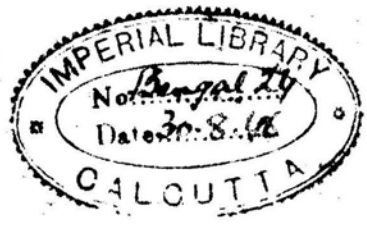
# Proceedings

OF THE

# BENGAL LEGISLATIVE COUNCIL.




## Index to Vol. XLV.

JANUARY TO DECEMBER, 1913.

*Published by authority of the Council.*

CALCUTTA:
BENGAL SECRETARIAT PRESS.
1914.

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*Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Indian Councils Acts, 1861, 1892, 1909 and the Government of India Act, 1912.*

THE Council met in the Council Chamber at Government House on Saturday, the 18th January, 1913, at 11 A.M.

**Present :**

His Excellency the Right Hon'ble THOMAS DAVID, BARON CARMICHAEL OF SKIRLING, G.C.I.E., K.C.M.G., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR FREDERICK WILLIAM DUKE, K.C.I.E., C.S.I., *Vice-President.*

The Hon'ble MR. P. C. LYON, C.S.I.

The Hon'ble NAWAB SYED SHAMS-UL-HUDA.

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

The Hon'ble MR. J. G. CUMMING, C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. B. K. FINNIMORE.

The Hon'ble MR. J. H. KERR, C.I.E.

The Hon'ble MR. H. L. STEPHENSON.

The Hon'ble MR. B. B. NEWBOULD.

The Hon'ble MR. J. DONALD.

The Hon'ble MR. S. L. MADDOX, C.S.I.

The Hon'ble MR. C. H. BOMPAS.

The Hon'ble MR. B. C. MITRA.

The Hon'ble MR. G. W. KÜCHLER, C.I.E.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR.

The Hon'ble SIR FREDERICK GEORGE DUMAYNE, KT.

The Hon'ble MR. S. P. SINHA.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The HON'BLE MR. BYOMKESH CHAKRABARTI.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MAHARAJA JAGADINDRA NATH RAY.

The Hon'ble RAJA SASHI KANTA ACHARJI CHAUDHURI BAHADUR.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI.

The Hon'ble MR. J. G. APCAR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. NORMAN MCLEOD.

The Hon'ble MR. J. C. SHORROCK.

The Hon'ble MR. W. T. GRICE.

The Hon'ble MR. V. WOODS.

The Hon'ble MR. A. W C. CHAPLIN.

The Hon'ble MR. GOLAM HOSSEIN CASSIM ARIFF.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI MUSHARRAF HUSAIN.

The Hon'ble MAULVI ABUL KASEM FAZ-UL-HAQ.

The Hon'ble NAWAB SAIYID HOSSAM HAIDAR CHAUDHURI, KHAN BAHADUR.

The Hon'ble MAHARAJA RANAJIT SINHA.

The Hon'ble RAI NALINAKSHA BASU BAHADUR.

The Hon'ble RAJA MAHENDRA RANJAN RAY CHAUDHURI.

The Hon'ble NAWAB SAIYID, NAWAB ALI CHAUDHURI, KHAN BAHADUR.

The Hon'ble BABU PRASANNA KUMAR RAY.

The Hon'ble BABU SURENDRA NATH BANERJI.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY.

The Hon'ble RAI HARI MOHAN CHANDRA BAHADUR.

The Hon'ble BABU ANANDA CHANDRA RAY.

The Hon'ble BABU UPENDRA LAL RAY.

[*The President.*]

## OATH OR AFFIRMATION OF ALLEGIANCE.

Each Additional Member of the Council present made the prescribed oath or affirmation of allegiance to the Crown.

## THE PRESIDENT'S ADDRESS.

His Excellency the President said :—

GENTLEMEN—

You have come here for the first meeting of the Legislative Council of the Governor of Bengal. I feel proud to preside over you. I feel not only proud but glad to welcome you. We all share the same hope—that as a Council we may do good. Most of you are the elected representatives of constituencies. Some of you have so deserved the confidence of your fellow-citizens that you come here unopposed. I never was able to do that myself, but I respect those who can, and I congratulate you. Others of you have fought an election and have won. I have fought elections. I have lost often enough and I have won often enough to be able to congratulate you also most sincerely.

I thank those who have come here on my invitation as nominated Members. I chose you because I believe that, whether officials or non-officials, you will be active in the true interests of those for whose good we exist. Our meeting to-day is a formal one, but we look forward to other meetings when we shall show that much as we may differ among ourselves in some things—possibly in many things—we are all united in our determination to do what we can for Bengal, for India and for the Empire.

Bengal has been without a Council for nearly ten months. Some of you perhaps thought this unfortunate. You may have wished for legislation—some of you, I know, would have liked to ask questions and to move resolutions. But the delay was unavoidable. Now that there is a Council you will, I feel sure, make full and fair use of it, and I feel sure that those of us who have to answer questions or to give consideration to criticism will do so fully and fairly.

Speaking for the first time in this room, I cannot help referring for a moment to His Excellency Lord Hardinge with whom and with whose predecessors as Governors General of India this room is so closely associated. A Resolution will be moved directly expresing what we all feel. I shall not in any way anticipate what will then be said much more ably than I could say it, but I would like to express my resolve to be guided as your President, by the principles which guided Lord Hardinge as President in his Council, and my hope that we may all strive according to our lights as devotedly as he did.

Gentlemen, I cannot claim your confidence on the plea of Indian experience. My safest ground for asking it is my knowledge that I can always rely on the whole-hearted and candid advice of your tried friend Sir William Duke. He presided over the Bengal Legislative Council under circumstances now passed away. We are glad that he is to be our Vice-President.

Recent administrative changes made a reconstruction of the Council necessary. My colleagues and I gave, I hope, fair—as we certainly gave lengthy—consideration to all views which were put before us. And I am certain that the Government of India and the Secretary of State gave every consideration to what we put before them. The result, I hope, is not unsatisfactory ; there has been no retrogression from the liberal principles on which the original system of Councils was conceived, rather there has been a progressive development. If that development seems to any of you

[*The President.*]

(as perhaps it may) to be somewhat slow or over-cautious, you must remember that it is not very long, as things go in politics, since the introduction of the general Reform Scheme, and that great changes cannot be made hurriedly in matters of principle anywhere—least of all where—as here in India) changes must affect very varied communities, and where the most advanced must often have to take such comfort as they can from the thought that it is just because they are advanced, that they feel the grief which delay always brings to active-minded men.

We tried to maintain for the public the representation which they enjoyed in the late Legislative Councils of Bengal and of Eastern Bengal and Assam.

The representation of the Corporation as a whole, of the University, of the Bengal Chamber of Commerce, of the Calcutta Trades Association, of Chittagong Port, of the District Boards and of Muhammadans remains unaltered.

In the old Council of Eastern Bengal and Assam the tea interest was represented by two members elected by three Associations (of which only one now remains in Bengal). The tea interests of the province as a whole are now represented by a single elected Member. The jute interest used to be represented by a Member elected by the Narayanganj Chamber of Commerce, an arrangement which was admittedly not intended to be permanent. At first we hoped to form a constituency representing both the cultivating and manufacturing interests connected with jute, but we found that impracticable. We were very anxious to secure for the Council the services of a European gentleman with business-training and with mufassal interests and experience. We should have liked to have organised a suitable electorate for this, but we found we could not, and for the present, therefore, we have had to have recourse to nomination.

In the old Province of Bengal, landholders were treated more liberally than they were in Eastern Bengal and Assam, the two West Bengal Divisions jointly elected two members, while Dacca and Rajshahi elected but one Member alternately and the Chittagong Division elected a Member alternately with the Surma Valley Division. Dacca and Rajshahi Divisions have now been treated on a footing of equality with the Presidency and Burdwan Divisions. But we had only a limited number of elective seats to dispose of, and we had the claims of many important interests to satisfy, and as we could not but feel that Chittagong Division has not the same importance as the other Divisions have, we were not able to extend to it more liberal treatment than it had before.

The municipalities, however, of Chittagong are better off than they were in Eastern Bengal and Assam. There are only six of them; their joint population is less than a hundred thousand. They could not reasonably be placed on the same footing as the more numerous and more populous municipalities in the other Divisions, but while in the old Council their amount of representation could be numerically expressed as one-quarter, they now elect one Member alternately with the landlords and thus secure a representation of practically one-half.

An extra seat has been given to the municipalities in the Presidency and Burdwan Divisions alternately. And an elective seat, for which any one resident in the city may stand, has been given to the non-official Commissioners of the Calcutta Corporation.

Members of Local Boards now vote along with the non-official members of District Boards. The qualifications of landlords in the Presidency and Burdwan Divisions have been lowered. The special franchise for Muhammadans has been extended. These changes will, we hope, interest an increased number of persons in the Council elections.

As regards candidates, Government servants are now expressly excluded. No separate qualifications are prescribed for Muhammadan candidates in their special electorates. Direct voting has been substituted for voting through delegates in the case of election by Local Boards and Muhammadans.

[*The President.*]

Finally, slightly larger powers are conferred on returning officers to enable them to decide quickly questions under dispute. These, gentlemen, are, roughly speaking, the changes that have been made. I think you will agree that their tendency is in the right direction.

You probably expect me to tell you what Bills Government hope to bring before Council. Three Bills will be introduced when we meet next Wednesday—a Public Demands Recovery Bill, a Board of Revenue Bill and a Calcutta Burial Boards Bill. The first of these aims at consolidating and amending the Law relating to the recovery of arrears of land-revenue and certain other State dues. A schedule will clearly set forth the rules of procedure to be followed instead of incorporating portions of the Code of the Civil Procedure by reference.

The Board of Revenue Bill contemplates reduction in the number of permanent Members of the Board from two to one, in consequence of the creation of the Executive Council for Bengal. There has been only one Member since 1910, and there will only be one Member ordinarily in future, though power is taken to appoint a temporary Additional Member in cases of emergency.

The Calcutta Burial Boards Bill empowers Government to appoint a separate Board to superintend the burial of persons other than Christians and Muhammadans for which communities Burial Boards already exist.

Besides these, we hope to bring forward at least five other Bills. There will be a Laws Bill to assimilate, as far as possible, the Statute Law in force in Eastern and Western Bengal and to reconcile differences in matters of detail which were brought about by differences in the legislation on similar subjects passed by the two Councils while Eastern Bengal was a separate Province.

A Calcutta Municipal Loans Bill will aim chiefly at remedying defects in the constitution of a Sinking Fund prescribed by the Calcutta Municipal Act of 1899.

In connection with Sanitary Reform, to which much attention has lately been given by Government, steps are being taken to train a Sanitary Service to assist Municipal Commissioners, and Government will bring forward a Bill enabling them to insist on the employment of Sanitary Officers in mufassal municipalities.

I hope a Bill may be brought in during the present session to consolidate the law relating to the administration of the Port of Chittagong.

Another measure will be a Bill to deal with such evils as cotton-gambling. I want to correct a misapprehension which I fear exists in the public mind. Some newspapers have attributed blame to the Imperial Government, and even to the Viceroy, for delay in issuing the Ordinance for the suppression of cotton-gambling. I wish to state clearly and publicly that neither the Viceroy nor the Government of India was in any way responsible for that delay, and that it is on me that the blame ought to fall. Had I asked sooner than I did for the promulgation of an Ordinance, I have no doubt the Government of India would willingly have granted my request. I did *not* ask for an Ordinance; and perhaps you may think me the more blameworthy in that I thought of asking for one, but deliberately refrained. The legal proceedings, which the Bengal Government took under the present Gambling Act, led to a diminution of the evil but only for a time. After these measures proved unsuccessful, I hoped that vigilant action by the Police and prosecutions for obstruction might keep the evil under sufficient control until the new Legislative Council could deal with it by ordinary legislation.

The promulgation of an Ordinance is a very exceptional procedure, and one which I think should only be followed in the last resort. I hoped that this Council might be constituted sufficiently soon to suppress the evil of cotton-gambling by ordinary legislation, but in this hope I was wrong, and, when I saw that I was, I asked for an Ordinance and I got it. As you know an Ordinance can only remain in force for six months; I sincerely hope we may pass a Bill in the present session which will suppress not only cotton-gambling, but other abuses of a similar nature.

[*Babu Surendra Nath Banerji.*]

I must say something now about the place in which we are met. The Legislative Council of the Governor General used to meet in this room. The Members of my Council are fewer in number than those of the Governor General's Council. The Governor General's Council only occupied the rooms on this floor. I propose to put two other floors at your disposal, but I fear that, in spite of this, the accommodation—both for Hon'ble Members and certainly for the public—may prove at best somewhat inconvenient. I have arranged a common room and a library for you on the ground floor. A Committee room adjoins this Council Chamber and rooms will be provided upstairs for the use of Members of the Executive Council and for Secretaries to Government, where these officers may attend to their ordinary duties at times when their presence in Council is unnecessary. All rooms will be furnished with division bells, and I hope these arrangements may conduce somewhat to your general comfort and convenience, but they do not provide for any improvement in the accommodation in the Chamber itself. After the present session has run on for a little, you and I will be better able to judge what further improvement is desirable. When we know this we can consider whether structural alterations are needed or are possible; and I shall do all I can to meet your wishes. Whatever other alterations are necessary, we ought, I think (if it can be done without undue expense), to provide a separate entrance to this wing and perhaps to put in a lift to convey Members and the public to the Council Chamber. These conveniences would, I am sure, be greatly appreciated, and I think they could be secured without much difficulty.

Before I sit down, gentlemen, I would remind the non-official Members that, after this meeting, you will elect your representatives in the Finance Committee."

## RESOLUTION.

The Hon'ble Babu Surendra Nath Banerji moved the following Resolution :—

This Council desires to place on record its feeling of horror and detestation at the wicked attempt made on the lives of Their Excellencies Lord and Lady Hardinge at Delhi, and its sense of profound thankfulness at their providential escape; and begs to offer its respectful sympathy to Their Excellencies, and earnestly hopes that His Excellency may speedily recover and resume his exalted duties.

He said :—"My Lord, with Your Excellency's permission, for which I am truly thankful, I have the honour to move the above resolution which stands in my name.

My Lord, it is not necessary that I should detain this Council for any considerable length in order to commend this resolution to their unanimous and, I may add, enthusiastic acceptance. It seems to me, my Lord, that it is not enough that we should, in our individual capacities as members of this Council, say what we feel about the attempt, the wicked attempt made on the lives of Their Excellencies. It is necessary that we should proceed a step further and embody the sense—the collective sense—of this Council in a formal and definite resolution. I understand that this has been the procedure followed by other Legislative Councils in India; and, though we may be among the last, I am sure we are not among the least in the intensity of the emotions which the Delhi outrage has awakened in our hearts. Our feeling (and I may say that it is the feeling of the country) which has been expressed in a hundred different ways—through the utterances of our Press, in our Conferences and Congresses, in the recorded resolutions of our public bodies—our feeling is one of horror and detestation at the murderous attack made on Their Excellencies, and of profound thankfulness at their providential escape. Our sense of indignation has been intensified by the thought that the arm of the assassin should have been uplifted against one of the most illustrious of

Indian Viceroys—a Viceroy who, by his private worth and public virtues, has enthroned himself in the hearts of the people. Whatever differences of opinion there may exist in regard to the measures of the Government,—and such differences there must be among a community which does not suffer from stagnation—for the moment, my Lord, the voice of comment, the voice of criticism is hushed, and all sections of our somewhat heterogenous community are united by the common sentiment and by the common desire to render the tribute of our homage and admiration to the great ruler who, the true Englishman that he is, has always placed the claims of duty above all other considerations. If our Government was not a British Government, if Lord Hardinge had not been penetrated through and through with the spirit of British administration and the immemorial traditions of British rule in India, I apprehend there would have been an interruption, perhaps even a set-back, of that course of beneficent policy which has received an added impetus since the visit of His Majesty to this country. God be thanked that this is not to be. Lord Hardinge's affection for the people of India remains unchanged and unchangeable. Our welfare is the dominating thought in his mind. To the Royal message of "Hope", he has superadded a message of "Faith". He has told us that he has faith in the people of India and in their destinies. No nobler or more stirring words were ever uttered by any statesman or minister of the Crown. They will be to us an ever-living source of inspiration. If sorrow and suffering shared be sorrow and suffering relieved, then I will say this, that there has been effected throughout the length and breadth of this wide, wide continent an outburst of respectful sympathy, so deep, so genuine, so moving in its solicitude for the recovery of the Viceroy that I confess, my Lord, that I have not witnessed the like of it in the whole course of my public life. The heart of the Indian peoples has been stirred to its deepest depths; and from our temples and mosques and from the banks of our sacred rivers, the voices of thousands and tens of thousands of devout worshippers are uplifted in daily prayer to the footsteps of the throne of the Supreme that His Excellency may speedily recover and resume those exalted duties, in the performance of which he has won for himself—and in an unstinted measure—the love, the confidence, the gratitude and the admiration of the people of India. One word more and I am done. I feel we should not be doing justice to ourselves if we did not express our gratitude to your Excellency for the cordial welcome which you have extended to us. I cannot forget, my Lord, that this is more or less an historic occasion. This is the first meeting of the first Legislative Council of re-united Bengal (now happily raised to the status of a Presidency Government) under a ruler who, during the short time that he has been with us, has won the hearts of the people committed to his care. We realise the gravity of our obligations and I am sure each one of us here will endeavour, according to his lights and according to the measure of his opportunities, to rise to the full height of his responsibility. We realise the fact that with the Royal visit a new era has dawned in this country—an era in which criticism is to be supplemented by co-operation. We are here, my Lord, not merely to criticise but to co-operate with the Government in the difficult task of administration. Of course in a deliberate assembly like ours, where every question has to be settled after discussion, there must be some amount of criticism. But whatever criticism may be offered will, I am sure, be offered, not indeed with a view to embarrass but to help the Government. Co-operation and not mere criticism will be our dominating note. That I take it, my Lord, is the sense of the country, and of the the mandate with which we have been charged by the constituencies which have sent us here to represent their interests. With these words I beg to move the Resolution.

The Hon'ble Mr. Norman McLeod said :—

Your Excellency—On behalf of the European Mercantile Community of Bengal, I rise to support the Resolution which is now before us and to express our utter abhorrence at the dastardly attempt on the life of our Viceroy, and our gratitude to the Almighty for having preserved his life

[*Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan; Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur.*]

and that of Lady Hardinge, who shared his danger. Some of us may not agree with Lord Hardinge in all things; but that in no way diminishes our admiration for his marked ability, our respect for the conscientious discharge of his duty and of our continued wish for his personal welfare. It is our proud reflection that His Excellency and Lady Hardinge, under the most trying circumstances, displayed the most marked bravery and fully sustained the best traditions of the English race. I am diffident in adding much to what has already been said, but I cannot (in justice to our duties as responsible citizens of this important Empire) but draw the serious attention of my Hon'ble colleagues to a speech made by the Hon'ble Mr. Marshall Reid to a similar resolution at the opening meeting of the Bombay Council. It is reported in page 146 of *Capital* of the 15th instant. I fully endorse what he has said, which expresses the feelings of every right-minded man in India. It is beyond the bounds of belief that the Delhi and similar outrages could take place unnoticed in the midst of a crowd, and yet no one has come forward to denounce the miscreant. We hear all round of the sins of the Police—a deserving but much-maligned body—but not a word of the sins of the people, and I have read and heard of sympathy unveiledly expressed for the most cold-blooded murders. As long as this attitude of mind exists, as long as the Indian populace display apathy, how can any one expect a reasonable man to admit the possibility of giving an equal voice to such people in the administration of this country—people who so little understand what their duties and responsibilities are as loyal citizens?

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN said :—

"MY LORD, as a loyal citizen, as a representative of the landholders of Bengal, on behalf of myself and my constituency and other brother zamindars in this Council, I deem it my sacred duty to support the resolution that has been moved by my Hon'ble friend to the left. For the dastardly attempt on the lives of Their Excellencies, Lord and Lady Hardinge, has moved the heart of everyone in India, and has once more brought into prominence the question of how to deal with anarchism in this land. Let us hope that this incident may be a singular one and that the future may be bright again as the past was until this unfortunate incident occurred. But I am sure, my Lord, that all of us present here (and I speak on behalf of the non-official Indians present in this Council to-day) will agree with me in thinking that whilst we strongly deprecate the attempt on the life of the Viceroy, whilst we hope that the future may be bright again, we know that, in case anarchism makes another headway again in India, not merely an expression of sympathy, but co-operation, not merely words but actions will be necessary to eradicate the evil from the country and, as my Hon'ble friend to the left has already said, the keynote of the new Council, we hope, will be co-operation. So we trust that Government and the Council will co-operate if such a contingency arises. With these few words, my Lord, I support the resolution moved by the Hon'ble Babu Surendra Nath Banerji."

The Hon'ble NAWAB SAIYID, NAWAB ALI CHAUDHURI, KHAN BAHADUR said :—

"MY LORD.—On behalf of the Muhammadan community, I beg to associate myself whole-heartedly with what has fallen from the Hon'ble Babu Surendra Nath Banerji in condemnation of the horrible act of sacrilege which has sent a thrill of horror throughout the length and breadth of this Peninsula. We, Muhammadans, are enjoined by the tenets of our faith to regard a Sovereign as the shadow of God, and the person of our Sovereign's representative in India is, in the eyes of all true Mussalmans, clothed with a sanctity which only falls short of the Divine. Even those whose conduct has not always been free from the stain of disloyalty have, on this regrettable occasion, been horror-struck with the heinousness of the crime. It now remains for us to

[*Raja Mahendra Ranjan Ray Chaudhuri.*]

see that our condemnation may be translated into action, and our best efforts directed to co-operate with the Government in bringing the offenders to justice, and to unravel the meshes of a conspiracy which could give birth to so dastardly a crime.

Those who have known the Indian Mussalmans and are aware of their staunch loyalty and deep devotion to the Throne can easily appreciate the feelings of abhorrence with which the entire Mussalman community regard this abominable crime.

I do not wish to dilate any longer on so regrettable a topic, and will conclude by only adding that, in my opinion, no words can be too strong to condemn a crime which has disgraced the entire country before the eyes of the whole world. Our consolation is that, even in this hour of our deep regret and sorrow, we can rejoice that Providence in its mercy has so miraculously saved the lives of Their Excellencies, and we fervently pray that the same Almighty Providence may guard Their Excellencies for years to come."

The Hon'ble RAJA MAHENDRA RANJAN RAY CHAUDHURI said :—

"MY LORD,—I desire to associate myself, on my own behalf and in the name of the people of the Rajshahi Division, with the observations which my Hon'ble colleagues, who have preceded me, have made with regard to the dastardly and execrable outrage committed upon Their Excellencies Lord and Lady Hardinge at Delhi during their State Entry into that historic and Imperial City. Your Excellency and my Hon'ble colleagues, who have spoken before me, have so aptly expressed the unspeakable horror, indignation and exasperation of the people of the whole Province of Bengal that I find it difficult to say anything more to suitably describe our feelings on the matter. As the whole continent of India was horrified and shocked at the news of this sacrilegious crime, so did it equally rejoice to learn that, while Her Excellency Lady Hardinge was entirely untouched by the vile hands of the assassin, the wounds inflicted upon the Viceroy were not of an alarming nature; and it is with unbounded thankfulness and a profound sense of relief that we now learn that His Excellency is making a steady and sure progress towards recovery. I feel quite sure that the wish which now dominates all minds is that the miserable and detestable creature or creatures who attempted the life of the direct Representative of our most august and devotedly-loved Sovereign and a Representative who himself has so completely conquered the hearts of His Majesty's loyal Indian subjects, I say that such despicable and cowardly assassins may be speedily traced and brought to stern justice. It is not alone the true sentiments of loyalty and devotion to the Crown and personal attachment to Lord Hardinge that lie at the bottom of our deep indignation and exasperation provoked by the dastardly deed. A true Indian, my Lord, who has a drop of love in his heart for his own country and a grain of patriotism in him, must feel deeply stirred and incensed at this vile and abominable attempt to put so black a stain upon the fair fame of his Motherland That being so, I feel certain that the Government will receive, to the fullest measure, the whole-hearted co-operation of every section of the population and the unstinted support of every class and community, educated or otherwise, in the heavy and strenuous task of putting down, with a firm hand, anarchical outbreaks and seditious propagandism. My Lord, I cannot conclude without expressing, on behalf of myself and the people whom I have the honour to represent in this Council, our great admiration and respect which the sublime courage and cool composure of Her Excellency Lady Hardinge and the absolute sang-froid of Lord Hardinge, under those terrible circumstances, have won for themselves, and it is not too much to say that their conduct would be regarded as an example of magnificent courage, handsome nobility of mind and true Christian forbearance in every part of the civilised world; and would even go down to posterity. Permit me, my Lord, to express, on behalf of myself, my sense of

pride and great pleasure at being able to sit in this Council as a representative of the people of the Rajshahi Division—a Council which is not only for the first time in its history presided over by a Governor with a distinguished British and Colonial career, but a ruler who has already given abundant indications of his deep sympathy and affection for the people placed under his rule and whose liberal and large-minded policy has made his name a household word both in the towns and hamlets of Bengal."

His Excellency, in putting the Resolution to the Council, said :—

"I feel so certain that this commands the unanimous assent not merely of every member of this Council but of all the people whom you represent, that I depart from the customary form in putting it before you and merely ask those who are in favour of it to say aye."

The motion was unanimously agreed to.

The Council was then adjourned to Wednesday, the 22nd January, 1913, at 11 A.M.

F. G. WIGLEY,

*Secy. to the Bengal Legislative Council.*

CALCUTTA ;

*The 21st January, 1913.*

B. S. Press—1-2-1913—3152J—500—B N. K.

*Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Indian Councils Acts, 1861, 1892 and 1909 and the Government of India Act, 1912*

THE Council met in the Council Chamber at Government House on Wednesday, the 22nd January, 1913, at 11-30 A.M.

**Present :**

His Excellency the Right Hon'ble THOMAS DAVID, BARON CARMICHAEL OF SKIRLING, G.C.I.E., K.C.M.G., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR FREDERICK WILLIAM DUKE, K.C.I.E., C.S.I., *Vice-President.*

The Hon'ble MR. P. C. LYON, C.S.I.

The Hon'ble NAWAB Syed SHAMS-UL-HUDA.

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

The Hon'ble MR. J. G. CUMMING, C.I.E

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O

The Hon'ble MR. B. K. FINNIMORE.

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The Hon'ble MR. B. C. MITRA

The Hon'ble MR. G. W. KUCHLER, C.I.E.

The Hon'ble RAI PRIYA NATH MUKHARJI BAHADUR.

The Hon'ble SIR FREDERICK GEORGE DUMAYNE, KT

The Hon'ble MR. S. P. SINHA.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. BYOMKESH CHAKRABATTI

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan.

The Hon'ble MAHARAJA JAGADINDRA NATH RAY.

The Hon'ble RAJA SASHI KANTA ACHARJI CHAUDHURI BAHADUR

The Hon'ble DR. DEBA PRASAD SARBADHIKARI.

The Hon'ble MR J. G. APCAR

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. NORMAN MCLEOD

The Hon'ble MR J. C. SHORROCK

The Hon'ble MR W. T GRICE

The Hon'ble MR. V. WOODS

The Hon'ble MR. A W. C. CHAPLIN.

The Hon'ble MR. GOLAM HOSSEIN CASSIM ARIFI

The Hon'ble MAULVI ABUL KASEM

The Hon'ble MAULVI MUSHARRAF HUSAIN

The Hon'ble MAULVI ABUL KASIM FAZ-UL-HAQ

The Hon'ble NAWAB SAIYID HOSSAIN HAIDER CHAUDHURI, KHAN BAHADUR.

The Hon'ble MAHARAJA RANAJIT SINHA of Nashipur

The Hon'ble RAI NALINAKSHA BASU BAHADUR

The Hon'ble RAJA MAHENDRA RANJAN RAY CHAUDHURI

The Hon'ble NAWAB SAIYID, NAWAB ALI CHAUDHURI KHAN BAHADUR.

The Hon'ble BABU PRASANNA KUMAR RAY.

The Hon'ble BABU SURENDRA NATH BANERJI

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY.

The Hon'ble RAI HARI MOHAN CHANDRA BAHADUR.

The Hon'ble BABU ANANDA CHANDRA RAY.

The Hon'ble BABU UPENDRA LAL RAY.

*The Bengal Board of Revenue Bill, 1913.*

[*Raja Mahendra Ranjan Roy Chaudhuri; Mr. Finnimore; Mr. Lyon.*]

## QUESTION AND ANSWER.

### Improvement of the Feeder Road Communications in the Duars and Jalpaiguri Districts.

The Hon'ble Raja Mahendra Ranjan Ray Chaudhuri asked :—

Will the Government be pleased to state what action is under contemplation or likely to be taken to improve the feeder road communications in the Duars and Jalpaiguri Districts, the present unsatisfactory state of which is seriously felt by the Planting community and the Bengal-Duars Railway, as well as by the public ; and the insufficiency of which is seriously checking the development of the tea trade particularly, and others generally. It is believed that the old Military road is proposed to be reconstructed, but this road, so far as I am aware, will not materially benefit the tea trade or the Railway. I understand that a deputation of the Planters waited on His Excellency, while he was at Jalpaiguri, on the subject.

The Hon'ble Mr. Finnimore replied :—

The question of the improvement of the road communications in the Duars is receiving the full consideration of Government, and a conference was held on 20th December, 1912, at Jalpaiguri, at which the Chief Engineer of the Roads and Buildings Branch, the local Civil and Public Works officers, and the following non-officials were present :—Mr. A. W. C. Chaplin, Chairman, Duars Planters' Association, (2) Rai Kalipada Banarji Bahadur, Vice-Chairman, District Board of Jalpaiguri and (3) Maulvi Musharraf Husain. It was resolved at that conference that a good East and West road was required from Kumargram to Tetuliya *via* Alipur, Falakata, Dhupguri, Gairkata, Ramshai, Mainaguri and Jalpaiguri and a North and South road from Ramshai to Matalli, and that if these roads are constructed and maintained by Government, the District Board would maintain all the other roads. The District Board are preparing a scheme for the improvement of these roads and will submit it to Government with an application for a loan to carry out the scheme. Government is awaiting receipt of this scheme.

As regards the two roads proposed to be constructed East to West and North to South, the Superintending Engineer of the Northern Circle has already been asked to report the rough cost of metalling and bridging them, and the receipt of the information is awaited.

On receipt of the District Board scheme and the information from the Superintending Engineer, further action will be taken as far as funds will permit. For the present, a provision of two lakhs of rupees has been set aside for improvement to the Duars roads in the Public Works Department budget for next year.

It is not proposed to reconstruct any old Military road.

## LEGISLATIVE BUSINESS.

### The Bengal Board of Revenue Bill, 1913.

The Hon'ble Mr. Lyon moved for leave to introduce a Bill to alter the constitution of the Board of Revenue for Bengal.

He said :—

My Lord, it will be unnecessary for me to detain the Council for any length of time in dealing with this motion for permission to introduce the Bengal Board of Revenue Bill. It may be worth while to explain at the outset that the necessity for this Bill has arisen out of the constitution of Council Government in Bengal and is not connected in any way with the territorial readjustment that was made with effect from the 1st April last, or the conversion of the Government of Bengal into a Presidency Government.

[*Mr. Lyon.*]

It was realised from the first that, when an Executive Council was created for Bengal, it would be possible to make some reduction in the existing Board of Revenue, both in its staff of two Members and in its establishment, and, as soon as the introduction of Council Government had been determined upon, this question was taken up and discussed with great thoroughness from every point of view. The desirability of abolishing the Board of Revenue altogether, a proposal to put in its place an officer to be called a Financial Commissioner, and the suggestion that the Board of Revenue might be retained in name, the powers of the Board being given to two Members of the Executive Council, were all examined and debated between the Local Government, the Government of India and the Secretary of State. Eventually the objections which were raised to the entire abolition of the Board of Revenue, which would carry with it the transfer of the appellate powers of the Board to a Member of the Executive Government, were deemed to be of sufficient weight to necessitate the retention of a separate Board, though consisting of one Member only, to deal with the appellate and statutory work which forms a part of the most important functions which have hitherto been entrusted to the Board of Revenue

The Government has been advised, however, that it is necessary to legislate to legalise the permanent appointment of a Board of Revenue consisting of one Member only, as it was obviously the intention of the legislature, at the time when the Bengal Board of Revenue was originally constituted, that it should consist of two Members. The present Bill has been drafted in order to legalise the permanent appointment of a Board of Revenue with one Member. I would only add that administrative arrangements have been made by which the executive duties of the Board of Revenue have been considerably reduced to render it possible for one Member to take upon himself the appellate and statutory functions which were formerly divided between the two Members of the Board.

I beg, my Lord, to move for permission to introduce the Bengal Board of Revenue Bill.

The motion was put and agreed to.

THE BENGAL PUBLIC DEMANDS RECOVERY BILL, 1913.

The Hon'ble Mr. Lyon moved for leave to introduce a Bill to consolidate and amend the law relating to the recovery of public demands in Bengal.

He said :—

My Lord, the Bill to amend the Public Demands Recovery Act[1] for the introduction of which I have the honour to ask the permission of the Council is an extremely technical one, and I should have been glad had it fallen to the lot of a Member with more legal experience and knowledge than I possess to explain its purport and its principles. However, as the legal adviser to Government, who was mainly concerned with the drafting of the Bill, the Hon'ble Mr. Justice Chapman, is not a Member of this Council, I have to take charge of it ; but I am glad to say that Mr. Chapman has kindly promised to assist us with his advice when we deal with the details of the Bill at a later stage.

The question of amending the Public Demands Recovery Act[1] arose first in the year 1907, when the Hon'ble Mr. Justice Rampini (now Sir Robert Fulton) addressed Government with reference to two decisions of Full Benches of the High Court. These decisions disclosed two prominent defects in the present Act ; the first of which is that the Act leaves in uncertainty important points connected with the powers that the Civil Courts have to deal with proceedings under the Act ; the second defect being that it is possible to assail the title of a purchaser under the Act up to 12 years after the sale on the ground that before the sale the defaulter was not served with notice of the demand.

It is noticeable that with reference to the first defect, while the two Judges who dealt with the original appeal were able to point out that the

[1] Bengal Act I of 1895.

previous decisions of the Court conflicted, the Full Bench of the High Court came to no decision in the matter, on the ground that the question of law which was submitted did not arise upon the facts found. And, with reference to the second defect, the Full Bench of the High Court recommended that the Legislature should take the matter into consideration with a view to an amendment of the law on the subject, so as to allow suits assailing the title of the purchaser to be brought only within a reasonably short period from the date on which he had been put in possession.

An attempt was made at first to deal with these points in a brief Bill, confined to the amendment of the two defects to which reference has been made, but the draft was not approved by the legal authorities who were consulted, and it was decided to wait until the passing of the new Civil Procedure Code[1] before taking action.

The matter was taken up again in August, 1908, when another draft Bill for the amendment of the Public Demands Recovery Act[2] was referred to a strong Committee consisting of the Hon'ble Mr. Justice Rampini as President, with the Hon'ble Justice Sir Ashutosh Mukherji, the Chief Secretary, the Secretary in the Judicial Department, the Legal Remembrancer, the Senior Government Pleader and the Assistant Secretary in the Legislative Department as Members.

It was decided by this Committee (*a*) that a Civil Court should, in the main, be permitted to interfere with a Certificate Officer's proceedings in execution only on the ground of fraud, and (*b*) that a period of one year from the date of delivery of possession to a purchaser should be fixed as the period of limitation after which a certificate debtor should be debarred from getting the certificate sale set aside on the ground that he had not been served with notice of demand. It was also resolved by the Committee that the Act should be entirely re-drafted and consolidated, so that it might contain, so far as practicable, all the law a Certificate Officer might require. When taking up the work of redrafting the opportunity was utilised to assimilate the law governing recovery of rent by the certificate procedure to that under which rent is recovered by suit, as there appeared to be good reason for doing away with the existing distinction. Other modifications were also made of a minor nature which are fully described in the Statement of Objects and Reasons attached to the Bill. The Bill, as drafted, was carefully revised in the Legislative Department and was subsequently examined and approved by the Hon'ble Justice Sir Ashutosh Mukherji. It was circulated for opinion to the chief Revenue Officers in the mufassil, and was favourably received, and it was finally submitted to the Government of India and received their approval in due course.

I have been careful to point out, in giving this brief account of the history of the Bill, that this Government has been anxious to secure the assistance of the best possible legal advice in framing the Bill, as it is obviously one which could not have been dealt with thoroughly or safely by Executive Officers alone. I venture to submit to the Council that it may now safely grant permission for the introduction of the Bill and that it may be left to a Select Committee to examine it and deal with it in detail. Should therefore the Council grant permission to introduce the Bill to-day, I propose at the next meeting of Council to move that the Bill be referred to a Select Committee.

The motion was put and agreed to.

## The Calcutta Burial Boards (Amendment) Bill, 1913.

The Hon'ble Mr. Lyon moved for leave to introduce a Bill to amend section 14 of the Calcutta Burial Boards Act, 1889[3].

He said :—

My Lord, I have the honour to ask the permission of this Council to introduce a Bill for the amendment of the Calcutta Burial Boards Act of 1889[3] in order to permit of the formation of Burial Boards for communities other than the Christian and Muhammadan communities of Calcutta.

[1] Act V of 1908. [2] Ben. Act I of 1895. [3] Ben. Act IV of 1889.

The first legislation on the subject of Burial Boards is contained in Act V of 1881[1], which was passed to secure better provision for the general management, regulation and control of Christian burial-grounds. This was followed, in the year 1889, by Act IV[2] of that year, which provided for the appointment of a Muhammadan Burial Board in Calcutta to secure the proper management and control of Muhammadan burial-grounds. This Act, which is the one that we now propose to amend, contained also a section, No. 14, which provided for the appointment of a Board for the management and control of public burial-grounds other than Christian and Muhammadan burial-grounds, but under that section the members of the Board were definitely limited to three, those three being the Chairman for the time being of the Corporation of Calcutta, the Health Officer for the time being of Calcutta and an officer of the Public Works Department appointed by the Local Government.

The provision for the Burial Boards thus made proved adequate for the following 20 years, owing to the fact that those of the Hindu population who follow the custom of interment of their dead occupied private burial-grounds over which public superintendence was unnecessary. In the year 1911, however, the Calcutta Corporation represented that the accommodation provided for burials among that section of the Hindu population had proved inadequate, and that the Corporation had accordingly acquired two plots of land to serve as public burial-grounds for this community. The question having arisen as to the manner in which these public grounds should be managed and controlled, it became obvious at once that it was desirable that the Burial Board constituted for their management should contain representatives of the community concerned, and as the constitution of such a Burial Board was impossible under the Act of 1889[2], Government was asked to legislate on the subject. It was at first proposed to legislate for the particular community, but Government was subsequently advised that it was desirable to make the Bill more comprehensive and to introduce into it provision for the constitution of Burial Boards in future for other than the Christian, Muhammadan or Hindu communities. The present Bill has been drawn up, therefore, to provide generally for the constitution of Burial Boards by the Government for any community other than the Christian and Muhammadan communities, such Board to consist of the three officers whom I have mentioned already and not less than three nor more than six members of the community concerned, to be nominated from time to time by the Local Government. I believe the Bill will prove to be entirely non-controversial and beg to move for permission to introduce it in Council.

The motion was put and agreed to.

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HIS EXCELLENCY, before adjourning the meeting, said :—

I take this opportunity of announcing that the Legislative Department of the Government of India have issued an amended Notification fixing the 14th February as the latest date by which the election of the two Additional Members of the Imperial Council by the non-official Members of the Provincial Council is to be held. The actual dates fixed by the Local Government for the scrutiny of nominations and for the election will be communicated hereafter to the Hon'ble Members concerned.

The Council was then adjourned to Wednesday, the 29th January, 1913, at 11 A.M.

F. G. WIGLEY,

*Secy. to the Bengal Legislative Council.*

CALCUTTA ;

*The 27th January, 1913.*

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[1] The Calcutta Burial Boards Act, 1881.

[2] The Calcutta Burial Boards Act, 1889.

B. S. Press—1-2-1913—3182J—500—B. N. L.

*Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Indian Councils Acts, 1861, 1892, and 1909, and the Government of India Act, 1912.*

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THE Council met in the Council Chamber in Government House on Wednesday the 29th January, 1913, at 11 A.M.

**Present :**

His Excellency the Right Hon'ble THOMAS DAVID, BARON CARMICHAEL OF SKIRLING, G.C.I.E., K.C.M.G., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR FREDERICK WILLIAM DUKE, K.C.I.E., C.S.I., *Vice-President.*

The Hon'ble MR. P. C. LYON, C.S.I.

The Hon'ble NAWAB SYED SHAMS-UL-HUDA.

The Hon'ble MR. J. G. CUMMING, C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. N. D. BEATSON BELL, C.I.E.

The Hon'ble MR. B. K. FINNIMORE.

The Hon'ble MR. J. H. KERR, C.I.E.

The Hon'ble MR. B. B. NEWBOULD.

The Hon'ble MR. J. DONALD.

The Hon'ble MR. S. L. MADDOX, C.S.I.

The Hon'ble MR. B. C. MITRA.

The Hon'ble MR. G. W. KUCHLER, C.I.E.

The Hon'ble SIR FREDERICK GEORGE DUMAYNE, KT.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. BYOMKESH CHAKRABARTI.

The Hon'ble SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of BURDWAN.

The Hon'ble RAJA SASHI KANTA ACHARJI CHAUDHURI BAHADUR.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI

The Hon'ble MR. J. G. APCAR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. NORMAN McLEOD.

The Hon'ble Mr. W. T. GRICE.

The Hon'ble MR. A. W. C. CHAPLIN.

The Hon'ble MR. GOLAM HOSSEIN CASSIM ARIFF.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI MUSHARRAF HUSAIN.

The Hon'ble MAULVI ABUL KASEM FAZ-UL-HAQ.

The Hon'ble MAHARAJA RANAJIT SINHA of Nashipur.

The Hon'ble RAJA MAHENDRA RANJAN RAY CHAUDHURI

The Hon'ble BABU PRASANNA KUMAR RAY.

The Hon'ble BABU SURENDRA NATH BANERJI.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY.

The Hon'ble RAI HARI MOHAN CHANDRA BAHADUR.

The Hon'ble BABU ANANDA CHANDRA RAY.

The Hon'ble BABU UPENDRA LAL RAY.

## OATH OF ALLEGIANCE.

The Hon'ble Mr. Beatson Bell made the prescribed oath of his allegiance to the Crown.

## QUESTIONS AND ANSWERS.

### SANITATION IN THE RAJSHAHI DIVISION.

The Hon'ble RAJA MAHENDRA RANJAN RAY CHAUDHURI asked :—

Will the Government be pleased to state what steps are being taken in the Rajshahi Division for combating the ravages of malarial poison, and for the improvement of village sanitation ?

[*Mr. Donald; Raja Mahendra Ranjan Ray Chaudhuri.*]

The Hon'ble Mr. Donald replied :—

"There are six travelling dispensaries in the Dinajpur district. Each dispensary is in the charge of a Sub-Assistant Surgeon and they are supervised by an Assistant Surgeon. Five Sub-Assistant Surgeons are employed in the Nator thana of the Rajshahi district in examining the figures of mortality in order to assist in the establishment of a factor by which the true mortality from malaria may be distinguished from the other deaths reported as due to fever. It is intended to extend the scope of these investigations to the unhealthy parts of the Jalpaiguri district.

Dr. Bentley, the Special Officer for Malaria research, has carried out anti-malarial measures in the town of Dinajpur, and his report on the subject, which is now under preparation, is awaited.

The arrangements adopted by the Government of Eastern Bengal and Assam for the supply of quinine at cheap rates from selected vendors are still in force, but proposals for the introduction of improved methods of distribution of quinine by dispensaries maintained or aided by District Boards are under consideration.

Government is not aware of the actual measures that are being taken at the present time by District Boards and Municipalities to improve the sanitation of villages or towns within their charge, but it is understood that they are devoting no less attention to this subject than they did in previous years, by the distribution of quinine, clearance of jungle and roadside drains, and the filling up of insanitary hollows.

The sanitary staff of the Province has been strengthened by the appointment of two additional Deputy Sanitary Commissioners. One of these officers reported his arrival on the 18th January, and is being posted to the sole charge of the Rajshahi Division. It will be his duty to investigate the sanitary conditions of the Division, to advise District Boards as to the sanitary measures which they should undertake, and to supervise the execution of approved schemes for the improvement of village sanitation generally."

### Village Union Committees.

The Hon'ble Raja Mahendra Ranjan Ray Chaudhuri asked :—

Will the Government be pleased to supply a statement giving the number of village union committees that have already been formed, or are in the process of being formed, and the names of the villages in which such unions exist or are being established?

The Hon'ble Mr. Donald replied :—

"A statement is laid on the table which gives the names of, and the number of villages comprised in, the 63 Unions now in existence and the 9 Unions whose establishment is now under consideration. A list of the names of the villages comprised within each of the Unions will be supplied to the Hon'ble Member."

*Statement referred to in the answer by the Hon'ble Mr. Donald to Question No. II asked by the Hon'ble Raja Mahendra Ranjan Ray Chaudhuri at the Council Meeting of the 29th January, 1913.*

### Existing Unions.

| Name of District | Name of Union | Number of villages constituting the Union |
|---|---|---|
| | *Burdwan Division.* | |
| Burdwan ... | 1. Memari ... ... | 16 |
| | 2. Mankar Raipur ... ... | 9 |
| | 3. Buddipur ... ... | 10* |
| | 4. Bagnapara ... ... | 16 |
| | 5. Srikhanda ... | 16 |
| | 6. Sribati ... ... | 17 |

* Proposal for subdivision is under consideration

[*Mr. Donald.*]

EXISTING UNIONS—*contd.*

| Name of District. | Name of Union. | Number of villages constituting the Union. |
|---|---|---|
| | *Burdwan Division*—concld. | |
| Birbhum ... | 7. Rampur Hât ... ... | 13 |
| | 8. Bolpur ... ... | 11 |
| | 9. Dubrajpur ... ... | 20 |
| Bankura ... | 10. Kotalpur ... ... | 5 |
| Midnapore ... | 11. Contai ... .. | 42 |
| | 12. Jara ... ... ... | 39 |
| | 13. Panskura ... ... | 31 |
| | 14. Pingla ... ... | 24 |
| Hooghly ... | 15. Pandua ... ... | 24 |
| | 16. Balagarh ... ... | 37 |
| | 17. Chanditoia ... ... | 37 |
| | 18. Haripal ... ... | 45 |
| | 19. Bally ... ... ... | 21 |
| | 20. Janai ... ... ... | 8 |
| | 21. Boinchee ... ... | 13 |
| Howrah ... | 22. Domjur ... ... | 11 |
| | 23. Jagadballabhpur ... | 22 |
| | 24. Bagnan ... ... | 25 |
| | 25. Amta ... ... ... | 23 |
| | 26. Uluberia ... ... | 9 |
| | *Presidency Division.* | |
| 24-Parganas ... | 1. Madrail-Narayanpur ... | 17 |
| | 2. Rahuta ... ... | 10 |
| | 3. Itenda ... ... | 24 |
| | 4. Jadurhati ... ... | 21 |
| Nadia ... ... | 5. Muragacha ... ... | 19 |
| | 6. Kissenganj ... ... | 12 |
| | 7. Chandanga ... ... | 12 |
| | 8. Poradah ... ... | 11 |
| Murshidabad ... | 9. Panchthupi ... ... | 19 |
| | 10. Mirzapur ... ... | 29 |
| | 11. Patkabari ... ... | 16 |
| | 12. Aurangabad ... ... | 21 |
| | 13. Choa ... ... ... | 15 |
| Jessore ... ... | 14. Keshabpur ... ... | 19 |
| | 15. Kalia ... ... ... | 22 |
| | 16. Jhenidah ... ... | 9 |
| | 17. Bongaon ... ... | 3 |
| | 18. Harinakundu ... ... | 16 |
| | 19. Garapota .. ... | 18 |
| | 20. Narail ... ... ... | 7 |
| Khulna ... ... | 21. Senhati ... ... | 2 |
| | 22. Daulatpur ... ... | 5 |
| | 23. Dumuria ... ... | 5 |
| | 24. Bagerhat ... ... | 9 |
| | 25. Mulghar ... ... | 25 |
| | 26. Kalarca ... ... | 13 |
| | 27. Magura ... | 21 |
| | 28. Noapara ... | 5 |

[*Maulvi Abul Kasem; Mr. Kerr; Maharaja Ranajit Sinha of Nashipur Mr. Donald.*]

EXISTING UNIONS—*concld*

| Name of District. | Name of Union | Number of villages constituting the Union |
|---|---|---|
| | *Chittagong Division.* | |
| Tippera ... ... | 1. Laksham ... ... | 20 |
| | 2. Sarail ... ... ... | 4 |
| | 3. Nabinagar ... ... | 7 |
| | 4. Matlab ... ... | 6 |
| | 5. Akhaura ... ... | 8 |
| Noakhali ... | 6. Lakhipur ... .. | 3 |
| | 7. Hatia ... ... ... | 3 |
| | 8. Sandip ... | 4 |
| | 9. Feni ... .. ... | 13 |

UNIONS WHOSE ESTABLISHMENT IS UNDER CONSIDERATION.

| | | |
|---|---|---|
| 24-Parganas ... | 1 Rajibpur ... ... | 7 |
| | 2. Mallikberia ... .. | 7 |
| | 3. Hajipur ... ... | 21 |
| | 4. Diamond Harbour ... | 20 |
| | 5. Mograhat ... ... | 12 |
| | 6. Mollarchak ... ... | 14 |
| | 7. Boral ... ... ... | 22 |
| Faridpur .. ... | 1. Rajbari ... ... | 13* |
| | 2. Pangsa ... . | 20* |

* Preliminary notifications have issued

MANAGEMENT OF MADRASSAH HOSTELS.

The Hon'ble MAULVI ABUL KASEM asked :—

(*a*) Has the attention of the Government been drawn to the articles which appeared in the *Mussalman* newspaper, dated December 27th, 1912, January 3rd, 10th and 17th, 1913, reflecting upon the administration and management of the Madrasah Hostels?

(*b*) Will the Government be pleased to inquire into these allegations and place before the Council the result of that inquiry?

The Hon'ble MR. KERR replied :—

"(*a*) Government has seen the articles referred to by the Hon'ble Member.

(*b*) The Director of Public Instruction, Bengal, has already been requested to inquire into the matter and to submit a report to Government. On receipt of his report, Government will consider what further action should be taken."

SUPPLY OF PURE DRINKING WATER IN RURAL AREAS.

The Hon'ble MAHARAJA RANAJIT SINHA of Nashipur asked :—

(*a*) Will the Government be pleased to say what action is being taken to ensure the supply of pure drinking water in the rural areas?

(*b*) Does the Government intend to pass necessary instructions to all the District Boards of Bengal to set apart a fixed portion of their income every year for the said purpose and to prepare a separate budget for the same?

The Hon'ble MR. DONALD replied :—

"As the Hon'ble Member is aware, a conference was held last October in Darjeeling to consider what steps should be taken to improve the supply of drinking water in rural areas. The conclusions then arrived

*The Bengal Board of Revenue Bill, 1913.*

[*Maharaja Ranajit Sinha of Nashipur; Mr. Donald; Mr. Lyon; Babu Surendra Nath Banerji.*]

at will form the basis of future action. It was decided at the conference that the first essential of success was a survey of the existing conditions in the rural areas and the preparation and maintenance of water-supply maps and registers. Government has already addressed the Commissioners of Divisions on the subject, inviting their attention to the importance of the question and asking them to report in what sub-divisions Sub-Overseers are required to make the preliminary survey. The appointment of two such officers for Birbhum and of four for Rangpur has already been sanctioned and further appointments will be made in the immediate future. The cost of these appointments is borne by Government. Government is fully alive to the importance of this question, and the steps now being taken are only preliminary to further action. When the necessary material has been collected by the Sub-Overseers it may be necessary to convene a larger conference to discuss the best methods of procedure, and His Excellency trusts that the information so gathered will enable Government to take still more practical and effective action.

"With regard to the second part of the Hon'ble Member's question, Government does not think it wise under existing circumstances to fetter the discretion of District Boards in the matter of the allotment of their funds."

JUNGLE-CUTTING IN CERTAIN MALARIOUS DISTRICTS OF BENGAL.

The Hon'ble MAHARAJA RANAJIT SINHA of Nashipur asked :—

(*a*) Is it a fact that the Government, in order to check malarial fever, has directed an experiment to be made by cutting down jungles in certain malarious districts of Bengal?

(*b*) If so, will the Government be pleased to state the amount allotted for the purpose and the names of the districts where this experiment is to be carried out?

The Hon'ble MR. DONALD replied :—

"(*a*) Government has under consideration proposals for carrying out experiments on jungle-clearing as a measure against malaria in Bengal. The question has been referred to the Provincial Malaria Committee for advice, and Government is awaiting a report on the subject from this Committee.

(*b*) A grant of Rs. 50,000 has been sanctioned by the Governing Body of the Indian Research Fund Association for this purpose. Pending receipt of the report of the Provincial Malaria Committee no decision has been arrived at as to the districts in which the experiments will be carried out."

## LEGISLATIVE BUSINESS.

THE BENGAL BOARD OF REVENUE BILL, 1913.

The Hon'ble Mr. Lyon moved that the Bill to alter the constitution of the Board of Revenue for Bengal be referred to a Select Committee consisting of the Hon'ble Mr. Collin, the Hon'ble Mr. Kerr, the Hon'ble Mr. Stephenson, the Hon'ble Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, the Hon'ble Maulvi Abul Kasem Faz-ul-Haq, the Hon'ble Babu Surendra Nath Banerji, the Hon'ble Rai Hari Mohan Chandra Bahadur and the mover.

The Hon'ble BABU SURENDRANATH BANERJI said :—

"My Lord, the motion having been made for the reference of the Bill to the Select Committee, it is permissible to us, under our rules, to discuss the question of the principle of the Bill. I desire to raise a point of principle. I will not press it, but as it has formed the subject of discussion in the public prints and there is a considerable volume of public feeling behind it, it is necessary to mention it in this Council with a view to elicit an expression of opinion and to afford the Hon'ble Member in charge of the Bill an

opportunity for giving us information. The question has been asked, Is a Board of Revenue at all necessary for Bengal in view of the creation of an Executive Council?' There are two other Presidency Governments in India besides our own—the Government of Bombay and that of Madras. In Bombay, there is no Board of Revenue; but they have Commissioners of Divisions. In Madras, there is a Board of Revenue, but no Commissioners of Divisions. We have both. Is there any necessity for this double machinery? Nor is the fact to be overlooked that the revenue system in our Province, where the Permanent Settlement exists, is simpler and less complicated than the revenue systems of Madras and Bombay. The periodical assessments in those Presidencies entail serious work and heavy strain upon the Revenue Departments. I do not overlook the fact that appeals against the decisions of Commissioners of Divisions in revenue matters are necessary and they should be provided. But it seems to me that this is perfectly feasible by a distribution of work among the members of the Executive Council. These are the views which I desire to lay before the consideration of the Council."

The Hon'ble Mr. Chakrabatti said :—

"My Lord, in spite of the observations made by the Hon'ble Member in charge of the Bill while introducing this Bill a week ago, I think I am right in saying that the public, including some Hon'ble Members of this Council, are not convinced that the retention of a separate Board of Revenue even in the limited form now proposed, has been shown to be either desirable or necessary. We all know that the Report of the Royal Commission upon Decentralisation in India in paragraph 470 considered, as a useful makeshift, the system introduced in this part of the country by Sir Andrew Fraser which brought the Board of Revenue into closer contact with the Government without merging it therein, and the Report further recommended that this system should give way to the complete absorption of the Board into a Governor-in-Council System. The final recommendations of the Commission on this point are to be found in paragraph 469 of the Report,—which are, that the functions of the Board should be discharged mainly by the Commissioners of the Divisions vesting in the Government itself such functions as cannot expediently be made over to the Commissioners. His Majesty's Commissioners further recommended a strengthening of the Executive Councils preliminary to the absorption of the Boards. There is no doubt that the Government of Bengal was trying at one time to give effect to these recommendations. This appears clearly from the reply given in the Council on the 10th December, 1910, by the Hon'ble Mr. Cumming to the question put by my friend Maharaja Sir Prodyot Kumar Tagore. It was then stated in substance and effect that the retention of the Board, consisting of one member, was only provisional and that within a period of two years from April, 1910, the duties of the Board would be distributed between Commissioners and Members of the Executive Council. Those two years have since passed and we are now told that a Board of Revenue for this Presidency consisting of one member is a necessity. It may be so. But we have before us nothing but the statement of the Hon'ble Member on which we can form our judgment and rest our decision. My Hon'ble friend Mr. Lyon has assured us that this question was taken up and discussed with great thoroughness from every point of view and he has further stated that various schemes and proposals in this connection were examined and debated between the Local Government, the Government of India and the Secretary of State. I have no doubt that it is so. But many of us may not have much confidence in these proceedings 'in camera' and we would like that the Government should place before this Council all the materials which they think necessitate the retention of the Board as proposed, and which, further, will enable the Hon'ble Members to make up their minds in connection with this important question. I can assure Your Excellency that in making these observations I do not desire to play the rôle of a carping critic. I am personally convinced—and I have no doubt that I voice the opinion held by a large section of the public which the Government should

not ignore—that no case for the retention of the Board, even in the modified form proposed, has been made out. I further feel and—here again I have no doubt that the feeling of Your Excellency's Government and of the public is the same,—that the financial resources of the Government are none too large and that it will not be fair to sanction permanent and recurring expenditure where it can be avoided. The country has noticed with great concern the steady increase in the cost of Government and the increase in the number of its officers in its higher branches within the last decade. Taking the heads of the Government, the members of the Board of Revenue, the Chief Commissioner if any, and the Divisional Commissioners, their number for the territories now covered by the administrative divisions of Bengal, Bihar and Orissa, and Assam was, prior to 1905, 16, between 1905 and 1910, 18, between 1910 and 1912, 20 and since 1912, 23.

If you take the total cost, it will stand in round numbers per mensem at Rs. 55,000 prior to 1905, Rs. 67,000 between 1905 to 1910, Rs. 78,000 between 1910 and 1912 and Rs. 96,000 since 1912.

Apart from this, the instances afforded by the sister Presidencies of Bombay and Madras are very interesting and instructive. While the Madras Presidency has no Divisional Commissioners, the Presidency of Bombay has no Board of Revenue. From this one will be inclined to assume that both are not essential for efficient administration. While the Madras Government consists of a Governor, three Councillors and four members of the Board of Revenue, the Presidency of Bombay manages with a Governor, three Councillors and four Divisional Commissioners, the cost of administration in round numbers in either case being about Rs. 40,000 per mensem. In this Presidency, under the arrangement now proposed, I calculate the monthly expenditure on the same heads, including therein one member of the Board and the five Divisional Commissioners, to be Rs. 45,000 in round numbers. I therefore respectfully suggest that the Hon'ble Member in charge of this Bill should avail himself of rule 32 (*1*) (*c*) of the Bengal Legislative Rules, 1912, and put on the table all available correspondence and papers referred to in his speech on the last occasion, so that the country at large may be convinced of the desirability and necessity of this measure and that Hon'ble Members may have facilities afforded to them to make up their minds and to co-operate, if convinced, with the Government, in passing the Bill.

My Lord, one word more and I have done. I hope that I shall not be misunderstood. I am not opposing the Bill, but what I am seeking is more information, and there will be no harm done if we have an opportunity of discussing and seeing all the information which is available. It may be,—and this is the position which I take up,—that a case will be made out for the necessity of this legislation. But it may also be that, after due consideration, the necessity may not be established."

The Hon'ble Mr. P. C. Lyon said :—

My Lord, the difficulty as to placing before the Council the papers which have been called for by the Hon'ble Mr. Chakrabatti is that those papers consist of correspondence with the Government of India and the Secretary of State, and that it is not possible for us on our own authority to publish these papers at this stage. And I venture to suggest that it is, perhaps, hardly necessary to place the details of that correspondence before the Council.

The case is somewhat simpler, I take it, than has been suggested in the speeches of the Hon'ble Members.

The Hon'ble Mr. Surendra Nath Banerji has, I understand, acknowledged that it is entirely necessary that there should be an appellate authority in these matters, and I think with him that it is not desirable that larger powers with respect to such appeals should be placed in the hands of the Commissioners, although this was the tendency of the recommendations of the Royal Commission. The difficulty about giving these powers over to Commissioners, apart from the undesirability of limiting appeals—the point taken by the Hon'ble Mr. Banerji—is that there are five divisions in this

Presidency, and it is practically impossible for Commissioners to deal separately with the important questions which arise in revenue cases, and give decisions so uniform in character as to constitute an intelligible revenue law which could be adopted and followed subsequently. It is necessary, therefore, to have some central authority which can hear and decide appeals in these matters.

The difficulty which arose at once, when the question of the abolition of the Board of Revenue was suggested, was, what would be the central authority to deal with these appeals, and the final conclusion we have arrived at is the one which was urged on us from the beginning by the large body of representative landlords in Bengal who protested against this abolition.

There are obvious objections to handing this power of appeal over to Members of the Executive Council, who would have to hear counsel in the case, and who would be interested to some small extent, as members of the Government, in a great many of the cases which would arise. It is for this reason held to be desirable, by many of the persons interested, that we should have an authority which is to a certain extent apart from the Government, and which should stand aloof as our one guiding revenue authority and deal out justice as between Government and the litigants in these cases.

This is the view which was originally placed before the Government of India by this Government, and the suggestion was then made that on the abolition of the Board of Revenue there should still remain a Financial Commissioner who would deal with appellate work and other similar work involving on occasions action which might clash with the interests of Government, such as the work of the Court of Wards and so on. The question was further argued and was referred by the Government of India to the Secretary of State, when the objections which had been taken to the abolition of the Board of Revenue, such as those I have spoken of, eventually prevailed, the chief point which influenced the Secretary of State in the matter being the political objections to Members of the Executive Council sitting not only to determine revenue matters within the competence of this Government, but also as a Court of Appeal to hear important revenue matters in which the interests of Government were concerned.

Parallels have also been drawn between the constitution we propose to set up in Bengal in this matter as compared with the constitution of the Governments of Bombay and Madras.

The differences are due to the fact that in this Presidency our system of providing a separate appellate revenue authority has grown up through a great number of years. We now find established, as part of our Government, a system which has the sanction of tradition and of custom, and I think the entire removal of this separate revenue authority would be viewed with misgivings by a great many of the public who are concerned with revenue matters. It would also involve a very considerable change in the whole of our revenue system, a change which would mean a large amount of legislation, in the course of which the objections to this action would, I think, become increasingly apparent.

As to the suggestion made by the Hon'ble Mr. Chakrabatti that there has been a change of opinion among the authorities on this particular case, I can only say that the fact is freely admitted and I think that it may be argued that this change has strengthened our case. At first sight it seemed an obvious suggestion that when we were enlarging the Government by the addition of Members of the Executive Council, we might abolish the Board of Revenue, an institution which does not exist together with Commissioners and in Executive Council in other Provinces. But when we examined the question, when we heard the opinions of the landlords, and those who were interested in revenue matters, and the views expressed by the unofficial members of the Committee who were summoned to deal with the case, when we had represented the matter to the Government of India, and the Government of India had represented it to the Secretary of State—all these authorities being deeply interested in financial considerations and desirous of affecting the change to a Council Government in Bengal with a minimum of avoidable expense—this opinion was modified, and I think it strengthens

our case that we should have considered the question of abolition first and have been led by these deliberations to the final conclusion that a Board consisting of one member was desirable and was in fact necessary for the conduct of the work. And I would suggest that, by the retention of such a Board, we are taking action sanctioned by tradition and custom in Bengal, and the action which will interfere least with the prejudices and experience of those who have to deal with the more important revenue matters in this Presidency.

I trust that in the light of this further information, it will not be considered necessary to delay the case at the present stage, and that the Bill will be allowed to go to the Select Committee. The Select Committee will deal with the details of the arrangements which are about to be made, and it is in their power to suggest, should they wish to do so, that the Bill be further published for public information and criticism. I think that, in these circumstances, it is desirable that we should allow the Bill to be referred to the Select Committee.

The motion was then put and agreed to.

## THE BENGAL PUBLIC DEMANDS RECOVERY BILL, 1913.

The Hon'ble Mr. Lyon moved that the Bill to consolidate and amend the law relating to the recovery of public demands in Bengal be referred to a Select Committee consisting of the Hon'ble Mr. Cumming, the Hon'ble Mr. Kerr, the Hon'ble Mr. Newbould, the Hon'ble Mr. Chakrabatti, the Hon'ble Dr. Deba Prasad Sarbadhikari, the Hon'ble Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, the Hon'ble Babu Mahendra Nath Ray and the mover.

The motion was put and agreed to.

## THE CALCUTTA BURIAL BOARDS (AMENDMENT) BILL, 1913.

The Hon'ble Mr. Lyon moved that the Bill to amend section 14 of the Calcutta Burial Boards Act, 1889, be referred to a Select Committee consisting of the Hon'ble Mr. Newbould, the Hon'ble Mr. Donald, the Hon'ble Mr. Maddox, the Hon'ble Dr. Nilratan Sarkar, the Hon'ble Mr. Ajcar, the Hon'ble Rai Radha Charan Pal Bahadur, the Hon'ble Mr. Golam Hossein Cassim Ariff and the mover.

The motion was put and agreed to.

The Council was then adjourned to a day to be notified hereafter.

CALCUTTA,
*The 6th February, 1913.*

F. G. WIGLEY,
*Secretary to the Bengal Legislative Council.*

B. S. Press—8-2-1913—3258J—500—E. J. H.

*Abstract of the Proceedings of the Bengal Legislative Council assembled under the provisions of the Indian Councils Acts, 1861, 1892, and 1909, and the Government of India Act, 1912.*

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THE Council met in the Council Chamber in Government House on Wednesday, the 5th March, 1913, at 11 A.M.

**Present :**

His Excellency the Right Hon'ble THOMAS DAVID, BARON CARMICHAEL OF SKIRLING, G.C.I.E., K.C.M.G., *Governor of the Presidency of Fort William in Bengal, presiding.*

The Hon'ble SIR FREDERICK WILLIAM DUKE, K.C.I.E., C.S.I., *Vice-President.*

The Hon'ble MR. P. C. LYON, C.S.I.

The Hon'ble NAWAB SYED SHAMS-UL-HUDA.

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

The Hon'ble MR. J. G. CUMMING, C.I.E.

The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.

The Hon'ble MR. B. K. FINNIMORE.

The Hon'ble MR. J. H. KERR, C.I.E.

The Hon'ble Mr. H. L. STEPHENSON.

The Hon'ble MR. B. B. NEWBOULD.

The Hon'ble MR. J. DONALD.

The Hon'ble MR. S. L. MADDOX, C.S.I.

The Hon'ble MR. C. H. BOMPAS

The Hon'ble MR. B. C. MITRA.

The Hon'ble MR. G. W. KUCHLER, C.I.E.

The Homb'le RAI PRIYA NATH MUKHERJEE BAHADUR.

The Hon'ble SIR FREDERICK GEORGE DUMAYNE, KT.

The Hon'ble MR. S. P. SINHA.

The Hon'ble DR. NILRATAN SARKAR.

The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.

The Hon'ble MR. R. GLEN.

The Hon'ble MR. BYOMKES CHAKRAVARTI.

The Hon'ble RAJA SHOSHI KANTA ACHARYYA CHAUDHURI BAHADUR.

*Questions and Answers.*

[*Maulvi Abul Kasem; Mr. Stephenson.*]

The Hon'ble DR. DEBA PRASAD SARBADHIKARI.

The Hon'ble MR. J. G APCAR.

The Hon'ble RAI RADHA CHARAN PAL BAHADUR.

The Hon'ble MR. NORMAN MCLEOD.

The Hon'ble MR. J. C. SHORROCK.

The Hon'ble Mr. W. T. GRICE.

The Hon'ble MR. A. W. C. CHAPLIN.

The Hon'ble MR. GOLAM HOSSEIN CASSIM ARIFF.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI A. K. FAZ-UL-HAQ.

The Hon'ble NAWAB SAIYID HOSSAM HAIDER CHAUDHURI, KHAN BAHADUR.

The Hon'ble MAHARAJA RANAJIT SINHA of Nashipur.

The Hon'ble RAI NALINAKSHA BASU BAHADUR.

The Hon'ble NAWAB SAIYID NAWAB ALI CHAUDHURI, KHAN BAHADUR.

The Hon'ble BABU PRASANNA KUMAR RAY.

The Hon'ble BABU SURENDRA NATH RAY.

The Hon'ble BABU MAHENDRA NATH RAY.

The Hon'ble RAI HARI MOHAN CHANDRA BAHADUR.

The Hon'ble BABU ANANDA CHANDRA RAY.

The Hon'ble BABU UPENDRA LAL RAY.

## OATH OF ALLEGIANCE.

The Hon'ble Mr. R. Glen made the prescribed oath of his allegiance to the Crown.

## QUESTIONS AND ANSWERS.

### PROPORTIONS OF MUHAMMADAN MEMBERS OF LOCAL BOARDS AND DISTRICT BOARDS AND MUNICIPALITIES IN THE BURDWAN DIVISION.

The HON'BLE MAULVI ABUL KASEM asked :—

I.—Will the Government be pleased to state the number of Muhammadans and the total number of Members—

(*i*) elected by the ratepayers,
(*ii*) appointed by the Government,

in each of the Local and District Boards and the Municipalities in the Burdwan Division ; and the proportion of Muhammadans to the total population in each local area ?

The HON'BLE MR. STEPHENSON replied :—

I.—" A statement giving the required information is laid on the table."

[*Mr. Stephenson.*]

*Statement showing the number of Muhammadans and the total number of members of the Municipalities in the Burdwan Division.*

| Name of Municipality | Muhammadans | | Total number of Commissioners | | Percentage of Muhammadans to total population in local area | Remarks |
|---|---|---|---|---|---|---|
| | Elected | Appointed | Elected | Appointed | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. Burdwan ... | 4 | 1 | 15 | 7 | 26 | Including 2 *ex officio* members. |
| 2. Kalna ... | ... | 1 | 11 | 5 | 9 | |
| 3. Katwa ... | 2 | ... | 8 | 4 | 18 | Ditto 1 ditto. |
| 4. Raniganj ... | 2 | ... | 8 | 4 | 14 | |
| 5. Asansol ... | ... | 2 | ... | 12 | 30 | Ditto 7 ditto. |
| 6. Sur ... ... | 2 | 1 | 11 | 5 | 25 | Ditto 3 ditto. |
| 7. Bankura ... | ... | ... | 10 | 5 | 4 | Ditto 3 ditto. |
| 8. Vishnupur ... | ... | 1 | 8 | 4 | 3 | |
| 9. Sonamukhi ... | ... | ... | 6 | 3 | 9 | Ditto 1 ditto. |
| 10. Midnapore ... | ... | 1 | 12 | 6 | 20 | Ditto 2 ditto. |
| 11. Tamluk ... | ... | 1 | 8 | 4 | 13 | Ditto 1 ditto. |
| 12. Ghatal ... | ... | ... | 10 | 5 | 2 | Ditto 1 ditto. |
| 13. Kharar ... | ... | ... | 10 | 5 | 2 | |
| 14. Hooghly-Chinsura | ... | 2 | 12 | 6 | 15 | Ditto 2 ditto. |
| 15. Serampore ... | ... | ... | 12 | 6 | 19 | Ditto 1 ditto. |
| 16. Uttarpara ... | ... | ... | 8 | 4 | 5 | |
| 17. Baidyabati ... | ... | 1 | 8 | 4 | 11 | |
| 18. Bhadreswar ... | ... | ... | 8 | 4 | 26 | |
| 19. Kotrung ... | ... | ... | 6 | 3 | 8 | |
| 20. Bansberia ... | ... | ... | 6 | 3 | 7 | |
| 21. Arambagh ... | ... | 2 | 8 | 4 | 12 | Ditto 2 ditto. |
| 22. Howrah ... | 3 | ... | 20 | 10 | 25 | Ditto 5 ditto. |
| 23. Bally ... | ... | ... | 14 | 7 | 16 | |
| 24. Dainhat ... | ... | 1 | 8 | 4 | 13 | |
| 25. Chondrakona ... | ... | ... | 8 | 4 | 35 | |
| 26. Ramjibonpur ... | ... | ... | 6 | 3 | 5 | |
| 27. Khirpai ... | ... | ... | 6 | 3 | 4 | |
| Total ... | 13 | 14 | 247 | 134 | | |

[*Mr. Stephenson.*]

*Statement showing the number of Muhammadans and the total number of members of each of the District and Local Boards in the Burdwan Division.*

| Names of District and Local Boards | Muhammadans | | Total number of members | | Percentage of Muhammadans to total population in local area | Remarks |
|---|---|---|---|---|---|---|
| | Elected | Appointed | Elected | Appointed | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Burdwan District Board | ... | 1 | 9 | 9 | 18·7 | 4 *ex officio.* |
| Ditto Sadar Local Board. | ... | 2 | 10 | 5 | 21·8 | 2 do. |
| Katwa Local Board ... | ... | 2 | 6 | 3 | 23·9 | 1 do. |
| Kalna ditto ... | ... | 1 | 4 | 5 | 27·5 | 1 do. |
| Asansol ditto ... | ... | ... | 2 | 7 | 7·6 | 1 do. |
| Birbhum District Board | 3 | 1 | 8 | 8 | 22·6 | 4 do. |
| Suri Local Board ... | 1 | 2 | 5 | 6 | 18·2 | |
| Rampur Hât Local Board. | 2 | . | 6 | 3 | 31·3 | 1 do. |
| Bankura District Board | 3 | 1 | 8 | 8 | 4·6 | 4 do. |
| Ditto Sadar Local Board. | ... | 2 | 2 | 10 | 3·0 | |
| Vishnupore Local Board | .. | 2 | 1 | 9 | 10·0 | |
| Midnapore District Board. | ... | 1 | 12 | 12 | 6·7 | 6 do. |
| Midnapore Sadar Local Board | ... | 1 | 13 | 11 | 5·7 | |
| Tamluk Local Board ... | 1 | 3 | 7 | 11 | 11·1 | |
| Contai ditto ... | ... | 1 | 12 | 9 | 5·2 | 4 do. |
| Ghatal ditto ... | ... | ... | 9 | 6 | 5·3 | 1 do. |
| Hooghly District Board | 1 | 3 | 13 | 13 | 16·9 | 5 do. |
| Ditto Sadar Local Board. | 1 | 3 | 8 | 7 | 20·5 | |
| Serampore Local Board | ... | 2 | 10 | 5 | 16·8 | 1 do. |
| Arambagh ditto ... | ... | 2 | 1 | 8 | 14·0 | 1 do. |
| Howrah District Board | ... | 1 | 6 | 6 | 19·9 | 3 do. |
| Ditto Sadar Local Board. | ... | ... | 5 | 4 | 21·4 | |
| Uluberia Local Board ... | 1 | ... | 10 | 5 | 19·0 | 2 do. |
| Total ... | 13 | 31 | 167 | 169 | | |

[*Maharaja Ranajit Sinha of Nashipur ; Mr. Kerr ; Mr. Stevenson-Moore*

MIDDLE VERNACULAR AND MIDDLE ENGLISH COMPETITIVE EXAMINATIONS.

The HON'BLE MAHARAJA RANAJIT SINHA of Nashipur asked :—

II.—Does the Government intend to revive the old system of holding Middle Vernacular and Middle English Competitive examinations ?

The HON'BLE MR. KERR replied :—

II. "The Director of Public Instruction is considering proposals for reviving the Public Examinations at the end of the Middle School Course ; and the matter will receive the attention of Government in due course."

INDIAN PROFESSORS OF ENGLISH LITERATURE IN THE PRESIDENCY COLLEGE.

The HON'BLE MAHARAJA RANAJIT SINHA of Nashipur asked :—

III.—Will the Government be pleased to state the number of Indian professors of English literature in the Presidency College, and the classes in which they are generally employed to deliver lectures ?

The HON'BLE MR. KERR replied :—

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

*List of Indian Professors of English Literature in the Presidency College, with details of their work.*

1. Manomohan Ghosh (B.A., Oxon.) : lectures to M.A. and B.A. classes and assists in M.A. tutorial work.
2. Praphulla Chandra Ghosh (M.A., Cal.) : lectures to M.A. and Inter. Arts classes and assists in B.A. tutorial work.
3. Nikil Nath Maitra (M.A., Cal.) : lectures to B.A. and Inter. (Arts and Science) classes and assists in Inter. (Arts and Science) tutorial work.
4. B C Bose (M.A., Cal.) : lectures to B.A. and Inter. (Arts and Science) classes, and assists in Inter. (Arts and Science) tutorial work (a temporary lecturer acting for Mr. R. N. Gilchrist, who is lecturing in Economics during the illness of Babu Benoyendra Nath Sen).
5. Srikumar Banarji (M.A., Cal.) : lectures to Inter. (Arts and Science) classes and assists in Inter. (Arts and Science) tutorial work.

DACOITIES IN BENGAL.

The HON'BLE MAHARAJA RANAJIT SINHA of Nashipur asked :—

IV.—(*a*) Has the attention of the Government been drawn to the reports published in the Calcutta newspapers of the 7th February last, regarding the commission of dacoities in some of the districts of Bengal ?

(*b*) If so, will the Government be pleased to state what steps it proposes to take to check their further growth ?

The HON'BLE MR. STEVENSON-MOORE replied :—

IV.—(*a*) "The reply is in the affirmative.

(*b*) The attention of the Hon'ble Member is invited to paragraphs 2, 3 and 7 of this Government's Resolution dated the 17th October, 1912, on the reports on the administration of the Police Department in Bengal and Eastern Bengal and Assam for the year 1911, in which reference is made to the various measures which have been and are being taken to deal with dacoities in East Bengal. Such of these measures as have not yet been completed are being pressed on with as much expedition as possible, and in view of the recent indications of recrudescence of this form of crime, additional preventive measures are now being devised and will receive the earnest consideration of the Government."

*[Mr. Chakravarti; Mr. Finnimore; Babu Upendra Lal Ray; Mr. Stephenson.]*

SILTING UP OF THE ALAIPUR KHAL.

The HON'BLE MR. BYOMKES CHAKRAVARTI, in the absence of HON'BLE BABU SURENDRA NATH BANERJI, asked :—

V.—(*a*) Has the fact of the silting up of the Alaipur Khal been brought to the notice of Government ?

(*b*) Does the Government propose to remedy the state of affairs, thus brought about, by—

(*i*) bunding up the mouth of the Kovamara Khal, or

(*ii*) putting up sluice-gates at Alaipur and Jatrapur, or

(*iii*) keeping the canal open by dredging until the railway from Khulna to Bagerhat has been completed, or

(*iv*) excavating a new khal from Alaipur to Fakirhat ?

(*c*) If the Government does not propose to take action to keep the Khal open, will the Government please state whether a private company will be allowed to put up a sluice-gate and levy tolls ?

The HON'BLE MR. FINNIMORE replied :—

V.—(*a*) & (*b*) "The attention of the Government has been called to the silting up of the Alaipur Khal The question of closing the mouth of the Kovamara Khal has been considered. The experts of the Government have advised that the closing of the mouth of this Khal would not improve the Alaipur Khal between Jatrapur and Alaipur, and it would probably lead to the deterioration of the Bhairab eastwards of Jatrapur. The cost of canalizing the Alaipur Khal was estimated in 1907 at Rs. 6,30,000—a sum quite out of proportion to the traffic which would be affected. Experiments were also carried out in dredging the Khal, but it was found that resilting took place within 14 days of the clearance.

Experiments have shown that the expenditure involved in maintaining these channels is not commensurate with the benefits derived, and for this reason the scheme for excavating a new khal from Alaipur to Fakirhat which was considered in 1898 was abandoned

The Government regret that they are unable to suggest any other method of keeping these khals open which is at all likely to be effective, and therefore they do not propose to take any further action.

(*c*) The Government believe that the expense of erecting sluice-gates would be so great as to render it unlikely that any private company will be found prepared to erect them. Meanwhile Government are not prepared to deal with the hypothetical proposition suggested in the question."

GRAIN COMPENSATION ALLOWANCE.

The HON'BLE BABU UPENDRA LAL RAY asked :—

VI.—(*a*) Will the Government be pleased to state the reason why Grain Compensation Allowance has been stopped since April last though the price of rice is less than 12 seers per rupee in all the districts of this Presidency ?

(*b*) Will the Government be pleased to grant it again with effect from the above date ?

The HON'BLE MR. STEPHENSON replied :—

VI. (*a*) "The Local Government is empowered to grant grain compensation allowance when the price of rice is less than 12 seers per rupee, but the necessity of granting such an allowance is left entirely to the discretion of the Local Government. Grain compensation in Western Bengal was discontinued with effect from the 1st February, 1910, and in Eastern Bengal with effect from the 1st April, 1912.

[*Maharaja Ranajit Sinha of Nashipur ; Mr. Kerr.*]

(*b*) As the price of grain had risen and showed no signs of an immediate fall, grain compensation to the extent of Re. 1 a month has been sanctioned with effect from the 1st October, 1912, for all whole-time servants of Government drawing Rs. 12 and less per mensem who are employed in the districts of Bengal in which the price of the cheapest common rice was dearer than 10 seers the rupee."

AMENDMENT OF THE BENGAL TENANCY ACT (VIII OF 1885).

The HON'BLE MAHARAJA RANAJIT SINHA of Nashipur, in the absence of the HON'BLE SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan, asked :—

VII.—Will the Government be pleased to state whether, in consideration of the repartition of Bengal,—

(*i*) there is any proposal to bring into harmony the different rent laws (*viz.*, the Eastern Bengal and Assam Tenancy Act and the Bengal Tenancy Act) now in force within the readjusted area, and

(*ii*) there is any proposal to amend the Bengal Tenancy Act ; and if so, at what date approximately ?

The HON'BLE MR. KERR replied :—

VII (*i*) "Government has considered the position caused by the fact that the Bengal Tenancy Act of 1885 was amended in Western Bengal by the Bengal Tenancy Amendment Act of 1907 and in Eastern Bengal by the Eastern Bengal and Assam Tenancy Amendment Act of 1908. Most of the divergencies between the two Amending Acts relate to matters of technical and minor importance, and in some cases they are due to differences in the local conditions in the Eastern and Western portions of the existing Presidency. There is no indication that the present position has caused, or is likely to cause, any practical inconvenience, and Government has therefore decided to defer the question of consolidating the Tenancy Law of the province, until a general amendment of the Bengal Tenancy Act is undertaken.

(*ii*) No proposal for a general amendment of the Bengal Tenancy Act is at present under the consideration of Government. Various suggestions on the subject were made to the late Government of Eastern Bengal and Assam, but it was decided that the further information which would be obtained through the proceedings for the preparation of records of rights was required before legislation could be undertaken. These operations have hitherto been confined mainly to the Dacca Division and have only recently been extended to Rajshahi. In the circumstances, it is impossible to state even approximately when legislation is likely to be undertaken."

AMENDMENT OF THE BENGAL SETTLED ESTATES ACT (BEN. ACT III OF 1904).

The HON'BLE MAHARAJA RANAJIT SINHA, in the absence of the HON'BLE SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan, asked :—

VIII.—Will the Government be pleased to state whether it has any intention of amending the Bengal Settled Estates Act at an early date ?

The HON'BLE MR. KERR replied :—

VIII. "A Committee composed of some of the leading landholders of the province and the law officers of Government was appointed in 1910 by the late Government of Bengal to consider the causes of the general reluctance to make use of the provisions of the Bengal Settled Estates Act of 1904. The Committee reported that the causes must be to a large extent a matter of speculation, but that as the Act is in effect a secular device for altering

[*Mr. Chakravarti; Mr. Kerr.*]

the recognised rules of inheritance, which under both Hindu and Muhammadan law are regarded as sacrosanct, it is unlikely, in existing circumstances, that numerous applications will be made for permission to effect settlements under its provisions. The Committee suggested that certain amendments might be made in the Act as an experiment in order to remove possible impediments in the way of its use, but they said that they did not wish to be understood to mean that the result of these amendments would be any great extension in the use of the Act, or that there was any real demand for any one of the amendments specifically. The late Government of Bengal accordingly decided that, in the absence of a stronger indication on the part of the landholding community of a desire for an amendment of the Act, it was not advisable to undertake legislation, and the Governor in Council as at present advised, sees no reason to differ from this conclusion."

ANNUAL COST OF THE BOARD OF REVENUE.

The HON'BLE MR BYOMKES CHAKRAVARTI asked :—

IX.—Will the Government be pleased to state the total annual cost of maintenance of the Board of Revenue—

(*i*) before the partition of Bengal in 1905;

(*ii*) since the partition of 1905 up to the introduction of the Council-Government, and

(*iii*) since the introduction of the Council-Government and the retention of the Board with one Member?

The HON'BLE MR. KERR replied :—

IX.—"A statement giving the information desired by the Hon'ble Member is laid on the table."

*Statement referred to in the Answer by the Hon'ble Mr Kerr to Question No. IX asked by the Hon'ble Mr. Byomkes Chakravarti at the Council Meeting of the 5th March, 1913.*

| Periods | Years | Total annual cost of maintenance of Board | Amount spent for the salaries of Members or Member | Amount spent for establishment and other expenditure | REMARKS |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | Rs | Rs | Rs | |
| Before the partition of Bengal | 1904 05 | 3,08,748 | *1,03,440 | 2,05,308 | * Increase due to payment of leave and acting allowances |
| Partition took place in October 1905. | 1905-06 | 3,14,713 | 89 153 | † 2,25,560 | † Increase due to payment of leave and acting allowances of Secretaries, creation of custom audit establishment, and tour charges. |
| From the partition of Bengal up to the introduction of Council Government. | 1906-07 | 3,13,775 | *1,11,023 | 2,02,752 | |
| | 1907 08 | 3,08,402 | 97,848 | 2,10,554 | |
| | 1908 09 | 3,14,891 | *1,18,232 | 1,96,659 | |
| | 1909-10 | 2,96,858 | 93,919 | 2,02,939 | |
| | 1910-11 | 2,88,555 | 91,147 | 1,97,408 | |
| From the introduction of Council Government and the retention of the Board with one Member. | 1911-12 | 2 29 834 | 39,487 | 1,90 347 | |
| | 1912-13 | 2,48,000 | 43,200 | 2,04,800 | Revised Estimate. |

[*Mr. Chakravarti; Mr. Kerr; Mr. Stevenson-Moore.*]

The Hon'ble Mr. Byomkes Chakravarti asked :—

X.—Will the Government be pleased to state what portion of the total cost of maintenance of the Board of Revenue was incurred during the three periods mentioned in Question IX, in—

(*a*) payment of the salaries of the Members or the one Member of the Board as the case may be, and

(*b*) maintaining the office and the establishment ?

The Hon'ble Mr. Kerr replied :—

X.—"The information is contained in the statement which was laid on the table in answer to Question No. IX.

The Hon'ble Mr. Byomkes Chakravarti asked :—

XI.—Will the Government be pleased to state what total expenditure will be necessary every year to maintain the Board of Revenue in the form contemplated under the Board of Revenue Bill recently introduced in the Council, and what part of it will go for payment of the salary of the Member and for the maintenance of the office and the establishment respectively ?

The Hon'ble Mr. Kerr replied :—

XI. "The estimated cost of the Board of Revenue for 1913-14 is Rs. 2,34,000, of which Rs. 43,200 represents the salary of the Member, and the rest, expenditure on the office and establishment. In future years, however, the expenditure on the Board's establishment will be considerably less than the amount shown in the estimate for 1913-14, since it has been found necessary, owing to the abolition of one of the Members of the Board, to transfer about half of the Board's work to Government. As a matter of fact a considerable portion of the Board's establishment is now working in the Government Secretariat, but pending the sanction of the Government of India to the arrangements necessary in consequence of the redistribution of work, the whole establishment previously employed in the Board's office has been shown under the Board in the estimates for 1913-14. It is anticipated that when the new arrangements are finally brought into effect, there will be some reduction in the total cost of the Government and Board's Secretariats.

Separation of the Judicial and Executive Functions.

The Hon'ble Mr. Byomkes Chakravarti asked :—

XII.—(*a*) Will the Government be pleased to state with particularity what steps, if any, have been taken in Bengal within the last twelve years towards the separation of the Judicial and the Executive functions ?

(*b*) Has the Government any proposals in view regarding the separation of the Judicial and Executive functions ?

(*c*) If so, will the Government be pleased to state what they are and when they are to be brought forward ?

The Hon'ble Mr. Stevenson-Moore replied :—

XII.—(*a*), (*b*) and (*c*). "The Hon'ble Member's attention is invited to the reply which was given to a similar question in the Imperial Legislative Council on the 10th September, 1912. The Government of India then said that they were not in a position to make a statement on the subject. The Local Government is unable at present to add to that reply."

[*Mr. Chakravarti; Mr. Kerr.*]

THE GOVERNMENT VETERINARY COLLEGE AT BELGATCHIA.

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

XIII.—Will the Government be pleased to state—

(*a*) the total annual cost necessary for the maintenance and upkeep of the Government Veterinary College at Belgatchia ;

(*b*) how many students can be trained at a particular time ;

(*c*) how many students have been successful at the examination from the start of the College up to the end of 1912 ;

(*d*) how many of them were altogether employed in the Department from time to time ; and

(*e*) how many of them are still so employed ?

The HON'BLE MR. KERR replied :—

XIII.—(*a*) "The annual expenditure on the maintenance and upkeep of the College is a little over a lakh. In 1911-12, it was Rs. 1,06,219.

(*b*) The hostels attached to the College contain accommodation for 188 students, but only 150 can be trained by the present staff.

(*c*) Two hundred and fifty-six students have graduated after going through a complete three years' course.

(*d*) and (*e*) Of these 256 students, 190 are now employed in the Veterinary Department under Government, District Boards and Municipalities ; 10 are in private employ ; and 3 are engaged in private practice on their own account. Of the remaining 53 students, 36 were employed at one time in the Veterinary Department, but resigned or were removed or dismissed, 9 have died and 8 are, so far as is known, unemployed."

IMPROVEMENT OF THE BREED OF CATTLE IN THE PRESIDENCY OF BENGAL.

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

XIV.—Will the Government be pleased to state what steps, if any, have been taken by the Government to improve the breed of cattle within the Presidency ?

The HON'BLE MR. KERR replied :—

XIV.—"The action hitherto taken in this Presidency for the improvement of the breed of cattle has been confined mainly to the provision of stud-bulls. There are at present 59 such bulls in various parts of the Province. The results, however, have not in all cases been satisfactory, chiefly owing to the difficulty of selecting the best cows for breeding. The question of improving the system of distributing breeding bulls has for some time been under the consideration of the Director of Agriculture.

Under the orders of the Government of India, a preliminary cattle survey of the Province has lately been completed, and a report on the subject which is now being compiled, will, it is hoped, throw much light on the problem of cattle-breeding. Very full inquiries have been made as to the classes of animals best suited for draught purposes and for milk production in various parts of the Province, and as to the manner in which the Agricultural and Veterinary Departments can best assist the supply of such animals to localities where it is at present deficient. Pending a final decision on the action to be taken in consequence of the report, Government has sanctioned, as an experimental measure, the establishment of a cattle farm at Rangpur, where a scheme for the improvement of indigenous cattle by selection will be introduced. Further particulars of this scheme will be given in the explanation of the agricultural budget at to-day's meeting of Council."

[*Babu Upendra Lal Ray; Mr. Stevenson-Moore.*]

THE PROVINCIAL EXECUTIVE AND JUDICIAL SERVICES.

The HON'BLE BABU UPENDRA LAL RAY asked :—

XV.—(*a*) Will the Government be pleased to state what is the total number of vacancies in the Provincial Executive and Judicial Services up to the end of December 1912 ?

(*b*) Will the Government be pleased to state when the promotions consequent on the above vacancies are likely to be gazetted ?

(*c*) Will the Government be pleased to state why the vacancy in the listed posts of the Provincial Judicial Service, caused by the retirement of Mr. Raj Krishna Banarji on 16th October last, was not filled up by a member of that Service ?

(*d*) In view of the abolition of the Rs. 200 grade from the Provincial Executive Service, will the Government be pleased to state whether and, if so, when, the same reform will be introduced in the Provincial Judicial Service ?

(*e*) Is not Mr. Abdul Majid, the District Judge of Rajshahi, a member of the Assam Provincial Service, and is he not filling up 1 of the 3 District Judgeships of Assam kept in the same cadre with Bengal ?

(*f*) Are not there 28 District Judgeships for Bengal (proper) including 1 additional ?

(*g*) Is it not true that 1 to 6 is the proportion of listed posts to the entire number of District Judgeships in Bengal, and that in that ratio the Provincial Judicial Service can claim 4 listed posts out of 24 District Judgeships and 1 more out of the remaining 4 ?

(*h*) The present number of listed posts in the Bengal Judicial Service being only 3, is not tha Service justly entitled to an addition of 2 to the same ?

The HON'BLE MR. STEVENSON-MOORE replied :—

XV.—(*a*) *and* (*b*) "There were 30 vacancies available in the difierent grades of the Provincial Executive Service on the 31st December, 1912. Promotions to fill them with retrospective effect were gazetted in Notification No. 1366 A., dated the 10th February, which appeared in the Gazette of the 12th February last.

In the Provincial Judicial Service there were 20 vacancies at the end of December. It is expected that promotions to fill them will be gazetted shortly.

(*c*) The Government of India have provisionally sanctioned 8 listed posts for the new Presidency of Bengal, and these are divided equally between the Judicial and Executive Services. The share of the Judicial Service is therefore 4. On the reconstitution of the cadres, 5 officers of the Judicial Branch holding listed posts were left in Bengal. By the retirement of Mr. Raj Krishna Banarji, the number of such posts held by members of the Judicial Service was reduced to its proper proportion.

(*d*) This question will be taken into consideration after orders have been received on the scheme for reorganising the Provincial Judicial Service now pending with the Government of India.

(*e*) Mr. Abdul Majid is not a member of the Assam Provincial Service. He fills 1 of the 4 listed posts which have been provisionally alloted to the joint Judicial Service for Bengal and Assam.

(*f*), (*g*) *and* (*h*) In Bengal proper there are 21 District Judgeships and 6 Additional District Judgeships (including the second Additional Judge for the 24-Parganas), to which should be added 1 post of Superintendent and Remembrancer of Legal Affairs which is included in the grades of District and Sessions Judges. The proportion of 4 to 6, to which the Hon'ble Member

refers. represents the maximum extent to which, under existing orders, superior and inferior charges now held by members of the Indian Civil Service can be gradually thrown open to members of the Provincial Services. Information as to the present number of listed posts open to members of the Provincial Judicial Service is given in the answer to Question (*c*)."

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## LEGISLATIVE BUSINESS.

### THE BENGAL BOARD OF REVENUE BILL, 1913.

The Hon'ble Mr. Lyon presented the Report of the Select Committee on the Bill to alter the constitution of the Board of Revenue for Bengal.

### THE CALCUTTA BURIAL BOARDS (AMENDMENT) BILL, 1913.

The Hon'ble Mr. Lyon presented the Report of the Select Committee on the Bill to amend section 14 of the Calcutta Burial Boards Act, 1889.

### THE CALCUTTA MUNICIPAL (LOANS) BILL, 1913.

The Hon'ble Mr. Stephenson moved for leave to introduce a Bill to amend the provisions of the Calcutta Municipal Act, 1899, relating to loans.

He said :—

I move for the leave of Council to introduce the Calcutta Municipal Loans Bill. The necessity for legislation on the subject has been admitted on all hands since 1910 when the defective constitution of the Sinking Fund for the repayment of Calcutta Municipal loans was first realised. It is unnecessary to go at length into the origin of the defects, but their nature can be very shortly explained. In the Act of 1876, the Corporation was required to pay into a Sinking Fund 2 per cent. on its outstanding loans; and this 2 per cent. payment improving at the rate of 3 per cent. compound interest accumulated to the full amount of the loan in a period of about 30 years The period of the loans of the Corporation at this time was 30 years, so that the sinking Fund payments were sufficient to provide for the complete repayment of the loan at the end of its term. When the Act of 1881 was introduced it was represented to Government that the Corporation were committed to very large schemes of drainage and water-supply both in the town proper and in the added areas and specially to a new 62-inch main from Pulta and that, if the Corporation had to provide from revenue Sinking Fund payments at the rate of 2 per cent on the loans necessary for these purposes, the rates would have to be considerably raised and the water-supply and drainage schemes would be retarded, if not abandoned. In these circumstances, the Government of India agreed that a Sinking Fund payment of 1 per cent. might be allowed on all loans for the purpose of drainage or water-supply, while the 2 per cent. payment was retained for all other loans. This had the effect of increasing the period of indebtedness in respect of loans for water-supply and drainage from 30 to 47 years, while as a matter of fact the period of the loans continued to be normally 30 years. In the first draft of the Bill in 1888, these provisions were retained, but the Select Committee extended the concession of 1 per cent. payment to all loans irrespective of their purpose. There does not appear to have been any discussion on the subject and the effect of the alteration was not adverted to either by the Government of Bengal or the Government of India. This effect was to increase the period of indebtedness of Corporation loans from 30 to 47 years, while the period of the loans continued to be 30 years and in some cases considerably less. The first loan taken after 1881 fell due for repayment in 1903. It was repaid in full from the Sinking Fund, and the payments by the Corporation to the Sinking Fund in respect of it ceased, and

this course has been followed in respect of all other loans which have since been repaid. The payment, however, of 1 per cent. to the Sinking Fund will not provide for the full repayment of the loan in less than 47 years, assuming that the rate of improvement of the Sinking Fund is 3 per cent. As the term of the Corporation loans in no case exceeded 30 years and in several instances was considerably less, it follows that when these loans were actually repaid from the Sinking Fund, the Sinking Fund payments on their account had not accumulated to more than at the most half of the loans. The remainder was as a matter of fact repaid from the payments to the Sinking Fund in respect of other loans which had not yet fallen due. In this way in all 63½ lakhs have been taken from the Sinking Fund of which it is calculated that only a little over 15 lakhs should rightly have been apportioned to the loans repaid. The actual situation was obscured by the provision in the Act that there should be only one Sinking Fund with one account for all municipal loans taken after the 1st April 1881 instead of separate Sinking Funds for separate loans In 1910, the Vice-Chairman of the Corporation and the Accountant-General separately called the attention of Government to the condition of the Sinking Fund, and it was calculated that if no steps were taken to place it on a sound basis, the Fund would be exhausted by about 1916, and the Corporation would thereafter have to borrow in order to repay each loan as it fell due and thus involve itself in practically perpetual indebtedness.

The Government and the Corporation were agreed that steps must be taken as soon as possible, first, to make good the sum by which the Sinking Fund is in deficit ; secondly, to ensure contributions to the Sinking Fund in respect of the existing loans for such a period as will cause a sum to accumulate eventually in the Sinking Fund equivalent to the full amount of the loan ; thirdly, to ensure that in the case of new loans contributions to the Sinking Fund must be prescribed sufficient to ensure the accumulation in the Fund at the expiry of the term of each loan of a sum equal to the amount of the loan ; and fourthly, that separate accounts must be kept of the Sinking Fund transactions of each loan. All parties concerned are I think agreed that these objects must be provided for and that legislation is necessary to this end, though there may be differences of opinion as to the best method of providing for them. As regards the existing deficit, there are two methods which might be adopted in calculating it. The first is to take the sums which have wrongly been withdrawn for the repayment of loans from the Sinking Fund in excess of the accumulations properly creditable to those loans. This would result in a very large deficit which it would cripple the Corporation to repay. The other method which has been adopted in the Bill is to say that the period of indebtedness of all the existing and repaid loans is 47 years calculated on a Sinking Fund payment of 1 per cent. In the case of each loan therefore at the end of 47 years there would be in the Sinking Fund an accumulation equivalent to the full amount of the loan, but inasmuch as the Sinking Fund payments on account of the repaid loans ceased when the loans were so repaid and the normal growth of the previous payments stopped when they were prematurely withdrawn from the Sinking Fund, the Sinking Fund has suffered to this extent and must be correspondingly reimbursed. It is calculated that the total amount of this loss is Rs. 8,12,000.

The Bill therefore deals with the existing loans in the following way. In the first place the deficit of 8 lakhs is made good by 20 half-yearly payments of Rs. 47,297. The loans are then divided into those which have been repaid and those which have not. As regards loans which have been repaid, it is necessary to provide that the Sinking Fund payments and the accumulations in respect of those payments shall now be resumed, and it is therefore proposed that the Corporation shall at once begin to pay 4 per cent. annually on the total amount withdrawn from the Sinking Fund for the payment of these loans. This 4 per cent. is made up of 1 per cent. Sinking Fund payment which ceased when the loans were repaid and 3 per cent. being the interest at the normal rate of growth which the amount withdrawn from the Sinking Fund would have earned. These

payments are to be continued for a period of 47 years from the date of each loan. The payment of 8 lakhs would be sufficient for the future stability of the Sinking Fund, but it would not do anything towards replacing the 63 lakhs already taken out of the Sinking Fund and this payment of 4 per cent. on the amount of loans already repaid will by the end of the period of indebtedness replace that 63 lakhs

As regards the existing loans which have not yet matured, it is provided that the 1 per cent. Sinking Fund shall continue. When each loan matures, the accumulations in the Sinking Fund in respect of that loan shall be used to repay it. As has already been shown, the majority of the loans are for 30 years, and when they fall due, the accumulations in respect of them in the Sinking Fund will not amount to more than half the total amount of the loan. The balance, therefore, is to be borrowed in the open market for a period representing the difference between the term of the original loan and the period of indebtedness, *i.e.*, 47 years. In most cases, therefore, the second loan will be for a period of 17 years. On this second loan Sinking Fund payments must be made sufficiently large to accumulate at the end of 17 years, or whatever the period of the second loan is, to the full amount of the second loan. This will, of course, involve a considerably higher Sinking Fund payment than 1 per cent., but there will be a saving in the payment of interest because no interest will be paid on the money taken from the Sinking Fund. The total amount of the Sinking Fund payments and interest on the second loan will not, therefore, be greater than the total amount of these payments had the first loan continued for 47 years. At the end of 47 years, therefore, in the case of all existing loans, both those repaid and those not yet repaid, the indebtedness will cease.

There is a special provision made regarding the loan of 34 lakhs taken by the Corporation last year. The Government of India sanctioned the loan subject to certain terms as to repayment. The Government of India considered that special arrangements should be made to repay the loan within 30 years and directed that, pending the passing of the present Bill, the Corporation should make arrangements, in addition to the Sinking Fund payments, to cancel debentures yearly to the amount of a further 1 per cent. on the loan. It has, therefore, been provided in the Bill that in the case of this particular loan, the Sinking Fund payments should be sufficient to pay it off in 30 years.

As regards future loans, we have a clear field, and it is provided that in each case there shall be a separate Sinking Fund for each loan and that the term of the loan and the period of indebtedness shall coincide; that is to say whatever be the term sanctioned by the Government of India for the loan, the Sinking Fund payments on account of it must be such as to accumulate to the full amount of the loan within that term. In the case of future loans the provisions are simple and there is no possibility of any defects arising such as have given occasion to the present legislation, and there is a further safeguard that the Accountant-General shall examine annually the accounts of each Sinking Fund and if he finds that there is a deficiency in respect of any of them, the Corporation shall be bound to make up that deficiency at once. On the other hand, if there is an excess, the Trustees may repay such excess to the Corporation.

The other provisions of the Act have been adequately explained in the notes on clauses, and I think are such as will commend themselves to the Council without further explanation. If leave to introduce the Bill is granted, it is proposed to move for a reference to Select Committee at the next meeting of the Council and to take the final stages of the Bill during the present session

The motion was put and agreed to.

THE AMENDED DRAFT FINANCIAL STATEMENT.

The Hon'ble Sir William Duke presented the amended draft Financial Statement for Bengal for 1913-14.

# AMENDED DRAFT FINANCIAL STATEMENT, BENGAL, 1913-14.

## FINANCIAL DEPARTMENT.

### FINANCE.

*Calcutta, the 4th March 1913.*

MEMORANDUM.

THE following memorandum is circulated, indicating the alterations in the figures which have been made since the circulation of the Amended Draft Financial Statement, Bengal, for 1913-14, dated the 26th February 1913.

2. The following changes have been made under the orders of the Government of India :—

*Revised Estimate, 1912-13.*

RECEIPTS.

*I.—Land Revenue Adjustments.*—The Government of India have sanctioned the following non-recurring assignments :—

| | Rs. |
|---|---|
| (*a*) Sanitation ... ... ... ... | 20,00,000 |
| (*b*) Education ... ... ... ... | 75,00,000 |
| (*c*) For discretionary grants ... ... | 12,00,000 |
| | +1,07,00,000 |

These assignments have raised the total receipts by Rs. 1,07,00,000, and the closing balance for the current year has now been estimated at Rs. 2,83,98,000 against Rs. 1,76,98,000 originally calculated.

*Budget Estimate, 1913-14.*

RECEIPTS.

*I.—Land Revenue Adjustments.*—The Government of India have sanctioned the following assignments :—

| | Rs. |
|---|---|
| (*i*) Recurring assignment for Sanitation ... | 5,00,000 |
| (*ii*) Ditto ditto Education ... | 13,20,000 |
| (*iii*) Grant for Agriculture and allied objects ... | 1,50,000 |
| (*iv*) Grant for Medical relief ... ... | 1,00,000 |
| (*v*) Recurring assignment in connection with the remission of appropriations from Cesses ... | 24,93,000 |
| Total ... | +45,63,000 |

*VI.—Provincial Rates.*—(Minus *Rs. 31,35,000*)—The collections from the Public Works Department Cess will now be made over to District Funds.

The grants sanctioned by the Government of India raise the estimate of receipts under Land Revenue Adjustments by Rs. 45,63,000, but the assignment of the net collections from the Public Works Cess will reduce the estimate of receipts by Rs. 31,35,000. The net increase in the receipts has, therefore, been estimated at Rs. 45,63,000 – 31,35,000=14,28,000 and the estimate of total receipts has been passed for Rs. 5,93,06,000.

CHARGES.

| | Rs. | |
|---|---|---|
| 8—Provincial Rates ... | −58,000 | The cost of collection of Public Works Cess. will now be met by the District Funds. |
| 22—Education ... ... | +41,00,000 | Lump addition made by the Government of India out of the Imperial Assignment. |
| 24—Medical ... ... | +12,75,000 | |
| 26—Scientific and other Minor Departments ... ... | +1,50,000 | |
| 45—Civil Works in charge of Public Works Department | +4,00,000 | |
| 45. Civil Works in charge of Civil officers ... ... | −5,84,000 | As the District Boards will now get the whole of the collections from the Public Works Cess, the grants from Provincial Funds will be reduced by Rs. 5,84,000 as shown in paragraph 59 of the Amended Draft Financial Statement. |
| Total ... | +52,83,000 | |

The closing balance for 1913-14 is now estimated at Rs. 1,94,95,000 against Rs. 1,26,50,000 originally estimated, thus —

| | Original | Present |
|---|---|---|
| | Rs. | Rs. |
| Opening balance ... ... | 1,76,98,000 | 2,83,98,000 |
| Receipts ... ... ... | 5,78 78,000 | 5,93,06,000 |
| Total ... | 7,55,76,000 | 8,77,04,000 |
| Charges ... ... . | 6,29,26,000 | 6,82,09,000 |
| Closing balance ... ... | 1,26,50,000 | 1,94,95,000 |

3. Copies of the Amended Draft Financial Statement, as now revised incorporating the changes noted above are circulated herewith.

F. W. DUKE.

CALCUTTA,
*The 4th March 1913.*

# AMENDED DRAFT FINANCIAL STATEMENT, 1913-14.

## PART I.—General Review.

### (1) ACCOUNTS FOR 1911-12.

OWING to the administrative changes announced by His Imperial Majesty at Delhi no budget for 1912-13 was presented to Council last year, and therefore no revised estimate for 1911-12 was laid before the Council. The revised estimate of old Bengal for 1911-12 was passed by the Government of India, and now the accounts have been prepared for the new Bengal Presidency. The accounts for 1911-12 of new Bengal, as now compiled, show that the actual receipts amounted to Rs. 5,20,51,383 and the charges to Rs. 5,83,77,064.

### (2) REVISED ESTIMATE FOR 1912-13.

2. The revised estimate for 1912-13, as now passed on the basis of the actuals of the first nine, and in some cases ten, months of the current year, is compared below with the sanctioned estimate for the year —

| | Sanctioned estimate. | Revised estimate. | Better (+) or worse (−). |
|---|---|---|---|
| | Rs. | Rs. | Rs. |
| Opening balance ... | 1,66,25,000 | 1,66,25,000 | .. |
| Revenue receipts ... | 5,62,53,000 | 5,67,87,000 | + 5,34,000 |
| Adjustments ... | 3,82,000 | 1,45,41,000 | +1,41,59,000 |
| Total receipts ... | 5,66,35,000 | 7,13,28,000 | +1,46,93,000 |
| Grand Total ... | 7,32,60,000 | 8,79,53,000 | +1,46,93,000 |
| Total expenditure | 5,99,38,000 | 5,95,55,000 | + 3,83,000 |
| Closing balance . | 1,33,22,000 | 2,83,98,000 | +1,50,76,000 |

3. The increase under adjustments is due to the following additional assignments from Imperial Revenues .—

| | Rs. | Rs. |
|---|---|---|
| Contribution for recovery of cost of transmission of records by revised procedure introduced by the Court-fees Act ... ... ... | 6,000 | |
| Contribution for pensions of title-holders ... ... ... | 3,000 | |
| Additional recurring grant for popular education ... ... ... | 25,000 | |
| Recurring grant for aided English secondary schools ... ... | 1,50,000 | |
| Recurring grant for the extension of education among poorer classes of the domiciled community ... | 40,000 | |
| Recurring grant for the amalgamation of the clerical establishment of the Art section of the Indian Museum with the Calcutta School of Art ... | 1,000 | |
| Assignment for the Belgachia Veterinary College ... ... | 39,000 | |
| Contribution from Bihar and Orissa towards pay of electrical staff utilized by it ... ... | 8,000 | |