought to be supported and no objection whatever raised to its acceptance. The amendment is the outcome of what passed in Council at a previous sitting in connection with this Bill. An amendment was then proposed by the Hon'ble Member for the Calcutta Corporation in favour of extending the franchise to those who had passed the First Arts Examination. My hon'ble friend exhausted his eloquence without making much impression: Other gentlemen spoke in favour of the amendment, but not apparently with much greater effect. It, however, occurred to me that the amendment would promote the interests of the Muhammadans, and I advanced additional argument, and threw the weight of the Muhammadan community in favour of the amendment. The result was that the Hon'ble Member in charge of the Bill was kind enough to accept the principle of the amendment chiefly because it was believed that it would advance Muhammadan interests. I did not bind myself to the wording of the amendment, neither did the Hon'ble Member in charge of the Bill do so. The result was that with the intimation of the favourable opinion of the Hon'ble Member in charge of the Bill, the matter was allowed to stand over for further consideration how to give effect

[*Maulvi Muhammad Yusuf Khan Bahadur ; Babu Surendranath Banerjee.*]

to the amendment consistently with the claims I had advanced on behalf of the Muhammadan community. The wording of the clause in the Act is very cumbrous, and it is difficult to ascertain its precise meaning: there is one thing certain and that is, that the clause does not favour the claims of the Muhammadans. The present amendment is expressed in very apt and appropriate language, and says precisely what it means. In fairness to what passed in the Council on the last occasion, this amendment ought to be accepted without much discussion."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I am hardly in a position to accept this amendment. The Hon'ble Member in introducing this Bill said it was far from his object to introduce anything like a restrictive measure which would take away the franchise which has hitherto been enjoyed by any section of the people. In the clause now before the Council, the provision regarding joint undivided families is entirely omitted; therefore as far as this clause is concerned it is inconsistent with the pledge which the Hon'ble Member in charge of the Bill gave to the Council. Then the Hon'ble Member has introduced another little change in the clause; he has introduced the qualification of 'occupying a holding.' That is a provision which is restrictive in its character. Formerly any person who was resident in the municipality and who had the educational qualification was entitled to the franchise, and we know perfectly well that being resident and occupying a holding are two different things. 'Residence' let in a large class of people who are not residents in the strictest sense. I do not object to the comprehensive meaning of the word 'residence.' It is an index of the liberality of the Government in this respect; but when the occupation of a holding is introduced as one of the qualifications, it does restrict the franchise, and is inconsistent with the promise made in introducing the Bill. I hope the Hon'ble Member in charge of the Bill will see his way to accept the clause as it stands in the Bill, modifying it so far as to give the franchise to those who have passed the First Arts Examination. I ask the Hon'ble Member to accept this suggestion, having regard to the promise which was held out that it was far from the intention of the Government to restrict the franchise, and that if anything the franchise was to be broadened rather than restricted. The effect of the omission of the words 'joint undivided family' will not, I submit, benefit the Muhammadan community in the slightest degree."

[*Babu Guru Proshad Sen.*]

The Hon'ble BABU GURU PROSHAD SEN said :—“I think a compromise might be arrived at. I propose to eliminate the words at the end of the Hon'ble Member's amendment from the words ‘or occupies a holding or part of a holding in respect of which there has been paid, during the year aforesaid, in respect of any rates, an aggregate amount of not less than three rupees,’ and to let the section end at the words ‘revenue-agent.’ It has been said that the proposed amendment combines both the educational and property qualifications. I submit, as far as this idea of combining the two qualifications goes, the property qualification laid down does not mean much. The introduction of the word ‘occupation’ in the present form appears perfectly immaterial. Occupation may be that of a tenant on payment of rent, or it may be permissive without payment of rent, or it may be that of a trespasser. It is not provided that the rates must be paid by the individual exercising the franchise under this clause. Rates have to be paid, but it may be paid by the rightful owner, and certain persons fulfilling the previous conditions may be occupying the premises wrongfully, still they would have the franchise. The nature of the occupation therefore is perfectly immaterial, and it does not matter where the intention is to give the franchise to persons fulfilling certain educational qualifications, whether they live in a hut or in a palatial building which may not be their own. My friends, the Hon'ble Members who represent the Muhammadan interests in this Council, are under an impression that if the section be left as in the Bill, the Muhammadan population will not have the benefit of the Hon'ble Babu Surendranath Banerjee's amendment, in as much as there are no joint families amongst the Muhammadans. Whatever may be the right view with regard to this question, when such an impression prevails, I for one would eliminate the words ‘being members of a joint undivided family’ out of deference to their wishes, especially as nothing is lost by the elimination of these words; but at the same time, in order to render the sense clearer, I would eliminate the words ‘occupies, &c.,’ which have now been added, and have it simply as a franchise given for educational qualifications. This would meet with the wishes both of the Hon'ble Muhammadan Members and of the Hon'ble Babu Surendranath Banerjee who would retain the words ‘being members of a joint undivided family,’ and at the same time this will broaden the basis of this franchise. As for residence and age, we have the provisions elsewhere. As I have

[*Babu Guru Proshad Sen ; the President ; Rai Eshan Chundra Mittra Bahadur.*]

said before, the restrictive property qualification which the Hon'ble Member of the amendment proposes to add means nothing and should be excised. As a matter of fact the property qualification is not combined with the educational test. I have a word also to say with respect to the word 'graduate,' which I consider is superfluous when the standard of the First Arts has been accepted, for those who are graduates must have passed the First Arts Examination. Perhaps the word 'Licentiate' too is now redundant, for there are only Licentiates of Medicine and Licentiates of Civil Engineering. So far as Licentiates of Medicine are concerned, they must have passed the First Arts Examination; and if this be the case with regard to Licentiates of Civil Engineering also, the words 'Licentiate of any University' might also be eliminated as superfluous. I therefore move that the motion before the Council be amended by the omission of all reference to graduates and licentiates, and the omission of all the words at the end of the clause beginning with the words 'occupies a holding.' "

The Hon'ble THE PRESIDENT said:—"As no notice of this amendment has been given, it cannot be moved."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I do not see why the words 'joint undivided family' should be omitted. The members of such families have enjoyed the privilege of voting for several years."

The Hon'ble THE PRESIDENT said:—"It seems to have been taken for granted that a Muhammadan cannot be a member of a joint family, but in point of fact I know many such instances—not in the Hindu sense of the word, but in practice there are Muhammadan joint undivided families."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I submit that I do not see why the words 'joint undivided family' should be omitted. There are undoubtedly joint families among Muhammadans as well as among Hindus. If the object of the amendment is simply to see that the franchise of Muhammadans is not curtailed, the retention of the words 'joint undivided family' would not affect it. But the omission of those words will not advance the interest of Muhammadans. As has been observed by the Hon'ble Babu Surendranath Banerjee, I do not see any reason why these words should be omitted now after the members of joint undivided families have enjoyed the privilege

[*Rai Eshan Chundra Mittra Bahadur ; Mr. Grimley ; Mr. Risley.*]

for years. It is a very important question—more important than that of taking away the franchise from cart-drivers. Members of joint families are very respectable and make very good voters, and they also make very good Commissioners. I shall certainly oppose the amendment moved by the Hon'ble Member in charge of the Bill."

The Hon'ble MR. GRIMLEY said:—"My hon'ble friend Rai Eshan Chundra Mittra Bahadur has stated that the effect of this amendment will be to take away the franchise from persons who have enjoyed it for several years, and if he can prove that proposition, I for one will associate myself with him on this question. But I think I shall be able to show that the amendment put by the Hon'ble Member in charge of the Bill does not take away the franchise from a single person who now possesses it. The law confers the franchise on three classes of persons who are members of a joint undivided family, one of whom has paid rates to the amount of not less than three rupees. Under the amendment now before the Council, the franchise is given to those classes of persons, but it is no longer necessary to impose the condition of being a member of a joint undivided family. They have only to show that some person has paid a tax of Rs. 3 in respect of the holding in which they live. So that not a single person who now enjoys the franchise will lose his vote."

The Hon'ble MR. RISLEY in reply said:—"The only remark I have to make in answer to what has fallen from the Hon'ble Member for the Corporation and the Hon'ble Member who last spoke to the effect that in the Bill as it stood no restriction whatever as to the payment of rates was put upon members of joint undivided families, I have to point out that the restriction as to the payment of an aggregate amount of rates not less than three rupees is already in the Act, and was put into it in 1894 at the instance of the member for the Corporation. As for the suggestion that members of a joint undivided family will be deprived by the amendment of a privilege which they have hitherto enjoyed, I say that on the contrary the amendment will let in all graduates and undergraduates who have passed the F.A., whether they are members of a joint undivided family or not, and all pleaders, mukhtars, and revenue-agents. I think it is impossible to devise a section which could be more comprehensive."

[*The President ; Mr. Bose.*]

The Hon'ble THE PRESIDENT said :—"Under the present law 'residence' is necessary, and there is nothing more than that it means residence, and I think that the omission of the words 'joint undivided family,' to which I was supposed to attach some weight, has been explained away by the Hon'ble Mr. Grimley in a satisfactory manner."

The Motion was then put and agreed to.

The Hon'ble MR. A. M. BOSE moved that after section 4, the following be inserted :—

"4A. At the end of the first paragraph of section 38 the following shall be added, namely :—

'or when a meeting is called, under section 39, by persons signing a requisition.'"

He said :—"Under the law as it stands at present, meetings of the Commissioners may be called only by the Chairman, or in his absence by the Vice-Chairman. The Select Committee proposes, and very properly proposes, that that state of the law should be altered by an amendment in section 39 providing another method of calling meetings; namely, that when the Chairman or the Vice-Chairman fails to call a special meeting within thirty days after a requisition has been sent, the meeting may be called by the persons who signed the requisition. Under these circumstances I beg to point out that alterations in certain other sections of the Act are rendered necessary by reason of this change. One of these sections is section 38. At present, under that section, the legal obligation of the Commissioners to attend meetings arises when meetings are called by the Chairman or, in his absence, by the Vice-Chairman. I propose to add to that section the words 'or when a meeting is called under section 39 by persons signing a requisition.' This will meet the requirement in all cases as may be readily seen by reference to these two sections. I believe it was the Magistrate of Howrah who, in giving his opinion, says that he is not aware whether this Bill is part of a scheme for the periodical revision of the Municipal Act, or whether it is intended to give finality to the law. Perhaps the remark was intended to be satirical. But I submit that the best way to prevent this periodical revision of the Act will be to see that it incorporates other changes that are made necessary or desirable in consequence of changes which have already been adopted."

[*Mr. Risley ; Mr. Bose.*]

The Hon'ble MR. RISLEY said:—"I have no objection to the principle of this amendment as far as it goes, but it seems to me to be unnecessary. The Hon'ble Member proposes to add certain words to section 38 which deals with the ordinary meetings of the Commissioners, but the words he proposes to add to that section relate only to the addition made by the Bill to section 39, which deals with special meetings, and it will be exceedingly inconvenient and undesirable to insert in a section which deals with ordinary meetings a reference to a procedure which can only come into force on extremely rare occasions when the Chairman or Vice-Chairman may be called upon under section 39 to convene a special meeting and refuses to do so. The provision which now stands in the Bill is intended to meet such cases as that of the Chairman of the Dacca Municipality, who has for the last three months refused to call a meeting, the object of which is to depose him from office. The provision in the Bill has reference solely to section 39, and has nothing to do with section 38, and I am confident that my hon'ble friend the mover of the amendment will see that."

The Hon'ble MR. A. M. BOSE in reply said:—"I did not enter into the matter fully when moving my amendment, as I confess I expected that it would be accepted as a matter of course. What I wish to point out is this, that under section 39, power is proposed to be given to requisitionists to call meetings by themselves under certain circumstances. That proposal has been accepted by the Council, and it being now a provision in the law as much as any other provision, it imposes on the Commissioners an obligation to attend the meeting so called. The Legislature thought it necessary to impose that obligation by express provision of the law, viz., by section 38, which enacts that the Commissioners shall meet for the transaction of business 'at least once in every month and as often as a meeting shall be called by the Chairman or, in his absence, by the Vice-Chairman.' In spite of the authority of the marginal note to the section ('the Commissioners to meet ordinarily once a month'), I wish to point out that this section 38 refers not only to ordinary meetings, but to all meetings of the Commissioners, whether ordinary or special, which may be called by the Chairman. If, for instance, under section 39, in response to a requisition, the Chairman calls a special meeting, then the provisions of section 38 will apply, and the Commissioners are under legal obligation to attend the meeting. But, as has been pointed out, it is now proposed to add another method of

[*Mr. Bose.*]

convening a meeting, viz., on the authority of the requisitionists. It becomes necessary, therefore, to extend the scope of section 38. If the Hon'ble Member in charge of the Bill, however, objects to add the clause which I propose to section 38, he might have proposed some addition to section 39, which would have that effect; but somewhere or other some such provision ought to be introduced. To put the matter briefly, section 38 applies to all meetings, whether ordinary or special, called by the Chairman or the Vice-Chairman; and it imposes an express obligation upon the Commissioners to attend them. All that I ask is that the same obligation may be extended to meetings called by the requisitionists, which it is now proposed to recognize. I hope the Hon'ble Member will see that there really is occasion for some provision, imposing an obligation upon the Commissioners to attend when called upon to do so under the addition to section 39, which was made in Select Committee. I quite agree with the Hon'ble Member in charge of the Bill that such occasions will be few and far between, but when they do arise, provision should be made to meet the contingency."

The Motion was put and lost.

The Hon'ble Mr. A. M. BOSE also moved that, after section 5, the following be inserted:—

"5A. (1) After the words 'or Vice-Chairman,' in the first paragraph of section 42, the words 'or under section 39 by persons signing a requisition' shall be inserted.

"(2) For the words 'Chairman or Vice-Chairman,' in the last paragraph of section 42, the word 'President' shall be substituted."

He said:—"These amendments are of a similar character to the last, and are rendered necessary by the alteration introduced by the present Bill in section 39, to which I have already referred. I need not repeat the arguments I have used."

The Motion was put and agreed to.

The Hon'ble Mr. A. M. BOSE also moved that, in section 6, after clause (vi), the following be inserted:—

'(vii a) the acquiring and keeping of open spaces for the promotion of physical exercise and education.'

[*Mr. Bose.*]

He said:—“I venture earnestly to hope that this amendment will commend itself to the sympathy of Hon'ble Members of the Council. By the Bill it is proposed—and the proposal has been accepted—to enable a Municipality to spend money for improving the breed of horses and cattle, and of mules and asses. I submit improving boys and men is an object at least as important as any of these, and Municipalities should, at the same time, be empowered to spend a little money, if they find it necessary, to help in carrying it out. We are adding to the number of our examinations, and to the burden laid on our young men; if we have not quite succeeded in making two blades of grass grow where one grew before, we have at least succeeded in imposing two examinations where one sufficed before, as we found the other day from an answer given to one of my questions in regard to the Upper Primary Examination. I think the physical education of boys and of men of larger growth is a matter upon which the Municipality may legitimately, and with advantage, be allowed to spend some little money. With regard to the importance of keeping open spaces, I think I need not say much. The improvement of health and sanitation is one of the primary objects of Municipal legislation, and the preservation of open areas will be an important means for promoting this object. These will be the lungs, or breathing spaces, of growing centres of population, and will afford room for exercise and recreation to all classes of rate-payers; and by this means we shall be able to materially improve the health of the people. It is not necessary for me to refer to the legislation on this point in England. There, in spite of all—and it is indeed a great deal—that is done by private enterprise and private benevolence, the Acts of 1877 and 1881, the Metropolitan Open Spaces Acts, were passed by Parliament to enable such spaces to be acquired on behalf of the public; and by the Statute of 1887 these Acts have been extended to all urban sanitary districts, and even to certain rural sanitary districts throughout the country. And the necessity for such open spaces is even greater in this country with its climate than it is in England. They will not only benefit the rising generation, but be of benefit to all classes. It cannot be objected, as was objected the other day in regard to libraries, that this will be a luxury which will only benefit the few; on the contrary it is a necessity for all and even more for the poorer classes than for the rich. One matter to which I would specially invite the attention of the Council in this connection is the necessity which exists for the early

[*Mr. Bose.*]

acquiring of such spaces. Some years hence in many cases they will cease to exist, and no money may then buy them. It is not necessary to give many instances. I know of a municipality in which within the last twenty years great changes have been introduced; open spaces which were within and outside the municipality are being bought in and built upon, and ten years hence it will perhaps be too late to make any attempt of this kind. Brick and mortar, when once they have invaded a place, do not retreat so easily. In fact, putting it even on the lowest ground of speculation, I do not say it is right to look upon it in that light; if a municipality were to acquire such open spaces they would probably get a very good return for them if they wanted to dispose of them hereafter. With regard to the question of physical education, when I was connected with a municipality, I tried to get up a sort of athletic competition at the end of the year. Even the sum of Rs. 20 in prizes—and that is not a ruinous figure—would have answered the purpose. But the municipality was powerless to take any steps in the matter. Possibly it may be said that in the present law there is power to provide gardens and squares. That is recognised as coming within the purview of section 69, clause (i) of which provides, amongst other things, for the construction, maintenance and improvement of squares and gardens. But play-grounds and open spaces, which may not come under that category, would, whenever funds are available and there is a clear demand for such things, be of great benefit to the people. I might give many examples of play-grounds and open spaces not coming within the definition of squares and gardens, which would nevertheless be of great benefit to the municipality, but I do not anticipate that objection. I do not think I need add anything more to commend this amendment to the consideration of the Council, and I trust Hon'ble Members will accept it. I would appeal to the representatives in this Council of the Muhammadan community as the representatives of a manly race, and I trust a proposal of this kind, which will enable the rising generation as well as the older generation to have the full advantage of such open spaces, will commend itself to them. In conclusion I would add one word of appeal to the Hon'ble Member in charge of the Bill. As the first President of the Society for the higher training of young men, the Hon'ble Mr. Risle was the means of giving a strong impulse to the cause of physical education, an impulse which, with Municipal and Government help, has now resulted in the opening of the Marcus Square grounds

[*Mr. Bose; Mr. Risley.*]

in Calcutta, and I trust that what he has been able to do in connection with the Metropolis he will also enable municipalities to do, if funds are available and the requirements of the people make it necessary that such a step should be adopted in their interest."

The Hon'ble MR. RISLEY said:—"I have listened with great attention to the Hon'ble Member's ingenious exposition of his amendment; but I regret I am not in a position to accept it. The matter of open spaces is covered as fully as it need be by clause (1) of section 69, which empowers municipalities to construct, maintain and improve squares and gardens. That appears to me to cover every conceivable case which would otherwise fall under the proposal of the Hon'ble Mover of the amendment. As regards the question of physical education, section 69, clause (V) empowers municipalities to provide for the establishment and maintenance of schools, and I conceive that physical education in some form or other is a recognised part of general education and is therefore already provided for. It is certainly provided for in all Government schools and colleges and there is no reason why it should not be equally provided for in municipal schools. As regards English precedents, I am not entirely disposed to adopt them. I doubt if you can find any municipality in Bengal—certainly very few—where the people are cooped up and unable to get to the open in the way they are in English towns. The provisions of the English law in regard to open spaces are of an entirely different kind, and I think the precedent is practically inapplicable. I think, therefore, that in as much as the two objects in view are included in the Act, this amendment is unnecessary. If it is proposed to go beyond the Act and to add something to the provision relating to squares and gardens in the direction which has already been mentioned, then I think the amendment should be very carefully considered, and I doubt whether it should be brought forward at so late a stage, when the municipalities concerned have no means of stating their views. It is no doubt right to encourage municipalities which have shown a disposition to advance, but I do not think municipal funds should be devoted to provide football and cricket grounds. If the municipalities had been consulted and there was a general desire on their part to have such power confided to them, it would have been a different thing, but I do not think the Council should take the responsibility of introducing anything of this kind. As it is I think these

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

objects are well met and are likely to be well met by private liberality, and we should hesitate before we put the burden on local authorities; and if we do so the probable result will be that the sources of private liberality will be dried up once and for all."

The Hon'ble BABU GURU PROSHAD SEN said:—"Even if these objects were already covered by the law as it is, the present amendment will, after what has just fallen from the Hon'ble Member in charge of the Municipal Administration of the Province, be necessary. That is one of the reasons why, if the object is good, the object should be well defined as an object for which municipal funds can be expended. We have shewn, so far as the application of municipal funds is concerned, enough of good will towards the inferior animals, and it will not be creditable to this Council if we were not to show a similar amount of good will towards our fellowmen. Of course the matter is to be left entirely to the discretion of the municipal bodies, and I support the amendment, or rather this addition to the various clauses of section 6, by the same arguments as were used by the Hon'ble Mr. Risley, the Hon'ble Mr. Finucane and the Hon'ble Babu Surendranath Banerjee with regard to the veterinary clauses. With the Hon'ble Mr. Risley, my hon'ble friend Mr. Bose in support of his amendment will say 'municipalities are noble institutions, but if you drive them they will not do so, particularly if you wanted to drive them to do something which the law leaves optional with them.' Using the Hon'ble Mr. Finucane's arguments, with reference to veterinary clauses, my friend, the mover of the present amendment, will say:—"Whether open spaces or play-grounds should be opened, maintained and established, is a question for each particular municipality to decide. Surely it is not too much for me to ask that municipalities be given the option of coming to a decision on that point. With the Hon'ble Babu Surendranath Banerjee he will say:—"The section is not to stand unqualified and no pressure can be put on the local authorities.' Turning to the last resolution of the Government on the administration of municipalities, you will find that the revenue proper of all the municipalities taken together amounted during the year under review to Rs. 21,84,000, and the expenditure under those heads which are not matters of discretion was Rs. 21,72,600, excluding public instruction, which, under the Bill as amended by the Select Committee, has now been made a subject of compulsory expenditure. Therefore, assuming that the discretion of the municipality will be

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wisely used and not abused, I do not think any money will be available for any other purposes whatever. But this is quite a different matter with which perhaps, according to my hon'ble friends, this Council has nothing to do. They seem to argue, if no money be forthcoming, the clauses will remain inoperative—that is all; but they asked, in the matter of the veterinary clauses—and this was the sum total of their arguments, why should not the Legislature provide for an option, when the municipalities ask for it? I ask now, why should not the Legislature provide for an option in this matter also? The only advantage which under the circumstances of the case will be derived from the enactments of the clauses providing for additional expenditure will be the display of good intentions by the Legislature towards a number of objects, and I do not see, why the Legislature should be chary of showing its good intentions to our fellowmen, when it could show enough of it to inferior animals. We have already authorised the expenditure of money in providing free libraries, and I do not see why provision should not also be made for the expenditure of money upon the acquisition of land for keeping open spaces and play-grounds. A strong appeal was made by the mover of the amendment to the Founder of the Higher Training Society. I hope this appeal will not be in vain. My hon'ble friend, Rai Eshan Chundra Mittra Bahadur, has told us that the present is the time when land can be obtained at a small cost, and that a few years hence it will not be possible for Municipalities to acquire land for the purpose of providing open spaces, except at a prohibitive cost. As to the stock argument of the Hon'ble Member in charge of the Bill that this proposal has been brought forward too late, I do not see how, if the question cannot be raised now, it can be raised at all. If the point was attempted to be discussed when the Bill was introduced and referred to a Select Committee, my hon'ble friend, the mover of the amendment, would have been told that at that stage we can only discuss the principle of the Bill, and not the details. My hon'ble friend was not a member of the Select Committee, and he could not have brought forward this proposal before, and therefore I maintain that this is the only stage at which he can bring forward amendments to the Bill. It may, however, be said that it was open to him to have written to the Secretary of the Legislative Department, but how was my hon'ble friend to know what treatment his proposal would receive at the hands of the Select Committee. Moreover, so far as the plea is concerned that this proposal has been brought

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forward too late, I may point out that the objection was overlooked in respect of several amendments which have been already considered, and some of which have been accepted by the Hon'ble Member in charge of the Bill, although they had not been before the Select Committee or the several Municipalities."

The Hon'ble MR. FINUCANE said:—"As my hon'ble friend who has just sat down has made reference to me personally, and intimated that on the grounds on which I advocated the appointment of veterinary assistants, I ought to vote also for the present amendment, I wish to explain briefly why I intend to vote against the amendment. The main reason I advanced at the last meeting of the Council for voting in favour of the veterinary clauses which were before us then, was that they had been referred to the several Municipalities for their opinion, and that an overwhelming majority were in favour of them and only an insignificant minority were against them. I then appealed to the Members of this Council and to the friends of Local Self-Government to say whether we should ignore the wishes of 102 Municipalities in Bengal. But the particular proposal now before the Council has not been referred to the Municipalities who are concerned, and has not been considered by them. It is not therefore on all fours with the motion for the appointment of a veterinary assistant, and unlike that motion is not accepted by the responsible member in charge of the Bill, and I must therefore vote against it in its present form."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"If the observations which have been made by the Hon'ble Member in charge of the Bill are to be accepted, then a large number of the amendments on the agenda paper should not find a place there at all, for a great many of them have reference to matters in respect of which the Municipalities were not consulted. The very fact of these amendments being allowed to appear on the agenda paper, shows that it was intended they should be considered, and not summarily rejected. I do not think the Hon'ble Member in charge of the Bill seriously means to take his stand on this objection. That objection was brought forward on previous occasions, and has been effectually disposed of. The real *crux* of the matter is, whether or not this amendment is covered by the objects set forth in the Bill, and to which Municipal funds may be applied. Is this amendment necessary or is it not? The Hon'ble Member in charge of the Bill is of opinion that it is not necessary, because it is included