

## A.

District.	NAME OF DISPENSARY.	Class.	GOVERNMENT CONTRIB- UTION.			TOTAL EXPENDITURE.		
			1905.	1906.	1907.	1905.	1906.	1907.
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
24-Parganas ...	Barisha ...	III	10	14	14	1,865	1,864	1,863
	Khardaha ...	"	13	...	...	641	506	766
	Nawabganj ...	"	...	...	6	582	660	873
	Naihati ..	"	6	7	7	836	942	1,090
	Halishahar ...	"	6	...	5	600	932	819
	Harinavi ...	"	333	321	201	1,544	2,172	1,351
	Baruipur ...	"	1	1	1	1,275	1,528	1,406
	Birati ...	"	12	12	12	831	881	827
	Garulia ...	"	7	407	7	1,028	1,021	1,054
	Chitpur ..	"	16	4	4	2,931	2,503	2,607
	Baduria ...	"	153	154	154	1,170	1,457	1,391
	Budge-Budge ...	"	22	1,000	16	2,302	1,487	1,438
	South Dum-Dum ...	"	16	13	13	1,152	1,146	1,160
	Manicktala ..	"	...	...	...	1,892	1,522	1,930
	Ultadanga ...	"	...	...	...	173	26	223
	Jainagar ...	"	100	100	...	861	1,052	804
	Garden Reach ...	"	...	...	24	1,232	1,266	1,364
	Canning Town ...	"	120	122	122	787	907	940
	Taki ...	"	10	10	13	1,187	2,137	1,273
	Tuntoola ...	"	435	629	563	1,741	1,436	2,245
Nadia ...	Magra Hat ...	"	1	51	7	1,045	1,075	1,413
	Belpukur ...	"	15	28	293	1,073	1,326	1,430
	Cossipore ...	IV	12,197	309	1,173	7,711	18,711	23,444
	Chetla ...	"	339	334	50	1,824	1,803	2,223
	Ula ...	III	19	16	13	795	1,193	631
	Santipur ...	"	46	25	269	1,525	1,509	2,423
	Kumarkhali ...	"	16	...	12	587	603	506
	Chakdaha ...	"	22	217	16	1,149	705	1,149
Murshidabad ...	Navadwip ...	"	...	22	185	1,573	1,855	1,823
	Debagram ...	"	16	14	16	857	803	979
	Shikarpore ...	"	19	16	29	709	884	882
	Asimganj ...	"	513	266	22	2,318	2,361	6,326

District.	NAME OF DISPENSARY.	Class.	GOVERNMENT CONTRIB- UTION.			TOTAL EXPENDITURE		
			1905.	1906.	1907.	1905.	1906.	1907.
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jessore	Kotchandpur ...	III	167	190	257	1,632	1,658	1,981
	Maheahpur ...	"	12	27	19	797	745	783
	Sreedharpur ...	"	11	22	29	748	820	755
	Kessubpur ...	"	9	24	24	958	918	1,297
	Nohatta ...	IV	8	327	20	589	1,173	650
	Raigram ...	"	11	27	20	567	575	539
	Lohagara ...	"	14	45	41	1,160	1,029	970
	Kalia ...	"	...	20	20	...	555	630
	Sripur ...	"	...	...	20	...	...	659
Khulna	Kalaroa ...	III	10	9	10	833	1,308	973
	Tala ...	"	17	15	14	852	1,025	1,227
	Kaliganj ...	"	13	12	11	523	982	1,458
	Mollahat ...	"	18	11	10	717	797	1,153
	Chandkhali ...	"	80	130	130	1,479	1,058	930
	Nawapara ...	"	14	13	14	731	1,497	1,227
	Dumuria ...	"	14	13	14	872	1,110	1,051
	Rampal ...	"	...	7	9	...	2,488	855
	Shibbati ...	"	...	8	10	...	2,350	1,321
	Dacope ...	"	...	8	8	...	2,496	833
	Paikgacha ...	"	...	...	8	...	...	1,960
	Debhatta ...	"	...	...	9	...	...	1,787
	Senbati ...	"	...	...	8	...	...	2,061
	Char Baniari ...	"	...	...	8	...	...	1,361
	Daulatpur ....	IV	17	435	746	1,108	1,105	1,361

## B.

Name of Division.	Total population.	Total area in square miles.	Total number of dispensaries.	Number of population to each dispensary (column 2 divided by column 4).	Number of square miles to each dispensary.	Number of dispensaries outside district and subdivi- sional head- quarters.
1	2	3	4	5	6	7
Burdwan ...	8,240,076	13,949	56	147,144	249	39
Presidency (including Calcutta).	8,993,028	14,964	94	95,670	159	56
Patna ...	15,515,389	23,713	75	206,872	316	49
Bhagalpur ...	8,091,405	19,776	55	147,115	359	35
Orissa ...	4,788,119	11,104	37	129,409	300	21
Chota Nagpur ...	4,900,439	25,963	25	188,478	1,037	16

[*Babu Jogendra Chandra Ghose ; Mr. Oldham ; Mr. Streetfield.*]

# CHARITABLE DISPENSARIES IN THE SUNDARBANS.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked :—

Will the Government be pleased to consider the advisability of establishing a few charitable dispensaries and of also appointing a few travelling Doctors during the cholera season in the Sundarbans, where there is practically little or no medical aid available?

The Hon'ble MR. OLDHAM replied :—

"To provide adequate medical relief in the Sundarbans tracts of the Khulna and 24-Parganas districts is an extremely difficult task, on account of the large area and the scattered population. The District Boards of Khulna and the 24-Parganas are alive to their responsibilities in the matter; and they have from time to time made special arrangements for dealing with cholera outbreaks. The former Board maintains four dispensaries in the south of the settled area; and the latter, three. The 24-Parganas District Board also maintains a floating dispensary in the Sundarbans tract, and proposes to establish another permanent dispensary on the edge of this tract.

"It seems to the Lieutenant-Governor desirable that another floating dispensary should be established for the Sundarbans tracts of the Khulna district; and Government will be prepared to make a contribution towards the cost thereof. The Commissioner of the Division is being addressed on the subject."

# EXPENDITURE ON PRIMARY SCHOOLS.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked :—

Will the Government be pleased to furnish a statement showing the actual amount now spent by it annually on primary schools, without including in it the charges for inspection and direction, in each of the districts of the Presidency Division, and also the population of the said districts?

The Hon'ble MR. STREETFIELD replied :—

"A statement giving the information asked for by the Hon'ble Member is laid on the table."

*Statement showing the amount spent from different Public funds during the last three years on Primary schools in each of the districts of the Presidency Division (excluding charges for Inspection and Direction), and also the population of the said districts.*

Number.	Names of Districts.	Population.	AMOUNT SPENT IN 1906-06 FROM—				AMOUNT SPENT IN 1906-07 FROM—				AMOUNT SPENT IN 1907-08 FROM—				AVERAGE AMOUNT SPENT IN EACH OF THE LAST 3 YEARS.			
			Provincial Revenue.	District Funds.	Municipal Funds.	Total.	Provincial Revenue.	District Funds.	Municipal Funds.	Total.	Provincial Revenue.	District Funds.	Municipal Funds.	Total.	Provincial Revenue.	District Funds.	Municipal Funds.	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1	Calcutta ...	847,794	25,733	...	8,750	14,491	30,553	...	10,752	37,304	26,553	...	12,070	26,923	26,378	...	10,527	56,906
2	24-Parganas ...	2,078,340	29,910	53,149	10,177	73,236	23,535	80,356	10,703	70,696	25,145	32,178	10,089	68,012	26,197	23,895	10,923	70,91
3	Nadia ...	1,067,491	6,933	23,590	3,153	33,776	6,190	25,395	3,300	24,758	7,134	26,725	3,499	37,378	6,492	25,304	3,314	33,979
4	Murshidabad ...	1,333,194	3,901	17,108	2,073	23,079	4,763	17,909	2,123	24,754	5,892	18,463	2,057	26,411	4,852	17,792	2,104	24,768
5	Jessore ...	1,612,274	4,771	27,329	638	33,638	5,877	27,065	677	33,617	6,373	26,961	617	33,951	5,674	27,068	641	33,608
6	Khulna ...	1,225,045	7,120	24,008	1,154	32,282	7,598	25,552	1,097	24,361	6,794	23,166	754	30,399	7,149	24,441	1,092	32,599

NOTE.—In some years the District Boards did not spend the whole of the amounts allotted to them. In some years the Boards spent more than the amounts so allotted, the surplus being provided from their own funds.

The amounts allotted by Government to the Boards were as follows :—

	1905-06	1906-07.	1907-08
District Boards—	Rs.	Rs.	Rs.
24-Parganas ...	23,592 - 445	23,592 + 1,764	23,592 - 1,414
Nadia ...	23,792 + 803	23,792 + 3,475	23,812 + 3,943
Murshidabad ...	12,064 - 1,959	12,064 - 1,233	12,064 - 622
Jessore ...	22,064 - 635	22,064 - 1,591	22,064 - 1,102
Khulna ...	30,799 + 3,266	30,799 + 4,768	30,799 + 3,806

The plus amounts show what was spent by the Boards from their own funds over and above the Government grant; the minus amounts show by how much the Boards failed to spend the full Government grant.

Taking all these Boards together, the amounts spent over and above the Government grants were Rs. 1,497 in 1905-06, Rs. 7,720 in 1906-07, and Rs. 2,189 in 1907-08.

[*Babu Jogendra Chandra Ghose ; Mr. Streetfeild ; Mr. Oldham.*]

#### PRIMARY EDUCATION.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked :—

Will the Government be pleased to say whether it has any scheme before it for the extension of primary education, and whether it intends to materially increase the number of primary schools in these provinces in the near future ?

The Hon'ble MR. STREETFEILD replied :—

"As the Hon'ble Member is aware, the question of the abolition of fees in Primary Schools has recently been considered by all Local Governments. This question is now awaiting the decision of the Government of India ; and it is clear that on that decision future action with regard to primary education must depend. Meanwhile, no definite schemes for increasing the number of Primary Schools in this Province is under the consideration of Government."

#### MANUFACTURE OF SALT IN BENGAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked :—

Will the Government be pleased to consider the advisability of recommending the Government of India to allow one or two Companies, which are intended to be established by a Special Committee of the Association for the advancement of Scientific and Industrial Education of Indians, consisting of Raja Peary Mohan Mukerji and a few other gentlemen interested in the subject, to make once again the experiment of manufacturing salt in these Provinces without duty for three years, and also whether it is possible for it to afford any other help for the purpose of furthering the said object ?

The Hon'ble MR. OLDHAM replied :—

"The views of Government as to the manufacture of salt have been already communicated to the Hon'ble Member in the answers given to questions put by him in this Council at the meetings held on the 2nd February, 1907, and the 4th April, 1908.

"Any proposals which the Special Committee referred to may desire to make had better be submitted, in an explicit and detailed manner, by the Committee for the orders of Government in the Financial Department. They will then receive due consideration."

#### BHAIRAB VALLEY DRAINAGE SCHEME.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked :—

Will the Government be pleased to say in what stage are the Bhairab Valley Drainage Scheme and the Jessore Drainage Scheme, and whether any steps are being taken for the making of water-works in Jessore town ?

The Hon'ble MR. OLDHAM replied :—

"Government has no recent information in respect of the progress of the scheme for the drainage of the Bhairab Valley. The Commissioner of the Presidency Division will be asked to obtain from the Collector of Jessore a report as to how the project now stands. On receipt, the information will be supplied to the Hon'ble Member.

"The Sanitary Engineer reports that the designing of the Jessore Drainage Scheme has been practically completed, and there only remains the tracing of the original drawings to be done. The scheme will be ready for submission to the Municipal Commissioners by the end of the year.

"That officer also reports, in regard to the water-works project, that it has been found impossible to obtain a good supply of water from wells sunk in the bed of the Bhairab, and that, therefore, the source of supply will have to be tanks. The Municipal Commissioners have been asked to decide along which streets pipes should be laid."



[*Babu Jogendra Chandra Ghose ; Mr. Streatfeild ; Babu Radha Charan Pal ; Mr. Duke ; Mr. Oldham.*]

#### LAW COLLEGE.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked :—

Will the Government be pleased to say whether it intends to make a large grant for the Law College proposed to be established by the Calcutta University? Will the Government be pleased to consider the admittedly inadequate means at its command, and whether there is any special necessity for such a college, and also the urgency of other educational demands which it is unable to meet, before making any such grant?

The Hon'ble MR. STREATFEILD replied :—

"This Government is fully convinced of the need for the Law College which the Calcutta University propose to establish. It is not anticipated, however, that much financial assistance will be required from Government; and it would be obviously premature to pretend to determine, at the present time, the amount of the grant that may be required or that may be reasonable."

#### THE MIDNAPUR CASE

The Hon'ble BABU RADHA CHARAN PAL asked :—

(a) Is it a fact, as stated by Mr. Keays, Barrister-at-law, a defence Counsel in the Midnapur case, and reported in the *Statesman* of the 5th instant, that the refusal of the copies of the confession and the admission was made on the ground that they were not formally on the record, although they were used as an argument for not granting bail to the accused?

(b) Has the attention of the Government been drawn to a report of the *Amrita Bazar Patrika* of the 9th September, that a Police Sub Inspector had brought back the Raja of Narajole from the door of the Court-room, "touching his neck from behind," and is this a fact?

(c) Is it a fact that Asutos Das, who, it is said, had been suffering from sinus in the hand, was arrested by Police who were in plain clothes, without a warrant, and handled so violently that his piteous cries compelled his mother to come to the protection of her son when she was seriously injured by the Police?

The Hon'ble Mr DUKE replied :—

"None of these matters has been reported to Government. They are all matters which will either come before the Court of the Magistrate inquiring into the case in ordinary course or with which he is competent to deal if brought to his notice. Government does not consider that its intervention is called for at present."

#### THE BENGAL REPEALING BILL, 1908.

The Hon'ble MR. OLDHAM moved that the Bill to repeal the Howrah and Suburban Municipal Police Act, 1884, be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. OLDHAM also moved that the Bill be passed. He said :—

"As I explained on the last occasion, this is merely a formal measure. As the Howrah Municipality has been relieved of all police charges by the Government of India, and as the Suburban Municipality was abolished in the year 1888, there is no longer any necessity to retain this Act on the Statute Book. For these reasons it is proposed to repeal it. I move now that the Bill be passed."

The motion was put and agreed to.

[*Mr. Duke.*]THE CHOTA NAGPUR ENCUMBERED ESTATES (AMENDMENT)  
BILL, 1908.

The Hon'ble MR. DUKE moved for leave to introduce a Bill further to amend the Chota Nagpur Encumbered Estates Act, 1876.

The motion was put and agreed to.

The Hon'ble MR. DUKE introduced the Bill and moved that it be read in Council. He said:—

"The Chota Nagpur Encumbered Estates Act was passed thirty-two years ago in order to check the transfer of the patrimonies of ancient families who had formerly been the independent or semi-independent Feudal Chiefs of the country to alien purchasers.

"This process had attained serious proportions and threatened to be politically disastrous, for the Zamindars of old families, although often improvident, were respected by the people, and themselves respected the customary and traditional usages connected with land tenure, which are very different in Chota Nagpur to the more ordinary contractual relations of Bengal.

"New purchasers on the other hand in many cases, men of alien descent, whose sole aim and object is to make money, often insist on exacting as much as they can from the tenantry without regard to customary rights and privileges and their conduct has more than once provoked serious disturbances.

"That the law was wisely conceived and has generally answered the purpose for which it was passed is made clear by the fact that in March 1908, thirty-two years after it was passed, no less than 125 estates were being managed under its provisions.

"Experience has, however, exposed several defects in its operation.

"One of the most serious is that it may operate to render a reckless proprietor still more improvident in incurring debt.

"Once he realizes that the estate is so dipped that it cannot recover in his own time, he is under some temptation to continue his course as long as he can borrow anything at all, relying on Government to preserve the estate continually for his heirs. In several cases this has been carried so far that redemption has been found hopeless and Government has been obliged to stand aside and see an historic family dispossessed.

"To remedy this state of things, it is proposed that when it has become clear that a course of wasteful extravagance has been entered on, the Government may intervene and take the estate under management.

"The provision is contained in the second sub-clause of clause 2.

"Strong as it is the measure has been approved in principle by a majority of the great landowners of Chota Nagpur who have been consulted on it. It is recognized, however, as a measure which should only be used in exceptional circumstances; and it is therefore provided that the Local Government shall only approve such action in the case of families of political or social importance, or when it is desirable in the interest of the tenants. In order to enable the Deputy Commissioner to initiate action under this section, he is given by clause 3 power to obtain the necessary information as to the income of the estate and debts of the proprietor. Another important proposal is to give greater facilities to the Managers of encumbered estates to borrow money, whether for the consolidation of debt or for improvements. At present they can only borrow from Government or upon usufructuary mortgage and then only for re-payment of debt. It is then proposed by clause 12 to give power to borrow from any proper source at rates of interest approved by the Board of Revenue, and not only for payment of debt but also for the improvement of the estate. This may, in the long run, prove the best means for extinguishing debt.

"This necessitates clause 4 also, as provision has to be made for the repayment of debts so contracted.

[*Mr. Duke ; Babu Kali Pada Ghosh.*]

"Another proposal is to prevent grants or assignments made to relatives in view of pending insolvency.

"Such grants defeat the creditors and make it difficult for Government to rehabilitate the estate, but it is only proposed in clause 6 to deal with them when the Commissioner is satisfied that they were not made in good faith.

"The next amendment to which I would direct the attention of the Council is that contained in clause 10. It has been found that improvident proprietors, whose estates have been taken under protection, continue to raise debts on bond, which being without security are generally at ruinous interest. As soon as the estate is released, they validate these bonds so that the estate shortly again becomes insolvent. It is therefore proposed to render a proprietor who has been restored to the possession of his property incapable (without the sanction of the Local Government) of again encumbering or of alienating the property. At one time it was thought that to render this measure effective, it would be necessary to incapacitate the heir also, but it has now been decided that it would be unfair to impose such a disability on a person who is not responsible for the original insolvency.

"The next two matters appear to have been mere oversights in the original law.

"Clause 11 empowers the Manager of an encumbered estate to investigate the titles of tenure-holders and under-tenure-holders.

"Clause 12 empowers the Manager to except leases—new section 18B.

"Clause 13 makes provision for the compulsory education of the children of proprietors, but only of such as have not been brought under protection by the initiative of the Deputy Commissioner.

"In fact the force of the provision is that, if a proprietor voluntarily seeks the protection of this law, he must agree to educate his family, and by so doing, to provide the best safeguard against their falling into similar difficulties.

"By clause 14 it is proposed to give the Board of Revenue the general power of supervision and control which it has under other Revenue laws and which can only be an additional safeguard for the proper exercise of the law.

"Clause 15 aims at preventing a disqualified proprietor from wasting money in litigation in which the Manager is not joined as a party.

"The Bill which I have had the honour to introduce and of which I have described the principal provisions is modest in its pretensions; it seeks only to remedy some of the more obvious defects in the existing law, but it is hoped that, so far as it goes, it will result in estates coming less frequently under the operation of the law, at least for a second time; in their remaining under protection for a shorter period, and in the production of a class of proprietors more alive to their obligations and to their best interests."

The Hon'ble BABU KALI PADA GHOSH said:—"I was not aware that the Bill would be introduced in today's meeting of the Council until entering the Council Chamber I saw the list of business placed on the table. I have had no opportunity to read the Bill, much less to consult any constituents."

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

The motion was put and agreed to and the Secretary accordingly read the title of the Bill.

The Hon'ble MR. DUKE also moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Greer, the Hon'ble Mr. Streatfeild, the Hon'ble Mr. Chapman, the Hon'ble Babu Kali Pada Ghosh, the Hon'ble Maharajadhiraja of Burdwan, the Hon'ble Babu Deba Prasad Sarbadhikari and the Mover.

The motion was put and agreed to.

[*Mr. Greer ; Babu Gajadhar Prasad ; Mr. Vincent.*]

### THE BENGAL COURT OF WARDS (AMENDMENT) BILL, 1908.

The Hon'ble MR. GREER moved for leave to introduce a Bill further to amend the Court of Wards Act, 1879.

The motion was put and agreed to.

The Hon'ble MR. GREER introduced the Bill and moved that it be read in Council. He said:—

“The Bill is a very short one. I do not think I need detain the Council with any lengthy description of it.

“The object is two-fold:—to facilitate the raising of loans for a ward's estate for the liquidation or consolidation of its debts, and to enable the Court of Wards to invest the surplus funds of an estate to better advantage.

“Under the existing law in this Province, loans for a ward's estate on mortgage of landed property can only be obtained from private parties. The number of capitalists who possess local knowledge of the conditions of an estate is usually so small that there is practically no free competition and, consequently, a higher rate of interest has to be paid than is justified by the security offered.

“At the same time there is always some estate which is in a position to advance the money from its surplus funds. Both estates, accordingly, are the losers. The clause will admit of loans being made from the funds of one estate under the administration of the Court of Wards to another such estate. Such loans, of course, would only be granted to solvent estates. The experience of the Court of Wards in the United Provinces has proved them to be both a remunerative investment and a convenient and economical means of providing funds for indebted estates. There is no reason why the estates under the Court of Wards in Bengal should be in a less favourable condition.”

The Hon'ble BABU GAJADHAR PRASAD said:—“With Your Honour's permission, I would like to say something in support of this measure. My experience of Bihar, tells me that it sometimes happens an estate under the Court of Wards may have money in deposit, but cannot advance it on safe credit, because it does not find a safe debtor. Another estate, under the Court of Wards, may be in urgent need, but may not find a suitable creditor, and the Court of Wards is helpless and cannot do anything in the matter. Sometimes Civil Courts are requested to postpone execution for months and months at the instance of the Court of Wards, but the Court of Wards is unable to raise the money in time. I think it will be affording benefit to both, because money will be always safe in the hands of the Court of Wards, and I think this measure should be carried.”

The motion was then put and agreed to, and the Secretary accordingly read the title of the Bill.

The Hon'ble MR. GREER also moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Duke, the Hon'ble Mr. Oldham, the Hon'ble Mr. Chapman, the Hon'ble Rai Kishori Lal Goswami, Bahadur, the Hon'ble the Maharajadhiraja of Burdwan, the Hon'ble Mr. Brown and the Mover.

The motion was put and agreed to.

### THE CHOTA NAGPUR TENANCY BILL, 1908.

The Hon'ble MR. VINCENT moved that the Report of the Select Committee on the Bill to amend and consolidate certain enactments relating to the law of landlord and tenant and the settlement of rents in Chota Nagpur be taken into consideration.

The motion was put and agreed to.

•[*Mr. Vincent ; Rai Kishori Lal Goswami, Bahadur ; Babu Kali Pada Ghosh.*]

The Hon'ble MR. VINCENT moved that the clauses of the Bill be considered in the form recommended by the Select Committee.

The motion was put and agreed to.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that, in clause 12A (*now 13*)\* of the Bill, for the words "or his agent" the words "or of his agent if specially authorized in that behalf" be substituted. He said:—

"I propose this substitution in order to make the sense quite clear and to bring the language into conformity with that used in the Bengal Tenancy Act, in order to convey the same idea. Sir, it is extremely desirable that uniformity of language to express a common idea should be preserved in all the enactments of a Legislature. There is no doubt, Sir, as to what is intended by the words 'or his agent'. What is really intended is, that only a specially authorized agent can, by written consent, validate the sub-division of a tenancy made by a tenant. To make this sense quite clear, I propose this substitution, and I hope this motion will be acceptable to all the Hon'ble Members."

The Hon'ble BABU KALI PADA GHOSH seconded this motion.

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that, in clause 16 (*now 18*) of the Bill, for the words "sub-sections (4), (5) and (6) of section 15 (*now 17*) shall apply to such persons" the following be substituted, namely:—

sub-sections (3) to (6) of section 15 (*now 17*) shall apply to such persons as if they were raiyats.

He said:—"This amendment is in the main a drafting amendment. In one particular there is, however, a substantial change proposed in the Bill. We have provided that Bhuinhars and Mundari khunt-kattidars who hold, and have held their lands in a village for a period of 12 years, shall be deemed to be settled raiyats of a village. It was pointed out that no provision had been made for the case of a Bhuinhar or Mundari khunt-kattidar who had inherited land from his father within a period of 12 years, although the joint occupation of father and son might exceed this period. To meet this we have made sub-section (3) of section 15 (*now 17*) apply to the case of such tenants."

The motion was put and agreed to.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that, in sub-clause (a) of clause 24 (*now 26*) of the Bill, for the word "seven" the word "three" be substituted. He said:—

"The object of clause 24 (*now 26*) is to annul enhancements of rent brought about by private contract during the last seven years. Under the existing law, which regulates the relations between landlord and tenant in Chota Nagpur Division, there is no specific prohibition against enhancement of rent by private contract. As a matter of fact, as stated in the Notice on Clauses appended to the Bill, rents have been increased in a very large number of cases by private contract. Now, Sir, if it is declared by a stroke of the pen by this Legislature that such enhancements made in the course of the last seven years are invalid, it will, I fear, be regarded as a great hardship by the landlords of Chota Nagpur. Sir, in the present Bill, a provision has been introduced by which enhancement of rent by private contract is altogether prohibited. This is a drastic measure, and in point of stringency goes beyond the Bengal Tenancy Act. I, however, Sir, do not raise my word of protest against that provision, for it is just possible that, in a backward place like Chota Nagpur, the bulk of the rural population, as a rule, may be yet in such a stage of primitive simplicity as not to be able to hold their own in

\* \* The clauses and sub-clauses of the Bill having been re-numbered under the direction of the Council, the present number of each clause and sub-clause is inserted in brackets, wherever the new numbering differs from the old.



[*Rai Kishori Lal Goswami, Bahadur; Babu Kali Pada Ghosh; Mr. Vincent.*]

entering into a contract with the zamindars; but, Sir, to make a clean sweep of all contracts for enhancement of rent during the last seven years, will, I consider, be a great source of grievance to them. Section 29 of the Bengal Tenancy Act deals with the enhancement of rent by private contract. That provision of law, as Your Honour is aware, subject to certain limitations, validates enhancements of rent, if the enhanced rent has been paid continuously for three years. Sir, I will ask the Council to follow the precedent of the Bengal Tenancy Act, and to allow the retrospective operation of this provision of the law only in regard to contracts made within three years from the commencement of this Act."

The Hon'ble BABU KALI PADA GHOSH said:—"I regret I am unable to support the amendment moved by my hon'ble friend. He says there is no provision existing in the Chota Nagpur Rent Act by which private enhancement is in any manner prohibited, but if we have a look at section 21 of the existing Rent Act of Chota Nagpur, we find that it lays down: 'No other under-tenant or raiyat having a right of occupancy shall be liable to any enhancement of the rent previously paid by him, otherwise than in the manner provided under this section.' Reading this section as it stands, one would infer that the enhancement of rent payable by an occupancy raiyat can only be effected by filing a petition before the Deputy Commissioner. This section was subject to great discussion; and reading section 44 of the Rent Act along with section 21, one may say that private enhancements were not altogether interdicted. But, at any rate, section 21 of the existing Rent Act, as it stands, did not allow private enhancement, in the same sense as the Bengal Tenancy Act does, and it should also be borne in mind that there is a limit put by the Bengal Tenancy Act on all private enhancements, namely, that such enhancements should not exceed two annas in the rupee of the rent previously payable by the raiyat. And when private enhancement in Chota Nagpur was under no such limit, if there had been any private enhancement, I think that it is very necessary to see that such enhancement was fair and equitable, but three years' payment does not give us a guarantee that it was so. Under the circumstances, I do not think the period of three years would be quite adequate, though at the same time I am rather doubtful whether the period of seven years is not too long, and I may have to say something on the next amendment, when moved."

The Hon'ble MR. VINCENT said:—"I regret that I am unable to recommend the Council to accept this amendment. Under the existing Law, as will be seen on an examination of section 24 of Act I of 1879, all enhancements of the rent of an occupancy raiyat made otherwise than by order of the Deputy Commissioner are prohibited. It has been found, however, that in many cases, this provision of the Law has been evaded, and to meet such cases the proposals contained in clause 24 (*now* 26) of the Bill have been made. It does not appear to me that landlords have any reasonable ground for complaint in the matter; in fact a very great concession is being made to them. They have enhanced rents in direct violation of the existing Law: nevertheless, in order to avoid creating disturbances and dissensions, the Government is prepared to validate such illegal contracts, provided that the rents have been paid for a space of 7 years, and no sound reasons have been given for reducing that period.

"The argument in favour of a period of three years based on section 29 of the Bengal Tenancy Act is of no weight. Enhancements under section 29 are subject to two conditions—firstly, the contract must be in writing and registered, and secondly, the enhancement is not to exceed two annas in the rupee. The proviso regarding 3 years' payments only affects the condition that a contract must be in writing and registered, and if enhancements of over two annas in the rupee are made, then payments for 5 or 7 years will not, under the Bengal Tenancy Act, validate a claim for the enhanced rent. To argue therefore that, in legalizing enhancements, provided they are not unfair and inequitable, in Chota Nagpur, we should follow the 3 years' rule of the Bengal Tenancy Act is unsound. We admit enhancements over



\*[Mr. Vincent ; Rai Kishori Lal Goswami, Bahadur ; Babu Kali Pada Ghosh.]

two annas in the rupee if they are not unfair but we require a reasonably lengthy period of payment to raise a presumption that the rent is fair and that the raiyat has willingly paid it."

The motion was put and lost.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that since the last amendment was lost, in sub-clause (a) of clause 24 (now 26) of the Bill for the word "seven" the word "five" be substituted. He said:—

"Since the foregoing amendment is lost I make this alternative proposal. I think it will be under the circumstances the better course to accept a mean between 3 and 7 years for annulling enhancements of rents arranged under private contracts. It seems to me, Sir, that the Hon'ble Member in charge of the Bill is wrong in interpreting the provision of the Bengal Tenancy Act in regard to enhancements of rent by private contract. Three years' continuous payment of rent will under that law validate enhancements of rent, even if the contract for enhancement is not in writing and is not registered, provided the increment is not more than two annas in the rupee. If it is in writing and registered, then three years' continuous payment of enhanced rent is not a *sine quâ non*, but the limitation of two annas in the rupee applies to it as well. I trust, 5 years' limit will be acceptable to the Hon'ble Members."

The Hon'ble BABU KALI PADA GHOSH said:—"I am not sure whether the period of 7 years is quite proper, it seems to be a little too long. If the Hon'ble Member in charge accepts this amendment, I am with him."

The Hon'ble MR. VINCENT said:—"I am not prepared to accept this amendment. The period of 7 years, as specified, has been accepted in these cases by the Settlement Department in Chota Nagpur for some years, I believe, and I am unwilling to reduce it. I regret the fact that I did not apparently make myself clear in regard to the meaning of section 29 of the Bengal Tenancy Act. That section is really quite clear. Where there is an enhancement over two annas in the rupee, 3 or 4 or 5 years' payment will not validate it; therefore, it is not safe, I say, to argue from the analogy of that Act to the Chota Nagpur Act. I see no reason to alter the period or diminish the period of 7 years as stated in the Bill."

The motion was then put and lost.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that, after the first proviso to sub-clause (1) of clause 27 (now 29) of the Bill, the following be inserted, namely:

Provided, further, that when the enhancement is claimed on the ground of a rise in prices,—

(i) the Deputy Commissioner shall compare the average prices during the decennial period immediately preceding the making of the application with the average prices during such other decennial period as it may appear equitable and practicable to take for comparison;

(ii) the enhanced rent shall bear to the previous rent the same proportion as the average prices during the last decennial period bear to the average prices during the previous decennial period taken for comparison; provided that, in calculating this proportion, the average prices during the later period shall be reduced by one-third of their excess over the average prices during the earlier period;

(iii) if, in the opinion of the Deputy Commissioner, it is not practicable to take the decennial periods prescribed in clause (i), he may, in his discretion, substitute any shorter periods therefor.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, also moved that the following proviso to sub-clause (1) of clause 27 (now 29) of the Bill be omitted, namely:

Provided, further, that all enhancements shall be limited in the prescribed manner (if any).

[*Hai Kishori Lal Goswami, Bahadur.*]

He said :—“ I take these two amendments together at the request of the Hon'ble Member in charge of the Bill, though they deal with different questions. The first amendment is to add the proviso just read by me to clause 27 (*now 29*) of the Bill. It is merely a reproduction of section 32 of the Bengal Tenancy Act. The second ground laid down under clause 27 (*now 29*) of the Bill authorizes enhancements of rent, on the basis of a rise in the average local prices of staple food crops. It is found, as a matter of fact, that it is difficult to work out enhancements on that ground, unless some definite lines are indicated as to the method of inquiry to be pursued for the purpose of determining what would be a fair enhancement on that basis. Owing to a general rise in the price of food-crops, the cultivators at the present time derive a substantially larger profit by the sale of their field produce. The rise in the price is due to circumstances not brought about either by the exertions or at the cost of either the tenant or the landlord. Under such circumstances, Sir, the unearned increment ought to be fairly apportioned between the landlord and the tenant. A definite rule of proportion for such apportionment ought therefore to be laid down in the body of the law itself for the guidance of the Courts, which will have to deal with cases for enhancement of rent on the basis of the rise of price of staple food-crops. Section 32 of the Bengal Tenancy Act formed part of that Act when it was passed in the year 1885. I think, Sir, you will pardon my referring briefly to the antecedent literature which led to the framing of that section in the Bengal Tenancy Act. Sir, you are well aware that an important Commission was appointed a few years before the Bengal Tenancy Act was launched to investigate thoroughly all questions relating to landlords and tenants, with particular reference to the Permanent Settlement Regulations and the immense volume of literature on the subject, and to examine the then state of the laws regulating the relations of the landlord and the tenant. The members of the Commission submitted a valuable report, and the Tenancy Act of 1885 is mainly grounded on it. Speaking about enhancements of rents on the basis of rise in the average prices of food-grains, the report says :—

From this analysis it will appear that the component elements of this ground of enhancement are sufficiently complex ; and looking at the above considerations, it is not very easy to say how the increment arising from increase of price ought to be divided so as to make the division fair to both parties.

“ The Commission recommended that the increment should be equally divided between landlord and tenant on that ground. But the Select Committee, which sat to consider the Bill which afterwards became the Bengal Tenancy Act of 1885, preferred to follow the proportion laid down in the well-known case, popularly called the Great Rent Case, which was decided by a Full Bench of the Calcutta High Court, consisting of all the learned Judges of that Court, during the Justiceship of the late Sir Barnes Peacock. They accordingly fixed that one-third of the increment will go to the tenant and two-thirds to the landlord. The reason the Select Committee assigned for giving the one-third to the tenant was to cover the increase of cost of production. The Select Committee, on this point, reported as follows :—

We recognised the difficulty of making the Courts ascertain the actual cost of production, and as it was necessary to fix an arbitrary limit, we have fixed the deduction of one-third as a general rule.

“ Sir, this was the state of the law in the year 1885, and it stands unchanged even now, in spite of the several revisions it has gone through, notably the last exhaustive revision by Your Honour's Council last year. I think, Sir, that the rule of proportion laid down in the Bengal Tenancy Act is supposed to be fair and equitable even now. I therefore submit, Sir, that the addition of this proviso will be a great help to the judicial and executive officers in ascertaining fair enhancements of rents on the basis of the rise in the average prices of food-grains in the locality. I will also add, Sir, that this provision of the Bengal Tenancy Act has been extended to Orissa. A survey and the preparation of a record-of-rights are now in progress, in Chota Nagpur, and I hope, Sir, that in the course of a few years it will be completed. The papers which will be available in such a survey will help to determine a fair enhancement of rent on the two other grounds

[*Rai Kishori Lal Goswami, Bahadur ; Babu Kali Pada Ghosh.*]

mentioned in clause 27 (*now* 29) of the Bill, but I do not think, Sir, that those papers will be of any great help in the determination of the question of enhancement of rent on this ground. It is therefore desirable that a proper proportion should be laid down in the Chota Nagpur Act, such as has been done in the Bengal Tenancy Act.

"I shall now submit my observations on the second part of the amendment. In the law that is at present in force in Chota Nagpur, no definite grounds have been laid down for enhancements of rent. Such a condition of the law is unsatisfactory, and it will, I am sure, be remedied by clause 27 (*now* 29) of the Bill. The first proviso to that clause lays down definitely the three grounds on which alone an enhancement of rent should be allowed. As the marginal notes of the Bill inform us, these grounds have been borrowed from the United Provinces Tenancy Act and the second proviso from the Tenancy Act in vogue in Bengal. That second proviso is in the nature of an elastic safeguard, which says that no Court shall decree any enhancement of rent which is, under the circumstances of the case, unfair or inequitable. But, Sir, the Bill does not stop there, but it proceeds further and proposes the unprecedented course of restricting enhancements by rules to be framed by the Local Government, even when one or more of the conditions laid down in proviso (1) of clause 27 (*now* 29) has or have been satisfied and the increment is also found to be fair and equitable. This, Sir, seems to be a very objectionable method of legislation.

"I, Sir, deprecate legislation by rules, which, I respectfully submit, should be confined to details as auxiliary to the main principles enunciated in the body of the law itself, but which should not control, override or limit them. Sir, the limitations for the right of the landlords to enhance the rent of their tenants should be fully stated in the body of the law, and not partly in the law and the rest in the rules, giving the rules the pre-eminent position to limit enhancements which satisfy the conditions laid down in the law which sanctioned the making of rules. Sir, I am not aware of the way in which the enhancement is going to be limited by the rules, but the proviso as it is at present worded admits of considerable latitude. It will enable the Local Government to lay down rules to restrict enhancements, even after all the conditions laid down in the Act are satisfied and they are found to be fair and equitable. Sir, any limitation on what is fair and equitable can hardly be founded on sound principle. The enhancement is fair and equitable, and ought to be the last word on the subject. But, Sir, if the proviso I protest against, read with sub-clause (1) of clause 256 (*now* 264) of the Bill which speaks of the rules to be laid down by the Government, means that the Local Government shall have power to make rules for prescribing the manner in which fair rents should be ascertained on the basis of the grounds laid down in the first proviso of clause 27 (*now* 29) then I respectfully submit that the Hon'ble Member in charge of the Bill should frame the proviso in such a way as to convey that sense, and then, Sir, I for one shall heartily support it."

The Hon'ble BABU KALI PADA GHOSH said:—"I am certainly in sympathy with the first part of the amendment, but at the same time I do not think that this addition is absolutely necessary for the purposes of our Act. Clause 27 (*now* 29) of the Bill deals with an application for enhancement. The Deputy Commissioner shall have to consider all the circumstances set forth in that application, and he may decree such enhancements as may seem to be fair and reasonable. I should say that, in considering the circumstances of the case, the Deputy Commissioner will certainly consider the data which are sought to be provided for by the amendment which is practically section 32 of the Bengal Tenancy Act; so I do not think that it would be absolutely necessary to have that amendment in our Act: nevertheless, I should say, I am not opposed to it. As regards the second part of the amendment, I must say that I had considerable difficulty in giving my consent to this proviso in clause 27 (*now* 29) of the Bill when the Bill was discussed in the Select Committee. I must say that I was opposed to this proviso from the very beginning, because to my mind it

[*Babu Kali Pada Ghosh; Babu Deba Prasad Sarbadhikari; Mr. Vincent.*]

appears that there are already in the Act sufficient safeguards to ensure the fairness of enhanced rent. We have in this Bill, Sir, done away with all private enhancements after the passing of the Act. Enhancement can hereafter only be made by either the Deputy Commissioner or the Revenue-officer, and when we take into consideration the fact that we have put in a clause to the effect that no enhancement should be allowed if unfair and inequitable; I think we have provided sufficient safeguards for the purpose we have in view. But the Hon'ble Member in charge of the Bill was of opinion that unless this proviso was added, the raiyats will be ruined in many cases. I should be the last man to protest against any measure which is calculated to prevent the ruin of the raiyats. But I gave my consent to this proviso, as I was given to understand that, if any such limits be prescribed by the Government, the people will have an opportunity to represent their views, and the notification which may be issued on this subject will not be validated finally before the people are given such opportunity. I submit to Your Honour that we have provided many things in the Bill to be prescribed by notification, but in regard to this particular matter, I should say that in case the Hon'ble Member in charge does not see his way to accept this amendment, the people should be given sufficient opportunity to place their views before Government. Subject to this limitation, I gave my consent to this proviso."

THE HON'BLE BABU DEBA PRASAD SARBADHIKARI said:—"The choice in the Select Committee was as to whether the enhancement was to be limited to two annas in the rupee or something else. That might make matters far worse than if the enhancement was not so limited. The Select Committee under the circumstances were convinced that it would be best to leave the matter alone for the present, as both the raiyats and the landlords could be sure of more generous treatment if the Government was allowed to make rules than if they were limited to two annas in the rupee. It was not considered advisable to limit the enhancement by the Act, because in Chota Nagpur, where the prices of food-grains had an abnormal rise, an enhancement of two annas in the rupee would not be inadequate. Therefore, Sir, I am unable to support the second part of the amendment. Nor can I support the first part because, as has been pointed out, sub-clause (c) of clause 27 (*now 29*) of the Bill gives the Deputy Commissioner abundant opportunities to take into consideration all the circumstances placed before him. We must remember that in regard to section 32 of the Bengal Act, we have not in Chota Nagpur that class of Courts which the Bengal Act deals with. Moreover, the Deputy Commissioner, who would have to deal with these matters with his very many other duties, would be overburdened, if all these complex rules of the Bengal Act were to be made a part of the Chota Nagpur Act. Having regard to sub-clause (c) of clause 27 (*now 29*) of the Bill, there is no reason why the details laid down in section 32 of the Bengal Act or any other details that may be necessary to consider should not be fully gone into by the Deputy Commissioner, if he chooses so to do. These are, however, provisions, Sir, that we can hardly advise the Council to incorporate in the present Bill."

THE HON'BLE MR. VINCENT said:—"I regret also that on this point I can only recommend the Council to reject the proposed amendment. It is essentially necessary that power to limit these enhancements should be retained by the Local Government. Rules need not necessarily be issued under sub-clause (c) of clause 27 (*now 29*) of the Bill, but rules will be issued if any necessity arises. If the proviso which it is proposed to omit is examined, it will be seen that it runs thus: 'Provided, further, that all enhancements shall be limited in the prescribed manner (if any).' Prices of staple food-crops have, in many parts of Chota Nagpur, increased 200 and 300 *per cent.* within the last 20 years, and, if enhancements based on these prices are allowed in the manner proposed in the amendment of the Hon'ble Member, the most serious agrarian disturbances will in all probability result. We have been referred to the Bengal Tenancy Act as the authority for the proposed amendment, but it has to be remembered that this Bill under discussion is one affecting aboriginal races in Chota Nagpur, and arguments based on the analogy of Bengal cannot be safely accepted in the case of such races."



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"Personally, I may go further and say that I doubt very much if, even in Bengal, the provisions of section 32 of the Bengal Tenancy Act have ever been given full effect to, and I believe, if any general attempt is made to enhance rents in accordance with that section, there will be danger of serious discontent and disturbance among the agrarian population of the province. At any rate, in Chota Nagpur, for political reasons alone, it is necessary that the Government should retain power to limit those enhancements of the rents of occupancy raiyats, but, as I have said, it is optional with the Government to make rules, and not obligatory upon them to do so. It has been said that the words 'unfair and inequitable' in the second proviso of this clause provide a sufficient safeguard for the interests of raiyats, but you have to consider the point put before by one Hon'ble Member, that the Courts trying these cases will be the Courts of Deputy Commissioners. The words 'Deputy Commissioner' have been defined in the Bill and include Deputy Collectors, Assistant Collectors, and in certain circumstances Sub-Deputy Collectors empowered under the Act. In deciding whether rent is fair and equitable, or unfair and inequitable, a great deal depends on the personal equation. What one man may consider fair, another man may consider unfair; and bearing in mind the fact that comparatively inexperienced officers will try these cases, it is, therefore, the more necessary for the Government to retain power to prescribe rules generally limiting the amount of those enhancements, in order to obtain at least some uniformity in these cases. The Hon'ble Babu Kali Pada Ghosh is apprehensive, if I understood him correctly, that rules will be issued by Government without due consideration and without any opportunity being offered to the public of criticizing the same. This is incorrect. Before any rules are finally adopted, there must be, I believe, a draft publication, and during the period of this draft publication the public will have ample opportunity of criticizing the rules and submitting their views in regard to the same."

The motion was put and lost.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that at the end of sub-clause (f) of clause 30 (*now 31*) of the Bill the following be added, namely:—

or, if the landlord is unable to indicate any particular land as being held in excess, then the area alone.

He said:—"Clause 30 (*now 31*) of the Bill has been framed on the lines of section 52 of the Bengal Tenancy Act. As it was framed in 1885, it was without the sub-sections (5) and (6). Serious practical difficulties in the working of that section as it was in 1885 had been found, and the interpretation of the section as made by the High Court in their several rulings added to those difficulties, with the result that it was practically impossible to get any excess rent from excess area. The landlords generally do not possess complete records of their properties, and they are unable to indicate what is the particular excess land in respect of which they claim excess rent. To obviate that difficulty, the amending Act of 1898 was passed, which added the following sub-section to section 52:—

(5) When in a suit under this section the landlord or tenant is unable to indicate any particular land as held in excess, the rent to be added on account of the excess area may be calculated at the average rate of rent paid on all the lands of the holding, exclusive of such excess area.

"In order that clause 30 (*now 31*) of the Bill may fit in with sub-section (5) of section 52 of the Bengal Tenancy Act, I have condensed the long sub-section into a short paragraph. I hope, Sir that this will be acceptable to the Hon'ble Members of this Council and to the other Hon'ble Members."

The motion was put and agreed to

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that before the proviso to sub-clause (1) of clause 31 (*now 32*) of the Bill the following be inserted, namely:—

Provided that, if the landlord proves that, at the time when the measurement on which the claim is based was made, there existed, in the estate or tenure or part thereof in which the holding is situate, a practice of measuring land before settling rents, the Deputy Commissioner may presume that the area of the holding as entered in any lease or counterpart engagement or (where there is an entry of area in a counterfoil receipt corresponding to the entry in the rent-roll) in the rent-roll relating to the holding was so entered after measurement.

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He said :—“This is of course reproducing with certain alterations of a verbal character sub-section (6) of section 52 of the Bengal Tenancy Act, in order to fit in with the framework of the clause 31 (*now* 32) of the Bill. The sub-section (6) of section 52 of the Bengal Tenancy Act is due to the amending Act which was passed last year by this Council, and I hope, Sir, that this will be also acceptable to the Hon'ble Members of this Council.”

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said :—“This amendment was very much needed.”

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that, in sub-clause (1) of clause 55 (*now* 54) of the Bill, after the word “agent” the words “free of charge” be inserted. He said :—

“The law makes it obligatory upon every landlord to grant a receipt to a tenant for any rents paid. The words ‘free of charge’ are now inserted to make it clear that no fee can be demanded by a landlord for the delivery of such receipt.”

The Hon'ble BABU KALI PADA GHOSH said :—“I think this amendment is a necessary provision for Chota Nagpur, and I support the motion.”

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that, in the proviso to clause 61 (*now* 60) of the Bill, for the words “rent which accrued due before the date of the sale and any rent so due” the following be substituted, namely :—

*rent for any period prior to the date of sale, and rent due for any such period.*

He said :—“The reason for this amendment is that it is the intention of the Government that a purchaser of a tenure or holding in execution of a rent decree shall obtain the same free of any liability for rent due prior to the date of sale. As the clause stands, a purchaser may be made liable for an instalment of rent which accrues due after the date of sale, for a period prior to the sale ; that is to say the date on which the instalment is payable may be later than the date of sale, though the rent may be due for a period prior to the sale. It is, therefore, necessary to make it clear that the purchaser of a tenure or holding is not to be called on to pay rent for any period prior to the sale.”

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that, at the end of the first paragraph of clause 88 [*now* sub-clause (1) of clause 89] of the Bill, after the words “section 86 (*now* 87),” the following be inserted, namely :—

*or any order passed in appeal under section 84 (*now* 85), sub-section (2a) [*now* (4)]*

He said :—“Under section 88 [*now* 89 (1)] as it stands, a Revenue-officer specially empowered in this behalf may revise and correct an entry in a record-of-rights. It is not desirable that he should be allowed to revise or correct any entry made in consequence of the decision of an appeal under section 84 (*now* 85), and this amendment provides against his making any alteration in a record in such cases.”

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that, in the proviso to clause 88 (*now* 89) of the Bill, before the words “section 86 (*now* 87)” the words “section 84 (*now* 85), sub-section (2a) [*now* (4)], or” be inserted. He said :—

“This amendment follows as a necessary consequence upon the previous one.”

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that clause 88 of the Bill be numbered 88 (1) [*now* 89 (1)] and that the following be inserted thereafter, namely :—

(2) An appeal shall lie in the prescribed manner and to the prescribed officer from any order passed under sub-section (1).



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He said :—" It is advisable to provide for an appeal against an order of a Revenue-officer revising a record under clause 88 [now 89(1)], and the amendment is proposed to meet this object."

The Hon'ble BABU KALI PADA GHOSH supported the motion.

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that the following amendments be made in sub clause (1) of clause 123A (now 128) of the Bill, namely :—

- (a) before "section 82 (now 83)" insert "section 80 (now 81) ;"
- (b) for "section 89, section 91, section 94 and section 96" substitute "sections 88 (now 89) to 96 ;"
- (c) for "shall apply to such record as if it were a record referred to in these sections" substitute "shall apply as if such record were referred to in those sections."

He said :—" Clause 123A (now 128) is part of Chapter XV which deals with the preparation of a final record-of-rights of village headmen, khunt-katti raiyats and others. Many of the provisions of Chapter XII, which deals with the preparation of an ordinary record-of-rights, are applicable in the case of records prepared under Chapter XV, and the amendment has been framed to utilize these provisions in the case of records prepared under Chapter XV."

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that, in sub-clause (2) of clause 123A (now 128) of the Bill, for the words "section 97" the words "sections 94 (now 95) to 97" be inserted. He said :—

"This amendment is proposed for similar reasons to those just given for the previous amendment."

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that sub-clause (b) of clause 131 (now 136) of the Bill be omitted, and that, in sub-clause (c) of the same clause [now sub-clause (b) of clause 136], for the words "who is not in charge of a sub-division, but is specially empowered by the Local Government" the words "who is empowered" be substituted. He said :—

"The definition of 'Deputy Commissioner,' in clause 3, sub-clause (viii), has been amended, but by error this consequential amendment in clause 131 (now 136) was omitted."

The motion was put and agreed to.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that after clause 137 (now 141) of the Bill the following be inserted, namely :—

Suit by co-sharer landlord for rent. 137A (now 142). (1) Notwithstanding anything contained in section 250A, a co-sharer landlord may institute a suit to recover from a tenant—

- (a) his share of the rent, when such share is collected separately, or
- (b) the whole of the rent due to the plaintiff and his co-sharers, when all or any of his co-sharers who refuse to join in the suit are made defendants therein.

(2) When, in a suit instituted under clause (b) of sub-section (1), the plaintiff is unable to ascertain what rent is due for the whole tenure or holding, or whether the rent due to the other co-sharer landlords has been paid or not, owing to the refusal or neglect of the tenant or the said landlords to furnish him with correct information on these points or either of them,

[*Rai Kishori Lal Goswami, Bahadur ; Mr. Vincent.*]

the Deputy Commissioner shall determine—

- (i) what sum (if any) is due to the plaintiff for rent, interest thereon, and costs, and
- (ii) what sums (if any) are due to the said landlords, respectively, on account of their share of the rent and interest thereon,

for the period in respect of which the suit is brought; and shall decree the suit accordingly.

(3) Notwithstanding anything contained in Explanation I to section 48 (*now* 47), or in section 195 (*now* 196), a decree awarding to a plaintiff a sum referred to in clause (i) of sub-section (2) shall, as regards the remedies for enforcing the same, be as effectual as a decree obtained by a sole landlord or an entire body of landlords in a suit brought for the rent due to all the co-sharers.

(4) When the sums due from a tenant to any co-sharer landlord are determined under clause (ii) of sub-section (2), in respect of any period, then no further suit shall lie against such tenant for rent alleged to be due to such landlord in respect of that period.

He said:—"Sir, I understand that the Hon'ble Member in charge of the Bill is prepared to accept this. This addition is based on the lines of section 148A of the Bengal Tenancy Act. Section 148A was enacted last year simply for the purpose of giving relief to co-sharer landlords, who had no opportunity to recover rent by the sale of the tenancy. The history must be fresh in the minds of the Hon'ble Members, so I do not intend to dilate at length on this point. The co-sharer landlords of Bengal and Bihar are deeply grateful to Your Honour for affording them facilities to realize their rents by the enactment of section 148A of the Bengal Tenancy Act. Your Honour will earn the gratitude of the co-sharer landlords of Chota Nagpur by extending the same facilities to them by sanctioning the addition proposed by me."

The Hon'ble MR. VINCENT said:—"I recommend the Council to accept the amendment in its present form on the understanding that the amendment standing in the name of the Hon'ble Member, to insert before clause 251 (*now* 258) of the Bill a new clause 250A (*now* 257), is also pressed. If he will undertake to propose that amendment, I recommend the Council to accept the present one."

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that the following words in sub-clause (3) of clause 140 (*now* 144) of the Bill be omitted, namely:—

the statement required by clause (ii) of sub-section (2) must also show the rental of the original tenancy according to the record-of-rights, and.

He said:—"Sub-clause (2) of clause 140 (*now* 144) already provides that the recorded rental of the tenancy shall be stated in any application under this clause. It is unnecessary, therefore, to provide for the same thing in sub-clause (3)."

The motion was put and agreed to.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that after clause 195 (*now* 196) of the Bill the following be inserted, namely:—

Execution of rent decree obtained by a co-sharer landlord.

195A (*now* 197). When one or more co-sharer landlords applies or apply for the execution of a decree obtained in a suit instituted under clause (b) of section 137A (*now* 142) by the sale of a tenure or holding, the Court executing such decree shall, before proceeding to sell the tenure or holding, give notice of the application for execution to the other co-sharers.

He said:—"The necessity of this addition to clause 195 (*now* 196) of the Bill is patent. Clause 137A (*now* 142) which has just been passed necessitates the safeguarding of the interest of co-sharer landlords other than those applying for execution of decree by giving notices to them of the decree by the sale of tenure or holding."

[Mr. Vincent ; Rai Kishori Lal Goswami, Bahadur.]

The Hon'ble MR. VINCENT said :—" I recommend the Council to accept this amendment."

• The motion was put and agreed to.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, also moved that after the word "sections," in clause 206 (1) [now 208 (1)] of the Bill, the figures "12" be inserted. He said :—

"The object of this is that section 12 of the Rent Recovery Act should not be made applicable to sales effected under the provisions of the Chota Nagpur Tenancy Bill. The reason is that the provision of section 12 of that Act is not sufficiently wide to cover all cases that will spring up under the Rent Act which is now being enacted for Chota Nagpur. The next amendment which will be proposed by me deals with the disposal of the sale proceeds of a tenure or holding."

The motion was put and agreed to.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that after clause 206 (now 208) of the Bill the following be inserted, namely :—

Disposal of proceeds of sale under section 206. 206A (now 209). (1) In disposing of the proceeds of the sale of a tenure or holding under section 206 (now 208), the following procedure shall be observed, that is to say :—

- (a) there shall be paid to the decree-holder the costs incurred by him in bringing the tenure or holding to sale ;
- (b) there shall, in the next place, be paid to the decree-holder the amount due to him under the decree in execution of which the sale was made ;
- (c) if there remains a balance after those sums have been paid, there shall be paid to the decree-holder therefrom any rent which may have accrued due to him in respect of the tenure or holding between the institution of the suit and the date of the sale ; and
- (d) the balance (if any) remaining after the payment of rent referred to in clause (c) shall, upon the expiration of two months from the confirmation of the sale, be paid to the judgment-debtor upon his application :

Provided that, where a tenure or holding has been sold in execution of a decree obtained by one or more co-sharer landlords in a suit instituted under clause (b) of section 137A (now 142),—

- (i) payment of the amount due under such decree shall, notwithstanding anything contained in clause (b) of this section, be made to the decree-holder and to the other co-sharer landlords in proportion to the amount found to be due to each, and
- (ii) if there remains a balance, payment of any rent which may have accrued due in respect of the tenure or holding between the institution of the suit and the date of sale shall, notwithstanding anything contained in clause (c), but subject to the determination, in the manner and with the effect mentioned in subsection (2), of any dispute as to their respective rights to receive such rent, be made to the said decree-holder and other co-sharer landlords in proportion to their respective shares in the tenure or holding.

(2) If the judgment-debtor disputes the decree-holder's right to receive any sum on account of rent under clause (c), the Deputy Commissioner shall determine the dispute, and the determination shall have the force of a decree.

He said :— "This is merely a reproduction of section 169 of the Bengal Tenancy Act, and I hope that both the foregoing and this amendment will be acceptable to the Hon'ble Members."

[*Mr. Vincent ; Rai Kishori Lal Goswami, Bahadur.*]

The Hon'ble MR. VINCENT said :—"I recommend the Council to accept this amendment as an improvement on the provisions of an existing law on the subject."

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that, before the first proviso in section 206 (1) [*now 208 (1)*] of the Bill, the following be inserted, namely :—

Provided that the purchaser at any such sale shall not be entitled to annul any lease, right or tenancy referred to in clauses (a) to (e) of section 13 (*now 14*) of this Act.

He said :—"This is how the amendment stands on the list. With Your Honour's leave I propose that it should run in this manner: 'Provided that the purchaser of a tenure at any such sale, etc., etc.'"

"The amendment is proposed in order to protect certain interests in the event of a sale of a tenure in execution of a decree for arrears of rent. When a resumable tenure is resumed under section 13 (*now 14*) certain interests have been safeguarded, and it is only reasonable that, in the event of the sale of a tenure, the same interests should be protected. There are, it may be noted, similar provisions in the Bengal Tenancy Act for the preservation of protected interests in sales in execution of decrees for rent obtained under that Act."

The motion was put in the amended form and agreed to.

The Hon'ble MR. VINCENT moved that, in sub-clause (3) of clause 213 (*now 215*) of the Bill, after the figures "208 (*now 211*)" the following be inserted, namely :—

of this Act or under section 280, section 281 or section 282 of the Code of Civil Procedure.

He said :—"Sales of immovable property in execution of decrees under this Act, in certain circumstances, are held in accordance with Bengal Act VIII of 1865, and in other cases are held in accordance with the Code of Civil Procedure—*vide* clauses 206 (*now 208*) and 207 (*now 210*) of the Bill. In sales under clause 206 (*now 208*), third parties claiming an interest in the property about to be sold can put forward claims under clause 208 (*now 211*), and the decision of the executing Court on such claims is not subject to appeal, but a right of separate suit within one year is reserved. In the case of sales under the Code of Civil Procedure, sections 278 to 284 of that Code have been made applicable by clause 207 (*now 210*) of the Bill, and there is, in the case of ordinary Civil Courts, no appeal against an order made under section 280, 281 or 282, but in clause 213 (*now 215*) of the Bill all orders passed after decree and relating to the execution thereof, except orders under clauses 204 (*now 206*) and 208 (*now 211*) are made appealable. It is necessary, therefore, to make it clear that, in the case of sales under clause 207 (*now 210*) of the Bill held in accordance with the Code of Civil Procedure no appeal lies against any order passed under sections 280, 281 or 282 of that Code."

The motion was put and agreed to.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that, after clause 229 (*now 232*) of the Bill, the following be inserted, namely :—

Limitation of certain suits for ejectment.

229A (*now 233*). Suits for the ejectment of an occupancy-  
raiyat or a non-occupancy raiyat on any of the grounds mentioned  
in section 21 (*now 22*) or in clauses (b) and (c) of section 41 shall  
be instituted within two years from the date of the misuse or  
breach complained of.

He said :—"Having regard to the backward condition of the landlords and tenants in Chota Nagpur, the Bill has in several instances for the benefit of the tenants provided much longer periods of limitation than those provided in the Bengal Tenancy Act for similar cases. In the present instance, which is for the benefit of the landlord, the current has run counter. One year's limitation has been provided in this case; whereas in suits under the section of the Bengal Tenancy Act corresponding to clause 21(b) [*now 22(b)*] two years'

Rai Kishori Lal Goswami, Bahadur; Mr. Vincent

imitation has been provided. I think that in such a backward place as Chota Nagpur, two years' limitation should be provided for all ejectment suits referred to in my amendment. It cannot be expected that landlords in Chota Nagpur can be as vigilant as those in Bengal."

The Hon'ble MR. VINCENT said:—"I recommend the Council to accept this amendment."

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that, in clause 234 (*now* 238) of the Bill, for the words "possession of a village by a village headman, whether known as a pradhan, manji or otherwise" the following be substituted, namely:—

possession of his office or agricultural land by a headman of a village or a group of villages, whether known as manki or pradhan or manji or otherwise.

He said:—"The wording of clause 134 (*now* 139), sub-clause (6), was altered by the Select Committee. By error, clause 234 (*now* 238), which deals with the period of limitation for suits under clause 134 (*now* 139), sub-clause (6), was not altered. The necessary alteration has now been made."

The motion was put and agreed to.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that, before clause 251 (*now* 258) of the Bill, the following be inserted, namely:—

*Joint-landlords.*

*Joint-landlords.* 250A (*now* 257). When two or more persons are joint-landlords, anything which a landlord is, under this Act, required or authorized to do must be done by both or all those persons acting together, or by an agent authorized to act on behalf of both or all of them.

He said:—"The object of this is to prevent harassment to tenants caused by multiplicity of suits. This is taken from the Bengal Tenancy Act, and is a reproduction of section 188 of the Bengal Tenancy Act."

The Hon'ble MR. VINCENT said:—"It is gratifying to find this proposal made by a representative of the landlords of Bengal, and I recommend the Council to accept the amendment."

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that, in clause 251 (*now* 258) of the Bill, before the words "section 85 (*now* 86)" the words "section 84 (*now* 85)" be inserted. He said:—

"This amendment is proposed in order to give the same finality to decisions of Revenue-officers settling fair rents under clause 84 (*now* 85) that is given to their orders under clauses 85 and 86 (*now* 86 and 87)."

The motion was put and agreed to.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, withdrew the following motion standing in his name, namely:—

'that sub-clause (iv) of clause 256 (*now* 264) of the Bill be omitted.'

The Hon'ble MR. VINCENT moved that, in sub-clause (viii) of clause 256 (*now* 264) of the Bill, before the words "Chapter XIII" the words "section 88 (*now* 89)" be inserted. He said:—

"This amendment is proposed to correct an omission in drafting clause 256 (*now* 264)."

The motion was put and agreed to.



[*Rai Kishori Lal Goswami, Bahadur, Mr. Vincent ; Babu Kali Pada Ghosh.*]

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, moved that in sub-clause (1) of clause 260 (now 268) of the Bill, for the words "in any manner provided in Chapter XVI for the recovery of money" the words "as if they were arrears of rent" be substituted. He said:—

"I understand, Sir, that this will be accepted by the Hon'ble Member in charge of the Bill, so I need not say anything more."

The Hon'ble MR. VINCENT said:—"I recommend the Council to accept this amendment."

The motion was put and agreed to.

The Hon'ble MR. VINCENT moved that the Secretary be directed to re-number the clauses and sub-clauses of the Bill in consecutive order, and to make corresponding alterations in all cross-references thereto.

The motion was put and agreed to.

The Hon'ble MR. VINCENT said:—"I have now to move, Sir, that the Bill, as settled in Council, be passed. In doing so, I have little to add to the statement I made when introducing the Bill into Council. I attempted then to explain the main principles of the Bill, and there have been save in one respect no departures from those principles in the amended Bill which is now before the Council. Errors and defects have been discovered by the Select Committee on minor points, and I have every reason to be grateful to my Colleagues on the Committee, more especially the non-official Members of the same, for the assistance rendered to me in correcting them, but the main features of the Bill have remained, save in one particular, unaffected by these modifications. The one particular to which I refer is the question of the jurisdiction of Civil Courts. In the Bill, as introduced into Council, there were two clauses which materially curtailed the ordinary jurisdiction of these Courts, and I mentioned at the time that it would be necessary to consider these clauses very carefully in the Select Committee. I refer to clause 95 and sub-clauses (5) and (6) of clause 134 (now 139). Clause 95 is now excised from the Bill, as also sub-clause (5) of clause 134 (now 139), and in this respect there has been a material change in the Bill now before the Council, but all the other main features of the original Bill have been retained. The principle of the settled raiyat has been accepted in Chota Nagpur, and the rights of non-occupancy raiyats in their holdings have been safeguarded. Enhancements of the rents of occupancy tenants by private contract have been prohibited in clear language, and provision has been made for the commutation of rents payable in kind into rents payable in cash. The prohibition against the sale of their holdings by raiyats has been relaxed in certain cases, and all tenants have been protected against the imposition of fresh abwabs or rakumats, and it is hoped that, by these protective measures, the interests of cultivators in Chota Nagpur have been safeguarded and that their position will be ameliorated. On the other hand, provision has been made for the settlement of fair rents by Revenue-officers, and for the preparation of records of landlords' privileged lands, and the interest of the landlords has been considered in these matters; the position of co-sharer landlords also is now ameliorated by the amendments proposed by the Hon'ble Rai Kishori Lal Goswami, Bahadur, and I venture to hope that this Bill may have a really beneficial effect in placing the relations of landlord and tenant in Chota Nagpur in a more settled and satisfactory condition."

The Hon'ble BABU KALI PADA GHOSH said:—"Sir, when the Bill was introduced into the Council last month, I made certain observations, referring specially to such provisions as seemed to be objectionable, and expressed a hope that they would be fully and carefully considered by the Select Committee to which the Bill was referred. It is, indeed, gratifying to observe that our hope has been realized in a great measure, and I feel bound to say that the Bill received, on the whole, a fair treatment at the hands of the Select Committee. A careful reading of the Bill as it now stands will show that it has been weeded of several objectionable features to



[*Babu Kali Pada Ghosh.*]

which I had made reference before. It may be said that there are still several provisions to which exception may be taken, but I think I may say, without fear of contradiction that the law which we are now going to have is far more complete and satisfactory than the very imperfect Rent Law with which we had to deal for the last 30 years. How far it will be a satisfactory measure in its practical working is, however, another matter, as a great deal will depend upon the selection of officers, who will be entrusted to carry out those important provisions of the Bill which deal with customary rights, specially the provisions under the heads 'Record-of-Rights' and 'Settlement of Rents' and 'Landlords' Privileged Lands.' Sir, the recording of customary rights in jungles is a matter of supreme importance in Chota Nagpur, and I regret to observe that in the first few years of the settlement proceedings which, as Your Honour is aware, have already been commenced in Chota Nagpur, those rights were not recorded with such care and caution as the importance of the matter demanded, and the result has been very unsatisfactory in several cases. The raiyats in whose favour these rights were declared without due safeguard and limits have made an abuse of their rights, and the result has been a waste of jungles in some parts of the district of Ranchi. Our worthy Deputy Commissioner, Mr. Stephenson, has already been impressed with the necessity of having a special legislation for the protection of jungles in Chota Nagpur, but before it is enacted, I submit to Your Honour that it is very desirable to entrust this important duty in the hands of experienced officers competent to deal with the subject. A law may be very good on paper, but unless it is worked by an officer who is able to cope with the situation which this difficult problem of customary rights involve, it is not guaranteed to secure the confidence of the people for whom that law is intended. It may be within Your Honour's recollection that during the discussions of the Bill in the Ranchi Conference, I drew Your Honour's special attention to the fact that very competent officers should be selected for the carrying out of the provisions relating to the recording of customary rights, and I repeat that prayer also on the present occasion.

"It has been a long time since the first draft of this Bill was placed before the public, and we have had a long discussion over it. We are immensely grateful to Your Honour for the very keen interest which was taken by you throughout the whole discussion and for the anxious care which Your Honour evinced in trying to be personally acquainted with the requirements of the people who are directly interested in this Bill. Our acknowledgments are also due to the Hon'ble Mr. Vincent, the Member in charge of the Bill, for the great trouble which he has taken in shaping the Bill in a way that has met with the approval of the public generally and for the judicial frame of mind which he brought to bear upon the discussion of the Bill in the Select Committee.

"Before concluding, I crave Your Honour's permission to allude to one matter which, though not strictly relevant to the purpose of this Bill, is not altogether foreign to it. The Bill which is going to be enacted will apply to all the districts of Chota Nagpur excepting Manbhum, where it may be extended later on with certain modifications to suit the conditions of that district. The five districts within Chota Nagpur have, since time immemorial, formed one Civil District under one District Judge, who is called the Judicial Commissioner of Chota Nagpur. Your Honour, when I was leaving Ranchi yesterday to attend this Council Meeting, I was informed that a proposal has emanated from Government to curtail the jurisdiction of the Judicial Commissioner of Chota Nagpur by taking out of his jurisdiction two districts, namely, the districts of Manbhum and Singhbhum, and lump them with Sambalpur and form these three districts into one Civil District, under one District Judge, with head-quarters at Sambalpur. I wish that my information were not correct, as I can hardly believe that Government could seriously think of effecting a fusion of such incongruous elements. I unhesitatingly say, Your Honour, that the district of Maubhum and a good portion of Singhbhum have nothing in common with Sambalpur, and, to place them under the District Judge of Sambalpur, with head-quarters at Sambalpur, will be productive of as much hardship to the people of those two districts

[*Babu Kali Pada Ghosh ; Babu Jogendra Chandra Ghose.*]

as may be felt by the people of Hooghly and Burdwan if they were placed under the jurisdiction of the District Judge of the Sonthal Parganas, with head-quarters at Dumka. Your Honour, I fervently pray that at the close of your administration you will not accord your sanction to this scheme which, if carried out, will, I assure you, give a rude shock to the people of Chota Nagpur. We are already very grateful to Your Honour for the help which Your Honour rendered us in preventing the transfer of a good portion of Chota Nagpur to the Central Provinces, which was a part of the original partition scheme of Bengal.

"I should be highly thankful if Your Honour could see your way to make a definite pronouncement on the subject, so that it will be known how we really stand in regard to the proposed scheme."

The Hon'ble BABU JOGENDRA CHANDRA GHOSE said:—"I think we have every reason to congratulate the Hon'ble Member in charge of the Bill on the very satisfactory conclusion of his labours. When the Bill was introduced, I objected to it on two grounds. The first was about the curtailment of the jurisdiction of Civil Courts.

"My second complaint was that the provisions of the Bengal Tenancy Act should be introduced in Chota Nagpur, so far as they were possible. I find that the first objection has been given effect to, and as regards the second, I am glad to find that so much of the provisions of the Bengal Tenancy Act as can be introduced into Chota Nagpur have been introduced by the Select Committee, and to-day, through the exertions of my hon'ble friend, Rai Kishori Lal Goswami, Bahadur, most of his amendments were taken from the Bengal Tenancy Act, and which I am glad that the Hon'ble Member in charge of the Bill has accepted."

The motion was then put and agreed to.

The Council was then adjourned *sine die*.

CALCUTTA ;

*The 8th October, 1908.*

F. G. WIGLEY,

*Secretary to the Bengal Council.*



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

The Council met in the Council Chamber on Saturday, the 28th November, 1908, at 11 A.M.

**Present:**

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

The Hon'ble MR. F. A. SLACKE, C.S.I.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. S. P. SINHA, ADVOCATE-GENERAL OF BENGAL

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. F. W. DUKE.

The Hon'ble MR. W. A. INGLIS, C.S.I.

The Hon'ble MR. C. E. A. W. OLDHAM.

The Hon'ble SIR CHARLES ALLEN, Kt.

The Hon'ble MR. E. P. CHAPMAN.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DOWLA AMIR-UL-OMRAH NAWAB ASEF KUDR SYUD WASIF ALI MEERZA KHAN BAHADUR MAHABUT JUNG, Nawab Bahadur of Murshidabad.

The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, M.A., B.L.

The Hon'ble MAHARAJADHIRAJA BIJAY CHAND MAHTAB BAHADUR, OF BURDWAN.

The Hon'ble BABU GAJADHAR PRASAD.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI, M.A., B.L.

The Hon'ble MR. F. A. LARMOUR.

The Hon'ble MR. W. BROWN.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble MR. M. S. DAS, C.I.E.

**NEW MEMBERS.**

The Hon'ble MR. F. A. SLACKE, C.S.I., the Hon'ble MR. W. C. MACPHERSON, C.S.I., and the Hon'ble MR. M. S. DAS, C.I.E., took their seats in Council.

[*Babu Gajadhar Prasad ; Mr. Oldham.*]

## QUESTIONS AND ANSWERS.

### CONSUMPTION OF LIQUOR.

The Hon'ble BABU GAJADHAR PRASAD asked :—

Will the Government be pleased to state whether the consumption of liquor has recently been on the increase? If so, to what extent? In view of the fact that the prices of food-grains are abnormally high and that the people are in distress, will it please the Government to state what measures the Government considers it necessary to adopt for the prevention of the increase of consumption?

The Hon'ble MR. OLDHAM replied :—

"The general answer to the Hon'ble Member's question whether the consumption of liquor has recently been on the increase must be in the affirmative.

"In regard to the *extent* of the increase, it is to be remembered that only a little more than half of the area of the Province is under the contract or central distillery system. It is only with regard to this area that precise figures of consumption of liquor are available. With regard to the area under outstills, exact information as to the quantity of country spirit sold and consumed is not available.

"The Provincial Excise Administration Report for 1907-08, to which the Hon'ble Member is referred, shows a considerable increase of consumption only in Calcutta, Burdwan and the Sonthal Parganas.

"In Calcutta the increase was partly due to increase in population and increased wages, and partly to the larger supplies of liquor taken out by the vendors towards the end of last year in view of the increase in duty from April, 1908.

"In Burdwan the increase was mainly due to a larger influx of the labouring classes in the collieries and to better wages paid to them, but was also in part due to reduction of exorbitant prices which were formerly charged by vendors.

"In the Sonthal Parganas it was mainly due to a very good lac business and to better wages earned by the labourers.

"In the central distillery areas of the Patna Division, where the effect of high prices of food-grains was more felt, the consumption of liquor decreased. A statement is placed on the table showing the consumption of country liquor in the several districts under the contract or central distillery systems during the first seven months of 1907-08, and the corresponding period of the current year. This statement shows a large decrease of consumption in Calcutta, the Patna Division and the Sonthal Parganas as compared with that of 1907-08.

"With the object of checking consumption, the duty on country spirit was raised in ten districts in the year 1907-08. And since the beginning of the current year, the duty or cost price has been further raised in twelve districts (or parts of districts). License fees have also been generally raised, and maximum retail prices have also been raised in certain districts. Reductions have been made in the number of liquor shops; and, on discussion of the subject at the recent Conference of Commissioners of Divisions, it was determined that the lists of licensed shops should be further scrutinised. It is also intended to abolish the outstill system throughout the Bhagalpur Division with effect from next year. Strength of liquor has been regulated in the contract and central distillery areas; and in Calcutta the maximum limit of strength has been reduced and further reduction is under consideration."

[Mr. Oldham.]

Statement showing the consumption of country spirit in the distillery and contract areas from April to October 1908 (seven months) as compared with the corresponding period of the previous year.

Division.	District.	Consumption during the first seven months (April to October) of 1907-1908.	Consumption during the first seven months (April to October) of 1908-1909.	Increase or decrease during the current year.	REMARKS.
		Gals. L.P.	Gals. L.P.	Gals. L.P.	
Burdwan	Burdwan	27,307	29,530	+2,223	
	Birbaun	4,134	4,544	+410	
	Bankura	11,843	10,823	-1,020	
	Midnapore	19,662	18,462	-1,200	
	Hooghly	15,087	14,897	-190	
	Howrah	6,101	5,259	-842	
Presidency	24-Parganas	23,184	19,774	-3,410	
	Calcutta	191,745	155,748	-35,997	
	Nadia	5,926	4,905	-1,021	
	Murshidabad	5,200	4,748	-452	
	Jessore	3,288	3,003	-285	
	Khulna	3,818	3,746	-72	
Patna	Patna	55,996	39,767	-16,229	
	Gaya	30,048	19,542	-10,506	
	Shahabad	8,571	9,136	+565	
	Saran	22,698	18,388	-4,310	
	Champanan	3,589	3,662	+73	
	Muzaffarpur	3,196	6,056	+2,860	
	Darbhanga	2,724	2,122	-602	Increase due to extension of distillery area
Bhagalpur	Monghyr	15,499	17,962	+2,463	Ditto.
	Bhagalpur	5,938	10,531	+4,593	Ditto.
	Purnea	...	...	...	
	Darjeeling	27,078	26,564*	-514	
	Sonthal Parganas	49,818	4,979	-7,839	
Orissa	Cuttack	5,055	4,690	-365	
	Balasore	1,930	1,817	-113	
	Angul	...	...	...	
	Puri	2,669	2,022	-647	
	Sambalpur	6,057	5,046	-1,011	
Chota Nagpur	Hazaribagh	7,189	6,106	-1,083	
	Ranchi	...	...	...	
					A portion of this district has been under the distillery system this year, but figures are not given, as there are no available figures for the last year.
	Palamau	...	...	...	
	Maubhum	67,260	67,303	+43	
	Singbhum	...	...	...	
	Total	632,610	558,132	+13,230 -87,708	

[*Babu Gajadhar Prasad ; Babu Kali Pada Ghosh ; Babu Radha Charan Pal ; Mr. Duke.*]

#### DISTURBANCES IN THE CHAMPARAN DISTRICT.

The Hon'ble BABU GAJADHAR PRASAD asked :—

Has the attention of the Government been drawn to the representation of the raiyats of Champaran, which was published in the *Amrita Basar Patrika* of the 17th November, 1908? Will the Government be pleased to state whether it has taken any step to make an independent inquiry into the alleged grievances? Will it please the Government to appoint a Commission, consisting of some high Government officers, some leading indigo-planters, and some distinguished Indian gentlemen of the Tirhut Division, for the purposes of such inquiry?

The Hon'ble BABU KALI PADA GHOSH asked :—

Has the attention of the Government been called to the articles which have appeared from time to time in the *Bengalee* and other newspapers regarding the state of things in the Bettiah sub-division of the Champaran district?

Is it the case that a number of persons were arrested and confined in *hajats*, and that they had subsequently to be released, as their arrest and confinement were found to be illegal owing to the absence of the previous sanction of the Government which is necessary for a Magistrate to take cognizance of the offences with which they were charged?

Will the Government be pleased to inquire whether it is the case, as stated in one of the reports which appeared in the newspapers, that complaints made by the cultivators at the local thana against some indigo-planters were refused by the Sub-Inspector and the cultivators were referred to the Sadar?

Is it the case that the Divisional Commissioner held a conference with the indigo-planters?

Was any such conference held with the cultivators or their representatives? If not, why not?

Will the Government be pleased, in view of the troubled state of things in the Bettiah sub-division, to direct an independent inquiry into the situation by an officer unconnected with the locality?

The Hon'ble BABU RADHA CHARAN PAL asked :—

(a) Has the attention of the Government been drawn to the report published in the *Bengalee* newspaper of the 30th October last, under the heading—"An apprehended Indigo Disturbance in Champaran," in which it is alleged that attempts are being made to compel the raiyats at Champaran to grow indigo and sugarcane on their lands on terms offered by the factories, and that people are intimidated and that a woman has been beaten to death?

(b) Is it a fact that a petition has been submitted by the raiyats to His Honour the Lieutenant-Governor on the subject? Has any reply been given to it?

(c) Is it true that one of the signatories to the petition, named Sital Roy, was arrested, handcuffed and sent to prison without being informed of the charge on which he was arrested?

(d) Is it a fact, as reported in the *Bengalee* of 3rd November, 1908, that 200 warrants have been issued for the arrest of the leading raiyats, who have refused to sow indigo in their lands?

(e) Has the Government made inquiries into the matter? If the allegations are true, what orders have the Government been pleased to pass for the protection of the raiyats?

The Hon'ble MR. DUKE replied :—

"The attention of Government has been directed to the disturbances in Champaran ever since they commenced. Its attention was first attracted by the actual occurrence of breaches of the peace; for no representation had been addressed to it or any of its officers on behalf of the persons who



[*Mr. Duke; Babu Kali Pada Ghosh; Mr. Oldham*]

created the disturbance until breaches of the peace had taken place and the law had been put in motion to repress them.

• "Government is not aware that any persons had to be released in consequence of the absence of its sanction to prosecute them, as sanction was granted in the cases in which it was asked for.

"It is not possible to answer in further detail at present, but Government has set itself to restore order and repress crime. The neighbourhood is now generally quiet; and, as soon as it is reasonably certain that there will be no further resort to violence, a full inquiry will be made into the causes of the outbreak. An experienced officer has been selected and furnished with full instructions as to the subjects to be examined; but no such inquiry could be undertaken without greater danger to the public peace or usefully conducted so long as the peace of the district continues to be disturbed."

#### MINISTERIAL OFFICERS' SALARIES COMMITTEE.

The Hon'ble BABU KALI PADA GHOSH asked:—

At the meeting of the Council held on the 4th April last, the Hon'ble the Financial Secretary was pleased to observe that the Government considered it a matter of regret that final orders had not been issued until then on the recommendations made by the Ministerial Officers' Salaries Committee, and that certain further information had been called for by the Supreme Government, and endeavour was being made to supply this as early as possible.

Will the Government be pleased to state if final orders on this matter have been received by this time, and, if not, when the Government expects to receive the same?

The Hon'ble MR. OLDHAM replied:—

"Final orders have not yet been received on the recommendations of the Committee. As the recommendations involve reference to the Secretary of State, this Government cannot say when orders will be received."

#### CASE OF PRISONER DURGA CHARAN SANYAL.

The Hon'ble BABU KALI PADA GHOSH said:—

I have the honour to call attention to the case of Durga Charan Sanyal of the Darjeeling Mail assault case, and to inquire if this Government has consulted the Government of Eastern Bengal and Assam. If so, will the Government be pleased to announce its decision with regard to the release of the prisoner?

The Hon'ble MR. DUKE replied:—

"The Lieutenant-Governor has carefully considered the case of Durga Charan Sanyal and has also consulted the Government of Eastern Bengal and Assam on the subject. It has been decided that the prisoner should be kept under medical observation in jail for a period of six months. After the expiry of that period it is hoped that the Government will be in a position to pass final orders in the case. Meanwhile, it is proposed, in view of the doubts which exist as to the prisoner's sanity, that his treatment in jail should be as lenient as is compatible with proper discipline."

#### PUBLICATION OF AN INCRIMINATING ARTICLE ON THE TILAK CASE.

The Hon'ble BABU KALI PADA GHOSH asked:—

Is it the case that a warning was administered by the Government to some Anglo-Bengalee papers for publishing an incriminating article on the Tilak case, which formed a part of the Judicial proceedings in that case? If so, was any such warning administered to Anglo-Indian papers which published the self-same article? If not, will the Government be pleased to state the reason for this difference of treatment?

[*Mr. Duke; Babu Radha Charan Pal; Mr. Oldham.*]

The Hon'ble MR. DUKE replied:—

"The warnings given were in every case confidential. They were addressed to all newspapers in Bengal which, to the knowledge of the Government, had republished the incriminating articles. They pointed out the impropriety and possible consequences of this conduct."

VISIT OF CERTAIN STUDENTS TO CHAIBASSA.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(a) Has the attention of the Government been drawn to the report published in the *Bengalee* newspaper of the 9th October last, in which it is stated that forty Science students of the Calcutta Presidency College went with their Professor to study Geology at Chaibassa on the 29th September, 1908, but that Mr. Carey, the District Officer, treated them with indignity and turned them away?

(b) Did Mr. Carey, before taking such an extreme step, communicate with the Principal of the Presidency College or the Government in order to ascertain the *bona fides* of the students and their Professor?

(c) If the facts stated in the newspaper be true, what notice has the Government been pleased to take of the conduct of Mr. Carey?

The Hon'ble MR. DUKE replied:—

"The matter referred to in the report published in the *Bengalee* has been and still is, under the consideration of the Government."

THE CHOTA NAGPUR ENCUMBERED ESTATES (AMENDMENT)  
BILL, 1908.

The Hon'ble Mr. Duke moved that the Hon'ble Mr. Slacke be added to the Select Committee on the Bill further to amend the Chota Nagpur Encumbered Estates Act, 1876.

The motion was put and agreed to.

THE BENGAL COURT OF WARDS (AMENDMENT) BILL, 1908.

The Hon'ble Mr. Duke presented the Report of the Select Committee on the Bill further to amend the Court of Wards Act, 1879.

THE INDIAN LUNATIC ASYLUMS (AMENDMENT) BILL, 1908.

The Hon'ble Mr. Oldham moved for leave to introduce a Bill to amend the Indian Lunatic Asylums Act, 1858.

He said:—"Section 7 of the Indian Lunatic Asylums Act, 1858 (XXXVI of 1858), declares that a lunatic may be sent to an asylum in a Presidency-town under the simple procedure of an order signed by some person connected with the lunatic and supported by a certificate signed by two medical officers; and, when a lunatic is sent to an asylum under this section, the Visitors or the Superintendent of the asylum may require his friends to engage to pay his expenses in the asylum, unless it appears that they are wanting in means. When it is desired to send a lunatic to an asylum situated outside a Presidency-town, that can only be done (in cases where the Magistracy or the Police do not find it necessary to take action) under the order of the Civil Court, the obtaining of which is apt to cause much delay and expense to the parties.

[*Mr. Oldham ; Nawab Bahadur of Murshidabad Amir-ul-Omrah.*]

"By section 17B of the Indian Lunatic Asylums Act, 1858, the Governor General in Council is empowered to direct that any Lunatic Asylum in Bengal which is situated at a greater distance than three hundred miles from Calcutta shall be deemed, for the purposes of the Act, to be situated in the Presidency-town; it is proposed by the present Bill to amend that section by getting rid of this limitation as to distance. The result will be to admit of a direction being given to the effect that the asylum at Berhampore and the projected asylums at Ranchi (when opened) shall be deemed to be 'Lunatic Asylums at the Presidency,' and the simple procedure of section 7 will again become available for dealing with Calcutta lunatics."

The motion was put and agreed to.

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

The motion was put and agreed to, and the Secretary accordingly read the title of the Bill.

The Hon'ble Mr. Oldham also moved that the Bill be taken into consideration at the next meeting of the Council.

The motion was put and agreed to.

#### FAREWELL SPEECHES.

The Hon'ble the Nawab Bahadur of Murshidabad Amir-ul-Omrah said :—  
"Your Honour, with your permission I should like to address a few words regarding the abominable incident which took place nearly three weeks ago, which has so much convulsed society and thrown such a thick veil of shame over the country—I mean the dastardly attempt which was made on Your Honour's life at the Overtown Hall in College Street, an event to which I cannot refer without the greatest regret. The gravity of the crime is only surpassed by the great indignation it has roused and the keen sympathy with Your Honour which it has evoked. The enthusiastic ovation that greeted you unmistakably showed with what abhorrence those present there looked upon the acts of the would be assassin and with what thankful delight they cheered your most miraculous escape. It was the hand of Providence that saved your life. The exceptional courage and coolness which Your Honour displayed have won universal admiration. We were settling down to think that we had heard of or seen the last of such misdeeds, but the latest and most audacious development has undeceived us, and it seems as if all the assurances of loyalty and manifestations of devotion, the expressions of sympathy and promises of co-operation, the eloquence of speakers and the earnestness of writers, on the side of peace and order, have had but little effect in eradicating the evil which has now assumed such horrid proportions. Whatever may be the immediate object of these repeated villainous acts, there can be no doubt they have to a great extent tended to confirm the apprehension that this spirit of anarchism, confined though it be to a very small section of the community, has taken deeper root than many were aware of or cared to believe. And what is more deplorable, such misconduct cannot but bring misery upon the innocent for the misdeeds of the guilty.

"That such disgraceful incidents should conduce to leave a stain, a very black stain, on the traditional and proverbial loyalty of Bengal, is a matter much to be regretted. The tide of misfortune which is carrying the time-honoured reputation of the country for loyalty towards the abyss of destruction should no longer be allowed to pursue the ruinous course it has so unhappily taken. I speak with all the emphasis I can command, and assure you, if any assurances were required, that crimes and criminal inclinations such as these have nothing but our utter abhorrence and detestation. As I said not long ago, to the hopes and aspirations of the millions of India he commits untold mischief who by such nefarious deeds attempts to retard the progress which India under British Rule is

[*Maharajadhiraja Bijay Chand Mahtab Bahadur ; Babu Gajadhar Prasad.*]

steadily making in the path of advancement. Let every man, who has any sense of honour, any respect for the good name of his country and community, and any regard for his religion, help to the best of his ability in unravelling the mystery that shrouds these crimes and in eradicating the evil that is eating into the vitals of India.

"I offer Your Honour our sincerest congratulations on your narrow escape, and hope that the same protection may always be vouchsafed to you as spared your valuable life on the memorable evening of November 7th.

"In your immediate presence this is the last opportunity we have of expressing our appreciation of your work not only within the walls of this Chamber but also outside it. The several reforms and measures you have during your term of office inaugurated for promoting the welfare of the people entrusted to your charge have evoked, as they were bound to, evoke, a deep sense of gratitude, and there can be little doubt that these will be living monuments of your thought, action and good work in the country which will, in but two days' time, with the greatest sorrow and reluctance bid farewell to you, but which will yet hope to profit by your help and sympathy, though you will be far away from it."

The Hon'ble MAHARAJADHIRAJA BIJAY CHAND MAHTAB BAHADUR of Burdwan said:—"Your Honour this is the last occasion on which you will preside over this Council. We, the non-official members of this Council, beg to offer to Your Honour our sincerest thanks for the very kind consideration that you have always shown to us in Council and out of Council. We, the members of the Hindu community, very deeply feel that, during the last days of Your Honour's *regime* in Bengal, we have given you trouble and anxiety through the misdeeds of a few misguided youths, encouraged by wicked lunatics behind. Sir, I may assure you, on behalf of myself and my Hindu colleagues in Council that the majority of us, a vast majority, I may say, very much deprecate the present state of affairs, and are quite willing to co-operate with Government in the restoration of peace and unity. The only thing we ask from Government is, that while it should take strong measures it should show a sympathetic attitude towards those who are truly loyal. Sir, it is with great reluctance that we bid you good-bye in Council. We sincerely hope and pray to God that you will have a safe and pleasant voyage to your home, and that from there you will be spared by God to take an interest in the province over which you have ruled for five years."

The Hon'ble B BU GAJADHAR PRASAD said:—"May it please Your Honour, as this is the last meeting of the Council over which Your Honour presides, I think it is my duty to express, on behalf of the people of Bihar, the deep debt of gratitude which they owe Your Honour and express the deep regret which they feel at Your Honour's retirement.

"I am glad to say that Your Honour treated the people under your charge just as *Ma Baps* treat their children, and it was in accordance with that mode of treatment that you took special care for the Biharis and other backward people.

"It may be that you might have made some mistakes during your administration, but I think there can be no doubt that you had always the good of the people at heart.

"Your Honour gave us a Training College for female teachers, and thereby advanced the cause of female education, and, in this connection, I cannot help thanking Mr. Earle, our popular Commissioner, for the deep interest which he is taking in the institution.

"You gave us a Training College for teachers and thereby gave greater facilities to our young men to qualify themselves for teacherships.

"You improved the Patna College, the Medical School and the Bihar School of Engineering to a great extent. The Biharis are much indebted to



[*Babu Gajadhar Prasad; Mr. M. S. Das; Mr. Larmour.*]

Your Honour for the establishment of a Hindi Chair in the Presidency College and in the Patna College, and I hope your absence from India will not affect the stability of these institutions. I don't exaggerate when I say that your name has been a household word in Bihar, and the people of the province have rightly resolved to have a separate memorial to keep your regime fresh in the minds of the people.

"We always took you to be a virtuous ruler. God protects the virtuous, and it is the protecting hand of Providence that has preserved Your Honour on successive occasions terminating in the event at the Overtoun Hall. I think that, except the anarchists, there is no soul in Bihar, Bengal and Orissa who does not condemn the dastardly attempt on the life of such a noble ruler.

"May Your Honour, Lady Fraser, and your children live in peace and prosperity is the prayer which Bihar puts up before the Almighty.

"Bihar is proud of and grateful to His Highness the Maharajadhiraja Bahadur of Burdwan for the courage and manliness which he displayed in trying to save the life of such a virtuous ruler at the risk of his own life, and I congratulate His Highness upon these virtues.

The Hon'ble MR. M. S. DAS said:—"Your Honour, I do not think that I should be doing my duty as representative of Orissa, neither do I think that I should be doing my duty to Your Honour if I do not, from my seat here, give expression to the feelings of gratitude which the people of Orissa have felt, and continue to feel, for the deep interest Your Honour has always taken in the affairs of Orissa. Though I had not the pleasure of watching the proceedings or associating myself with the proceedings of this Council during Your Honour's presidency, I know how anxious Your Honour was to see that Orissa was represented in this Council, and though this may be the last meeting of this Council, the people of Orissa have the satisfaction of knowing that there is more than one member. From the feudatory chiefs to the poor raiyats in Orissa, all have felt the keen interest, the keen and kind interest Your Honour has always taken. The law of landlord and tenant in Orissa has for some time been felt as being unsatisfactory, and the latest news we get is that Your Honour has deputed an officer, specially qualified for the purpose—Mr. Maddox—to inquire into the law of Orissa. I fully endorse the words in reference to the dastardly attempt on Your Honour's life—the words that fell from the Hon'ble Nawab Bahadur of Murshidabad and those of the Hon'ble Maharajadhiraja of Burdwan. I come from a province where anarchists and anarchism are not known, and the indignation felt here is more than surpassed by the indignation of the people of Orissa. And, certainly, we Indians have to congratulate ourselves that in this Council Room we have a nobleman, whose sense of duty to Your Honour, and whose loyalty to His Majesty, induced him to stand between the revolver and Your Honour's person. Let me assure you, Your Honour, that though a few villainous fanatics (their number is only very small) may entertain a dangerous political creed, which will die with them, either on the gallows or will be washed away in tears of penitence in the dark cells of a prison, the world outside is thoroughly loyal, and will remember your rule in this province with feelings of gratitude, sincere gratitude. Let me on behalf of the people of Orissa wish Your Honour a safe journey home, and long life and prosperity in your country amongst those who are dear and near to you."

The Hon'ble MR. LARMOUR said:—"On behalf of the community I represent in this Council, I wish to express to Your Honour the feelings of indignation held by that community on the dastardly attempt made on Your Honour's life in the Overtoun Hall, and the relief felt by us all in the knowledge that the attempt of the would-be assassin had failed. That the Maharajadhiraja of Burdwan should have acted as he did by interposing his own person to receive the bullet intended for Your Honour is no surprise to us who have the privilege of his acquaintance. He has evidenced the courage of his convictions, not by word only but by acts, and has always loyally given his support to the maintenance of law and order among his fellow countrymen. My community,



[*Mr. Larmour ; Mr. Brown ; President.*]

Sir, have always felt that in Your Honour as the Head of the Province we have had a just and upright Governor, who has looked with forbearance on our shortcomings and who has been a kind and sympathetic friend to all who have needed Your Honour's guidance and advice. During a time of sickness, overwhelmed with official work and full of family cares, you have always found time, Sir, not only to receive our written representations, but to give a patient hearing to our representatives whenever there has been occasion for them to trouble Your Honour with interviews, and I wish to thank Your Honour for your unfailing courtesy and kindness towards us. I do not think that I can add very much to what has already been said by the speakers who have preceded me. I have no doubt that those who follow me will be able to express to Your Honour better than I have done the very great pleasure that one and all of the non-official members in Council have had in serving in the Council, with Your Honour as President. I join with these members in wishing Your Honour, Lady Fraser, and your family, a very pleasant voyage home. We trust you will enjoy long rest and happiness in that small land we all call "Home" and to which every Englishman in this country looks forward to return."

The Hon'ble MR. BROWN said.—"Your Honour—With your permission I desire to add a word of very sincere regret that this is the last occasion on which you will preside at this Council. I wish also to acknowledge as representing the mercantile community of Calcutta, the ever ready and sympathetic way in which you have invariably received any representations which they have put forward, as also the many opportunities you have given them of expressing their views on all matters affecting the welfare of the public. I assure you, Sir, that they have a very thorough sense of the great and exceptional difficulties which have characterised the period during which you have been the Ruling Head of this Province, and they fully appreciate the large measure of success which has attended your administration. During the last few months, in the very trying circumstances which have unfortunately existed, the strain which you have had to bear must have been very heavy, and the manner in which you have dealt with the position, and, in particular, your attitude in the face of grave personal danger, have elicited the admiration of all sections of the people. I congratulate you, Sir, that in bringing your administration to a close you do so amidst universal expressions of appreciation and regard, and that you carry away with you to such a marked degree the respect and good will of the people of this country."

The Hon'ble the PRESIDENT replied ;—"Nawab Bahadur and Gentlemen, I thank you for the expression you have given to your feelings of loyalty, your execration of anarchy and crime, and your personal goodwill to me and mine. I am sure that there is a strong feeling throughout the country that sedition and lawlessness must be put down with a strong hand, and that the loyal subjects of His Majesty must stand by the Government in this matter. The vast majority of the people are loyal; and they will no longer (I believe) suffer the tyranny of a small but unscrupulous and noisy minority. They will rally effectively for the support of order, and assist the Government effectively in the measures it takes to suppress crime.

"Gentlemen, I have to take leave of you to-day. I have always recognised the members of my Council as my colleagues: my relations with them have always been frank and friendly. I part from them with great regret. I wish the Council itself, and every member of it, all happiness and prosperity; and I can assure you that I shall always remember with pleasure our work together in this Council Chamber."

The Council was then adjourned to a date to be announced hereafter..

CALCUTTA ;

The 7th December, 1908.

F. G. WIGLEY,

Secretary to the Bengal Council.

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