

[*Rai Nalinaksha Basu Bahadur; Rai Radha Charan Pal Bahadur.*]

and produce a sense of satisfaction throughout the length and breadth of the municipalities."

The Hon'ble RAI NALINAKSHA BASU BAHADUR said :—

"I beg to support the motion of my hon'ble friend, Babu Surendra Nath Ray. I was Chairman of an important municipality for a period of upwards of 18 years, in which taxes to the highest limit permissible by law were levied. Still the resources of the municipality were such that it was unable to meet its urgent needs. I can therefore say, without fear of being contradicted, that the majority of the municipalities of Bengal are quite incompetent financially to undertake any expensive projects, such as water-supply and drainage projects, without material help from the Government. They have ordinarily to perform many duties which require large sums of money. They have to maintain the roads of the towns in their charge, and provide an adequate number of lights thereon. They have to provide public latrines and spend money to improve the sanitation of the town. They are also saddled with the expense of maintaining dispensaries and hospitals, meet all cost for education, primary and secondary. In addition to the above, they are called upon now and then to make temporary arrangements for checking cholera, small-pox and plague. On establishment also their expenditure is considerable, as they have to keep a very large number of account books. After paying for all the above works, they find themselves devoid of any income from which other works can be taken in hand. As regards the necessity of providing wholesome drinking water in adequate quantities, no one can deny it. Scientists are of opinion that the supply of wholesome water in sufficient quantity is a fundamental sanitary necessity; without it injury to health inevitably arises either from deficiency in quantity or from presence of impurities, and that they had no hesitation in attributing cholera, many forms of fever, dysentery and diarrhoea principally to the water-supply which is obtained from tanks, the water of which is too frequently little better than diluted sewage abounding in animal and vegetable life, every shower of rain washing filth into it, while the clothes and cooking utensils cleaned in it contributed the modicum of filth. My Lord, that is the sort of water the people in the mufassal drink; and if the quality of the water be not improved, it is hopeless to drive malaria out from Bengal. Burdwan was almost depopulated in the seventies by the scourge called malaria. One who has gone through the literature of the Burdwan fever, for which the town Burdwan had acquired an unenviable notoriety, will be convinced that, prior to the breaking out of the fell disease, the town became water-logged owing to the existence of embankments on the north and south sides of it, and that there was dearth of good drinking water in it. I am glad to mention that after the introduction of the scheme of supplying filtered water in the town the virulence of the fever abated to a great extent, and it can be said that it has practically died out now. Being convinced of the beneficial effects of wholesome drinking water, I earnestly beg that the Government will be kind enough to make the grant asked for to enable the mufassal municipalities to introduce the supply of good potable water in their towns."

The Hon'ble RAI RADHA CHARAN PAL BAHADUR said :—

"My Lord, I rise to support the motion of the Hon'ble Babu Surendra Nath Ray. If all the non-official members who wished to speak were permitted to do so, this is such an important subject that they would speak for the whole week, but Your Lordship's sympathy with the motion, and also the action which Your Excellency's Government has taken to improve the sanitation of mufassal municipalities, have raised high hopes in the hearts of the people. My Lord, the speaker has referred to the municipalities near Calcutta, and I shall only speak a few words with regard to the condition of the municipalities contiguous to Calcutta and Howrah. The congestion of Calcutta is not a little due to the insanitary condition of the outlying municipalities on both sides of the river. Municipal work, properly speaking, is a part of the work of Government which has been assigned to popular bodies, to be carried out with the means placed at their disposal. But, my Lord, it has been abundantly shown that the means at their disposal are quite inadequate

[*Rai Radha Charan Pal Bahadur ; Babu Ananda Chandra Ray ; Nawab Saiyid Nawab Ali Chaudhuri.*]

to carry out the improvements which are essentially necessary in those areas. I remember, my Lord, in 1897, when plague broke out in Calcutta, there was a general stampede in the town ; people ran from Calcutta to outlying places within the jurisdiction of the different municipalities on both sides of the river, and the sad experience which many of them had, shows the necessity of taking prompt steps to improve the sanitation of those areas. Many of them, my Lord, returned malaria-stricken, and not a few of them came back afflicted with bereavements, having lost some members of the family through malaria or some other disease, and the result was that people, although they were threatened by plague in Calcutta in successive years, preferred to die here from plague to moving away from Calcutta. My Lord, if the sanitary condition of the outlying municipalities is improved, I am sure the congestion will be greatly relieved, and people who are now huddled together in the northern part of the town will find it more convenient to live in more open areas without running the risk of being victims to malaria or cholera. My Lord there is another thing which also has, to a certain extent, aggravated the want of a pure water-supply. Of late years, complaints have been made of the pollution of river water by the discharge of the contents of the septic tanks. River water, which used formerly to be largely used by the people of the riparian municipalities for drinking purposes, is not now deemed healthy on account of the many pollutions that have taken place of late years, due, no doubt, not to one cause, but to several causes. That also shows the necessity of giving them pure drinking water. The motion for a grant, which my hon'ble friend has moved, is intended no doubt for the municipalities throughout the Presidency of Bengal, but I venture to express the hope that a certain sum of money will be ear-marked for the improvement of the municipalities on both sides of the river, say, within a radius of 30 miles. It will not only confer benefit upon that area, but will also extremely benefit Calcutta where people from all parts of Bengal come and live."

The Hon'ble BABU ANANDA CHANDRA RAY said :—

"I also rise to support this resolution. I shall not say anything about the necessity of the grant, because so much has been said and the matter is so well known, but I should like to propose an amendment to this effect that after the ward "mufassal municipalities" the words "and subdivisional officers in whose subdivisions there are no municipalities" be added, because Your Excellency knows that there are subdivisions where there are no municipalities such as Manikganj, Munshiganj, and I could name a number of others and those are urban places ; and if this grant of 6½ lakhs had been assigned or allotted for the purposes of improvement of the sanitation of urban areas, I do not know why these places, which are towns which are of great importance, should not be benefited by this grant. Your Excellency knows that Manikganj is a most malaria-stricken place, and that is on account of the silting of the rivers and canals, and Munshiganj was also in that condition for some time, but on account of the benevolence of the local Rai-Bahadurs, water-works have already been started there, and are doing good work. There are also other urban places, but I leave them out because they are not in the subdivisions where there are no municipalities and where people suffer very much on account of the want of pure drinking water. Sir, with these suggestions, I support the motion. I do not like to press the matter to a division, if my friend who has moved will accept the amendment, well and good, otherwise I shall simply urge on the Government that, when making the allotments, they will not lose sight of those subdivisions which have not got municipalities in them."

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

"My Lord, the question of pure water and drainage is the question almost of life and death to a people. It is a happy sign of the times that most of the municipalities in Bengal have already begun the work, though on a very modest scale. The demand is, however, too great and the progress in this line is even now very slow.

[*Nawab Saiyid Nawab Ali Chaudhuri Khan Bahadur ; Sir William Duke.*]

* "My Lord, the growth of town life is a sign of prosperity, and it is therefore necessary that we must change the sanitary state of our towns, that they may be properly habitable. With the progress of education in the country, our municipalities are coming to be centres of the the civic life of the Presidency, and we must draw there a class of people who possess wealth, education and leisure. To-day most of such people flock to the metropolis, leaving the towns to take care of themselves, and such will be the case so long as our municipalities are not adequately strengthened to cope with malaria and other diseases, which are the concomitant of insanitary conditions.

"With great pleasure, therefore, I beg to support the resolution before the Council."

The Hon'ble SIR WILLIAM DUKE said :—

"I had some difficulty in understanding what the resolution was really directed to, and I cannot say that I have been very much enlightened by the number of speeches which we have heard on the subject. No doubt they disclose a very general feeling of the want of increased funds for sanitation in mufassal municipalities, but it seems to me that any one with the Financial statement in his hands might have understood that very much more in the direction desired is proposed to be done, and will be done, than what has been asked for. We have been requested to make a provision of 6½ lakhs for drainage and water-supply in mufassal municipalities. As a matter of fact the budget shows that we have available for sanitary purposes something exceeding 22 lakhs, and I would ask the Hon'ble Members who have spoken what they think we spend this on, if not on water-supply and drainage in municipalities. If they would glance at page 30 of the statement, they will find a long list of objects for sanitary purposes on which money is to be spent. It is difficult to be precise amongst so many items, but they will see that three-fourths at least are objects of water-supply and drainage. It is true that some minor items appear, but these are the principal. As to the anti-malarial campaign, I do not think that members have really any objection to anti-malarial operations. I fancy that some of that drainage work which the Hon'ble Babu Surendra Nath Banerjee mentions as having been undertaken in North Barrackpore, was really done as an anti-malarial operation. It has that advantage to the municipality that the municipality has not been asked to contribute towards, it but, putting these operations aside, the great bulk of the money does go on the purposes which Hon'ble Members have in view, and there are really no other purposes on which expenditure of such magnitude could be incurred. As a matter of fact, the probability is that, if schemes can be produced, the expenditure on municipal water-supply and drainage for the next year will run up not to 6½ lakhs, but to very nearly three times that amount. The question with Government for years past has been not a question of funds, because they have been largely provided by the Government of India, but of getting properly prepared and matured schemes on which to spend these funds. The Hon'ble Member has just referred to the urgent need of water-supply in Chittagong. There is no question of the need, but he mentioned, I think, that the scheme is with Government. I do not myself believe that the scheme is yet with Government. I think it is probably not yet a fortnight since it left Chittagong. All who have experience of mufassal municipalities know that it takes a very long time to mature these schemes, and it is really very difficult to get them into working shape, and over and over again Government is asked to give money which they are perfectly willing to give, but cannot give because schemes are not in a condition to justify the allotment. That is a sufficient explanation of the point to which the Hon'ble Mover drew attention, that Rs. 2,60,000 or more had to be carried on from last year. What that means is that the municipalities which might have received it, have not yet come forward with sufficiently prepared and matured schemes. As soon as they do, there is no doubt that the money is there. I do not understand why, when so much money is available, this specific resolution should have been made. Perhaps the Hon'ble Mover desired to get Government to pledge itself to spend no money on any other

[*Sir William Duke ; Mr. Chakravarti ; The President.*]

sanitary purposes, or to spend none of it in Calcutta or the suburbs. It would be futile, however, to give the motion that interpretation, for I do not suppose that the Council desires that Government should bind itself absolutely to spend no money on sanitary purposes except drainage and water-supply. It is always possible something of an urgent nature may arise, and surely we must retain the discretion to meet the case. Nine-tenths of the money of this grant is ordinarily spent on these purposes. It is possible that the Hon'ble Member wished to exclude Calcutta and the suburbs from the benefits, but why should he? As a matter of fact, we do not usually give much money away to Calcutta. We have assisted the suburbs, and I presume that he does not desire that that assistance should be discontinued. So far as I can understand, it seems to me that this resolution and most of what has been said upon it, is entirely superfluous, because very much more will undoubtedly be expended than has been asked for. But on one point I must speak, and that is the amendment which was proposed by the Hon'ble Maharaja of Nashipur, that part of this money should be spent on jungle-cutting. I do not think that Government will agree that money received in this way, and required for permanent and important sanitary work, should be spent on jungle-cutting. I have no doubt that we could find jungle to cut all over Bengal, enough to absorb the whole of the grant, and I am quite convinced that if we set out and spent the whole of the money on jungle-cutting in June, there would be just as much jungle again in October. Expenditure on that account would be simply frittering our funds away, and the raising of such a question suggests to me that the system by which we receive these large grants outside our ordinary income, is somewhat demoralising. I do not think that if it were a question of allotting our own income, it would have been proposed to spend large sums on jungle-cutting. The question of jungle cutting is important enough—we are aware of that, but it is in the hands of municipalities to have jungle cut, and they have all the powers they require. It is quite possible that the suggestion has been made in view of the grant of Rs. 50,000 for an experiment in jungle-cutting not in municipal but in rural areas; that is a measure entirely of an experimental nature, directed to find out, and, once the point has been ascertained, to prove to people that the presence of dense jungle in villages is unhealthy. A sum of Rs. 50,000 was allotted by the Indian Research Committee, and this money is to be spent in certain selected areas with a view once and for all, if possible, to demonstrate that the reduction of jungle does improve the health of the locality, but I trust that the idea will not be taken up that if the point is proved, it will then become the duty of Government to provide funds for cutting jungle all over Bengal. Nothing is further from our mind, but if the demonstration is of any use at all, it will be in convincing people that it is worth while to cut the jungle, that it would pay them to do it. If one experiment is not sufficient, very likely the demonstration will be made again elsewhere, but in any case it will be done as an educational experiment, and it will not be done on the principle of Government accepting the responsibility to clear the jungle.

"I am afraid, My Lord, it is impossible to accept the resolution as it stands. I have explained the intention of Government, which in one way goes much further than the resolution, which I hope will not be pressed."

The Hon'ble MR. CHAKRAVARTI said :—

"My Lord, am I in order in speaking to this resolution?"

The PRESIDENT said :—"Certainly."

The Hon'ble MR. CHAKRAVARTI said :—"I desire to point out that the object of the resolution, as I understand it, is this. Out of the 22 lakhs, which, as it has been pointed out by the Hon'ble Sir William Duke, is set apart for sanitary experimental purposes, at all events the figure which the Hon'ble Surendra Nath Ray has mentioned in his resolution should be specially set apart, i.e., earmarked for purposes of supplying good drinking water and for drainage in urban areas. That is what I understand his resolution to be, and it will then be entirely for the Government to decide whether, out of 22 lakhs, this

[Mr. Chakravarti; Babu Surendra Nath Ray.]

sum of six lakhs and odd can be utilized for that purpose, as, if I follow rightly, the Hon'ble Sir William Duke, the main part of the sanitary work is supply of drinking water and improvement in the drainage of urban areas. If that is so, I feel great difficulty in understanding why there should be any opposition to this resolution, and if I may put it in a humorous form, what my friend the Hon'ble Babu Surendra Nath Ray desires to avoid, is that out of this six lakhs and odd, anything should be spent for example upon an object like this which is mentioned on page 30, and referred to by the Hon'ble Sir William Duke—the Mosquito Brigade, Dacca. Rs. 220. I had great difficulty in understanding what this meant, as to whether it meant that the mosquitos, which are extremely powerful in that part of the country, should be trained into brigades for purposes of attacking human beings, or whether a brigade should be formed for the purposes of attacking mosquitos. However that may be, what my Hon'ble friend desires to impress upon Your Excellency's Council is this, that out of the six lakhs and odd, at all events, no portion should be spent for an object like this, which is designated there as Mosquito Brigade, Dacca. Then, my Lord, further, I find that one of the objects on which this 22 lakhs is to be spent, as pointed out by the Hon'ble Sir William Duke, is purchase of instruments, establishment, etc., charges in connection with the plant. I frankly confess that until I was enlightened by the Hon'ble Babu Surendra Nath Banerji, I had some difficulty in understanding what it meant, and it appears to me that that highly scientific name is for the purpose of providing instruments for killing mosquitos. It may be a very useful purpose, and probably the experiment is going on, and when the mosquitos are destroyed all over Bengal, if that consummation ever arrives, there will be no malaria. In the meantime, instead of killing mosquitos, what the Hon'ble Babu Surendra Nath Ray desires is that 6 lakhs, at all events, should be devoted to the purposes of supplying good drinking-water, and for making better provision for drainage in urban areas.

The Hon'ble BABU SURENDRA NATH RAY said :—

"I have only a few words to say. I think, my Lord, I have not been properly understood. What I want is explained by the Hon'ble Mr. Chakravarti. It is that over and above the amount which the Local Government have already provided for sanitation, I want that this sum of Rs. 6½ lakhs, or 20 lakhs of rupees, whatever sum may be available, be set apart for the purpose of supplying pure drinking-water and drainage. This would be over and above the amount which the Government will spend out of Provincial revenues. That is my resolution, my Lord, and nothing else. Then, as has been pointed out by the Hon'ble Mr. Chakravarti, all I want is that this amount should not be spent for any other purposes, as spending money on a mosquito brigade, and for purchase of instruments and establishment charges in connection with stygomia enquiry, and such other charges. Having got this amount, Government may be prepared to spend the money in various ways. This is the amount which we have got as a gift from the Government of India, and having got it from the Government of India, we think it is a very precious gift, and every pice of it ought to be spent for promotion of urban sanitation of the province, and supplying the crying needs of the people. That being so, what we want is that the money should be spent for the purpose of supply of pure drinking-water, and for the purpose of good drainage. My resolution, as Your Lordship knows full well, was to the effect that this amount of 6½ lakhs be devoted entirely to drinking-water and for drainage, but my Hon'ble friend the Maharaja of Nashipur suggested that the money should also be spent for jungle-cutting, and I accepted his amendment. It was not my original proposal at all. I think that the amount of 6½ lakhs ought to be spent on permanent works of sanitation, and that the money should not be spent in any other way. Only one word more, and that is this. In his speech in the Imperial Council, the Hon'ble Mr. Butler said :—

"Regarding the recurring amount for sanitation, amounting to 45 lakhs of rupees, at least 5 lakhs should be reserved for research and anti-malarial projects, and the remaining 40 lakhs will be distributed 'as follows'":

"Here also the Government of Bengal might say that we want to reserve out of this amount, some money for research and for other objects,

[Sir William Duke.]

"This is all, my Lord, I have to say."

The Hon'ble SIR WILLIAM DUKE said :—

"I need only add that of course this is a new light which does not appear from the resolution, that 6½ lakhs should be in addition to the sums which have already been allotted. All I have to say is that even from that point of view, the difficulty is not as to the amount, the money and probably more is available, but the method of spending it is entirely dependent on municipal schemes. If the municipalities will forward their schemes, the money can be provided. If they do not, Government cannot undertake to spend it for them."

A division was taken with the following result —

<i>Ayes 19.</i>		<i>Noes 19.</i>	
The Hon'ble Mr. S. P. Sinha.		The Hon'ble Sir F. W. Duke, K.C.I.E.,	
" " Byomkes Chakravarti.		" C.S.I.	
" Sir Bijay Chand Mahtab,		" Mr. P. C. Lyon, C.S.I.	
K.C.S.I., K.C.I.E., I.O.M.,		" Nawab Syed Shams-ul-	
Maharajadhiraja Bahadur of Burdwan.		" Huda.	
" Maharaja Jagadindra		" Mr. E. W. Collin.	
Nath Ray.		" Mr. J. G. Cumming, C.I.E.	
" Raja Soshi Kanta		" Mr. C. J. Stevenson-	
Acharyya Chaudhuri		" Moore, C.V.O.	
Bahadur.		" Mr. N. D. Beatson-Bell,	
" Dr. Deba Prasad Sarb-		" C.I.E.	
dhikari.		" Mr. B. K. Finnimore.	
" Rai Radha Charan Pal		" Mr. J. H. Kerr, C.I.E.	
Bahadur.		" Mr. H. L. Stephenson.	
" Mr. Golam Hossein Cas-		" Mr. J. Donald.	
sim Ariff.		" Mr. G. W. Kuchler, C.I.E.	
" Mr. Abul Kasem.		" Rai Priya Nath Mukher-	
" Nawab Saiyid Hossam		" ji Bahadur.	
Haider Chaudhuri,		" Sir Frederick Loch	
Khan Bahadur.		" Halliday, K.T., C.I.E.,	
" Maharaja Ranajit Sinha		" M.V.O.	
of Nashipur.		" Dr. Nilratan Sarkar.	
" Rai Nalinaksha Basu		" Mr. J. C. Shorrocks.	
Bahadur.		" Mr. W. T. Grice.	
" Nawab Saiyid Nawab		" Mr. V. Woods.	
Ali Chaudhuri, Khan		" Mr. A. W. C. Chaplin.	
Bahadur.			
" Babu Prasanna Kumar			
Ray.			
" Babu Surendra Nath			
Banerji.			
" Babu Surendra Nath			
Ray.			
" Rai Hari Mohan Chan-			
dra, Bahadur.			
" Babu Ananda Chandra			
Ray.			
" Babu Upendra Lal Ray			

[Dr. Nilratan Sarkar.]

The following Members were absent :—

The Hon'ble	Mr. B. B. Newbould.
"	" S. L. Maddox, C.S.I.
"	" C. H. Bompas.
"	" B. C. Mitra.
"	Sir Frederick George Dumayne, Kt.
"	Nawab Sir Khwaja Salimulla Bahadur, G.C.I.E., K.C.S.I.
"	Raja Hrishikesh Laha, C.I.E.
"	Mr. R. Glen.
"	Sir Allan Arthur, Kt.
"	Mr. J. G. Apear.
"	" Norman McLeod.
"	Maulvi Musharraf Husain.
"	" A. K. Faz-ul-Haq.
"	Raja Mahendra Ranjan Ray Chaudhuri.
"	Babu Mahendra Nath Ray.

There being an equality of votes, the President gave his vote against the motion, which was accordingly lost.

✓ The Hon'ble DR. NILRATAN SARKAR moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that a sum of Rs. 14,400 be granted for the appointment of three whole-time clinical teachers (preferably with British qualifications) in the Calcutta Medical College ; and
- (b) that the proposed expenditure be met—
 - (i) by reducing the grant of Rs. 9,600 allotted for the pay of an Indian Medical Service officer as Personal Assistant to the Inspector-General of Civil Hospitals to Rs. 2,400, which would suffice to provide for the appointment of a Civil Assistant Surgeon to replace the present Personal Assistant, and
 - (ii) by appropriating the sum of Rs. 7,200 allotted as allowances to two Resident Surgeons and one Resident Physician of the Calcutta Medical College Hospital for doing some teaching work.

" My Lord, in moving this resolution, I may observe at the outset that I recognize that the Inspector-General of Civil Hospitals may well ask for the assistance which is proposed to furnish him by the appointment of a professional man as Personal Assistant. But if the replacement of a present ministerial officer by a medical man is decided upon, there seems to be no reason why the post should not go to a Civil Assistant Surgeon. It is obvious that the emoluments as proposed in the Financial Statement (Rs. 9,600 annually) will be just sufficient to draw a man comparatively junior in the Indian Medical Service who will always have his eye to preferment outside the Writers' Buildings, and will never be disposed to look upon the post as more than a half-way house. There is thus likely to be constant change in the *personnel* of the office. The appointment itself, instead of promoting professional efficiency of the incumbent, will tend to shut him out from participation in practical experience, at a period when he would need it most.

" The advantage, on the other hand, of bestowing the appointment on a Civil Assistant Surgeon, will be that for a lower pay it will be possible to secure the services of a more experienced man, who would not think of forsaking the office soon. Besides, being in touch with the majority of the members of the service he will be in a position to manage the work with greater insight, and at the same time more smoothly than one who has not got that advantage.

[*Dr. Nilratan Sarkar ; Sir William Duke.*]

He will also be able to maintain the hospital returns without having to depend much upon clerks for this purpose. He will, moreover, be able to help the Inspector-General materially in the matter of inspection work.

"The Civil Assistant Surgeons are an eminently deserving set of public servants who have filled the few high offices that have been given to them with great credit to themselves. It would, indeed, be a slur on this useful body now to adjudge them unworthy to occupy the office of the Personal Assistant to the Inspector-General of Hospitals. The Hon'ble Sir William Duke has referred to the practice, which obtains in Bombay and Madras, of employing Indian Medical Service officers in the post. But I have tried to point out some of the possible drawbacks of that system, and the injustice it will involve upon a deserving class of officers. We should not allow mere uniformity to override considerations of justice and economy combined with efficiency. Further in Bombay, the number of dispensaries is much larger than in Bengal, being 733 as against 407, and the jurisdiction of the Surgeon-General of Bombay extends not only to Sind but even beyond the geographical limits of India.

"I therefore venture to hope with some amount of confidence, that Your Lordship's Government will be pleased to accept my proposal that the Personal Assistant should be selected from amongst the Civil Assistant Surgeons, on Rs. 200 as pay (Rs. 2,400 annually), out of the sum of Rs. 9,600 proposed as the remuneration of the Indian Medical Service Personal Assistant in the Budget. The balance which this would set free (Rs. 7,200 annually) may be added to the amount of Rs. 7,200 which is proposed to be given as allowance to three Resident officers of the Medical College Hospital for doing some teaching work, and with the whole of this amount (Rs. 14,400 annually) should be secured the whole-time service of three competent medical officers (tutors) preferably with British qualifications, who will be able to devote much greater time and attention to teaching work than the Resident officers of the Medical College Hospital. The reason for my suggesting this scheme is that the Resident officers of the Hospital have already got their hands much too full, and further that most of them do not hold these offices for any length of time. And, however competent they may be to take up teaching work, this uncertainty of tenure of office is bound to affect the efficiency of their work as teachers.

"If the present pay of the Personal Assistant of the ministerial service, who will be replaced by the proposed Assistant Surgeon Personal Assistant, be added to the abovementioned sum of Rs. 2,400 in the pay proposed for the post, it will certainly attract some of the best men amongst the Assistant Surgeons."

The Hon'ble SIR WILLIAM DUKE said :—

"My Lord, I am afraid that Government cannot support the resolution, and ask the Council to accept it, not because Government is not in sympathy with the object of the Hon'ble Mover, but because the want, although it may be real, has certainly not been definitely ascertained, the remedy proposed has not been shown to be the right one, and Government is disposed to think that further inquiry may show that it is not the right one, while it is impossible to agree to the retrenchments of the heads from which it is proposed to meet the cost. As a matter of fact, neither the Inspector-General of Civil Hospitals nor the Council of the Medical College has so far represented to Government that there is any need for additional whole-time clinical teachers. In view, however, of the progressive increase of work and the higher standards which are demanded year by year, it is quite possible that further assistance in teaching may be or may become desirable; when it can be shown to be so, Government will give favourable consideration to the evidence of the want and to any well-thought-out scheme for supplying it. The Hon'ble Member's proposal, having regard to the amount which he would set aside for it, seems to indicate that teachers of the standing of Assistant Surgeons are contemplated. It is impossible to say, without hearing the views of the

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Medical College Council, whether assistance could best be rendered in this way, and whether, if it is needed at all, assistants are required for the existing professors or additional teachers of the same professional standing as themselves. I must, therefore, suggest that the resolution is premature, and that the disposal of the question must await the recommendations of the Medical College Council. In any case, should the Hon'ble Member be disposed to press his resolution, in spite of what I have said, Government would be unable to accept it, as it stands, because we cannot agree to the reductions which it is proposed to make in order to provide for the expenditure. The appointment of an officer of the Indian Medical Service as Personal Assistant to the Inspector-General is a corollary to the change in the status of the province from a Lieutenant-Governorship to a Governorship, and it could not be foregone without lowering the status of the Presidency as compared with Madras and Bombay. But there is an additional reason which is more solid than that of status. The work of the Inspector-General of Civil Hospitals in this province has always been exceptionally heavy, and some years ago a proposal was made to relieve him by appointing a member of the Indian Medical Service as Personal Assistant. The same relief could not be obtained by the appointment of a Civil Assistant Surgeon, because questions on which assistance is required are generally personal to the Indian Medical Service, and in such matters, particularly where they are questions of professional knowledge, an Assistant Surgeon could not be employed. In other respects, for the ordinary work of the office, a Personal Assistant drawn from the clerical staff, such as the Inspector-General has had hitherto, would be much more suitable than an Assistant Surgeon.

"As regards the latter part of the proposal, we have decided, after mature consideration, that the resident officers are insufficiently remunerated for the work which they have now to perform, and that the allowances we have proposed are equitable and necessary. We cannot, therefore, agree to postponement, in order to provide for additional teaching, the need for which has not yet been established, nor the nature of it settled."

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said:—

"My Lord, there is a certain amount of mixing up issues with regard to this resolution which makes the position somewhat difficult. There is a distinct University aspect to the question, besides the question of policy, as to whether an Indian Medical Service man should be Personal Assistant to the Surgeon-General that is to be or the Inspector-General that is. This adds to the difficulty of the problem. As regards the second part of the question, that teaching assistance should be provided by Resident Surgeons, I would that is, strongly on the Council to deprecate such a suggestion. As a matter of fact, University Inspectors have pronounced the teaching accommodation there to be insufficient. And in order to relieve that situation what is being done as a temporary measure is that the tutorial work has been relegated to Resident Surgeons for the time being. As Sir William Duke says, it is quite right that these men who have done extra work should be compensated if expectations were held forth. But whether they should be compensated or not is quite another matter. Pending final recommendations of the University Inspectors, however, it ought not to be definitely budgetted that teaching relief should continue to take this extremely questionable shape. Such a state of things should not be tolerated any longer than can be helped. It is well known that these Resident Surgeons are very hard-worked men, who cannot in fact fully cope with their own legitimate work. Additional pay will not get more real work out of them if they are already over-worked, and if there is to be more expenditure, more men ought to be engaged. No man in that situation can give any proper help to the teaching staff. A thing like that would not be tolerated in an Arts or Science college. With regard to the Medical College, I admit it has been going on as an experiment for a little time. But I respectfully submit that it should not be allowed to go any longer. Unfortunately the Inspector-General of Civil Hospitals is not a member of this Council, or else he is one of the Inspectors of the Medical College, and I should like to hear his views as to

[*Dr. D. P. Sarbadhikari; Babu Surendra Nath Banerji.*]

whether he has definitely assented to a permanent strengthening of the teaching staff of the Medical College on lines other than those indicated in the budget. As we have not that opinion officially before us, and as there is a provision for supplementary help from the Resident Surgeons,—which appears to be objectionable,—we ought to provide machinery for better teaching and tutorial assistance, and the business-like proposal of Dr. Sarkar, which has enhanced my esteem for the business co-partner of the profession, finds a way out of the difficulty. The profession can easily find three good teachers such as they have in the Campbell School. If you give Rs. 300 a month, you can get men like Dr. Kedar Nath Das, Dr. Upendra Nath Brahmachari, Dr. Mrigendra Nath Mitter, Dr. Jotish Chunder Mustaffer, Rai Harinath Ghosh Bahadur and others. They will be allowed private practice of course, as they have always been allowed in the Campbell School. I will recall what Lord Morley said not long ago with regard to encouraging private practice of medical teachers. His Lordship said that they ought to be in touch with the outside medical world, so that their knowledge may be widened. For this and other reasons I think that provision should be made for strengthening the general teaching staff of the Medical College and no more temporary patch work like this even with the materials that are now before Government. I am not taking any notice of what the University Inspectors decided. That will come up before the Syndicate in due course.

“As regards the appointment of a Personal Assistant to the Surgeon-General that is to be, it is very difficult for the Council to pronounce an opinion on. So far as other Personal Assistants are concerned, they have generally been recruited from the Subordinate Service, for it is with the Subordinate Service most that the Personal Assistant has most to deal. Personal Assistants to Divisional Commissioners and the Personal Assistant to my hon'ble friend Mr. Finimore are of that kind. The Personal Assistant to the Inspector-General is not to be a Deputy Inspector-General, who will have inspecting duties and who will always look for promotion outside his immediate appointment. He is to be no more than a Personal Assistant who will do the same kind of work that has so long been done efficiently by one who is not even a professional man. If you have an Assistant Surgeon of the right order, he will be in touch with the members of the Subordinate Service, and the Inspector-General himself will be in touch with the Indian Medical Service men which will fully meet Sir William Duke's criticism. For these reasons I think that an Assistant Surgeon will do better than a junior Indian Medical Service man, and I fully support the business-like proposal of my hon'ble friend Dr. Sarkar.”

The Hon'ble BABU SURENDRA NATH BANERJI said :—

“My Lord, I beg to support the resolution. The resolution divides itself into two parts. The first is the appointment for three whole-time clinical teachers. At the present moment the teaching work is done by two Resident Surgeons and one Resident Physician. I think it is an objectionable practice. Resident Surgeons have their own appropriate duties to perform, and their duties I believe do not include the duty of teaching. My Lord, I am myself a teacher, and I know that a teacher has got to prepare himself for his work. A conscientious teacher knows perfectly well that he has to prepare himself before he goes to the lecture room. And if you have Resident Surgeons performing the duty of teaching, we may take it that that work cannot be very satisfactorily done. My friend the Hon'ble Dr. Sarbadhikari says that the University Inspectors have objected to this practice.”

The Hon'ble DR. DEBA PRASAD SARBADHIKARI said :—

“I do not know whether they have done so. They allowed it as a tentative measure.”

[*Babu Surendra Nath Banerji ; Mr. Sinha.*].

The Hon'ble BABU SURENDRA NATH BANERJI, continuing, said :—

" I think, Sir, it may be allowed as a sort of compromise. But there should be no tentative measure in connection with the sacred calling of teaching—a solemn responsibility attaches to that position. Therefore I am entirely in favour of the proposal that there should be three whole-time clinical teachers, preferably with British qualifications.

Then, with regard to the Personal Ass. stant to the Inspector-General, I do not see why he should be an Indian Medical Service man. It is said that they have got Indian Medical Service men for this post in Madras and Bombay. Might we not set an example, my Lord, in the matter of economy and efficiency to them? The mere fact of a man being an I.M.S. does not stamp him to be a man of surpassing ability or efficiency. My Lord, there is also another consideration which should not be overlooked in this connection. An Indian Medical Service officer belongs to a great service. He has the tradition of that great service, and may, I add, he has also got the prejudices of that great service. He may have feelings with regard to his brother officers, and he may communicate their feelings to the Inspector-General. But a man of the Subordinate Service will do nothing of the sort. It seems to me that, looking at the matter from the point of view of both economy and efficiency, my friend's suggestion is an excellent one, and I hope and trust that no kind of official feeling will be brought to bear upon this matter. I solemnly ask the official members to vote on this resolution as they ought to do according to their light and conscience."

The Hon'ble MR. SINHA said :—

" My Lord, with your permission, I desire to say a few words in support of this resolution. Even if your Lordship is unable to accept the resolution in its entirety, it may be possible to consider the matter further in order that steps may be taken in the future for the purpose of carrying out its recommendations. My Lord, the resolution divides itself into two parts—

" The first is the recommendation for the appointment of clinical teachers in the Calcutta Medical College. It seems to be admitted that there not only is a necessity for the appointment of such clinical teachers, but that the University regulations have made it absolutely necessary that there should be clinical teachers appointed in addition to the professors who do the teaching work in the college. For that purpose the very modest sum of Rs. 14,400 a year is recommended by the resolution as necessary to secure the appointment of three whole-time clinical teachers, preferably, that is to say, if it is possible to obtain them, with British qualifications. Now, my Lord, it seems to me that a case for the appointment of such teachers is made out, and, though it may be necessary to refer to the Council of the Medical College for the purpose of inquiring as to whether it is possible to obtain clinical teachers with necessary qualifications for this sum, that this Council would be justified in recommending that the appointment of such clinical teachers should be made if possible for the money allotted for the purpose.

" The second part of the resolution proposes to point out the sources from which this sum of Rs. 14,400 is to be obtained, and these sources are said to be two: First that, out of the Rs. 9,600 which is allotted in the budget as the pay for an Indian Medical Service officer as Personal Assistant to the Inspector-General, Rs. 2,400 should be allowed annually, which of course would not be sufficient to get an officer of the Indian Medical Service, but which would, I understand, be sufficient for the purpose of obtaining a Civil Assistant Surgeon. If that were all, so far as this Council were concerned there would be no difference of opinion that a Civil Assistant Surgeon of this province is a person with very high qualifications. Up to now, so far as I am aware, the Personal Assistant of this office has not been a medical man at all. Therefore it would be a distinct advance, and, I take it, an advantage to the office, to obtain a medical man for the purpose, and that is the object with which it has been proposed that

[*Mr. Sinha ; Sir William Duke.*]

an Indian Medical Service officer should be appointed ; but should we appoint an officer with these high qualification, such an officer as is recommended in the budget for that purpose ? Having regard to the fact that up to now a layman has been considered sufficient for the purpose of satisfying the requirements of the office, shall we get a medical man for the purpose, if we have a medical man with the high qualifications possessed by a member of the Indian Medical Service ? We must combine efficiency with economy, and to my mind, My Lord, it does not seem a sufficient or an adequate reason that an Indian Medical officer has been heretofore, in Bombay or Madras, that is to say, the Presidency Governments as then existed up to now, the Personal Assistant to the Inspector-General. It does not seem to me a convincing argument that because our Government has been raised to the status of a Presidency that the Inspector-General should have his status raised in this way, by having a Personal Assistant from the Indian Medical Service, nor do I feel convinced, from what my friend the Hon'ble Mr. Duke has said, that the requirements of the office are such that none but an Indian Medical Service officer would be sufficient for the purpose. If a layman has been found competent to discharge the duties of that office up to now, it seems to me that a Civil Assistant Surgeon should be quite as, or, probably more, competent. Further, the province now is not of so large an extent as it was before, and therefore the duties of the office are probably less heavy than they were before, although the duties of administration may have increased to some extent. Therefore I hope that, so far as that portion of the resolution is concerned, Government may be able to accept it, or at any rate promise further consideration in respect of it. Perhaps I ought to have added another consideration which seems to me one which ought to have been taken into account with regard to this question, namely, that the object of the Government, so far as I am aware, has hitherto been, for some time, to create an independent medical profession in this country, and to reduce the number of posts to which Indian Medical Service officers are to be appointed. It does seem to me, therefore, that to make an addition to that list is contrary to what has been the endeavour of Government up to the present time. My Lord, as regards the second source of this Rs. 7,200, it is proposed to be obtained by reducing the allowance of Rs. 200 each to the Resident Surgeons and one Resident Physician. I am afraid I am unable to go with my hon'ble friend in that matter. That has been promised, and it seems to me that officers of the class and the qualifications of these gentlemen—the Resident Surgeons and the Resident Physician—ought to have it, but I do agree with them that they ought to have it as a fair increase in their salary, or an allowance for the work which they have to do as Resident Surgeons and Resident Physician, and not for doing some teaching work. If they have to do any teaching work, they should do it as part of the duties of Resident Surgeon and Resident Physician, and there ought not to be any increased remuneration for that ; but as I believe the remuneration which they have is inadequate, then an allowance such as has been allotted should be allotted, and I for one am not willing that it should be taken away from them. The Rs. 7,200 should be obtained in some other way, and if it cannot be obtained, instead of the three whole-time clinical teachers, we must be content with two, or even with one. With these words, My Lord, I venture to support this resolution, and to recommend that even if Government is unable to accept it in its entirety, consideration in future will be promised with regard to the matters which have been pressed upon the attention of the Council."

"The Hon'ble SIR WILLIAM DUKE said :—

"I may perhaps say a few words on the points that have been raised. The Hon'ble Surendra Nath Banerji is strong on the position that people who have out-door work to do should not be required to teach as well. I am not certain, I am not a medical authority, but I believe that the officers in charge of the out-patients department in hospitals always do tutorial work. It is only those who have out-patients to attend to, who are able to instruct the

[Sir William Duke ; Dr. Nilratan Sarkar.]

pupils in out-patient work. I don't see how anybody else can do it. I cannot therefore believe that there is any extraordinary anomaly in the system followed in the Medical College Hospital. I may say, seeing that there is so much difference of opinion disclosed by the gentlemen who are in favour of supporting this resolution, that it would be better if they did not press it, but were content instead to accept the assurance of Government that they will go into the question and see what is required. I say there is a great deal of difference of opinion. The Hon'ble Member has put down whole-time men, and the Hon'ble Dr. Deba Prasad Sarbadhikari has suggested men who can be appointed on Rs. 300 a month, with liberty to practice. The two positions are totally incompatible. One reason given for appointing an Assistant Surgeon on Rs. 200 instead of an Indian Medical Service man is that the Assistant Surgeon can always remain where he is, while the Indian Medical Service man would be seeking for promotion. Well, all I can say is that after two years he would be entitled to an increment, and he would have to go somewhere else. I do wish to make much of that point, but also on the subject of who should be the Personal Assistant; the Hon'ble Mr. Sinha has urged that if you want a professional Personal Assistant, you do not want one with very high qualifications such as those of the Indian Medical Service. As I have said already, I do not myself attach very great importance to the Indian Medical Service Personal Assistant question. It is not to my mind the main issue, but, so far as it goes, what I think is that if you want a medical assistant at all, then you do want the very highest qualifications, because I consider that for ordinary office purposes a trained ministerial officer, such as we usually have, and I can assure the Council we do have them in many departments of Government, is a much more satisfactory person. Therefore if you are going to give the post to a professional man, let us have the best. I do not wish to labour the case; all I would point out is that there is a great deal of divergence of opinion as to what really should be done, and it would be preposterous for Government to tie itself to particular rates of pay or to particular functions for the additional man that is to be given. I suggest therefore that the Council be content with the assurance of Government that the matter will be gone into, and such additional assistance as may be thought necessary will be provided."

The resolution was then withdrawn.

The Hon'ble DR. NILRATAN SARKAR said :—

"My Lord, as in other resolutions, here also I pray for indulgence to change the last line of the first paragraph of the resolution. Instead of a lakh and-a-half, I would like to substitute 'a substantial sum.'"

The Hon'ble DR. NILRATAN SARKAR then moved the resolution in the following form :—

This Council recommends to the Governor in Council—

- (a) that fifty new charitable dispensaries and hospitals be opened in the more insalubrious rural centres in the Presidency, each in charge of a qualified medical practitioner, and that a substantial sum be provided for the purpose; and
- (b) that the sum required be met from the non-recurring sanitation grant of the Government of India, and by retrenchment from the grant for an additional force to raise the reserve of the Calcutta Police (under "20—Police").

He said :—

"This resolution, My Lord, is a very simple one. The total number of dispensaries and hospitals (classes I, III, IV) in Bengal, 407 in all, bears to the population the strikingly small proportion of 1 in 112,000 as against 1 in about 30,000 in Bombay, 1 in 60,000 in the Panjab, 1 in 80,000 in Madras, and 1 in 90,000 in all India.

[*Dr. Nilratan Sarkar ; Sir William Duke.*]

"The number of beds available in the dispensaries is only 4,029, but of these 1,824 are in Calcutta for a population of about 9 lakhs, leaving only 2,205 for a population of nearly 44,500,000, that is to say, 1 for about 20,000 persons.

"There are 733 dispensaries in the Bombay Presidency with 6,160 beds, 1,887 of which are in the Bombay city and 4,243 outside it, which works out at the rate of about one bed per 5,000 of population.

"In 1911, 57,919 in-door patients were admitted into the Bengal dispensaries and hospitals, and 5,819, *i.e.*, about 10 per cent., died. At this rate of calculation, as the number of deaths in this Presidency in the same year was 1,221,580, there must have been ten times as many suffering from illness more or less serious. Some of these must have attended these dispensaries as out-door patients, but by far the vast majority of these could not obtain any proper medical treatment. Out of 1,221,580 deaths, only about 5,819 took place in hospitals and dispensaries.

"Under the circumstances, the proposal for the addition of 50 new dispensaries to the list appears to me to be a moderate one.

"As regards the ways and means, the non-recurring portion might be provided from the sanitation grant of the Government of India, and the recurring expenditure, which should amount to about a lakh and twenty-five thousand rupees a year, should be met by retrenchment from the proposed grant for raising the reserve of the Calcutta Police to its authorised strength, and from the special grants at the disposal of the Divisional Commissioners and District Magistrates."

The Hon'ble SIR WILLIAM DUKE said :—

"My Lord, I wish it were possible to accept this resolution, and perhaps if it came in a different form, it might be, but even then I am not quite sure. Of course when a proposal is made that funds should be provided by retrenching grants for the police, it is evidently assumed that the responsibility for the provision rests directly with Government. Now the responsibility of providing medical aid is one that I think Government has never accepted directly, and I am afraid it would not accept direct responsibility for it now. I make no question at all as to the necessity of much greater provision for medical aid in many parts of the province than there is at present. There is no doubt that many areas are very insalubrious, and dispensaries are few and far between, but possibly because Government had no funds with which to provide more dispensaries, possibly also because the provision of medical aid is the natural duty of local bodies, the subject has been left to local bodies such as District Boards and declared to be one of their duties, and on the whole they have performed that duty to the best of their ability. In some ways they are much better able to do it than Government. They know, or are able to find out, exactly where dispensaries are required, they are able to make their funds go much further than Government because they are always on the spot and able to find out what local requirements will be, and they usually do establish dispensaries with a certain amount of local support and some assistance towards the building. They get promises of assistance, and in one way or another they raise funds and make a matter of Rs. 500 go further than Government would make Rs. 1,000. Well, as they have performed this duty hitherto, and performed it fairly well, I think there is every reason why we should make no change now, at a time when the District Boards are receiving an enormous accession of funds. They will this year enter into a new income of almost 25 lakhs of rupees, that is very nearly a lakh a district. No doubt there are many demands upon it, but it is quite probable that they will be able to spare some of it for medical relief, and I think there will be nothing in the orders of the Government of India in regard to the conditions of the grant which will prevent their doing so.

"I have said that I think they are best judges of where dispensaries can be opened, and it is certain that it is very difficult for Government to undertake the duty and to get the local support, without which it would be futile to proceed. Cases occur in which everything is ready, funds can be provided.

[*Sir. William Duke ; Mr. Chakravarti.*]

but nothing is done simply because there is no local support. The site may not be given, and no measure of local assistance may be promised. I have known such cases myself. You will tell me they are very exceptional ; I daresay they are, but it is for the local bodies to determine where the demand really is. I think that now when they have been provided with the means, and when undoubtedly they are the persons best qualified to judge matters had better be left as they are. You may be sure that if there is a real demand for increased medical aid, people will immediately knock at the doors of the District Boards and call on them to spend some of their additional funds in this way.

" My Lord, I will say very little as to the particular retrenchment which it is proposed to make. I object to Government taking the wholesale responsibility ; this particular sum would go no way at all. The provision for the Calcutta Reserve Police is a petty sum of Rs. 30,000 odd. That is not enough. It is not providing $1\frac{1}{2}$ lakhs ; nor if it would provide $1\frac{1}{2}$ lakhs, would $1\frac{1}{2}$ lakhs provide 50 dispensaries. Dispensaries require building, require equipment, medicines, etc., and when you have got them started they require a well qualified medical man to take charge of them, and that is not usually obtainable. The sum of Rs. 3,000 a piece would go a very little way ; in the case of a building it goes no way at all. You require more than that for the building, then there is equipment, then the upkeep, and whatever is done, I should not recommend dispensaries being started on the cheap. I have had some experience of that. I have seen enthusiastic workers impressed by the sickness of a particular locality try to remedy things by the provision of a number of cheap dispensaries. Perhaps, I have attempted it myself before I had the experience, but it does not work out well. Unless reasonable accommodation is provided, unless there is reasonable equipment, unless there is a medical man with some degree of competence, the thing does not go. The attendance never comes up to what it ought to be, and one is left with the impression that one has been throwing away money. I admit that I may have committed that error myself. I can remember a number of such dispensaries being opened in one district, several had to be closed afterwards, and replaced by two or three good ones at greater intervals. It is therefore not a thing which should be undertaken on the cheap. If it is done, it must be done thoroughly. I suggest in any case that it is not a matter which Government can take up ; it is a matter which should be left to the District Boards, especially now that they have received additional means for carrying out the work."

The Hon'ble MR. CHAKRAVARTI said :—

" I will not detain the Hon'ble Members for long. I desire to add a few words ; I only desire to point out, I frankly confess, that with regard to what has fallen from Hon'ble Sir William Duke concerning the responsibility of Government with regard to medical aid in the rural areas, that has not been accepted as a direct responsibility of Government up to now, but the position is very acute. I shall give an illustration, and I shall content myself with that illustration : There was a small place not more than 20 miles from Jessore where I had a little land, and the District Board offered me some help for the purpose of supporting a dispensary. We bargained for some time, and the District Board said they were prepared to pay Rs. 400. After that there was some difficulty raised, and I give the credit to my hon'ble friend, Mr. Newbould ; he was not the Legal Remembrancer then, but the form of the agreement had to be sent three times over to the Legal Remembrancer before Government agreed for the enormous sum of Rs. 400 to be contributed to the maintenance of a rural dispensary. Then after we had taken all that trouble, and after three years had gone by I was told in an official letter that the District Board had no money. Well, the result was that we had to support the dispensary to the best of our ability, and according to our own means, and therefore I quite agree with my friend the Hon'ble Babu Surendra Nath Banerjee that in point of fact, unless the Government is prepared to help local bodies, it is impossible for them to make any provision for medical relief in rural areas, and as regards the necessity for medical relief there is no question. We find of course that with better sanitary methods and supply of good drinking water the volume of sickness may come down, but at the present

[*Nawab Saiyid Nawab Ali Chaudhuri Khan Bahadur ; Babu Surendra Nath Banerji.*]

moment, in village after village, you may go 20 miles and get no medical relief. There is no dispensary ; you cannot get a phial of medicine for probably 20 miles or 30, with the result that people die as cattle. In the past, Government was not able to take the responsibility in regard to medical relief in rural areas, and I am afraid that unless Government is prepared to see the people die of cholera and malaria, Government will have to come forward for the purpose of making some provision of medical relief in rural areas."

The Hon'ble NAWAB SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, said:—

"My Lord, it is a matter of great regret that in spite of the best exertion on the part of Government, the scourge of malaria is eating into the vitals of the population of this Presidency. The Government have introduced the free and easy distribution of quinine, and though this has produced very good result, something more is yet needed. If, in addition to the free distribution of quinine, provisions are made to establish dispensaries under competent medical experts in more affected areas, such arrangements will not only check the progress of malaria, but will also help the population in arresting the course of other epidemic diseases. The different District Boards in the province are establishing dispensaries in the different parts of their respective areas, according to their resources. But, My Lord, their means are very limited, and they have other calls on their purse to satisfy, and unless Government come forward to help them, they are not in a position to cope with the situation.

"The late Government of Eastern Bengal and Assam have deputed many Hospital Assistants in different quarters of the malaria affected districts, notably in several villages of Nator, a subdivision of the Rajshahi district, the proverbial hot-bed of malaria and its incidental diseases, to examine and report on the condition of the inhabitants of the respective villages. These Hospital Assistants are without supply of any medicine, and they can be of very little use to the people concerned. My Lord, I can daresay that their experience has been of sufficient duration to convince the Government that poor inhabitants of those parts are badly suffering from malaria, and they sadly need medical help. If those Hospital Assistants are permanently located there with properly equipped dispensaries, the poor inhabitants will derive incalculable benefits from this action of the Government.

"My Lord, Your Excellency's Government cannot better apply their energy and resources than to make provisions for adequate supply of competent medical help within the easy reach of the rural population. I, therefore, accord my whole-hearted support to the resolution moved by my hon'ble friend Dr. Sarcar, as the stepping stone to the blessing which we all so heartily desire."

The Hon'ble BABU SURENDRA NATH BANERJI said:—

"With reference to the observations which have just fallen from the Hon'ble Member, it seems that the idea is that these things should be left to local bodies and District Boards ; but where is the money to come from ? The 25 lakhs of rupees which have just been obtained from the Government of India, out of the superfluity of its abundance, is ear-marked for sanitation and rural water-supply. That money will not be available for the purpose of these dispensaries. I admit that the local bodies are the best judges as to the locality, and they are also in a position to run these dispensaries on a cheap basis. I grant this proposition. But whether cheap or dear, where are they to find the money ? What I should like to suggest for the consideration of Government is that the Government should find the money, and make use of these local bodies for the purposes of selecting places and dealing with the administration of these dispensaries. It seems to me that that would be the proper solution of the difficulty. The funds being found by the Government, assistance of the local bodies being obtained for the purposes of selecting sites, and for such general administrative business. I am sure, Sir, that this is a practical proposal with which Government must be in strong sympathy ; and if Government can find the money, it is a proposal

[Sir William Duke; Dr. Nilratan Sarkar.]

which ought to be given effect to. Local bodies can take the initiative, but without pecuniary assistance from the Government they are practically unable to move in the matter. I hope, therefore, that this is a matter which the Government will be prepared to consider in a sympathetic spirit. My own resolutions have been discussed to-day, and on the whole I am sure I am gratified with the reception those resolutions have met with at the hands of Government, and this is one of those resolutions which ought to receive the indulgence and sympathy of Government."

The Hon'ble SIR WILLIAM DUKE said :—

"My Lord, I wish to point out that unless the Hon'ble Babu Surendra Nath Banarji knows more of the intentions of the Government of India regarding this matter than I know, I have reasons to believe that the grant of 25 lakhs of District Boards is the proper resource from which funds for medical aid should be given. The Government of India, I believe, leave the Local Government the discretion as to how that is to be applied. They express a desire that some portion of it should be devoted to water-supply and some to other measures. But that does not preclude some of it being devoted to medical aid, e.g., dispensaries. I should like to repeat that Government does not accept the responsibility in the matter of general aid out of its Provincial revenues. It has not been niggardly in leading the way and making experiments. The Hon'ble Nawab Saiyid Nawab Ali Chaudhuri has admitted that the distribution of quinine in Eastern Bengal has done much good. That is an experiment which Government has undertaken on a very large scale; 25 to 30 Sub-Assistant Surgeons are sent out every year for that work, but that again is partly experimental and partly educational work intended to ascertain the effect of wholesale treatment and to impress it on the people."

The Hon'ble DR. NILRATAN SARKAR said :—

"My Lord, as regards the financial position of my resolution, I know that it is not acceptable to Government. I wanted to rectify it, but my letter was late. I wanted the money required for medical relief to come out of the grants placed at the disposal of Divisional Commissioners and District Magistrates, because the amount that is reserved for the additional Police force would be much lower than the required estimate. I would, however, like to say a word about a remark which has fallen from the Hon'ble Sir William Duke. My Lord, I do not want to have dispensaries to be cheap. What we have thought to be economical, has been considered cheap in higher quarters, and I am confident that a dispensary might be maintained with 2,500 or 2,400 rupees a month."

I would put my resolution to the vote.

A division was then taken with the following result :—

Ayes 17.

The Hon'ble MR. S. P. SINHA.
The Hon'ble DR. NILRATAN SARKAR.
The Hon'ble MR. BYOMKES CHAKRAVARTI.
The Hon'ble MAHARAJA JAGADINDRA NATH RAY.
The Hon'ble DR. DEBA PRASAD SARBADHIKARI.
The Hon'ble MR. GOLAM HOSEIN CASSIM ARIFF.
The Hon'ble MAULVI ABUL KASEM.
The Hon'ble NAWAB SAYED HOSSAM HAIDER CHAUDHURI, Khan Bahadur.
The Hon'ble MAHARAJA RANAJIT SINHA of Nashipur.
The Hon'ble RAI NALINAKSHA BASU BAHADUR.
The Hon'ble NAWAB SAIED 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 RAI HARI MOHAN CHANDRA BAHADUR.
The Hon'ble BABU ANANDA CHANDRA RAY.
The Hon'ble BABU UPENDRA LAL RAY.

Noes 20.

The Hon'ble SIR WILLIAM DUKE, K.C.I.E., C.S.I.
The Hon'ble MR. P. C. LION, C.S.I.
The Hon'ble NAWAB SYED SHAMS-UL-HUDA.
The Hon'ble MR. E. W. COLLIN.
The Hon'ble MR. C. J. STEVENSON-MOORE, C.V.O.
The Hon'ble MR. N. I. 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. 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. G. W. KÜCHLER, C.I.E.
The Hon'ble RAI PRIYA NATH MUKHERJI BAHADUR.
The Hon'ble SIR FREDERICK LOCH HALLIDAY, K.T., M.V.O., C.I.E.
The Hon'ble MR. J. C. SHORROCK.
The Hon'ble MR. W. F. GRICE.
The Hon'ble MR. V. WOODS.
The Hon'ble MR. A. W. C. CHAPLIN.

[Dr. D. P. Sarbadhikari.]

The following members were absent :—

The Hon'ble Mr. J. G. CUMMING, C.I.E.	The Hon'ble Mr. J. G. APAR
The Hon'ble Mr. B. C. MITRA.	The Hon'ble Rai RADHA CHARAN PAI BAHADUR
The Hon'ble SIR FREDERICK GEORGE DUMAYNE, Kt.	The Hon'ble Mr. NORMAN MCLEOD.
The Hon'ble NAWAB SIR KHWAJA SALIMGILAH BAHADUR, G.C.I.E., K.C.S.I.	The Hon'ble MAULAI MUSHARAF HUSAIN
The Hon'ble RAJA HRISHIKESH LAHA, C.I.E.	The Hon'ble MAULVI A. K. FAZ UL-HAQ
The Hon'ble Mr. R. GLEN.	The Hon'ble RAJA MAHENDRA RANJAN RAY CHAUDHURI.
The Hon'ble SIR ALLEN ARTHUR, Kt.	The Hon'ble BARI MAHENDRA NATH RAY

The following members abstained from voting :—

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 SHOSHI KANTA ACHARYA CHAUDHURI BAHADUR.
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The result of the division was *ayes* 17, *noes* 20, and so the motion was lost.

The Hon'ble DR. DEBA PRASAD SARBADHIKARI moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that a substantial sum be provided for affording relief to the flooded areas in the neighbourhood of Bagua Hana, and
- (b) that the said grant be met out of the non-recurring assignment for discretionary grants (Rs. 12,00,000) shown in page 2 of the Amended Draft Financial statement.

He said :—

“ My Lord, in March 1908, in answer to my question, the Secretary to the Public Works Department stated—The scheme to which the Lieutenant-Governor has accorded administrative approval and which it is intended to carry out at the cost of the general revenue is the following :—“ It is proposed to make an earthen embankment or dam across the head of the Bagua channel where it leaves the Damodar river, and to provide for the escape of the flood waters by means of two long overflows or weirs at the level of the natural bank which will be paved with rubble stone or concrete blocks. The object aimed at is to retain the two water-flow, in the old channel of the Damodar, while permitting the flood water which is far in excess of what the channel of the river can accommodate, to spill over the bank without cutting a deep channel.”

“ There had been public memorials to the Government on the question before, and also considerable ventilation in the Bengal Council. Then, on 16th September, 1909, another memorial was presented with my covering letter to the Chief Secretary with the following among other prayers : “ That if the Government be not pleased for some time to come to undertake the contemplated operation at the head of the Bagua channel out of the general revenue, then it will be pleased to introduce the provisions of the Bengal Drainage Act VI of 1880 as amended by Act II (B.C.) of 1902 and take action thereunder,” and I received a letter from the late lamented Sir Charles Allen to the following effect : “ I can assure you that the memorial you speak of will receive the most sympathetic consideration from the Government.”

“ In April (26th) 1910 Maharaja Sir Tagore as Secretary, British Indian Association, addressed a letter to the Hon'ble Mr. T. Butler, Secretary, Public Works Department, asking that Mr Horn's recommendation may be fully given effect to, and for that purpose the Bagua breach be provided with a weir so as to help the flood waters of the Damodar to leave its new channel and seek its abandoned bed, and that Kana Nadi, which serves as an effective conduit, be connected with the Rupnarain at Bakshi by cutting a small channel, and in reply Mr. Butler in his letter, dated 2nd May, 1910, intimated that the subject-matter of the representation was under the consideration of Government.

[*Dr. D. P. Sarbadhikari; Maharajadhiraja Bahadur of Burdwan.*]

"On the 27th January, 1913, a party consisting of the Hon'ble Mr. M. Nethersole, Inspector-General of Irrigation, Mr. A. A. Cowley, Deputy Secretary to the Government of Bengal, Mr. Sibold, Executive Engineer, Northern Division, Mr. Addams-Williams, Executive Engineer on special duty, and Rai Annada Prasad Sarkar, Superintending Engineer, inspected the Bagua Hana with the view of taking some remedial measures. They have submitted a report, the recommendation of which has not been made public. But it is believed that they have made some suggestions tending to relieve the situation.

"Now, for the purpose of determining the alignment of the Santragachi-Bishnupur Chord Railway, a distance of 73 miles, which the Railway Board has sanctioned, the Bengal-Nagpur Railway administration has appointed Mr. C. S. Negley with a competent staff to examine the Damodar spill below Bagua, and the operation is expected to be commenced in the current month of March. If the Government co-operate with the Bengal-Nagpur Railway so as to suit their convenience to adopt the direct or shortest line which they technically call "crow-fly" distance, the remedial measure could be carried out at a far less cost.

"If our information be correct, high authorities of great engineering competence are of opinion "that the work should be started without further delay, and then careful observation made if any further work will be of use and what the nature of the work should be." "The question is an important one, and a start should be made even with the incomplete information we have at present."

"With information and opinion like this it is a double grievance that the hardships of a long-suffering people should be in no way attempted to be relieved. The matter has been often debated in Council, and distinguished members like the Hon'ble Maharajadhiraja Bahadur of Burdwan, who is thoroughly cognizant of the details of the situation, have made valuable and sympathetic contributions towards the debate. A fresh memorial on the subject is now before the Government, and, though the information from the Government point of view may not be exactly full and complete, there is enough to go upon at least with the initial work, so that with gathering experience more work that may appear necessary may be undertaken.

"My Lord, it is a very sad thing that even within a few miles of Calcutta very large damage to life and property is caused by preventible devastation. The Government has been considering the situation no doubt for a number of years, but nothing practical has been done. A survey is now held, and if immediately no steps be taken, the public have a right to, and do, ask that some scheme be early formulated and made public, so that there may be criticisms outside and suggestions of experts outside the Government may be obtained. We know not exactly how the work can be done. It may be possible for public bodies and individuals to get further information and lay it before your Lordship's Government. I quite realize that no scheme can be undertaken with the sum of money that I propose, even if the Council be inclined to accept my resolution. What I would ask for is more information and would press that early schemes be prepared and made public."

The Hon'ble SIR BIJAY CHAND MAHTAB, MAHARAJADHIRAJA BAHADUR OF BURDWAN, said :—

"My Lord, while I cannot give my support to the resolution as it stands, I do think that regarding the Bagua Hana the Government of Bengal should make a final, thorough and sifting inquiry. So far as I understand, there is no crystallised scheme at present ready regarding the Bagua breach. There cannot be the slightest doubt that every year the Damodar plays havoc with cattle and lives, and that large tracts of what used to be arable lands are flooded each year. An opinion has been expressed unofficially at least by officials to us that in the flooded area *rabi* crops can be grown and in abundance. If that be the case, I think that a scheme showing what the outturn used to be before these tracts were flooded and what the outturn now is from the *rabi* crops should also be put before the public. If the Government think that in trying to put a weir across the Bagua they would be wasting money and that therefore it would be no good spending any money on the Bagua breach, then what I do think is this, that the Hon'ble Member who

[Mr. Lyon.]

will reply to this resolution of my hon'ble friend Dr. Sarbadhikari might enlighten us as to what schemes are before the Government, and also as to what expert opinion is available regarding the growing of a particular kind of crop or crops in this flooded area.

"With these few remarks, I express my sympathy with this resolution; but at the same time I feel that the resolution, as it stands cannot be accepted until we know that definite schemes are before the Government."

The Hon'ble Mr. Lyon said :—

"I have every desire to explain this case fully and to deal with it quite frankly in this Council, and although the Government cannot accept the resolution that has been moved by the Hon'ble Member, I would ask the Hon'ble Members to believe that this is not because it is actuated by any want of sympathy on behalf of those who suffer from the floods caused by the river Damodar, but because no practical remedy for the state of things that has been described by the Hon'ble Member has as yet been discovered, although the subject has engaged the earnest and continuous attention of the engineers of Government and the representatives of the public for the past 20 years and more.

"The fact is that this is by no means a question of money, but a question of the discovery of some scheme which will meet the obvious necessities of the situation. It is difficult to place that situation clearly before the Hon'ble Members in the course of a speech, as a full understanding would require the careful study of a map as well as the perusal of a great mass of literature which has grown up around it during past years. I may explain, however, that the area affected may be roughly described as a long triangle having its apex to the north at what is known as the Begua breach, its eastern boundary the river Damodar, which is bunded on its east bank for the protection of the East Indian Railway and the district of Howrah, a short southern base in two khals known as the Buxi khal and the Gaughata khal, which are themselves bunded on the south for the protection of the Grand Trunk Road, the Bengal-Nagpur Railway and the Midnapore canal, and the Rupnarain and its tributaries on the west. The floods spoken of are occasioned by the volume of water coming down the Damodar, the eastern boundary of the triangle. This flood water is prevented by the bund to the east from spilling over on that side, and consequently spreads over the area which constitutes this triangle, and is prevented from flowing away freely to the south by the southern embankment of which I have spoken, and also by a considerable number of dams and private embankments to the south-west which have been erected by various private owners to protect villages and cultivation on that side.

"Now it may be roughly stated that in three years out of four the floods do not rise to any great height, and, although a certain area in the south of the triangle lies waste permanently, the actual crop area over the larger portion of this tract does not suffer, but is to some extent enriched by the silt brought down from the Damodar river. On the other hand, in the years of great flood, which come approximately one year in four, the *aman* rice crop is destroyed, and considerable suffering ensues on account of the water being held up throughout a large portion of this tract. I do not propose to enter into the agricultural controversy to which I am invited by my hon'ble friend the Maharajahdiraja of Burdwan, but I do not wish in any way to conceal our appreciation of the fact that floods do cause serious damage in this area.

"This being the problem, a considerable number of solutions have been proposed to deal with it. Mr. Horn, a distinguished engineer, was on special duty about the year 1902 and made elaborate investigations into the subject. It appears that we are precluded from bunding the west bank of the Damodar in the same way as we have bunded the east, so as to attempt to confine the whole of this water within the channel of that river, partly because it is believed to be impossible to prevent the water breaching one or other of the bunds in years of high flood, and so perhaps inundating the eastern tracts, which are at present secure, and also because there is a danger lest the carrying of a larger proportion of the silt down into the Hooghly might affect the James and Mary shoal in that river and so prejudice the water-way

[Mr. Lyon; Dr. D. P. Sarbadhikari.]

to Calcutta. It is also impossible to cut the southern embankment and so endanger the Bengal-Nagpur Railway, the Midnapore canal and the Grand Trunk Road. In these circumstances the question of holding up a proportion of the water that comes down the river in times of great flood by means of a huge reservoir in the catchment area in the hills, many miles to the north was considered. This reservoir would have the effect of checking the first rush of the flood, and would enable the spill water to pass away more quickly from the flooded area, and it was believed not only by Mr. Horn, but also by another capable engineer who had carefully studied this problem, the late Mr. Maconchy, that this was the only really possible solution of the difficulty. But this project would cost between 32 and 40 lakhs of rupees, a cost which was considered entirely prohibitive, in view of the results to be attained, and the fact that this area is already being gradually raised by the silt which is annually deposited upon it. The final result of these enquiries was the production of two comparatively small schemes, which were referred to on the last occasion on which this matter was taken up in the Bengal Council, in the year 1911. The first of these was the construction of a weir at the apex of the triangle, which would close the breach to which reference has been made in so far as to prevent small freshets passing over into the triangular area, but would allow the spill water at times of flood to top the weir and enter that area. This scheme, which met with somewhat doubtful acceptance locally, was recently placed before the Inspector-General of Irrigation, Mr. Nethersole, who, after local inspection and careful consideration, came to the conclusion that it was doubtful whether the scheme would prove effective, that it would probably lead to further breaches in the banks of the Damodar lower down and would also possibly interfere with the navigation of the Hooghly by increasing the silt deposited in the neighbourhood of the James and Mary shoal.

"The second scheme was to afford a larger channel for the outflow of the congested waters in the south by retiring the bund to the south of the khals at the base of the triangle. Enquiries have shown, however, that to retire the bund would cause the abandonment of two or three large villages and consequent heavy claims for compensation, while in the opinion of some engineers the change would only afford local and limited relief.

"Mr. Nethersole, while disapproving of the main scheme, has made some alternative suggestions for the drainage of the affected area which will be further enquired into, but the fact remains that after all enquiries and efforts on the part of our engineers we have not yet been able to discover a practicable solution of this very difficult question, and we have consequently no approved scheme upon which we could spend the sum which has been suggested by the Hon'ble Member. In these circumstances I can only say that Government propose to examine the alternative proposals that Mr. Nethersole has put forward, and they are inclined to consider favourably the suggestion which has been made that the whole of this tract should be carefully surveyed to show what changes have taken place within the last decade and how far the area is being gradually raised above the flood level by the deposit of silt. The survey would also enable us to ascertain how far the natural drainage is being restricted by the private embankments to which I have referred above, which have been erected for the protection of villages and cultivation to the south-west, and whether it is essential for the salvation of the flooded tract that some of these embankments should be levelled in order to restore proper drainage conditions.

"I regret that, with every wish to help the Hon'ble Member and those whom he represents, we should be unable to meet this resolution with a more encouraging reply, but I feel sure that all Hon'ble Members will realise that the subject is one which has the earnest attention of all who are concerned, and that we shall not relax in our endeavours to assist the land-owners and the cultivators concerned to mitigate the serious effects caused by the floods of the Damodar river in the area referred to."

The Hon'ble DR. SARBADHIKARI said :—

"I cannot admit, my Lord, that the reply is not encouraging. In fact it is one of the most encouraging I have received in the last five years. The

[Maharaja Ranajit Sinha of Nashipur,; Mr. Lyon.]

Hon'ble Member has declined to enter into an agricultural discussion with the Hon'ble Maharajadhiraja Bahadur of Burdwan, and we cannot exactly assess what the value of the roast bacon will be as a consequence of the conflagration, for that is the value of the *rabi* crop that the resultant silt is supposed to bring forth. Of course Dame Nature is always blamed, because she cannot be here to answer. But the real difficulty which has also been indicated in the Hon'ble Member's reply, consists of those bunds and embankments which have been formed in connection with the railways, which did not provide betimes for enough openings which might have saved the country. Of course it is no good referring to all that now. We have to meet the situation as it is. This is no time to enter into the details of the technical matters referred to by the Hon'ble Member, but it is refreshing that some alternative scheme has been suggested by Mr. Nethersole, and at this stage I shall not press my resolution. I beg to withdraw it in the hope that by the time the next budget comes up we shall be able to give the long-suffering people some practical relief."

The resolution was then withdrawn.

The Hon'ble MAHARAJA RANAJIT SINHA of Nashipur moved the following resolution :—

This Council recommends to the Governor in Council—

- (a) that the grant for the dredging of the Bhagirathi (Rs. 7,000) provided under head "43—Minor Works and Navigation" be raised to Rs. 25,000, and
- (b) that the increase be met by corresponding reduction in the grant of Rs. 23,500 (under head "45—Civil Works in charge of Civil Officers" to the schedule to the Financial statement) to Divisional Commissioners for minor local requirements.

He said :—

"My Lord, I am really aware that the matter is already engaging the attention of the Government, and that provision has been made in the budget already, so it will be superfluous and imprudent on my part to dwell on the subject at any great length. The object which leads me to bring forward this question is to impress on the Government and the Council the urgency of the matter. If my information is correct, My Lord, since last few years a small sum of money has been spent in dredging the entrance of the river ; but that after dredging is finished, the sands again accumulate and check the free flow of water, and up to this time no appreciable improvement is visible. In my humble opinion, if the Government be pleased to grant a lump sum for the purpose, the matter might be finished in a year or so once for all. My Lord, Bhagirathi is the main source of the supply of drinking water to the people who inhabit on both sides of the river. In hot season when there is no flow and water becomes shallow, the water becomes stagnant and unwholesome for drinking and bathing purposes, and at this time of the year by drinking river water cholera and other epidemic diseases break out. But the people are so accustomed in that part of the country to use that water that they must drink. I think it will not only improve the sanitation, but improve the condition of the people, as after the river be made navigable the trade will flourish. With these few words, I move the resolution."

The Hon'ble Mr. Lyon said :—

"There is some slight misunderstanding in the matter of this resolution, because the sum of Rs. 7,000 which the Hon'ble Member believes to have been provided for the dredging of the Bhagirathi, is not really provided for the Bhagirathi at all. The heading in the budget is slightly misleading. There are three headings bracketted together, and this entry of Rs. 7,000 is for the dredging of the Gorai river, and not the Bhagirathi, and so I am sorry to say nothing appears in the budget for that river. But this does not mean that we are going to do nothing for the Bhagirathi. As the Hon'ble Member knows, we have taken a great deal of trouble to carry out work on this river and improve it for some time past, and we have no intention of discontinuing our efforts in that direction ; but, as the Hon'ble Member has put it, in this way, that Rs. 7,000 is not sufficient for anything substantial, that it will be immediately swept away and that a good lump sum of Rs. 25,000 would be very useful in securing something in the nature of a

[Mr Lyon; Maharaja Ranajit Sinha of Nashipur.]

permanent channel, I should like to inform the Hon'ble Members or Council that, as regards forming a permanent channel or anything of the kind, a very full survey and estimate was made some few years back with this object in view. It was calculated that the practical work which has been somewhat lightly described by the Hon'ble Member would cost between 12 and 13 lakhs of rupees, so that Rs. 25,000 in our budget this year would not help very much. But I do not wish to treat the case with levity, because I know the importance of it. The facts are these: Every year we deal with the question of navigation in the Bhagirathi and the water that comes down during the rains, not by means of dredging the mouth, but by bandalling and controlling the channels, and this is provided for under the heading in the budget, "Maintenance of the Nadia rivers." There is a sum of Rs. 50,000 in the budget for the benefit of the Nadia rivers, and various sums have been spent from year to year, amounting in some years to as much as Rs. 25,000, for helping the channel of this particular river. Now this additional work for the preservation of channels in the river is not of course intended to increase the amount of water which actually comes down from the Ganges, and consequently, for sanitary reasons, important reasons which have been suggested by the Hon'ble Member himself, we have had to take further action to dredge the mouth of the river during the past few years. This action has been paid for out of the reserve in the Sanitary budget, and the Public Works Department have taken the work up when they had a dredger available for the purpose.

"It is well known, I think, My Lord, that we are at present preparing schemes for the utilisation of the waterways of this province, schemes which are going to cost a great deal of money. In order to carry out these schemes we must purchase several dredgers, one of which will certainly be available from time to time to do something at the mouth of the Bhagirathi, and help to bring more water down its channels, but in the meantime the work which we have done from the sanitary grants has not been altogether useless. We have spent a good deal of money since 1908-09; in that year we spent over Rs. 13,000, in 1909-10 over Rs. 26,000, a larger grant than is mentioned by the Hon'ble Member. We spent Rs. 12,000 in 1910-11, we had no expenditure in 1911-12 because there was no dredger available. In 1912-13 we spent about Rs. 10,000, and this year, if we can get hold of a suitable dredger, we propose again to do something to clear the mouth of the Bhagirathi, so as to enable more water to pass down during the hot weather, when it is required for sanitary purposes. I hope when we have got these big dredgers, we may be able to do something a good deal more effective than has been suggested in the motion, and I think that we may be able to dredge not only the actual mouth of the Bhagirathi, but for a mile or two down the course of the Bhagirathi, which is the only way in which we can secure a proper flow of water which will last up to the rains and make some permanent change in the mouth of the river. We have of course to be careful not to be too zealous. If we turned the whole volume of the Ganges water down the Bhagirathi, there would not be much left of Calcutta. We have to be careful not to bring too much of the water down, but we could, I think, bring down a good deal without danger and also without frightening the engineers at the Sara Bridge. I hope that in the circumstances, having regard to the fact that we are going to spend up to perhaps Rs. 20,000, or Rs. 25,000, as we have done hitherto, and that we are indenting for dredgers, which form the only machinery by which we can do the work, the Hon'ble Member will not think it necessary to press this resolution. In any case, it would not really help him, as it would only be providing money from one source to carry out work provided for from another source."

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

"In view of the sympathetic reply given by the Hon'ble Mr. Lyon, I withdraw my resolution."

The Council was then adjourned to Monday, the 17th March, 1913, at 11 A.M.

CALCUTTA,
22nd March, 1913.

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

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 in Government House on Monday, the 17th 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. 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. 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 Hon'ble RAI PRIYA NATH MUKHARJEE BANABUR.

The Hon'ble SIR FREDERICK LOCH HALLIDAY, KT., C.I.E., M.V.O.

The Hon'ble DR. NILRATAN SARKAR.

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

The Hon'ble SIR ALLAN ARTHUR, KT.

The Hon'ble MR. BYOMKES CHAKRAVARTI.

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 SHOSHI KANTA ACHARYYA 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. GOLAM HOSSEIN CASSIM ARIFF.

The Hon'ble MAULVI ABUL KASEM.

The Hon'ble MAULVI MUSHARRAF HUSAIN.

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

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.

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

The Hon'ble RAI HARI MOHAN CHANDRA BAHADUR.

The Hon'ble BABU ANANDA CHANDRA RAY.

The Hon'ble BABU UPENDRA LAL RAY.

QUESTIONS AND ANSWERS.

COURSE OF STUDIES IN CERTAIN SCHOOLS.

The Hon'ble MAULVI ABUL KASEM asked :—

I.—(a) Will the Government be pleased to state if the course of studies in the primary stages of the Upper Primary, Middle Vernacular, Middle English and High English Schools is uniform?

(b) Will the Government be pleased to state the subjects that are generally taught in the lowest four classes of a Government and an aided High English School?

(c) Is the Government aware that the multiplicity of subjects, often of a very difficult nature, in the lower classes of the Government and aided High English Schools, is calculated to tax the growing intellect of young boys to a very harmful degree?

(d) Is there any difference in the curriculum of the lower classes of the Government and aided High English Schools in the different divisions of Bengal?

(e) Is it a fact that the late Government of Eastern Bengal and Assam adopted a much-simplified course and that it is still prevalent in the Eastern Districts?

(f) Will the Government consider the advisability of introducing the standard of Eastern Bengal and Assam in the Burdwan and Presidency Divisions?

The Hon'ble MR. KERR replied :—

I.—(a) "The courses of study prescribed for Western Bengal differ in some respects from those adopted in Eastern Bengal.

(b) The syllabuses have been published and copies are laid on the table for the Hon'ble Member's information.

(c) The Government has received no complaints and is not aware that the courses of study are such as to tax the intellect of students to a harmful degree.

(d) The syllabuses followed in the Burdwan and Presidency Divisions differ from those in force in the Eastern Divisions of the Presidency.

(e) & (f) The Western Bengal course of studies was framed after very careful consideration by a highly competent Committee which sat between the years 1906-08. The Eastern Bengal curriculum, also, was drawn up by a body of experts and came into force in 1911. Government is not prepared to admit that the Eastern Bengal course is simpler than that in force in Western Bengal. The question of the desirability of co-ordinating the syllabuses for the two parts of the Province will receive the fullest consideration in due course, but rigid uniformity is not necessarily desirable.

[*Babu Surendra Nath Ray; Mr. Stevenson-Moore; Mr. Byomkes Chakravarti; Mr. Kerr.*]

and a careful examination of all the conditions would be necessary before any change could be justified in systems which have only recently been introduced and which are at present working satisfactorily."

ANNUAL SUBSCRIPTION TO THE PAPER THE "NEAR EAST."

The HON'BLE BABU SURENDRA NATH RAY asked :—

II.—(a) Will the Government be pleased to state the amount of the annual subscription payable by the public for supply of one copy of the paper the "Near East," in respect of which a sum of Rs. 2,275 has been allotted in the provisional Budget estimate?

(b) Will the Government be pleased to state the reasons for incurring such a large expenditure on this account?

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

II.—(a) "The annual cost for the supply of one copy of the publication is Rs. 22-12, including postage.

(b) It is proposed, as an experimental measure for one year, to distribute copies of this paper for use in common rooms of educational institutions, libraries, etc., with a view to the dissemination of accurate news regarding the position of Muhammadan affairs in the Near East."

WANT OF SUITABLE PASTURE LAND IN BENGAL.

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

III.—(a) Has the attention of the Government been drawn to the want of suitable pasture land throughout this Presidency?

(b) If so, has the Government taken, or is it about to take, any, and what, steps towards removing this need?

The Hon'ble MR. KERR replied :—

III.—(a) "Government is aware that, owing to the extension of cultivation, the scarcity of pasture land is becoming a difficulty in many parts of the country.

(b) The problem is an economic one, and no feasible method of solving it has yet been suggested. Waste land is being brought under cultivation, because it pays better to grow crops on it than to reserve it for grazing purposes. Government has at present no control over the extension of cultivation in ordinary private estates, and legislation on the subject would affect many vested interests and would be attended by grave difficulties. It is probable that experience will eventually show the cultivator that successful agriculture is only possible if due attention is paid to the welfare of his cattle as well as to the growing of crops. One of the objects of the mixed farm which is being established at Rangpur is to demonstrate the truth of this proposition, and it is hoped that it will throw some light on the problem."

THE AGRICULTURAL DEPARTMENT IN BENGAL.

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

IV.—Will the Government be pleased to state the present constitution of the Agricultural Department in this Presidency?

[Mr. Kerr; Mr. Byomkes Chakravarti.]

The HON'BLE MR. KERR replied :—

IV.—“A statement giving the information required by the Hon'ble Member is laid on the table.”

STATEMENT REFERRED TO BY THE HON'BLE MR. KERR IN HIS ANSWER TO QUESTION NO. IV ASKED BY THE HON'BLE MR. BYOMKES CHAKRAVARTI AT THE COUNCIL MEETING OF THE 17TH MARCH 1913

Statement showing the names of officers in the Agricultural Department, their pay, qualifications, etc.

Name	Pay	Qualifications	Appointment	Place where posted
	Rs			
J R Blackwood ...	Pay 1,800 A A 450 L A 150	I C S	Director of Agriculture	Calcutta
D N Mukherji ...	500	M A M R A C (Oxford) M R A S (England)	Personal Assistant to Director	Do
F Smith	500—1,000	B Sc (Edin), F H A S M R A S E.	Deputy Director of Agriculture	Do
R S Finlow ..	500—1,000	B Sc, F C S	Fibre Expert	Dacca
A A Meggitt ..	500—1,000	B Sc (Lond) F C S	Agricultural Chemist	Do
G P Hector	500—1,000	M A B Sc	Economic Botanist	Do
Jatin Nath Chakravarti	200—400	B A (Cal) M S A (Cornell, U S A) Diploma in Agriculture, Sibpur	Agricultural Supervisor	Rangpur
Rajeswar Das Gupta	200—400	Educated in Higher Agricultural classes Sibpur	Ditto	Calcutta
Sachindra Krishna Datta	100—150	B Ag (Bombay University)	Travelling Inspector	Do
Chandul Mustaf	100—150	Certificate in Agriculture, Sibpur	Divisional Agricultural Inspector, Burdwan Division	Chinsura
Bhobotosh Dutta ..	100—150	Ditto	Divisional Agricultural Inspector, Presidency Division	Calcutta
Satindra Lal Sen ..	75	Trained in Dacca and Pusa Farms.	District Agricultural Officer	Rangpur
Benode Lal Mukherji	75	B Ag (Bombay University) Trained at Pusa and Dacca Farms	Ditto ditto	Myit singh
Jaimini Kumar Biswas	100—200	B A Diploma in Agriculture Sibpur	Farm Superintendent	Barrhat (Rangpur)
Hara K Guha ...	100—200	...	Ditto	Bijshahi
Kali Das Roy ...	100—200	Certificate in Agriculture, Sibpur	Ditto	Dacca
Tara Nath Roy ...	100—150	Diploma in Agriculture, Sibpur	Ditto	Chinsura
P G Krishnan ...	50—150	Diploma in Agriculture, Madras	Superintendent Seed Store	Sibpur
Ananta Lal Sen ..	50—75	Trained in Mycology at Pusa	Mycological Collector	Dacca
Brafula Chandra Sen	50—75	Trained in Entomology at Pusa	Entomological Collector	Do

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

V.—Will the Government be pleased to lay on the table a statement showing the names of all the officers in the Agricultural Department, specifying their pay, qualifications, present occupation, and the place where they are posted?

[Mr. Kerr; Mr. Byomkes Chakravarti.]

The HON'BLE MR. KERR replied :—

V.—“The information is contained in the statement which was laid on the table in answer to Question No. IV.”

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

VI.—Will the Government be pleased to state the total cost to the Government of maintaining the Agricultural Department, and how much of it is required for payment of—

- (i) the salaries of officers.
- (ii) staff, and
- (iii) the establishment?

The HON'BLE MR. KERR replied :—

VI.—“The total expenditure on the Agricultural Department in 1912-13 will amount roughly to Rs. 3,03,000. Of this sum approximately Rs. 1,70,000 may be said to represent the cost of maintaining the Department. This amount is distributed as follows :—

	Rs.
Salaries of officers	75,000
Subordinate executive staff under the Director ...	22,000
Subordinate executive staff under the experts attached to the Department	10,000
Farm staff	8,500
Farm labourers	30,000
Office staff	24,500
Total	<u>1,70,000</u> ”

AGRICULTURAL SCHOOLS IN BENGAL.

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

VII.—(a) Is there any Agricultural School or College in this Presidency?

(b) If so, will the Government be pleased to name it, specifying what is taught there and the cost of maintaining it?

The HON'BLE MR. KERR replied :—

VII.—“There is no Agricultural School or College in this Presidency except the Sericultural School at Rajshahi, where instruction is given in practical methods of mulberry cultivation, microscopic seed selection, the detection and prevention of silkworm disease and the rearing of silkworms. The expenditure on this school last year amounted to Rs. 3,955. Students from this province are admitted to the Agricultural College at Sabour in the Province of Bihar and Orissa, where 20 vacancies were reserved for them last year.”

AGRICULTURAL INSTITUTIONS OUTSIDE THE PRESIDENCY OF BENGAL.

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

VIII.—(a) Has the Government of Bengal to make any contribution, and if so what, towards the maintenance of any Agricultural Institutions outside this Presidency?

(b) If so, will the Government be pleased to give the names of such Institutions and the total cost of maintaining them?

[Mr. Kerr ; Mr. Byomkes Chakravarti.]

The HON'BLE MR. KERR replied.—

VIII.—“No contribution is made by the Government of Bengal towards the maintenance of any Agricultural institutions outside this Presidency.”

THE PROVINCIAL AGRICULTURAL ASSOCIATION.

The HON'BLE MR. BYOMKES CHAKRAVARTI asked—

IX.—Will the Government be pleased to state—

- (i) the object of the Provincial Agricultural Association,
- (ii) the constitution of the Association,
- (iii) the cost of maintaining it, and
- (iv) the work done by it ?

The HON'BLE MR. KERR replied :—

IX.—“The object of the Bengal Agricultural Association is to assist the Agricultural Department with friendly advice and assistance, to bring to the notice of the Department problems which require investigation in different parts of the country, and to advise on the methods of disseminating the practical results of the work of the Department among the cultivators. The members are selected on account of their knowledge of the agricultural requirements of the Province and the influence they are in a position to exert to induce the people to adopt agricultural improvements. A list of the existing members is laid on the table. Most of them are engaged in practical work in the districts, either as members of the divisional or district agricultural associations, where such exist, or as Associates or Honorary Correspondents of the Agricultural Department. New members are elected at the periodical meetings of the Association. No expenditure is incurred in the maintenance of the Association, but Government makes it an annual grant which at present amounts to Rs. 1,500. This grant is expended mainly on the Association's library, which now contains nearly 3,000 books, pamphlets and periodicals dealing with agricultural matters.”

LIST 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 17TH MARCH, 1913

List of Members of Provincial Agricultural Associations Bengal.

NAME AND ADDRESS.

1. Babu Dwarka Nath Chakravarti, Vakil, High Court, Calcutta, 72, Russa Road, Bhowanipore, Calcutta.
2. Rai Srinath Pal Bahadur, 53, Mirzapur Street, Calcutta.
3. Rai Sitanath Ray Bahadur, 68, Sova Bazar Street, Calcutta.
4. Babu Kanak Ray, 8-1, Onrait 2nd Lane, Calcutta.
5. Rai Sahib Gopal Chandra Chatopadhyay, 77, Hati Bagan Road, Entally, Calcutta.
6. Rai Kailash Chandra Bose Bahadur, C.I.E., 76 & 77, Sukea's Street, Calcutta.
7. Superintendent, Civil Veterinary Department, Bengal
8. Principal, Bengal Veterinary College, Belgachia.
9. F. Smith, Esq., Deputy Director of Agriculture, Bengal.
10. D. N. Mukerjee, Esq., Personal Assistant to the Director of Agriculture, Bengal.
11. Registrar, Co-operative Credit Societies, Bengal
12. D. Hooper, Esq., Indian Museum, Calcutta.
13. S. C. Bose, Esq., Secretary, Indian Gardening Association, 162, Bow Bazar Street, Calcutta.

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

14. Babu Bejoy Chand Singha, C/o Messrs. Kilburn & Co., Calcutta.
15. Rai Krishna Chandra Banerjee Bahadur, 24, Sankaripara Road, Bhowanipore.
16. Babu Sarada Charan Mitra, 85, Grey Street, Calcutta.
17. B. Pal Chaudhuri, Esq., Maheshganj, Nadia.
18. Maharaja Sir Prodyat Kumar Tagore, Pathuriaghata, Calcutta.
19. C. M. Pope, Esq., C/o Messrs. Shaw, Wallace & Co., Calcutta.
20. Rai Parvati Sankar Chaudhuri, Teota post office *via* Shivalya, Dacca.
21. Babu Jogendra Nath Bose, Chandernagore.
22. Rai Lalit Mohan Singha Ray Bahadur, Chakdighi, Burdwan.
23. The Hon'ble Maharaja Manindra Chandra Nandi, Kassimbazar, Berhampore.
24. Babu Basanta Kumar Mitra, Panisala, Haripal post office, Hooghly district.
25. Babu Kishori Mohan Chaudhuri, Rajshahi.
26. Sir D. M. Hamilton, C/o Messrs. Mackinnon, Mackenzie & Co., Calcutta.
27. G. Hennessy, Esq., Mathurapur Factory, Manik Chak post office, Malda.
28. J. Mackenzie, Esq., C/o Messrs. Macneill & Co., 2, Clive Ghat Street, Calcutta.
29. Babu Ashutosh Lahiri, Rangpur.
30. „ Jagadindra Deb, Raikat, Jalpaiguri.
31. Rai Saheb Promotha Narain Chaudhuri, Bharenga, Pabna district.
32. Babu Kamini Kumar Lahiri, Superintendent, Gouripur Farm, Mymensingh.
33. Babu Iswar Chandra Nandi, Chittagong.
34. „ Ashutosh Misra, Harishchandrapur, Malda.
35. Dwija Das Dutta, Esq., Chittagong.
36. Babu Baidya Nath Sanyal, Bogra.
37. „ Sarat Chandra Chakravarti, Superintendent, Gouripur Estate, Mymensingh.
38. R. Glen, Esq., Honorary Secretary, Narayanganj Chamber of Commerce.

SCHEME OF WORK FOR THE DISTRICT AGRICULTURAL OFFICES OF RANGPUR AND MYMENSINGH.

The Hon'ble MR. BYOMKES CHAKRAVARTI asked :—

X.—Will the Government be pleased to state with sufficient particularity the scheme of work laid down for the District Agricultural Officers appointed to Rangpur and Mymensingh?

The Hon'ble MR. KERR replied :—

X.—“The duties of the District Agricultural Officers, who have been appointed as an experimental measure in Mymensingh and Rangpur, are the organization and supervision of demonstrations to show in a practical manner the beneficial results of improved methods of agriculture and of the use of new implements and machinery. They are also required to collect information about crops and agricultural practices. The demonstrations contemplated this year include the use of improved jute and paddy seed selected as a result of the investigations of the Jute Expert and the Economic Botanist, the effect of applications of bonemeal to double-cropped land, the conservation of cowdung for use as manure, potato cultivation, and the introduction of the Meston plough. In Rangpur there will also be demonstrations of tobacco fire curing, and improved varieties of sugarcane and tobacco seed will be

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

distributed. Five trained fieldmen demonstrators have been appointed in Mymensingh to work under the District Agricultural Officer, and four demonstrators will be appointed in Rangpur. The services of the District Agricultural Officers will also be available to zamindars who wish to carry out demonstrations of agricultural improvements for the benefit of their tenantry. The Director of Agriculture reports that certain zamindars in Mymensingh have already promised to subscribe a sum of Rs. 3,500 to be devoted to this purpose."

CULTIVATION OF LONG-STAPLE COTTON IN BENGAL.

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

XI.—Is the Government taking any steps to introduce the cultivation of long-staple cotton in Bengal?

The HON'BLE MR. KERR replied :—

—"The question of improving cotton staples in this province is now being investigated by the Agricultural Department in consultation with persons interested in the cotton trade, and in connection with a reference made by the Government of India at the instance of the International Federation of Master Cotton Spinners and Manufacturers' Association. Previous experiments with different varieties of long-staple cotton have proved unsuccessful, and the conclusion of the Agricultural Department is that the climatic conditions of this province, with its heavy rainfall, make it impossible to grow long-staple cotton in Bengal on a commercial scale. There is better prospect of improvement in the selection of indigenous seed and greater care in cultivation, and it is to the attainment of these objects that the Agricultural Department is now devoting its energies."

SUGAR REFINERIES IN BENGAL.

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

XII.—Will the Government be pleased to state the number of sugar refineries actually working in the new Presidency of Bengal and their annual yield?

The HON'BLE MR. KERR replied :—

XII.—"According to the Provincial report on the working of the Indian Factories Act for 1911, there is only one sugar refinery in the Presidency employing over 49 operatives daily. This is the Cossipur Sugar Refinery. There are ten other petty concerns employing between 20 and 49 operatives daily. No information as to outturn is available."

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

XIII.—Will the Government be pleased to state the value and quantity of refined and unrefined sugar imported in the current financial year or in the year 1912 from Java?

IMPORTS OF SUGAR FROM JAVA.

The HON'BLE MR. KERR replied :—

XIII.—"4,699,332 cwts. of refined sugar valued at Rs. 4,69,68,525 and 129,515 cwts. of unrefined sugar valued at Rs. 11,50,739 were imported from Java into the Bengal Presidency during the year 1912."

[Babu Surendra Nath Ray ; Mr. Kerr ; Mr. Byomkes Chakravarti]

GOVERNMENT GRANTS-IN-AID TO SECONDARY SCHOOLS.

The HON'BLE BABU SURENDRA NATH RAY asked :—

XIV.—(a) Will the Government be pleased to state whether there are any rules fixing the proportion which the amounts of Government grants-in-aid bear to the income derived by secondary schools from—

- (i) school fees,
- (ii) subscriptions and contributions, or both combined,

or whether any other principle is observed in fixing the amount of such grants ?

(b) If so, will the Government be pleased to state them ?

The HON'BLE MR. KERR replied :—

XIV.—“ Under the rules in force in Western Bengal, the grants for High Schools must not ordinarily exceed one-half of the income guaranteed from private sources, including fees, subscriptions, donations and endowments. In the case of Middle Schools, the maximum grant is two-thirds of the income derived from private sources, but to schools in which the expenditure does not exceed Rs. 40 a month, a grant equal to the full amount of the guaranteed income from private sources may be given. These rules are relaxed in certain backward areas, and in the case of Girls' Schools. In Eastern Bengal, the rules in force do not lay down any fixed scale for recurring grants, but the scale in force in Western Bengal is generally adopted in practice.”

IMPROVEMENT OF FISH-CULTURE IN BENGAL.

The HON'BLE MR. BYOMKES CHAKRAVARTI asked :—

XV.—(a) Will the Government be pleased to say whether it is a fact that the supply of fish is falling off in the rivers of Bengal ?

(b) Will the Government be pleased to state what steps, if any, are being taken to improve fish-culture in Bengal ?

The HON'BLE MR. KERR replied :—

XV.—“ (a) The investigations of Sir K. G. Gupta in the late province of Bengal and of Mr. K. C. De in Eastern Bengal and Assam show that there is ground for apprehension that the supply of fish is insufficient in parts of the Presidency. The present Deputy Director of Fisheries is, however, of opinion that there is no diminution in supply in the larger rivers and that the diminution is restricted to the smaller rivers and to confined waters. The dearth of good fish from the latter source is due partly to increased demand and partly to diminished supplies. There is an increased demand owing to the increase of population, the growing prosperity of the agricultural classes and the improvement of transport facilities, which have greatly increased the number of regular consumers of fish, while the decrease in supplies is attributed partly to the silting up of the rivers and partly to the fact that the increased demand tempts fishermen to catch immature fish.

(b) In order to enable further enquiries to be made into the problems raised by the investigations referred to in the answer to the first part of this question, the Secretary of State last year sanctioned the appointment for four years of an expert as Deputy Director of Fisheries in Bengal. This officer, who with his two assistants, is, for purely administrative purposes, attached to the Agricultural Department, is at present engaged on an investigation of the habits of fresh-water fishes, particularly carp and hilsa, with a view to determining what action can be taken to assist their propagation and what protective measures, if any, can be adopted.

1913.] The Bengal Board of Revenue Bill, 1913; the Bengal Public Demands Recovery Bill, 1913; the Bengal Public Gambling, 1913 (Amendment) Bill, 1913.

[Mr. Lyon; Sir William Duke.]

It is also proposed that he should investigate the ichthyological resources of the Sundarbans estuaries, which have hitherto been very little exploited.

LEGISLATIVE BUSINESS.

THE BENGAL BOARD OF REVENUE BILL, 1913.

The Hon'ble Mr. Lyon moved that the Report of the Select Committee on the Bill to alter the constitution of the Board of Revenue for Bengal be taken into consideration.

He said :—

I beg to move that the Report of the Select Committee on the Bengal Board of Revenue Bill, 1913, be taken into consideration.

In doing so, I desire to point out that we may congratulate ourselves upon having been able to present a unanimous report. We have made only two or three verbal alterations in the Bill, and we have recommended to this Council that the Bill, as now amended, be passed.

The Hon'ble Mr. Chakravarti to move, by way of amendment to the above, that the Bill, as amended by the Select Committee, be republished.

In withdrawing his motion, the Hon'ble Mr. Chakravarti said :—

My Lord, I had an opportunity of discussing the amendment that stands to my name with my friends on this side of the house, and regard being had to the divergence of opinion on the subject, I do not feel justified in taking up the time of your Excellency's Council in pressing this amendment, and I therefore ask your Lordship's leave to withdraw it.

The Hon'ble Mr. Lyon's motion was then put and agreed to.

The Hon'ble Mr. Lyon moved that the Bill be passed.

The motion was put and agreed to.

THE BENGAL PUBLIC DEMANDS RECOVERY BILL, 1913.

The Hon'ble Mr. Lyon presented the report of the Select Committee on the Bill to consolidate and amend the law relating to the recovery of public demands in Bengal.

He said :—

My Lord, I have the honour to present the report of the Select Committee on the Bill to consolidate and amend the law relating to the recovery of public demands in Bengal.

This report is also, I am glad to say, an unanimous report. It will be taken into consideration at the meeting of the Council which it has been decided to hold on the 26th March next, and I would remind Hon'ble Members that, under rule 22(I) of the rules of legislative business, any motions for an amendment of the Bill, which Hon'ble Members may desire to move, should reach the Secretary to the Council not later than 11 A.M., on the 21st March next.

THE BENGAL PUBLIC GAMBLING (AMENDMENT) BILL, 1913.

The Hon'ble Sir William Duke moved for leave to introduce a Bill further to amend the law in force in Bengal relating to public gambling.

He said :—

In introducing this Bill, it is necessary for me to explain briefly the circumstances which have given rise to a demand for fresh legislation to suppress gambling and the scope of the measure which has been framed for the consideration of the Council. The Bengal Gambling Act of 1867 (Ben. Act II of 1867) deals with "gaming" only, and does not include "wagering" or "betting." The distinction between "gaming" and "wagering" has not

[*Sir William Duke.*]

been clearly defined in any Indian Act, but is well set out in the following remarks by W. F. Craies, the well-known authority on the interpretation of Statutes :—

“It is somewhat difficult,” he says, “exactly to define or adequately to distinguish these terms of allied meaning. The word ‘game’ is applicable to most pastimes and many sports, irrespective of their lawful or unlawful character. ‘Gaming’ is now always associated with the taking of money or money’s worth on the result of a game of pure chance or mixed skill and chance, and ‘gambling’ has the same meaning with a suggestion that the stakes are excessive or the practice otherwise reprehensible, while ‘wager’ and ‘wagering’ are applied to money hazarded on any contingency in which the person has no interest at risk other than the amount at stake. ‘Betting’ is usually restricted to wagers on events connected with the sports or games, and ‘lottery’ applies to speculation to obtain a prize by lot or chance.”

Thus gaming implies that there is some game played by the persons interested or persons representing or acting for them, as in the case when two persons throw dice and other participators back the players, and it has been held that this meaning necessarily involves the employment or manipulation of instruments of gaming such as cards, dice, roulette wheels, etc. The Gambling Act of 1867 provides penalties firstly for owning, keeping or having charge of a common gaming house, and secondly for being found in a common gaming house, and a common gaming house is defined as a place in which cards, dice, tables or other instruments of gaming are kept or used for profit. Now it has been held by the Courts that the usual books, receipts and notice-boards which are used by book-makers and others for recording bets and the odds offered are not instruments of gaming. Consequently there is no provision in the Gambling Act which renders mere wagering or betting illegal. There is moreover no law in the Presidency which has this effect for the provisions of the Calcutta Police Act and of the Howrah Act of 1857—the only other Acts which penalise gambling—follow those of the Bengal Gambling Act of 1867. This defect came to prominent notice in 1897 when a form of gambling known as rain-gambling became so prevalent in Calcutta as to attract the attention of Government and the public. As the law stood up to that time wagering on the fall of rain was not gaming because the participators did nothing to determine the result; they merely sat and waited for the rain spouts to run. The Government of that day was unwilling to embark on comprehensive legislation which would have the effect not only of suppressing rain-gambling but also of penalising all forms of betting, whether it had occasioned any scandals or not, and which would thus open the door to unnecessary harassment and interference. It was consequently decided to amend the Gambling Act in such a way as to make its penal clauses applicable only to the particular form of evil which required to be controlled. The definition of gaming was therefore extended by Act III of 1897 so as to include rain-gambling, and that of instruments of gaming so as to include all books, registers and documents used for rain-gambling wagers and anything used as a means of rain-gambling. This enactment proved effective in suppressing the particular form of betting against which it was directed, but it did not of course greatly tax the ingenuity of those interested to devise other forms of gambling to which the law was not applicable.

Towards the middle of the year 1911 a new form of gambling, known as cotton-figure gambling, began to come into notice, and it rapidly gained a remarkable fascination for a large number of people in Calcutta, particularly among the lower orders. The methods employed were as follows :—

A shop is opened at which tickets are sold showing in one column the serial numbers 1 to 10; in a second column the amount paid by the customer opposite the serial number on which he lays his wager; and in a third column the amount which the owner agrees to pay if the number which the customer has backed is eventually declared to be the winning number. The amounts wagered naturally vary with the means of the customer, and the sum offered as a prize varies from twice to over one hundred times the value of the stake. The winning number is theoretically obtained by posting on a board the five items of, cotton figures and demand sale quotations from

[*Sir William Duke.*]

America and England which are obtained daily from Reuter's telegraphic quotations. The five quotations are added together and divided by five, and the last figure of the sum thus obtained is declared to be the winning number.

The craze grew in popularity. Shops were open in increasing numbers and all efforts of the police to control the evil proved unavailing. Test cases under the Gambling Act were brought against the keepers of some of the larger cotton-gambling shops, and these cases led for a time to a diminution of the evil. On appeal to the High Court, however, it was held that the operations were mere betting or wagering to which the provisions of the Gambling Act did not apply. After this, cases were brought by the police for obstruction of foot-ways and one or two by private parties under the nuisance sections of the Indian Penal Code, but these steps provided very partial and temporary remedies. At the beginning of the last cold weather the evil had assumed such proportions that the Government was constrained to move the Government of India to pass an ordinance to prohibit cotton gambling. For the reasons which you, Sir, explained at the opening meeting of Council, this course was adopted with some reluctance, but in view of the pressing nature of the evil and of the delay which must necessarily elapse before the Legislative Council could be constituted to deal with it, your Excellency in Council decided that no other course was possible, and in compliance with the request of this Government, the Government of India issued, by notification on 13th December 1912, the Bengal Cotton Gambling Ordinance of 1912.

Directly the ordinance appeared the cotton-gambling shops were closed down, and the evil has been suppressed for the time being. The ordinance however has currency for a period of six months only, and it is therefore necessary that we should pass a permanent measure, which will enable cotton gambling and similar evils to be controlled, during the present session of the Council. I will now pass on to describe the lines on which the Bill has been drafted.

The difficulty with which we were faced is this—we were unwilling to legislate in wholesale terms with a view to putting an end to all kinds of betting and wagering. We realize that very general legislation of this kind is apt to lead to consequences which are not foreseen. We may have views about the evils of betting, but we have also a considerable respect for the old saying that people cannot be made moral by Act of Parliament. Probably some people will bet whatever the legislature may say, and it does not necessarily follow that they do themselves or any one else much harm by it. We conceive our duty to be not the general enforcement of public morality so much as the protection of the ignorant and unwary and the prevention of that scandalous state of things in which temptation is publicly flaunted and indeed forced on those who would not themselves go to seek it and perhaps would never think of it, and most of all is it our duty to put a stop to it when the conditions are uncontrolled and void of any guarantee for fair dealing. If it would have been of any use to limit ourselves to dealing with cotton-gambling specifically we should have done so; but with our previous experience of rain-gambling and what we had learnt of this system of so-called cotton-gambling which has nothing in the world to do with dealing in cotton, we recognized that the ingenuity of the persons who organize public gambling in Calcutta is such that the same or a similar system might at a moment's notice be applied to the price of jute at Hatkhola or to the meteorological reporter's figures of the daily temperature. We had therefore to resort to general terms and to legislate against all forms of wagering conducted in public. In doing so, however, we decided to exclude such matters as are not likely to give occasion to public scandal or are otherwise provided for. In the first place we resolved to exempt race-courses when racing is going on. We had various precedents for doing so, particularly the English Street Betting Act, of which clause 2 expressly exempts betting on race-courses from its provisions. The Bill which has been drafted for the consideration of Council follows these precedents, and while extending the definition of gaming to include wagering or betting, exempts betting on horses when it is carried on

[Sir William Duke ; Dr. Deba Prosad Sarbadhikari.]

in the race-course enclosure, and when it relates to races held during the meeting. Over betting carried on in the enclosures of such race-courses, as we have in Bengal, a strict and effective control is exercised by the stewards, and Government feels that it would have no justification for interfering with the exercise of a pastime which is remarkably free from abuse and which constitutes a favourite relaxation of many residents and an attraction to visitors to Calcutta. The exemption thus permitted to race-courses does not extend to wagering or betting on horse-races when carried on in places in the city or beyond the control of the stewards of the Turf Club. Such places have had an increasing popularity. They foster a taste for the practice of forward betting and in principle they are indistinguishable from places kept for the purposes of cotton-gambling. Further, if they had been left untouched when other forms of wagering were suppressed, there is little doubt that the clientele of the latter would promptly have resorted to them and the state of things would very shortly have become as bad as before. A further exception is also made in the draft Bill in favour of lotteries. The reason in this case is not however any particular kindness for lotteries, but the fact that they are already penalized by section 294 (a) of the Indian Penal Code, which is an Act of the Imperial Legislature. Legislation in respect of them, if it were necessary, would be more appropriately undertaken in the Imperial Council. But, as a matter of fact, the existing provisions of the law have been found sufficient for the purposes of control. It is further proposed to widen the definition of instruments of gaming and of common gaming house so that any article used as a means or appurtenance of gaming will render a place in which it is kept or used for profit a common gaming house. The Bill provides for these amended definitions being incorporated in the Calcutta Police Act, 1866, and the Howrah Offences Act, 1857, as well as in the Bengal Public Gambling Act and for the repeal of the Bengal Rain Gambling Act, 1897, which will no longer be required. Provision is also made for incorporating in the Calcutta Police Act and Howrah Offences Act section 10 of the Bengal Gambling Act which saves games of mere skill, wherever played.

It is believed that the Bill as drafted will put the Government into a position to deal effectively with cotton-gambling and other evils of a like nature, whenever they arise. The craze for cotton-gambling undoubtedly wrought great mischief among the lower orders in Calcutta, and I am confident that the Council will welcome a measure which will enable Government effectively to prevent its recrudescence or the spread of any similar form of gambling.

The HON'BLE DR. SARBADHIKARI said :—

My Lord, we all cordially welcome this Bill which is none too early. After the very reassuring manner in which your Lordship explained as to how it was that the measure could not be brought on earlier, I do not think we should be justified in going back and depicting the state of things which obtained in Calcutta some time ago when school-boys and even zenana ladies, through intermediaries, brought ruin and havoc in many homes ; that is now going to be remedied, and there is reason for much rejoicing so far. But, my Lord, as this measure is now being taken up, some of us at least feel that it does not go far enough and that exceptions have been continued which it is desirable should be done away with.

In the Statement of Objects and Reasons, the reason for that exception in clause 2 is defined. This exception is based on the Street Betting Act, and it is proposed because no serious evil has been *shown* to result from betting on race-courses in Bengal. My Lord, shall we wait, as in the case of cotton-gambling, until the evil is absolutely *shown*, and until the voice of scandal is loud? So far therefore as betting under the supervision of the Turf Club and other responsible bodies is concerned, we do not desire to touch, for people are said to have the inherent right of sacrificing their goat at the tail end. We realize that Bengal must not rush where Bombay has feared to tread. We must assume that Turf Club gambling is well looked

[*Mr. Byomkes Chakravarti.*]

after, or at all events ought to be. But on the race-course very much more goes on than even the Turf Club stewards know, and the self-same school-boys and zenana ladies who suffered from the evils of cotton-gambling, unchecked and uncheckable for a time, suffer. In the same way people in the neighbourhood of Bhawanipur, Alipore and other places, where agents go about and ask for authority to bet on the result of races, bring ruin to homes unnoticed in the Press, and they are not under the authorised supervision of the Turf Club stewards and other constituted authorities. Everywhere round the race-course, and not only within it and even round Football and Tennis Match gatherings, openly goes on serious mischief of a kind which is not very well known to the police, not generally denounced in newspaper columns. The scandal and the evil are spreading, and the result of proposing exceptions like this, where they are hardly needed, will assist in their increasing. We have the exception already in the Penal Code, and I do not know why, in dealing with legislation like this, it is necessary to repeat that exception. The moral—I was going to say the immoral—effect of legislating in an ever-sensitive manner in regard to questionable matters is likely to be examined and criticised in a hostile spirit by the outside world. For a time we were gaily told by people keeping these gambling shops that the High Court had sanctioned this form of cotton-gambling after the Police Court decision was upset. Of course, this is the way that the bazaar carried on its trade, and we cannot shut our eyes to it. Therefore, when the Select Committee come to examine the details of this measure, I hope they will consider whether the exception which has been introduced in this Bill ought to be retained or not, or whether the Penal Code section ought not to be enough in this connection. My Lord, there is clear and distinct demand for drastic measures for putting down gambling of all sorts and kinds in all quarters, and I desire to voice such a widespread feeling in this concern. I welcome a measure that is distinctly for the purpose not only of protecting the unwary, but as I claim, though Sir William does not, also for the protection of public morality.

The HON'BLE MR. CHAKRAVARTI said :—

I wish to add a few words in support of the Hon'ble Mover. I am sure every citizen is under great obligations to Government for introducing this measure of law, but my regret is—I am afraid in that regret the Hon'ble Members opposite or the Hon'ble Members on my side of the House will disagree—that this Bill does not go far enough. I, for one, my Lord, with great respect to high authority in favour of racing, would, in so far as it lay in me, proscribe racing also, and that for a very good personal reason. I am getting old, my Lord, but when I was barely 19, I reached London. I had not been there more than a month, and a race was coming on, and I had just received my remittance for the month. Some men and women got hold of me, and they hustled me to the races with the whole of the remittance in my pocket. When I came back, I had only a few shillings left in my pocket. The result was that I felt miserable, more than miserable. I had just enough money to telegraph to my father—and in those days telegrams were more expensive than they are now—to say that I had made a fool of myself, and that I asked his pardon, and at the same time, I said a letter of explanation is following, and that he might be perfectly certain that I would never repeat it; and I can assure your Lordship that, since then, I have never been anywhere near a race-course, and as long as I live I do not intend going there, unless I am paid for it. I should, therefore, be prepared to recommend to the Select Committee that, so far as it is possible—and I know that it is not possible to eradicate the vice of racing that is ingrained in some people, and they will not get out of it—but, however, I would reduce it to a minimum, make it impossible for anybody to bet outside the race-course. And as regards the bookies, if there is any possibility of banishing them from the race-course, I should certainly be in favour of that. Let there be what are called totalisators. I do not know what the expression means; it has been given to me by my Hon'ble friend, the

[Sir William Duke.]

Maharajadhiraja Bahadur of Burdwan. I do not know whether there is a distinction between the two, but I suppose there is a distinction, but let that be. We who are going to the Alipore Court, or going to the High Court from Alipore, find that when these races come on, poor people who have no business anywhere near the race-course, are outside the course betting, and as my friend the Hon'ble Babu Deba Prasad Sarbadhikari has pointed out, the vice is so contagious that ladies who live in the seclusion of the *purdah* attempt to make a little money if they can at the expense of others. Of course, from that point of view, the person who does not labour is not entitled to any money at all; and from the higher point of view, racing or any other form of gambling is to be condemned, and I certainly hope that the Select Committee will consider the extent to which they can reduce the evil to its very minimum, leaving richer people to get rid of their money, and if they can, to take a little money, for which they have not done anything, from others.

The motion was put and agreed to.

The Hon'ble Sir William Duke also applied to the President to suspend the Rules of Business for the purpose of referring the Bill to a Select Committee.

The President declared the rules suspended.

The Hon'ble Sir William Duke then moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Stevenson-Moore, the Hon'ble Mr. Newbould, the Hon'ble Mr. B. C. Mitra, the Hon'ble Sir Frederick Halliday, the Hon'ble Sir Allan Arthur, the Hon'ble Sir Bijay Chand Mahtab, Maharajadhiraja Bahadur of Burdwan, the Hon'ble Raja Hrishikesh Laha, the Hon'ble Babu Surendra Nath Ray, the Hon'ble Babu Mahendra Nath Ray and the mover, with instructions to complete their report in time for presentation to the Council on the 26th March, 1913.

The motion was then put and agreed to.

The Council was then adjourned to Wednesday, the 26th March, 1913, at 11 A.M.

CALCUTTA,
The 1st April, 1913.

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

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 in Government House on Wednesday, the 26th 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. 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. A. N. MOBERLY.
- The Hon'ble MR. S. L. MADDOX, C.S.I.
- The Hon'ble MR. C. H. BOMPAS.
- The Hon'ble MR. G. W. KÜCHLER, C.I.E.
- The Hon'ble RAI PRIYA NATH MUKHERJEE BAHADUR.
- The Hon'ble SIR FREDERICK LOCH HALLIDAY, KT., C.I.E., M.V.O.
- The Hon'ble MR. H. J. HILARY.
- 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 SIR ALLAN ARTHUR, KT.
- The Hon'ble MR. BYOMKES CHAKRAVARTI.
- 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 SHOSHI KANTA ACHARYYA CHAUDHURI BAHADUR.
- The Hon'ble DR. DEBA PRASAD SARBADHIKARI.
- The Hon'ble MR. J. G. APCAR.
- The Hon'ble RAI RADHA CHARAN PAL BAHADUR

Questions and Answers.

[Mr. Moberly; Mr. Hilary; Mr. Golam Hossein Cassim Ariff; Mr. Stevenson-Moore;]

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 MUSHARRAF HUSAIN.

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

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 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.

OATH OF ALLEGIANCE.

The Hon'ble Mr. Moberly and the Hon'ble Mr. Hilary made the prescribed oath of their allegiance to the Crown.

QUESTIONS AND ANSWERS.

THE PROVINCIAL AND SUBORDINATE CIVIL SERVICES.

The Hon'ble Mr. GOLAM HOSSEIN CASSIM ARIFF asked —

I.—Will the Government be pleased to state the total number of officers in the Provincial and Subordinate Civil Services, and how many of them do not hold any University degree; and how many of the latter class are Muhammadans?

The Hon'ble Mr. STEVENSON-MOORE replied :—

“A statement furnishing the required information is laid on the table. The figures relate to the Executive branch to which alone, it is presumed, the question refers.”

STATEMENT REFERRED TO IN THE ANSWER BY THE HONBLE MR STEVENSON-MOORE TO QUESTION NO I
ASKED BY THE HON'BLE MR GOLAM HOSSEIN CASSIM ARIFF AT THE COUNCIL MEETING OF THE 26TH
MARCH, 1913

SERVICE	Total number of officers	Number not holding any University degree	Number of Muhammadans not holding any University degree	REMARKS.
Provincial Civil Service ...	330	54	6	Includes probationers.
Subordinate Civil Service	202	64	10	

[*Mr. Golam Hossein Cassim Ariff; Mr. Stevenson-Moore; Mr. Finnimore; Mr. Kerr.*]

INDIAN CIVIL SERVICE APPOINTMENTS HELD BY MEMBERS OF THE BENGAL PROVINCIAL CIVIL SERVICE.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

II.—Will the Government be pleased to state the number of posts ordinarily reserved for the Indian Civil Service, which are at present being held by members of the Bengal Provincial Civil Service, and how many of such appointments are held by Muhammadans?

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

“Ten posts ordinarily reserved for the Indian Civil Service are now held by members of the Bengal Provincial Service. One of these posts is held by a Muhammadan.”

DRAINAGE SCHEME OF SUNTHI AND NAWA.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

III.—(a) Will the Government be pleased to state whether it is going to give effect to the drainage scheme of Sunthi and Nawa in the Subdivision of Baraset in the district of the 24-Parganas, which has been in contemplation for four or five years?

(b) Is the Government aware that Baraset is notorious for malaria and that it was to remedy this state of things that the then Collector of the 24-Parganas, the Hon'ble Mr. C. H. Bompas, thought fit to devise the said scheme under the Sanitary Drainage Act, 1895 (Bengal Act VIII of 1895)?

The HON'BLE MR. FINNIMORE replied :—

“(a) The Government of Bengal have sanctioned the scheme for the drainage of the areas lying within the catchment areas of the Nawa and Sunthi Nalas, and have contributed a sum of two lakhs of rupees towards the cost of the scheme. On preparation of the detailed estimates for carrying out this work it has been found that the expenditure is likely to exceed very considerably that which was contemplated at the time the scheme was sanctioned, with the result that the proposals cannot be given effect to until the financial position has been further considered.

(b) It is a fact, as stated in the question, that the scheme was devised by the Hon'ble Mr. Bompas when he was Collector of the 24-Parganas.”

APPOINTMENT OF PROBATIONERS IN THE REGISTRATION DEPARTMENT.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

IV.—Will the Government be pleased to state how many vacancies occurred and how many Muhammadans were appointed in the Presidency Division as probationers in the Registration Department since the rules for appointment in that Department were published in 1908?

The HON'BLE MR. KERR replied :—

“There have been 15 vacancies in the Presidency Division and 5 Muhammadans have been appointed—4 as probationers and 1 as a fifth-grade Sub-Registrar.”

SUB-REGISTRARS IN THE PRESIDENCY DIVISION.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

V.—Will the Government be pleased to state the number of Hindu and Muhammadan Sub-Registrars in each grade in the Presidency Division?

[*Mr. Kerr ; Mr. Golam Hossein Cassim Ariff ;*]

The HON'BLE MR. KERR replied :—

“ A statement giving the required information is laid on the table.”

STATEMENT REFERRED TO IN THE ANSWER BY THE HON'BLE MR. KERR TO QUESTION NO V ASKED BY THE HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF AT THE COUNCIL MEETING OF THE 26TH MARCH, 1913.

Statement showing the number of Hindu and Muhammadan Sub-Registrars in each grade at present employed in the Presidency Division.

Grade.	Hindus.	Muhammadans.
I ..	5	3
II ...	14	7
III ...	9	7
IV ...	15	5
V ...	4	2

MODE OF FILLING UP LEAVE VACANCIES IN THE REGISTRATION DEPARTMENT.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

VI.—Will the Government be pleased to state how leave vacancies are filled up in the Registration Department ?

The HON'BLE MR. KERR replied :—

“ Leave vacancies in the Registration Department are ordinarily filled by fifth-grade Sub-Registrars who form the leave reserve. The reserve is fixed at 8 *per cent.* of the total *cadre* of the District Sub-Registrars and Sub-Registrars. When fifth-grade Sub-Registrars are not available, probationers or outsiders are appointed to act temporarily in such vacancies under section 12 of the Indian Registration Act.”

PROPORTION OF MUHAMMADANS IN THE REGISTRATION DEPARTMENT.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

VII.—(a) Will the Government be pleased to state how nominations in the Registration Department are made by Commissioners ?

(b) Is there any rule that a portion of vacancies is to be filled up exclusively by the nomination of Muhammadan candidates ?

(c) If so, what is the proportion ?

The HON'BLE MR. KERR replied :—

“(a) When there is a vacancy the Commissioner of the Division, in which the vacancy occurs, is requested to nominate three candidates, one of whom is selected by Government for appointment.

(b) & (c) Every third vacancy in the Presidency and Burdwan Divisions and every alternate vacancy in other Divisions is ordinarily reserved for Muhammadans.”

TEMPORARY APPOINTMENT OF OUTSIDERS AS SUB-REGISTRARS.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

VIII.—(a) Will the Government be pleased to state whether outsiders are given officiating appointments when probationers or fifth-grade Sub-Registrars are not available ?

[*Mr. Kerr ; Mr. Golam Hossein Cassim Ariff ;*]

(b) Will the Government be pleased to state whether any such outsiders have been taken in ?

(c) Will the Government be pleased to state whether the claims of any outsiders who officiated were brought to the notice of the Government for permanent appointment ? If so, what was the result ?

(d) Will the Government be pleased to consider the claims of such outsiders to permanent vacancies as have already officiated as Sub-Registrars to the satisfaction of their superiors, and, after accommodating such deserving outsiders, to stop the system of filling up leave vacancies by outsiders by strengthening the number of probationers and fifth-grade Sub-Registrars ?

The HON'BLE MR. KERR replied :—

"(a) & (b) Outsiders have occasionally been given officiating appointments.

(c) In three cases, such outsiders have been recommended by the Inspector-General to Commissioners for nomination.

(d) Government will consider the claims of such outsiders if they are eligible for permanent appointment under the rules and are recommended by Divisional Commissioners with whom nomination rests in the first instance.

The question of increasing the leave reserve is under consideration."

NOMINATION OF CANDIDATES AS SUB-REGISTRARS BY THE INSPECTOR-GENERAL OF REGISTRATION.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

IX.—(a) Will the Government be pleased to state whether the Inspector-General of Registration, who is the Administrative Head of the Department, has power to nominate candidates for appointment as Sub-Registrars ?

(b) If not, will the Government be pleased to state whether he can nominate in special cases ?

(c) Will the Government be pleased to state whether the Inspector-General of Registration ever nominated a candidate for appointment as a special case, and, whether the Government accepted such nomination ?

(d) If so, will the Government be pleased to state how many such appointments have been made (Hindus and Muhammadans) from 1900 to 1912 ?

The HON'BLE MR. KERR replied :—

"In the old Province of Bengal, from the year 1900 to June 1908, appointments in the Registration Department were ordinarily made by Government on the nomination of the Inspector-General. In June 1908 this procedure was altered, and the practice now is for Government to make the appointments on the nomination of Commissioners. Government, however, is always prepared to consider the claims of any candidate whom the Inspector-General may in special cases recommend. Since this new procedure came into force, the Inspector-General has submitted only one special nomination, which was not accepted by Government.

The Government of Eastern Bengal retained the old practice of appointment by Government on the nomination of the Inspector-General, but the Western Bengal procedure of nomination by Commissioners has now been put in force throughout the whole of the new Presidency. The only case of special nomination by the Inspector-General is that mentioned above."

APPOINTMENT OF MINISTERIAL OFFICERS AS SUB-REGISTRARS.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

X.—(a) Will the Government be pleased to state whether ministerial officers are debarred from appointment as Sub-Registrars ?

(b) If not, how many ministerial officers (Hindus and Muhammadans) have been appointed Sub-Registrars since 1908 ?

[*Mr. Kerr ; Mr. Golam Hossein Cassim Ariff ; Mr. Stevenson-Moore.*]

The HON'BLE MR. KERR replied :—

"(a) Ministerial officers are not absolutely debarred from appointment as Sub-Registrars, but Sub-Registrarships are not as a rule given to men of that class.

(b) Five Hindu and eight Muhammadan ministerial officers have been appointed Sub-Registrars since 1908."

BARASET GOVERNMENT HIGH SCHOOL MUHAMMADAN HOSTEL.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

XI.—(a) Has the attention of the Government been drawn to an article published in a Bengali journal, viz., the "Moslem Hitaishi" of 21st February, 1913, regarding the affairs of the Muhammadan Hostel attached to the Baraset Government High School?

(b) Will the Government be pleased to state whether it is a fact that the poor Muhammadan boys had to leave the Hostel on account of the alleged mismanagement on the part of the Head Master of the said School?

(c) Will the Government be pleased to state the number of boarders in December last and what is the number at present in the said Hostel of the said High School?

(d) Will the Government be pleased to consider the desirability of posting a Muhammadan graduate as teacher in the said High School, and of placing the Hostel under his supervision?

The HON'BLE MR. KERR replied :—

"Government had not seen the article in the "Moslem Hitaishi" until attention was called to it by the Hon'ble Member, and has no information as to the facts of the case. The Director of Public Instruction will be requested to enquire into the matter."

POST OF INSPECTOR-GENERAL OF REGISTRATION.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

XII.—(a) Will the Government be pleased to state whether the post of the Inspector-General of Registration is outside the gradation list of the Civil Service?

(b) If so, whether it is a special appointment open for the members of the Provincial Civil Service of any grade, and whether it is the only special appointment above the salary of first-grade Deputy Magistrates?

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

(a) The post of Inspector-General of Registration is being treated for the present as outside the gradation list of the Civil Service.

(b) It is a special post to which members of the Provincial Civil Service are eligible for appointment. The answer to the second part of the question is in the negative."

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

XIII.—Will the Government be pleased to state whether it is intended that a person recruited from the Provincial Civil Service to the post of Inspector-General of Registration should hold the appointment for a period of five years or until he retires?

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

"There are no orders limiting the period for which the appointment may be held."

[*Sir Bijay Chand Mahtab*, K.C.S.I., K.C.I.E., I.O.M., *Maharajadhiraja Bahadur of Burdwan*; *Mr. Kerr*.]

GOVERNMENT AIDED TEMPLES, SHRINES, MOSQUES, MAUSOLEUMS, ETC.

The HON'BLE SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., *Maharajadhiraja Bahadur of Burdwan* asked :—

XIV.—Will the Government be pleased to lay on the table a complete list of all the temples, shrines, mosques, mausoleums, etc., in Bengal, which are either maintained by, or receive subsidies from, the Government, showing how many of them came under the provisions of the Ancient Monuments Preservation Act, 1904?

The HON'BLE MR. KERR replied :—

“Two statements (A and B) giving the information desired are laid on the table.”

A.

STATEMENT REFERRED TO IN THE ANSWER BY THE HON'BLE MR. KERR TO QUESTION NO. XIV ASKED BY THE HON'BLE SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., *MAHARAJADHIRAJA BAHADUR OF BURDWAN*.

LIST OF ANCIENT MONUMENTS WHICH HAVE BEEN OR ARE MAINTAINED OR REPAIRED AT THE COST OF GOVERNMENT, AND WHICH HAVE BEEN DECLARED PROTECTED MONUMENTS UNDER THE ANCIENT MONUMENTS PRESERVATION ACT, VII OF 1904.

Birbhum District.

Temple and Rashmancha in town of Suri.

Hooghly District.

Dargah of Jafar Khan Ghazi and Mosque at Tribeni.

Murshidabad District.

Mosque at Kharaul.

Malda District.

(Gaur.)

Bara Duari or Great Golden Mosque.	Letton Mosque.
Dakhil Darwaja.	Sona Masjid at Ferozpur.
Feroze Minar.	Quadam Rasul Masjid.
Tantipara Mosque.	Tomb of Fateh Khan.
Tomb in front of Tantipara Mosque.	Gumant Mosque.

(Pandua.)

Adina Mosque.	Eklakhi Tomb.
Kutub Shahi Masjid.	

Dacca District.

Tombs of Joseph Paget and “Colombo” Sahib in the English cemetery at Dacca.
 Tomb of Bibi Peri (Lalbag).
 Husani Dahan Palace with tombs of old Nawabs in the compound.
 Tomb of Sultan Ghyasuddin Azam Shah at Sonargaon.
 The Bara Katra.
 Fort at Lalbag.
 Mosque (Lalbag).
 Gateway of south-east corner (Lalbag).
 Remains of Idrakpur Fort (Munshiganj).

Mymensingh District.

Mosque of Sadi in village Agarsindur (Kishorganj).
 Mosque of Aurangzeb in Masjidpara, police-station Katiadi.

[Mr. Kerr.]

B.

STATEMENT REFERRED TO IN THE ANSWER BY THE HON'BLE MR. KERR TO QUESTION NO. XIV ASKED BY THE HON'BLE SIR BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M. MAHARAJADHIRAJA BAHADUR OF BURDWAN.

LIST OF TEMPLES, SHRINES, MOSQUES, MAUSOLEUMS, ETC., WHICH HAVE BEEN OR ARE MAINTAINED OR REPAIRED AT THE COST OF GOVERNMENT, BUT HAVE NOT BEEN DECLARED PROTECTED MONUMENTS UNDER THE ANCIENT MONUMENTS PRESERVATION ACT, VII OF 1904.

Hooghly District.

Twenty seven tombs in the Dutch cemetery at Chinsura.	Mosques at Pandua.
Seventeen tombs in the Danish cemetery at Serampore.	Mosque of Sha Shafiuddin.

Howrah District.

Three tombs in the old cemetery at Howrah.	Two tombs in the new cemetery at Bantra.
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Midnapore District.

Tomb of John Pearse (Midnapore town).

Burdwan District.

Tomb of Bahram Sakha.	Tomb of Kutubuddin.
Tomb of Sher Afghan.	Temple of Ichai Ghosh.

Two temples at Buddipur.

Bankura District.

Gateway of Vishnupur Fort.	Madan Mohan temple (Vishnupur).
Jor Bangla at Vishnupur.	Madan Gopal temple (Vishnupur).

Sham Ray's temple (Vishnupur).

24-Parganas District.

Monument in Barrackpur Park to the officers who fell during the conquest of Mauritius and Java in the years 1810 and 1811.

Monument to Charlotte Elizabeth, Countess Canning.

Seventeen monuments and tablets in St. Paul's Cathedral (Calcutta).

Mural tablet in St. James's Church (Calcutta) to the memory of the officers and men of the Bengal Yeomanry Cavalry who fell in action or died of wounds or disease in 1857-58.

Two tombs in the North Park-street cemetery (Calcutta).

Twelve tombs in the South Park-street cemetery (Calcutta).

Six tombs in the Lower Circular-road cemetery (Calcutta).

Tomb of Major Samuel C. Macpherson (died 15th April, 1860) in the Scottish cemetery (Calcutta).

Tomb of General Lloyd in the Scottish Church (Calcutta).

Eleven tombs and monuments in St. John's churchyard (Calcutta).

Twelve monuments and memorials in St. John's Church (Calcutta).

Tablet to memory of James Henry Johnston, Commander, R.N., in St. Stephen's Church (Kidderpur).

Twenty-six statues and other memorials on the Calcutta Maidan.

Monument of Thomas Deane Pearse in St. Stephen's churchyard at Dum-Dum.

Monument in Dum-Dum Cantonment to the officers and soldiers of the 1st Troop, 1st Brigade, B.H.A., who fell in the retreat from Cabul in December, 1841 and January, 1842.

Jhatar Dowl Mosque (Sundarbans).

Murshidabad District.

Tomb of Meer Madan, Commandant of Nawab Siraj-ud-dowla's force, about two miles south of Dadpur.

Tomb of Azir-un-nessa Begum, daughter of Nawab Murshid Kuli Khan, at Kubra Azamnagar.

Tomb of Nawab Sarfaraz Khan, son of Nawab Siraj-ud-dowla, at Nazimabagh.

[*Babu Surendra Nath Ray; Mr. Kerr.*]

Mausoleum of Aliverdi Khan at Khasbag.

Tomb of Shuja-uddin at Rosinbag.

Tablet to Mir Jaffir.

Tomb of Mary Hastings and her daughter in the old Residency burial-ground at Cossimbazar.

Six tombs in the old Dutch cemetery at Kalkapur.

Monuments to Henry Sherwood and Henry Greighton in the station burial-ground.

Nadia District.

New Plassey monument.

Khulna District.

Sath Gumbaz Mosque at Bagerhat.

Tomb of Khanja Ali (Bagerhat).
Tomb of Pir Ali (Bagerhat).

Darjeeling District.

Two tombs in the cemetery in the town.

Raishahi District.

Mosque at Bagha.

| Mosque at Kusamba.

Chittagong District.

Alwal Mosque at Fatehpur.

GOVERNMENT GRANTS TO SECONDARY SCHOOLS.

The HON'BLE BABU SURENDRA NATH RAY asked :—

XV.—(a) Will the Government be pleased to state whether, in making their special grants for secondary schools during 1912-13, the Government of India laid down any condition to be followed in distributing grants to these schools?

(b) If so, will the Government be pleased to state what the conditions are?

The HON'BLE MR. KERR replied :—

"(a) & (b) The only grant made by the Government of India in 1912-13 for the improvement of secondary schools was a recurring grant of Re. 1½ lakhs. The Government of India left it to the discretion of the Local Government to distribute the grant, subject to the condition that it is expended on the improvement but not on the multiplication of privately-managed secondary aided English schools and largely on raising the salaries of teachers in those schools."

The HON'BLE BABU SURENDRA NATH RAY asked :—

XVI.—Will the Government be pleased to state the principles followed in distributing the above grants, both recurring and non-recurring, to the secondary schools?

The HON'BLE MR. KERR replied :—

"The grant is distributed in accordance with the principles laid down in the grant-in-aid rules of the Education Department."

The HON'BLE BABU SURENDRA NATH RAY asked :—

XVII.—Will the Government be pleased to state—

(a) the total amount of non-recurring grants distributed to secondary schools from the above grants, and

(b) the total amount which the schools had to raise before they were entitled to the grants?

[Mr. Kerr ; Babu Surendra Nath Ray ; Raja Shoshi Kanta Acharyya Chaudhuri Bahadur ; Mr. Stephenson.]

The HON'BLE Mr. KERR replied :—

“(a) & (b) The total amount of the grant distributed up to date for non-recurring projects is Rs. 1,21,326 as against Rs. 1,59,132 raised by the school authorities themselves. The larger portion of the grant has been spent on such projects this year because it is impossible to raise salaries before a scheme for the improvement of the existing staff has been worked out.”

The HON'BLE BABU SURENDRA NATH RAY asked :—

XVIII.—Will the Government be pleased to state how many secondary schools, not in receipt of ordinary grants-in-aid from Government, received special grants during 1912-13, and what the average amount of such grants was ?

The HON'BLE Mr. KERR. replied —

“As the Imperial grant was made for aided secondary schools only, other secondary schools did not participate in its benefits.”

SMALL-POX EPIDEMIC IN EASTERN BENGAL.

The HON'BLE RAJA SHOSHI KANTA ACHARYYA CHAUDHURI BAHADUR asked :—

XIX.—(a) Has the attention of the Government been drawn to the reports published in the daily papers regarding the outbreak, in an epidemic form, of small-pox in various places in Eastern Bengal, especially in Chittagong and Vikrampur ?

(b) If so, will the Government be pleased to state what steps have been adopted to prevent its further growth ?

The HON'BLE Mr. STEPHENSON replied :—

“The attention of Government has not been specially drawn to the newspaper reports referred to, but Government is aware that small-pox is mildly epidemic in the Banskali thana of the Chittagong district and a few isolated cases have occurred in the town of Chittagong. Sporadic cases of small-pox have also been reported from Bikrampur, but no information has been received of any other outbreaks. The outbreaks in the Chittagong district and Bikrampur are being dealt with by the vaccination staffs of those districts.”

The HON'BLE RAJA SHOSHI KANTA ACHARYYA CHAUDHURI BAHADUR asked :—

XX.—(a) Is the Government also aware that the lymph supplied to the vaccinators is not at all fresh and that the vaccinators are not often provided with spirit lamps for sterilization ?

(b) If so, will the Government be pleased to state what measures have been taken to remove these defects ?

The HON'BLE Mr. STEPHENSON replied :—

“Government is not aware that the lymph supplied to the vaccinators is not fresh. The lymph used in Eastern Bengal is manufactured at the Shillong Vaccine Depot ; it is glycerinated and is of good quality, and the paucity of failures shown in the reports testifies to its efficacy. The vaccinators are not now supplied with spirit lamps, as the method of aseptic vaccination introduced in Western Bengal in 1906 has been extended to Eastern Bengal and the vaccinators are being supplied with perchloride ~~and~~ in zinc boxes to be used in sterilizing the arm of the patient and the instruments used.”

[Maharaja Jagadindra Nath Ray; Mr. Kerr.]

SURVEY AND SETTLEMENT OPERATIONS IN BENGAL.

The HON'BLE MAHARAJA JAGADINDRA NATH RAY asked :—

XXI.—(a) Will the Government, be pleased to state the names of the Districts where the Cadastral Survey and Settlement operation, under Chapter X of the Bengal Tenancy Act, 1885, is now going on and also the cost estimated for the same for different Districts ?

(b) Will the Government be pleased to state whether it is in contemplation to extend the operation to the remaining Districts as well ?

The HON'BLE MR. KERR replied :—

“(a) The districts for which records-of-rights are now being prepared under Chapter X of the Bengal Tenancy Act and the estimated cost of these operations are as follows :—

				Rs.
Faridpur	...	..	...	23,20,000
Mymensingh	...	...	...	40,00,000
Dacca	...	...	...	25,40,000
Jalpaiguri	...	...	...	16,60,000
Rajshahi	...	...	...	23,63,000
Midnapore	...	...	...	18,51 584

(b) The answer is in the affirmative.”

The HON'BLE MAHARAJA JAGADINDRA NATH RAY asked :—

XXII.—Will the Government be pleased to lay on the table a statement showing—

- (i) the names of the Districts in which such Cadastral Survey operation has come to an end ;
- (ii) the total cost thereof, the rate of cost for every bigha or acre brought under the operation in each District ; and
- (iii) the amount spent by the Government for the quarters, local conveyances, and recreations of all Government officials connected with the Settlement Works ?

The HON'BLE MR. KERR replied :—

“(i) Records-of-rights have been completed for the districts of Bakarganj and Chittagong.

(ii) (a) In Bakarganj the total cost was Rs. 31,73,280 and the rate per acre, Re. 1-6.

(b) In Chittagong, the total cost was Rs. 16,16,604 and the rate per acre, Re. 1-3-1.

(iii) No expenditure was incurred by Government in either district in providing quarters for officers employed on Settlement work. In Bakarganj, a sum of Rs. 18,651 was spent on the construction of a steam-launch for the Settlement Officer. On the completion of the Bakarganj operations, the launch was made over to the Settlement Officer of Faridpur, and was then, after 12 years' use in the Settlement Department, purchased by the Provincial Government for Rs. 10,000 for use in the general administration. Of the net cost of Rs. 8 651 falling upon the Settlement Department, Rs. 6,651 was debited to the Bakarganj operations and Rs. 2,000 to Faridpur. It has been ascertained that by 'recreations' the Hon'ble Member means games such as polo, tennis, etc. No expenditure has been incurred by Government or the Settlement Department on this account.”

[*Mr. Golam Hossein Cassim Ariff; Mr. Kerr.*]

THE EDUCATION DEPARTMENT IN THE PRESIDENCY OF BENGAL.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

XXIII.—Will the Government be pleased to state the total number of officers in the Education Department in the Presidency Division holding appointments on (1) the teaching staff, and (2) the inspecting staff, and what percentage of each class of officers is European and what percentage is Muhammadan?

The HON'BLE MR. KERR replied :—

“A statement giving the information required is placed on the table”

(1) Teaching staff (excluding colleges)	...	263
Total number of Muhammadans	...	65 = 24.7 per cent.
“ “ Europeans	...	1
(2) Inspecting staff	...	76
Total number of Muhammadans	...	36 = 47.3 per cent.
“ “ Europeans	...	...

INCREASE IN THE NUMBER OF HOSTELS FOR MUHAMMADAN STUDENTS

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

XXIV.—Will the Government be pleased to state whether there is any scheme under consideration for an increase in the number of hostels for Muhammadan students?

The HON'BLE MR. KERR replied :—

“This subject was dealt with at some length by the Director of Public Instruction during the discussion on the Financial Statement.

The following information is now given for the convenience of Council. A considerable proportion of the ten lakhs grant made by the Government of India last year for the erection of hostels in Calcutta will be devoted to the provision of accommodation for Muhammadan students. It is proposed to spend Rs. 91,000 on enlarging the Baker Hostel attached to the Calcutta Madrasa and Rs. 45,000 on the erection of a Moslem Institute in connection with the same institution. The grants to the City, Ripon and Bangabasi Colleges for the erection of hostels have been made subject to the condition that the authorities of these colleges reserve one-fifth of the seats in the hostels for Muhammadans, and that the hostel buildings are so constructed as to provide accommodation suitable for Muhammadans, including cooking and dining arrangements to the extent of at least one-fifth of the total accommodation. A recommendation has also been made to the other privately managed colleges to which grants have been allotted that they should offer one-fifth of the seats available each year to Muhammadans, and only admit non-Muhammadans to such seats in the event of sufficient Muhammadan applicants not being forthcoming. A considerable share of the four lakhs grant for hostels outside Calcutta and Dacca will also be devoted to the provision of accommodation for Muhammadan students in schools and colleges. The allotments so far made cover only half the grant, but include provision for purely Muhammadan hostels at Chittagong, Cox's Bazar, Jessore, Pabna, Meherpur and Rampur Hât, and for Muhammadan and Hindu hostels at Khulna, Mymensingh, Noakhali and Basirhat.”

PERCENTAGE OF MUHAMMADAN STUDENTS WHO PASSED THE ENTRANCE EXAMINATION IN 1905 AND THE MATRICULATION EXAMINATION IN 1910 AND 1911.

The HON'BLE MR. GOLAM HOSSEIN CASSIM ARIFF asked :—

XXV.—Will the Government be pleased to state the number of students who passed the Entrance examination in 1905 and the Matriculation examination in 1910 and 1911, separately, and the percentage of Muhammadans to the total number passed in each of these years?

[Mr. Kerr; Maulvi Abul Kasim; Mr. Stevenson-Moore.]

The Hon'ble Mr. KERR replied :—

"A statement giving the information required is placed on the table."

STATEMENT REFERRED TO IN THE ANSWER BY THE Hon'ble Mr. KERR TO QUESTION No. XXV ASKED BY THE Hon'ble Mr. GOLAM HOSSAIN CASSIM ARIFF AT THE COUNCIL MEETING OF THE 26TH MARCH, 1918.

1905.

Entrance.

Total number of passes	...	...	3,021 (out of 7,276).
Total number of Muhammadans—			
Bengal	...	...	188
Assam	...	...	7
Central Provinces	...	...	1
Central India	...	...	1
Burma	...	...	9
			<hr/> 206 or 6·8 per cent. <hr/>

1910.

Matriculation.

Total number of passes	...	...	2,833 (out of 3,596)
Total number of Muhammadaus—			
Bengal	...	...	105
Eastern Bengal and Assam	...	...	94
Burma	..	...	4
			<hr/> 203 or 7·8 per cent. <hr/>

1911.

Matriculation.

Total number of passes	...	...	4,341 (out of 6,174).
Total number of Muhammadans—			
Bengal	...	...	242
Eastern Bengal and Assam	...	...	174
Burma	...	...	5
			<hr/> 421 or 9·7 per cent. <hr/>

ALLEGED SHIRKING OF DUTY BY THE BASIRHAT POLICE.

The Hon'ble MAULVI ABUL KASEM asked :—

XXVI.—(a) Has the attention of the Government been drawn to the articles published in the "Mussalman" newspaper of the 31st January and 14th March last under the heading "Shirking of Duty by Basirhat Police"?

(b) Does the Government propose to order an inquiry into the matter?

The Hon'ble Mr. STEVENSON-MOORE replied :—

"(a) The answer is in the affirmative.

(b) An inquiry is in progress."

[Maulvi Abul Kasim; Mr. Stevenson-Moore; Maulvi A. K. Faz-ul-Haq.]

ALLEGED POLICE OPPRESSION.

The HON'BLE MAULVI ABUL KASEM asked :—

XXVII.—(a) Has the attention of the Government been drawn to an article in the vernacular newspaper "Muhammadi" of the 7th March, 1913, under the heading "Police Oppression" ?

(b) Does the Government propose to order an inquiry into the matter ?

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

(a) "The answer is in the affirmative.

(b) An inquiry has been made. The allegations that Belatali committed suicide owing to the extortion and harassment to which he had been subjected has been found to be unfounded."

PLACING OF JUNIOR OFFICERS IN CHARGE OF IMPORTANT SUBDIVISIONS.

The HON'BLE MAULVI A. K. FAZ-UL-HAQ asked :—

XXVIII.—Will the Government be pleased to state whether it is a fact that in several instances within recent years, comparatively junior officers have been put in charge of important subdivisions ?

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

"There has been no change in recent years in the principles on which officers are selected for the charge of subdivisions. No complaints have been received by Government in the matter."

NON-GRADUATES IN THE PROVINCIAL EXECUTIVE SERVICE AND THE SUBORDINATE EXECUTIVE SERVICE.

The HON'BLE MAULVI A. K. FAZ-UL-HAQ asked :—

XXIX.—(a) Will the Government be pleased to state the total number of non-graduates in the Provincial Executive Service and the Subordinate Executive Service now serving in Bengal, who were appointed to these Services since the abolition of the system of open competition, either by direct recruitment or promotion from other Services ?

(b) Of those total number of non-graduates, will the Government be pleased to state how many are—

- (i) Muhammadans,
- (ii) Hindus, and
- (iii) how many belong to other communities in the case of the two Services separately ?

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

(a) & (b) "A statement giving the required information is laid on the table."

STATEMENT REFERRED TO IN THE ANSWER BY THE HON'BLE MR. STEVENSON-MOORE TO QUESTION NO. XXIX ASKED BY THE HON'BLE MAULVI A. K. FAZ-UL-HAQ AT THE COUNCIL MEETING OF THE 26TH MARCH, 1913

Statement showing the total number of non-graduates in the Executive Branch of the Provincial Civil Service and the Subordinate Civil Service now serving in Bengal, who were appointed to those Services since the abolition of the system of competitive examination.

		Provincial Civil Service (Executive Branch)	Subordinate Civil Service
(i) Muhammadans	...	4	10
(ii) Hindus	..	11	38
(iii) Others	...	15	3
Total	...	30	51

[*Maulvi A. K. Faz-ul Haq ; Mr. Stevenson-Moore ; Sir Bijay Chand Mahtab,*
K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan ;
Mr. Stephenson.]

LATE SITTINGS BY THE SUB-DIVISIONAL OFFICER OF TANGAIL.

The HON'BLE MAULVI A. K. FAZ-UL-HAQ asked :—

XXX.—(a) Has the attention of the Government been drawn to a series of articles in the "Islam Rabi", a vernacular paper published at Tangail, in its issues of February last, and also to several issues of the Mymensingh "Charu Mihir" of the same month commenting on the practice of the present Subdivisional Officer of Tangail holding Court till so late as 9 or 10 P.M.?

(b) Is the Government aware that such a practice causes the greatest inconvenience to parties and witnesses, besides interfering with the hours of prayer of such Muhammadans as happen to attend the Court in any capacity?

(c) Will the Government be pleased to state what steps it proposes to take in the matter?

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

(a), (b) & (c) "Government have seen the comments to which the Hon'ble Member refers. The practice of holding Court till so late as 9 or 10 P.M. doubtless causes inconvenience. When the matter was brought to the notice of the District Magistrate, he circulated a note requesting all Magisterial Courts to rise at 5 P.M., so far as practicable. Government do not consider it necessary to take any further steps in the matter."

OFFICE OF VICE-CHAIRMAN OF DISTRICT BOARD.

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

(a) Will the Government be pleased to state whether in any district the office of the Vice-Chairman of the District Board is held by a Government official?

(b) If so, will the Government be further pleased to state whether it proposes to prohibit officials standing for election for Vice-Chairmanship?

The HON'BLE MR. STEPHENSON replied :—

"In three districts the Government Pleaders and in two districts the Public Prosecutors have been elected to the office of Vice-Chairman of a District Board, but these gentlemen are not officials in the ordinary sense of the word. No other official in this Presidency holds this office, and Government does not propose to issue any prohibition on the subject."

The Bengal Municipal (Sanitary Officers) Bill, 1913.

[*Sir William Duke; Nawab Syed Shams-ul-Huda.*]

LEGISLATIVE BUSINESS.

THE BENGAL PUBLIC GAMBLING (AMENDMENT) BILL, 1913.

2. The Hon'ble Sir William Duke presented the Report of the Select Committee on the Bill further to amend the law in force in Bengal relating to public gambling:

He said :—

"My Lord,—I am fortunate to be able to present a unanimous report, and this result has been achieved although most anxious attention was given in the Select Committee to the terms of the Bill. The changes of form, which have been recommended by the Select Committee, may practically be covered by a single explanation. It will be remembered that, when the Bill was introduced, more than one Member suggested that it did not go far enough in prohibiting betting on race courses and that that should be expressly prevented everywhere except in the enclosure reserved by the Stewards for the purpose. That really had been the intention in drafting, but the doubts expressed on the subject go to show that we had not been sufficiently explicit. Accordingly we have introduced words which make it, as we conceive, perfectly clear that betting will be tolerated nowhere except in the specially-reserved enclosure. Another change we have made is that, whereas the original Bill permitted betting on one day of a race meeting for races to be held on a subsequent day of the same meeting, we have restricted this concession to the racing of the actual day on which the race is held. We considered that there were not sufficient grounds for any concession to the practice of forward betting which undoubtedly tends to facilitate various evils in connection with the turf.

"We have also widened the definition of 'instruments of gaming' so as to include anything for carrying on or facilitating it, thus making it clear that it includes lists, registers of bets, etc.

"We were also advised that, in order to prevent the risk of new and possibly inefficiently-controlled race courses and race meetings coming into existence for the purpose or with the result of encouraging bookmakers, it was essential that the sanction of Government should be required to the reservation of any enclosure for betting. We did this with some reluctance, for I am frankly of opinion that the less the Government comes in contact with the subject the better; but we felt that we could not leave so patent a loophole for malpractices.

"Lastly, by amendments of sections 10 and 11 we have provided against street betting and removed, as we hope, a previously-existing dubety as to what should be considered games of mere skill which had led locally to an interpretation unduly favourable to gamblers.

"The report will be taken into consideration at a meeting of the Council on the 2nd of April, and I have to remind Hon'ble Members that under rule 22 (1) of the Rules of the Bengal Legislative Council any amendments they desire to move should reach the Secretary by 11 A.M. on the 28th of this month."

THE BENGAL MUNICIPAL (SANITARY OFFICERS) BILL, 1913.

4. The Hon'ble Nawab Syed Shams-ul-Huda moved for leave to introduce a Bill to provide for the appointment of Sanitary Officers for certain Municipalities outside Calcutta.

He said :—

"My Lord,—I move for leave to introduce a Bill to provide for the appointment of Sanitary Officers for certain municipalities outside Calcutta. This Bill may be said to be the outcome of that greater regard for requirements

[*Nawab Syed Shams-ul-Huda.*]

of sanitation, which has in recent years forced itself on the attentions both of the Government and the public. There is at the present moment a keener appreciation, on the part of the State, of its responsibility to cope with disease and unhealthy conditions and a greater faith, on the part of the public, in the efficiency of sanitary measures. The resolutions moved and the questions asked in this Council by non-official Members sufficiently indicate the growing interest which the representatives of the people feel in matters connected with sanitation. The liberal grants, which of late years the Government of India have made to Local Governments for sanitation, have enabled this Government to contribute large sums of money for improvement of urban sanitation specially in connection with drainage and water-supply. The Government Department of Sanitation has now been greatly strengthened. We have at the present moment two officers engaged in the work of Malaria research, and in order to strengthen the medical and executive work of this Department, two more officers have very recently been added to the *cadre*. Both these officers are Indians. It is essential that this increased activity on the part of Government should be reflected in the administration of the municipalities in the Presidency.

" In 1901, the Plague Commission, in their report, urged the necessity for improvement in the organisation of the Sanitary Department in India with the object of dealing more effectively with outbreaks of plague and other epidemics and with the general sanitation of India. In 1905, the Royal College of Physicians formulated a scheme for the creation of a medical and sanitary organisation in India and they emphasised on the inadequacy of the Sanitary Services as then constituted. In 1907, the Government of India invited Local Governments to consider certain proposals for reform. They then formulated a scheme which was sanctioned by the Secretary of State. On the 23rd of May 1912, they published a resolution with a view to indicate, for general information, the lines on which it was proposed that reorganisation should proceed. In paragraph 7 of that resolution they pointed out that, except in the Presidency-towns and a few of the larger cities, there was no Health Officer except the Civil Surgeon who could not give sufficient attention to the sanitary requirements of the towns in the districts. The scheme that was sanctioned provided for the appointment of the Health Officers of the first class for larger municipalities and of the second class for the smaller towns. The Government of India left it to the Local Government to determine the conditions of their service, but expressed the opinion that grants-in-aid by Local Government should be made only on conditions which will ensure the appointment of qualified men that the men so appointed should have reasonable security of tenure. They also considered that necessary powers should be vested in the Local Governments to require a municipality to appoint a Health Officer and to veto the appointment of an unfit person. In order to assist Local Governments to establish this trained service, the Government of India offered to grant an annual subsidy to those Governments that could not find money from the Provincial funds to the extent of the entire cost of the Additional Deputy Sanitary Commissioners to be appointed under their scheme *plus* half the cost of the Municipal Health Officers in the towns in which Local Governments considered that they should be appointed. The balance was left to be found by the municipalities and the Local Governments. In paragraph 8 of the same resolution they urged the necessity of improving the supervising staff of the conservancy establishment. In most towns, they said, there was an official whose functions resembled those performed by an Inspector of Nuisances in England, but who had no technical knowledge of his work. They suggested the desirability of organising a service of trained Sanitary Inspectors in municipalities based on such standard of population, income or area as may commend itself to the Local Governments. They recommended the system in force in Madras whereby every municipality was required to employ at least one trained Inspector, a second Inspector, if the population exceeded 30,000, and three Inspectors if the population exceeded 50,000. But they left it to the Local Government to determine the preliminary qualification to be

[Nawab Syed Shams-ul-Huda.]

required from the candidates, and the rates of pay to be given. The resolution concluded as follows :—

'The Government of India are confident that the schemes now sanctioned will mark a substantial advance towards the organisation of a trained Sanitary staff capable of further extension in the future and which will prove an efficient agency for extending a knowledge of elementary hygiene among the people.'

"This Government after a careful consideration of the subject published a resolution on 28th October, 1912, in which it pointed out that section 46 of the Bengal Municipal Act left the decision as to whether a Health Officer was necessary in a municipality to the Commissioners in meeting, but the advance in public opinion in regard to matters of sanitation and the importance of their bearing on the general prosperity of the province rendered it desirable that the Local Government should be empowered to insist, where necessary, on municipalities realising their responsibilities in the matter. It was proposed therefore to amend the Municipal Act so as to enable Government after due notification to require a municipality to appoint a Health Officer where this was shown to be necessary. Reference was made to the fact that the offer of the Government of India to provide half the salary of such an officer obviated the possibility of any undue hardship on individual municipalities. That the circumstances of municipalities differed widely and the case of each would be dealt with on its own merits.

"In accordance with these views, we have drafted the present Bill. The provisions of the Bill when it is passed into law will only be introduced into such municipalities which, by reason of their area, population or any special sanitary requirement, are considered to be of sufficient importance to be called upon to appoint Health Officers or Sanitary Inspectors and this will be done after giving an opportunity to the municipalities concerned or to any inhabitant within the municipality to raise objections, if any. Once the Act is declared to be enforced in any municipality it will be required to appoint Health Officers and Sanitary Inspectors or only Sanitary Inspectors as the Local Government may direct. The Local Government will also determine the class of Health Officer and the number of Sanitary Inspectors which the municipality will have to employ. The Local Government will fix the salary of these officers to be paid out of the municipal fund and the allowances during absence, and also determine the qualification of the various officers.

"We have already made arrangements for training of a certain number of young men so that they may be available for employment as Sanitary Inspectors.

"When the proposed legislation has been passed, it is intended ordinarily to require all municipalities with a population of about 50,000 or over to employ a Health Officer of the first class, while all municipalities with a population of about 16,000 and a yearly income of about Rs. 40,000 will have a Health Officer of the second class.

"As regards Sanitary Inspectors, it is proposed to divide them into two classes on a pay of Rs. 50—5—100 and Rs. 100—5—150 respectively. It is intended ordinarily to require all municipalities with a population of about 10,000 to employ one Sanitary Inspector, those with a population of 30,000, two Sanitary Inspectors and those with a population of 50,000, at least three such Inspectors. There may be exceptional cases requiring exceptional treatment. If the resources of any municipality are really insufficient to meet this expense, Government will be willing to consider such applications for a grant-in-aid as may be considered reasonable and well founded.

"It is true that these measures when introduced would add to a certain extent to the burdens of the municipalities to which the provisions of this Bill may be applied, but the burden would not be a large one and the contribution from the Provincial funds to poorer municipalities to enable them to meet the additional expenditure would, it is hoped, relieve all cases of real

[*Mr. Lyon ; Babu Surendra Nath Ray.*]

hardship. In a province, in some parts of which the death-rate from malaria alone mounts up to 35·47 per mille, no expenditure incurred for improvement of sanitation can be considered extravagant and no rules framed for the purpose should be deemed too stringent. Government has set the example and it is for local bodies to follow it.

"I trust Hon'ble Members, who represent the interest of the people in this Council, will share to a large extent in the anxiety of this Government in the matter of sanitation, and this Bill will have a smooth passage through it."

The motion was put and agreed to.

THE BENGAL PUBLIC DEMANDS RECOVERY BILL, 1913.

5. The Hon'ble Mr. Lyon moved that the Report of the Select Committee on the Bill to consolidate and amend the law relating to the recovery of public demands in Bengal be taken into consideration.

He said :—

"MY LORD,—In making this motion I wish to point out that the Select Committee paid a great deal of attention to the details of this Bill. They took it clause by clause and spent many hours in dealing with it. We had the assistance of the opinions of a considerable number of Associations who had been requested to favour us with their views on the subject, and although we made no change in the general principles of the Bill, we introduced a variety of small verbal amendments which I believe will be found to have improved the text of the Bill. The Bill has hitherto been more or less non-contentious, and I do not think I should detain the Council any further at this stage of the proceedings."

6. The Hon'ble Babu Surendra Nath Ray moved, by way of amendment to Motion No. 5, that the Bill, as amended by the Select Committee, be republished, and be not further proceeded with during the present Session of the Council.

He said :—

"MY LORD,—I beg to move that the Bengal Public Demands Recovery Bill, as amended by the Select Committee, be republished, and be not further proceeded with during the present Session of Council. In moving this amendment I must state at the outset that myself and most of the non-official Members of the Council (except those who were in the Select Committee) have not had sufficient time to go through the provisions of the Bill. It was only on the 17th of this month that the Bill, as amended by the Select Committee, was placed before the Council and we were asked to send in our amendments on or before 11 A.M. of the 21st instant. We had practically only three days' time given to us to consider the Bill. Moreover, it has been so thoroughly recast by the Select Committee that it ought to be republished so that the public, the leading Associations and the Press may have an opportunity of expressing their views on the important amendments made. I may assure you, My Lord, that it is not in a spirit of obstruction that I am moving this amendment. It is simply with a desire to get a little time to go through the Bill, that we might be of some help to your Lordship's Council with our suggestions on some of the salient points of the Bill that I am asking for this postponement. There is absolutely no reason to hurry on the passing of this Bill. There is already an Act for the recovery of public demands and under its provisions public demands are being recovered. No one up to this time has said that the present Act is unworkable, or that the postponement of the passing of the Bill for three or four months would in any way prejudice the interests of the Government or the public. When a new Act is going to replace an old one, we ought to see

[*Mr. Lyon ; Babu Surendra Nath Banerji.*]

that every opportunity is given to those who are really affected by it to make their suggestions in their own humble way to your Lordship's Government. Between this and the next session of the Council only about three months' time will intervene. This will give sufficient time to all. No one will have any grievance hereafter. Under the circumstances I hope and trust my amendment will be accepted by your Lordship's Government".

THE HON'BLE MR. LYON SAID :—

" I am sorry I am unable on behalf of Government to accept this amendment, and I doubt whether the arguments put forward by the Hon'ble Member will commend themselves to the mature consideration of the Council. The statement made by the Hon'ble Member that the Act has been thoroughly recast by the Select Committee will not, I submit, bear careful scrutiny. I do not think the Select Committee has introduced one amendment bearing on the real principles of the Bill. We have followed out in every way the principles that were adopted by the original framers of the Bill, these principles being no new principles in themselves but the principles which exist in the present law for the recovery of public demands or in the Civil Procedure Code. I do not think any one of the amendments which have been introduced need have troubled Hon'ble Members for more than half an hour. Apart from that there are really very few grounds which can be suggested for the postponement of this Bill. It was published in January last and circulated to a large number of Associations, and these Associations have all sent in their opinions. Their opinions have been fully considered by the Select Committee and have been placed before the Hon'ble Members of this Council for their consideration. Only one of those Associations entered in its reply a mild protest that it had not had sufficient time to consider the Bill, but that Association's reply was so complete in itself that it was really almost unnecessary modesty that it should say that it had not had time to consider the Bill. It is perfectly true from many points of view that there is no reason for hurrying this Bill, and had it been a matter of introducing new principles into the legislation of this country, there would have been a good deal behind that plea. But we are here concerned solely with amalgamating and consolidating previous Acts of the Legislature. This is a lawyer's Bill in every sense of the word, and I am glad to say that we have had very valuable legal advice in dealing with it in Select Committee. Moreover, this lawyer's Bill was prepared with the assistance and help of two prominent Judges of the High Court, Mr. Justice Rampini and Sir Ashutosh Mukerji, and the Bill in its final form was submitted to the latter gentleman and approved of by him. We have thus, at every stage of our proceedings, taken all the legal advice and help that we could procure. I am doubtful whether, if further time is given for the consideration of this Bill, that time will be usefully occupied. I cannot help thinking that, if we postpone this Bill and take it up again, either during the rains or cold weather, those gentlemen who have asked for postponement would not themselves proceed to consider the Bill until it was brought forward in Council again. It seems improbable that in the interval public attention would be drawn particularly to this Bill for the very reason that I have given, namely, that there are no new principles to discuss. In these circumstances I cannot but think that the House will agree that it will be well to get through this little bit of practical legislation, which has been framed on very careful lines, and put it out of the way in view of the more important and valuable legislation that we have to discuss."

THE HON'BLE BABU SURENDRA NATH BANERJI said :—

" MY LORD,—I am sorry that the Government are not in a position to accept the amendments moved by my friend Mr. Surendra Nath Ray. The hon'ble gentleman in charge of the Bill has observed that it is a lawyer's Bill. My hon'ble friend is a lawyer and he asks for the postponement of the"

[*Mr. Byomkes Chakravarti.*]

Bill. As a lawyer he thinks that there are principles involved in that Bill, which require further consideration, and himself being a lawyer I think the demand ought to be conclusive and the Government ought to accede to his request. But whether there are new principles in it or not, there is the outstanding fact that we have altogether a string of amendments which have been put forward by the Hon'ble Raja Hrishikesh Laha with regard to this Bill. It is obvious from all these amendments that the Bill is a contentious one and that it has given rise to considerable doubts and misgivings in the minds of those who are likely to be affected by it. Under those circumstances, is it not desirable that the Bill ought to go for further consideration and further revision in the hands of those who are competent to form a judgment with regard to the merits of the Bill? My Lord, it may be that my friend the Hon'ble Member in charge of the Bill is under the impression that three months' time will be wasted and that probably no further light will be thrown on the subject. I have always held it as a principle that it is somewhat dangerous to prophesy. We do not know what will be the outcome of the deliberations of the various public bodies if further time was given to them. My friend Raja Hrishikesh Laha, who has given notice of these amendments, represents an important public Association and I am sure his views reflect the sense of that Association. If the Bill is postponed, my friend Raja Hrishikesh Laha will be in a position to consult his colleagues with regard to the amendments. It may be he will find reasons to modify those amendments, or it may be that he will find reasons to withdraw them altogether or it may be that that Association may support those amendments. Is it not a distinct advantage to the Council and to the Government to have a further discussion about the Bill in which there are contentious matters? It seems to me, therefore, looking at the matter from every possible point of view that it is desirable to postpone the Bill for further consideration.

"Then I plead guilty to the charge of not having studied the Bill and I think there are many around this table who are in the same position. When there are Members of this Council of that opinion, it may be said, with the greatest confidence, that the public also are in that position. That being so, a Bill of this magnitude and importance should not become the law of the land until the public have had an opportunity of reconsidering and revising the serious contents of the Bill. I therefore thoroughly associate myself with the amendment proposed by my friend Babu Surendra Nath Ray."

THE HON'BLE MR. CHAKRAVARTI said :—

"My Lord,—As a member of the Select Committee to which this Bill was referred, I have great pleasure in supporting the amendment which has been proposed by the Hon'ble Babu Surendra Nath Ray and for these reasons I do not suggest for one moment,—because I am not going to blame myself—that the Select Committee did not try to do the work to the best of their ability, but at the same time if there is a desire on the part of the Members of this House or on the part of the public that there should be a further consideration of the Bill, and that if by postponement in the meantime the interests of the public and the interest of good government do not suffer, I think one should accede to a reasonable request of the character embodied in the amendment. After all legislation is not for the Select Committee nor for the Members of this Council, but legislation is for the public and the public will be affected by this legislation. It has been suggested that there is no new principle introduced. Be it so. It has further been suggested that the Select Committee have only taken into account the principle which was established long ago and they have also taken some of the provisions of the Civil Procedure Code for the purpose of making the intended Act complete. Be it so. But let the country consider them if the country desires to do so. There is a considerable volume of opinion outside that this Bill has been considerably modified by the Select Committee, and the non-official Members of your Excellency's Council desire that the

[*Rai Nalinaksha Basu Bahadur ; Mr. Lyon.*]

consideration of this matter be postponed for a while. I do not see any reason whatever why the matter should not be postponed. It is suggested that in the meantime those who are seeking an adjournment will not make any use of the time which may be given to them. I do not think that a charge of that character should at all have been made, because when my friend Babu Surendra Nath Ray says that this requires further consideration. I have no doubt whatever that in point of fact he desires to consider it and consider it carefully.

"There is another matter. We are in the East and in the East we do not want to be hurried. Our motto is *festina lente*. If there is to be delay let there be delay. If in the meantime by delay you do not endanger public interests and interests of good government, I have great pleasure in supporting the amendment."

RAI NALINAKSHA BASU BAHADUR said :—

"My Lord,—I had suggested a large number of amendments which I sent to the Secretary on the 20th, but unfortunately he says he did not receive them on the 21st, but that he received them on the 22nd, a day too late, and therefore my amendments have not been taken into consideration. I therefore humbly pray that there may be a postponement of the consideration of this Bill."

THE HON'BLE MR. LYON said :—

"I do not wish to trouble the Council too often, but I desire to note one point in reference to what the Hon'ble Babu Surendra Nath Banerji has said. He has referred to the amendments which have been placed on the paper as shewing that the Bill requires further consideration. As a matter of fact, I believe that the Hon'ble Member, who has proposed these amendments after careful consideration, proposes to withdraw the majority of them, which shows that he has had time to consider their bearing fully. I would also like to point out that the amendments do not in most cases deal with any new provisions of the Bill. They are mainly directed to a modification of the procedure which has been sanctioned by the Civil Procedure Code and by the existing Bill, so that the amendments have not been required by any consideration of the present Bill. They are amendments directed against principles in the Bill which have existed for many years and against the principles of the Civil Procedure Code. With reference to the Hon'ble Mr. Chakravarti's remarks, I would say that we have no desire in any way to hustle the East; we know the difficulties and dangers of attempting to do anything of the sort. I venture to suggest to the Council that there is no hustling involved at all in allowing this Bill to proceed, as we have consulted the East in every possible way.

Concerning the legal points of this Bill, to which Hon'ble Members have referred, we may accept the view of the Hon'ble Mr. Chakravarti who was a member of the Select Committee and signed the report. It will be noted that he agrees that no new principles have been introduced into the Bill, and that we are dealing only with the principles accepted in previous Acts, including the Code of Civil Procedure.

And I would point out finally that none of the gentlemen who have spoken have suggested any particular point upon which the Bill requires amendment, or any real reason why they should have it postponed and why they wish we should not proceed with it now. It does not seem probable that this Council will consider it a sufficient argument to say that because amendments are going to be proposed to the Bill, therefore it should be postponed."

[*Mr. Lyon ; Raja Hrishkesh Laha.*]

The motion being put to the vote, a division was taken with the following result :—

<i>Ayes 20.</i>	<i>Noes 21.</i>
The Hon'ble Nawab Saiyid, Nawab Ali Chaudhuri, Khan Bahadur.	The Hon'ble Mr. Norman McLeod.
" Mr. S. P. Saha.	" " J. C. Shorrocks.
" Raja Shoshi Kanta Acharyya Chaudhuri Bahadur.	" " R. Glen.
" Maharaja Jagadindra Nath Ray	" " A. W. C. Chaplin.
" Maharajadhiraja Bahadur of Budwan.	" " W. T. Grice.
" Mr. Byonikes Chakravarti	" Rai Hatt Mohan Chandra Bahadur
" Babu Surendra Nath Banerji.	" Mr. J. G. Cumming, C.I.E.
" Mr. J. G. Apcar.	" " C. H. Bompas.
" Babu Mahendra Nath Ray.	" " S. L. Maddox, C.S.I.
" Rai Radha Charan Pal Bahadur	" " H. J. Hilary.
" Dr. Deba Prasad Sarbadhikari	" Rai Priya Nath Muklary Bahadur.
" Raj Nalinaksha Basu Bahadur	" Sir William Duke, K.C.I.E., C.S.I.
" Babu Surendra Nath Ray.	" Mr. E. W. Collin.
" " Prasanna Kumar Ray.	" " C. J. Stevenson-Moore, C.V.O.
" Maulvi A. K. Faz-ul-Haq.	" " H. L. Stephenson.
" " Musharraf Hussain.	" " P. C. Lyon, C.S.I.
" Raja Hrishikesh Laha, C.I.E.	" " J. H. Kerr, C.I.E.
" Dr. Nilratan Sarkar.	" Nawab Syed Sibans-ul-Huda.
" Maulvi Abul Kasem.	" Mr. B. K. Finnamore.
" Mr. Golam Hossein Cassim Atifi.	" " A. N. Moberly.
	" " G. W. Kuchler, C.I.E.

The following Members were absent :—

The Hon'ble Nawab Sir Khwaja Salimullah Bahadur, G.C.I.E., K.C.S.I.
" Maharaja Ranajit Sinha of Nashipur
" Mr. V. Woods.
" Raja Mahendra Ranjan Ray Chaudhuri.
" Babu Ananda Chandra Ray.
" Nawab Saiyid Hossain Haider Chaudhuri, Khan Bahadur.
" Mr. J. Donald.
" " N. D. Beatson Bell, C.I.E.
" " B. C. Mittra.
" Babu Upendra Lal Ray.

The following Members abstained from voting :—

The Hon'ble Sir Allan Arthur, Kt.
" Sir Frederick Loch Halliday, Kt., M.V.O., C.I.E.

The result of the division being Ayes 20, Noes 21, the motion was lost.

7. The Hon'ble Mr. Lyon moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee.

The motion was put and agreed to.

Clause 3.

The Hon'ble Raja Hrishikesh Laha moved that the words "means all property of a movable nature other than standing crops" be substituted for the words "includes growing crops," in clause 3 (4).

[*Mr. Lyon; The President; Raja Hrishikesh Laha.*]

He said :—

"Your Excellency, I ask permission to move the amendment that stands in my name. It has been repeatedly held by the Calcutta High Court that standing crops are immovable property (*vide* I.L.R. 4 Cal. 665, I.L.R. 32 Cal. 459 and several other cases). To include such crops in the definition of movable property would not only militate against these rulings, but would diminish the security of the landlord for his rent, which is a first charge on the land, as well as on the crop grown by the raiyat. If, under the certificate decree, a certificate-holder could sell the standing crops, the interest of the auction-purchaser will clash with that of the landlord, who has the right to distrain the crop or sell the land with the crop on it for realization of his rent."

The HON'BLE MR. LYON said :—

"My Lord,—I am afraid Government cannot accept this amendment. The definition which we have given of movable property is taken from the Civil Procedure Code. The Civil Procedure Code definition of movable property says that movable property includes growing crops. That is the reason why we have introduced this definition into this Bill. I do not think that the Hon'ble Member need have much fear that any difficulty will arise as to the prior rights of the landlord, for the reason that the landlord is protected by section 139 of the Bengal Tenancy Act, which provides that if there is any conflict between the order of a Civil Court and an order for distraint on behalf of the landlord, the distraint has the preference, the order for distraint prevailing. I think it would be a considerable danger to introduce into this Act a principle differing from that which has been accepted in the Civil Procedure Code. The whole of our intention in this Act is to bring into one Act, which can be easily understood, the provisions of the Code of Civil Procedure which apply to the procedure for the recovery of public demands, and to introduce a definition which differs so greatly from the corresponding definition in the Code of Civil Procedure in an important subject like this, would be to introduce doubt and difficulty into the administration of the Act, which I do not think would conduce to satisfaction on the part of any who are concerned in these affairs. Therefore I would ask the House to confirm our adherence to the Civil Procedure Code in this matter, and to allow us to include in our Act the definition which is given in the Civil Procedure Code."

The PRESIDENT said :—

Do you wish to withdraw your amendment?

The HON'BLE RAJA HRISHIKESH LAHA said :—

"I wish to put it to the vote."

The motion was then put and lost.

The following motions were, by leave of the President, withdrawn :—

Clause 4.

2. The Hon'ble Raja Hrishikesh Laha to move that the word "shall" be substituted for the word "may" in line 2 of clause 4.

Clause 5.

3. The Hon'ble Raja Hrishikesh Laha to move that the word "shall" be substituted for the word "may" in line 2 of clause 5.

[*Raja Hrishikesh Laha ; Maulvi Musharraf Husain.*]

Clause 7.

4. The Hon'ble Raja Hrishikesh Laha to move that the words "and a copy of the certificate shall, at the same time, be sent to the certificate-debtor by registered post" be added at the end of clause 7.

Clause 8.

5. The Hon'ble Raja Hrishikesh Laha to move that the word "voidable" be substituted for the word "void" in line 4 of clause 8 (a).

Clause 8

6. The Hon'ble Maulvi Musharraf Husain moved that the following proviso be added at the end of clause 8, namely :—

"Provided that, where a certificate-debtor owns two or more immovable properties, one or more of which has or have been privately transferred during the continuance of the certificate proceeding, while others are still in the possession of the certificate-debtor, the Certificate-officer shall sell the latter properties first; but, if the sale-proceeds of the same do not cover the full amount due under the certificate, the Certificate-officer shall proceed to sell the property or properties so privately transferred."

He said :—

"My Lord,—section 8 of the Public Demands Recovery Act was very wide in its scope. It embraced all properties belonging to the certificate-debtor, but the Select Committee thought it expedient to curtail the operation of this clause and to restrict it to the immovable property of the certificate-debtor, situated within the district in which the certificate has been filed.

Of course a man may have property in two or three districts, and in a case like this, the Select Committee thought it expedient to say that all the immovable property situated outside the districts where certificates had been filed should not be attached and I fully agree with the Select Committee in this view.

The amendment that I beg to propose does not restrict the operation of the law any further, but it aims at protecting the interest of a *bonâ fide* purchaser for value without at the same time prejudicing the interest of the certificate-holder. The principle that has been embodied in this amendment is the principle of marshalling enunciated in section 81 of the Transfer of Property Act, which runs thus :—

'If the owner of two properties mortgages them both to one person and then mortgages one of the properties to another person who has no notice of the former mortgage, the second mortgagee is in the absence of a contract to the contrary, entitled to have the debt of the first mortgagee satisfied out of the property not mortgaged to the second mortgagee so far as such property will extend, but not so as to prejudice the rights of the first mortgagee, etc.'

Here, also, my Lord, I propose that the *bonâ fide* purchaser for value should be entitled to have the demand with cost satisfied from the property that has not been privately sold so far as such property will extend and if the whole demand including all costs are satisfied thereby the Certificate-officer should not touch the property that has been privately sold. By this, my Lord, the *bonâ fide* purchasers are protected and at the same time the certificate-holders will not be injured at all. What I am proposing is this that the order in which the sale should take place should be restricted and that all the properties should not be sold first. I do not say that the property which has been privately sold should not be sold at all, that the public demands should not be recovered from that property. What I simply ask is that the order of the sale of different properties should be a little

[Maulvi A. K. Faz-ul-Haq.]

altered, that the *bonâ fide* purchaser or the general public may not be merely at the mercy of the Certificate-officer. So far as the notice goes, I should say that in many cases we have to complain against the non-service of notices, but the effect of a notice in the Public Demands Recovery Act is very sweeping. As soon as notice under section 7 is served, all the properties of the judgment-debtor are at once attached, although it does not contain even the specification of the properties of the certificate-debtor. The Hon'ble Member in charge may say that it will not be in accordance with the principle of the Civil Procedure Code to alter the present procedure. In reply, I beg to point out to him that, according to the Civil Procedure Code, every property that is to be attached is to be specified, and particulars ought to be given of all these properties, and the notice of attachment is to be served, very carefully, not only in the house of the judgment-debtor or the certificate-debtor in this case, but on every property which is attached a sale proclamation is also required to be published similarly by beat of drum. So, my Lord, this case is very clear and very distinct. Since all the properties of the judgment-debtor are attached, simply by a general notice served on the certificate-debtor personally, the provision of this Act is a very strict one. And we should at least do something by which this stringency of the law might be softened.

As the object of our legislation is to do good to the people without injuring anybody, I believe that the amendment I propose satisfies this condition, and hope the House will agree with me that if this amendment be accepted, it will do real good to the people. My Lord, the sufferers under the old law are not few, I understand; I may include myself as one of them. I purchased a property from a vendor, not knowing that a notice under section 8 of the Public Demands Recovery Act had been served upon him. The vendor had other properties from which the certificate-holder could have realised his demand, but, my Lord, it was not done. I had to pay the demand in full, which I realised afterwards. Now, my Lord, when we can prevent future sufferings of the people in such matters by adding the above proviso, I see no reason why we should not do it. With these remarks, my Lord, I propose the amendment before the Council.'

The HON'BLE MAULVI FAZ-UL-HAQ said :—

"My Lord,—My hon'ble friend has made rather a lengthy speech, but I may be permitted to say perhaps that it is out of proportion to the importance of the amendment before us. The pith of his argument is, I gather, that when once a certificate is filed and notice is served on a certificate-debtor, a case might arise in which the *bonâ fide* purchaser for value paid stands a chance of losing his property in the operation of this provision. My Lord, I am not in full sympathy with this class of purchaser, because he is a class of purchaser whose interests are protected, but cases will arise, my Lord, in which the certificate-debtor might come forward to purchase the property even after he has had notice of the fact that the certificate has been filed in the office of the Collector, and the notice has been served according to law on the certificate-debtor. I do not think there is anybody here who will have any sympathy with this class of purchaser, who comes forward to deal with property against which there is a public demand, against which processes of law have been issued, because if he comes to deal with these properties he does so at his peril. The question therefore is whether in protecting the rights of *bonâ fide* purchasers for value, we should also extend the protection of the law to the second class of purchasers. It is a very difficult question to answer, and ordinarily it might be said that we should leave this question to be decided by the certifying officer. On mature consideration, personally, my Lord, I think that for the sake of the protection of the interests of the *bonâ fide* purchasers for value, we might accept the motion that has been urged before this Council by my learned friend. With these words, my Lord, I beg to support the amendment."

[Mr. Kerr ; Babu Surendra Nath Ray.]

The HON'BLE MR. KERR said :—

"I do not think, my Lord, that this amendment will commend itself to the Members of this Council, who have had practical experience of the working of the Act either as revenue officers or as lawyers, or, if anyone of them has had that unfortunate experience, in the position of certificate-debtors. As the clause has been modified by the Select Committee, it provides that, after the date of service of notice under clause 7, any private transfer of a certificate-debtor's immovable property situated in the district in which the certificate is filed, shall be void against any claim enforceable under the certificate, and that the amount due from time to time under the certificate shall be a prior charge upon the immovable property of the debtor wherever situated, as regards charges created subsequent to the issue of the certificate. The Hon'ble Member who has moved this amendment wants us to stay the sale of any property on which incumbrances have been created improperly; and to sell the debtor's property piecemeal. In other words, he says that where the certificate-debtor has broken the law, or evaded the provisions of the law, he ought to have a special favour shown to him with regard to the sale of his property. Now that principle, my Lord, is surely un-sound in itself and, there can be no question that it would lead to very great difficulty and to a prolongation of the proceedings, which is in the interests neither of the certificate-holder nor the certificate-debtor. It would, so far as I can see, be serving no interests except possibly the interests of *bonâ fide* purchasers for value, but as the Hon'ble Maulvi Faz-ul-Huq has pointed out, by no means all purchasers are of this class, and many purchasers deserve no consideration whatever. I put it to the Council whether it is desirable to introduce this new and unsound principle, in order to extend a doubtful benefit to a very limited class. The proposal is tantamount to inviting the certificate-debtor to evade the provisions of the law. The only ground on which the Hon'ble mover of the amendment has asked us to accept this proposal is that there is a somewhat similar provision in the Transfer of Property Act. I am no lawyer myself, but I would appeal to the many eminent lawyers who are Members of this Council to support me when I say that an analogy from the Transfer of Property Act cannot possibly apply to provisions relating to certificates for public demands. Under the Transfer of Property Act, it is a case between two private persons. In this Bill, we are dealing with a sale in execution proceedings at the instance of a Court or Government. I think, Sir, that the grounds which have been put forward cannot bear analysis as far as matters of principle are concerned. The amendment would benefit only a very limited class, and to make certificate proceedings cumbrous and complicated would be against the best interests of those who are affected by the practical working of the Bill. I would therefore ask the Council not to lend any support to this amendment."

The motion was then put and lost.

Clause 14.

7. The Hon'ble Babu Surendra Nath Ray moved that the words "or by sale (without previous attachment)" in clause 14 (a), be omitted.

He said :—

"I really cannot understand why there should be a sale without a previous attachment. I know that when a certificate is issued a charge is created on the property. I think, my Lord, this would be giving very great power to Certificate-officers. The result will be, whether there be an attachment or not, that a sale will take place without the certificate-debtor knowing anything that his property is going to be sold. My amendment is that there ought to be an attachment in all cases."

[*Rai Nalinaksha Basu Bahadur ; Mr. Lyon, Raja Hrishikesh Laha.*]

The HON'BLE RAI NALINAKSHA BASU BAHADUR said :—

"My Lord,—I beg to support this amendment. A sale of a property without attachment is detrimental to the interest of the certificate-debtor in various ways. As soon as a proper attachment of the property takes place, the owner of it comes to know that certain proceedings have been instituted against him or that certain persons, with a view to do him an injury, want to sell his property. He thus gets an opportunity to inquire into the whole matter, and is able to know what has actually taken place. If he finds that no case has been instituted, or no decree has been obtained against him, he prefers a claim to the property claiming it to be his, and asks the Court to release it from attachment. If he finds that an *ex parte* decree has been obtained against him, he at once moves to have the same set aside. In addition to these circumstances, he, as well as the people in the neighbourhood, becomes aware of the fact that his property would be sold. He will therefore try his best to procure money to satisfy the decree when it had been properly obtained and the neighbours will also have time to inquire into the nature of the property attached, with a view to purchase the same and get a longer time to procure money if required to buy the property. Moreover, when the Civil Procedure Code recognises an attachment to be necessary, I cannot understand why no attachment is to be made in case of a certificate sale. Attachment can be made within a very little time and is not likely to delay the proceedings to an appreciable extent. Under these circumstances I beg to support this amendment."

The HON'BLE MR. LYON said :—

"My Lord,—I am afraid that it would be difficult for the Government to accept this amendment, for the simple reason that it sets up at once a distinction between the procedure under the Civil Procedure Code and the Procedure under this Act. We are following in this case exactly the principles of the Civil Procedure Code, and we do not see why any difference should be made between certificate cases and cases of ordinary decrees under that Code. A suggestion which has been made in pressing this amendment that by doing away with attachment we give greater security to the certificate-debtor and go through a much more formal and careful procedure than we do if we have no attachment at all. On this point I would invite the Hon'ble Member's attention to the procedure laid down for sale in Schedule II of the Bill. This also is taken entirely from the Code of Civil Procedure. The transactions under the Code of Civil Procedure are innumerable, and the procedure which is satisfactory in those cases is surely good enough for this Certificate Act. There are many safeguards for a certificate-debtor, and the suggestion that this amendment will help a certificate-debtor by delaying proceedings is not a material contention, because the attachment and the proclamation of sale could be made simultaneously. I would ask the House not to introduce an entirely new principle into the Act at this stage—a principle which we have not adopted for the first time in passing this Act, but which has always existed as part of certificate procedure. By doing so we should cause considerable confusion in the proceedings of the Courts, which have learned to regard our procedure under the Certificate Act as merely an extension of the accepted principles of the Civil Procedure Code to the proceedings for the recovery of public demands. For these reasons I would ask the House not to accept this amendment."

The motion was then put and lost.

The following motions were, by leave of the President, withdrawn :—

Clause 15.

8. The Hon'ble Raja Hrishikesh Laha to move that the following proviso be added at the end of clause 15, namely :—

"Provided that nothing shall be chargeable in respect of any immovable property which has diluviated or otherwise disappeared as a result of natural causes and of whose disappearance intimation has been given to the Collector."

[Raja Hrishikesh Laha ; Mr. Kerr ; Mr. Byomkes Chakravarti.]

Clause 19.

9. The Hon'ble Raja Hrishikesh Laha to move that clause 19 (4) be omitted.

Clause 27.

10. The Hon'ble Raja Hrishikesh Laha moved that the words " shall, at the instance of the applicant, refer the matter to a Civil Court for disposal according to law " be substituted for the words " may also, at the instance of the applicant, order the certificate-debtor, or such other person to be detained in the Civil prison for a term which may extend to thirty days," in clause 27 (1).

He said :—

"The reason why I move this amendment is quite obvious to every Hon'ble Member of this Council. A great power—that of detaining the certificate-debtor in Civil prison for 30 days is given to the Certificate-officer who in his own cause is the plaintiff, judge, judgment-creditor, decree-holder rolled into one. As decree-holder he makes his application for execution proceedings to himself, passes orders thereon himself and takes steps to carry them out himself. The anomaly of such a procedure is patent to all. A Certificate-officer after all is a human being and cannot be expected to rise above human failings. In these circumstances the alteration I propose, if accepted, would be a distinct improvement on the Bill. If the enquiry under this clause were made by a Civil Court, for we all have confidence in such Courts, no body could complain that he has not been given a proper hearing. I therefore move the amendment for your acceptance."

The Hon'BLE MR. KERR said :—

"My Lord,—The clause which the Hon'ble Member wishes to amend is analogous to section 74 of the Code of Civil Procedure which deals with sales in execution proceedings. The principle of the Civil Procedure Code, which is being adopted by this Bill, is that when resistance is offered by anybody in good faith, the Certificate-officer becomes practically *functus officio*, and cannot decide the case. But if the certificate-debtor or his representative is causing wilful obstruction, the Certificate-officer may exercise the powers of the Civil Court, and send the certificate-debtor or his representative to the Civil prison for a term which may extend to 30 days. Now the principle of the Code of Civil Procedure is that questions or disputes relating to title should not be gone into in execution proceedings. They must, if anybody wishes to raise them, be raised in separate Civil suits. All the Court in executing a decree is allowed to do by the law is to punish wilful resistance when made without any just cause, by persons who cannot be said to be claiming in good faith. This is all the power which clause 27, as it now stands, gives to the Certificate-officer. The Hon'ble Member's amendment, if accepted, will make it necessary for the Certificate-officer to refer even the most clear case of wilful obstruction to the Civil Court, and it would give rise to a great deal of unnecessary delay. If the resistance is wilful and made without just cause, there cannot be any reason why the Certificate-officer should not be given this power. I would submit that it is in the interest of all parties in certificate proceedings that the Certificate-officer should have power to dispose of such questions without referring them to the Civil Court. For these reasons, my Lord, I oppose this amendment."

The Hon'BLE MR. BYOMKES CHAKRAVARTI said :—

"My Lord,—I desire to say one word in support of this amendment, and it is this : After all we gain very little indeed by giving this discretionary power to the Certificate-officer. It is admitted that when there is a question

[*Babu Surendra Nath Banerji ; Mr. Lyon ; Raja Hrishikesh Laha.*]

of claiming in good faith, clause 2 provides for a case like that. The reason why it is suggested that this clause should remain as it is is this, viz., that there may be a flagrant case of resistance where, if the clause did not stand as it is, the Certificate-officer would be powerless. After all it is only a question of punishment, and it would be much better that a Certificate-officer, who has to try these matters summarily, should not have the power or the discretion of dealing with questions, the result of which might be to deprive a man of his liberty. In these circumstances, I have great pleasure in supporting this amendment."

The HON'BLE BABU SURENDRA NATH BANERJI said :—

"My Lord,—I rise to support this amendment. It is a question of the liberty of the subject, and I think in a matter of this kind we cannot be over-cautious. It is not desirable in the interest of the liberty of the subject that a purely executive officer should be armed with the power of sending a person to jail. The proper authority should be the Civil Court, which will go into the matter, take evidence and decide the case upon the merits. I have a profound distrust of Executive discretion in matters affecting the liberty of the subject, and I think that the Executive should not be vested with the powers contemplated in the Bill. I have much pleasure in supporting this amendment."

The HON'BLE MR. LYON said :—

"My Lord,—I have some difficulty in opposing this amendment when it has been placed on such high ground by the Hon'ble Mr. Banerji. But I confess that I have no very great sympathy with the raising of the question of the liberty of the subject with reference to the very limited discretion which has been given to the Certificate-officer to punish those who deliberately resist his lawful orders, a discretion which can only be exercised in the case of most obvious and wilful resistance to orders passed by him in the course of his proceedings under the law. The idea that this is purely an Executive officer who is going to deprive this wilful resister of his liberty, is, I think, importing a somewhat foreign element into the case. The Certificate-officer is dealing with the case as a Civil Court and under the restrictions of a Civil Court, and he should be trusted to deal properly with a case of wilful obstruction. As has been pointed out already by the Hon'ble Mr. Kerr, the Bill has been careful to exclude any case where there is a question of title and good faith, and, moreover, it does not say that a certificate-debtor should be punished in all cases, because it gives a Certificate-officer some loophole for saying that there was some 'just cause' for resistance. If he has the shadow of a right he can resist the operations of the Court in this matter, and the Certificate-officer could not possibly pass an order for imprisonment. It is clearly necessary to have some sanction attached to the proceedings of the Certificate-officer, and I would ask the Hon'ble Members of Council to agree, from this very limited point of view, that in the last resort, the Certificate-officer, who is bound to go through all the procedure of the Civil Court, shall be allowed not merely to refer the case again for trial by another Civil Court, at the risk of considerable delay, but shall be allowed to enforce the order passed under this very limited section and under this elaborate procedure. I would ask that, in this case, the amendment be not accepted."

The motion was then put and lost.

Motion No. 10 having been lost, the following motion was not put :—

11. If Motion No. 10 be carried, the Hon'ble Raja Hrishikesh Laha to move that clause 27 (2) be omitted.

[Rai Hari Mohan Chandra Bahadur ; Mr. Lyon ; Raja Hrishikesh Laha.

New Clause 27 A.

12. The Hon'ble Rai Hari Mohan Chandra Bahadur moved that after clause 27 the following be inserted as new clause 27 A, namely :—

"27 A. (1) Where any person, other than the certificate-debtor, is dispossessed of immovable property which has been sold in execution of a certificate by the purchaser thereof, he may make an application to the Certificate-officer complaining of such dispossession, and the Certificate-officer shall investigate the matter in the manner prescribed in section 26.

(2) If the Certificate-officer is satisfied that the applicant was in possession of the property on his own account or on account of some person other than the certificate-debtor, he shall direct that the applicant be replaced in possession of the property."

He said :—

"My Lord.—The proposed section is almost a reproduction of Rules 100 and 101 of Order XXI of the Code of Civil Procedure and appears to be necessary to protect the rights of third parties who may be dispossessed of their properties. There is no reason why this safeguard should be omitted in cases of certificate sales."

The Hon'ble Mr. Lyon said :—

I am afraid that we cannot accept this somewhat elaborate amendment. The procedure which we have already prescribed in the Bill shows that all matters as to right and title must be dealt with in the trial of a separate Civil suit by a Civil Court, and the Certificate-officer can only dismiss applications which are made to enforce its proceedings in cases in which there is any *bonâ fide* claim to possession of property. The suggestion which is now made is to give the Certificate-officer power, in certain circumstances, to enter upon an enquiry as to right or title. We do not wish to interfere with the principle that such matters should be dealt with by the Civil Court and not by the Certificate officer. I do not think that the Hon'ble Member would be inclined to press his proposal upon us from that point of view. Clause 27 is based on a section of the Civil Procedure Code, and in the Civil Court, when there is any resistance or obstruction made without just cause, the person aggrieved must file a separate civil suit relating to the matter. I think we should be depriving the persons concerned in these matters of a considerable safeguard, if we introduce this clause into the Bill.

The motion was then put and lost.

The following motions were, by leave of the President, withdrawn :—

Clause 32.

13. The Hon'ble Raja Hrishikesh Laha to move that the words "in his opinion," in clause 32(b), be omitted, and that the words "or mentally infirm" be added at the end of the clause.

Clause 36.

14. The Hon'ble Raja Hrishikesh Laha to move that clause 36 be omitted.

15. If motion No. 14 be not carried, the Hon'ble Raja Hrishikesh Laha to move that the letters and words "either (a) upon the ground of fraud or

[*Rai Hari Mohan Chandra Bahadur ; Mr. Lyon.*]

(b) that the proceedings of the Certificate-officer were without jurisdiction " be substituted for the words "upon the ground of fraud " at the end of the proviso to clause 36.

Clause 43.

16. The Hon'ble Rai Hari Mohan Chandra Bahadur moved that the words "award of any" be inserted before the word "costs" in line 2 of clause 43.

He said :—

"My Lord,—The insertion of the words appears to be necessary to make the section more explicit."

The Hon'ble Mr. Lyon said :—

"My Lord.—We are prepared to accept the change proposed by the Hon'ble Member."

The motion was then put and agreed to.

Schedule I.—Article 4.

17. The Hon'ble Rai Hari Mohan Chandra Bahadur moved that the word "now" in line 1 of Article 4 of Schedule I be omitted.

He said :—

"My Lord, the omission of the word 'now' appears to be necessary in order to include any money declared to be a public demand by any future enactment."

The Hon'ble Mr. Lyon said :—

"My Lord, we are prepared to accept this amendment, but we should like to substitute the words 'for the time being' for the word 'now' so that the sentence would read 'any money.....by any enactment for the time being in force.'"

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

Schedule II—Rule 1.

18. The Hon'ble Rai Hari Mohan Chandra Bahadur moved that the words "and has not been paid on demand" be inserted at the end of Rule 1(2) of Schedule II.

He said :—

"My Lord, under a circular of the late Eastern Bengal and Assam Government in wards' estates and khas mahals, the manager or tahsildar, when applying for a certificate, is now required to furnish a certificate at the foot of the requisition saying that he or one of his subordinates personally demanded payment of the arrear and the amount has not been paid. I am humbly of opinion that this wholesome provision should not be discontinued."

The Hon'ble Mr. Lyon said :—

"My Lord, I am afraid that we cannot accept this amendment. It is far more important than it appears on the surface, and the difficulty is that the great majority of the certificates which are issued on requisitions are in

[*Rai Hari Mohan Chandra Bahadur ; Raja Hrishikesh Laha ; Babu Surendra Nath Ray.*]

respect of rents, and I would point out to the Council that it would be introducing a new principle into the rent law of Bengal to require a landlord to demand arrears of rent from a tenant before filing a certificate against him. Under the present provisions of the Bengal Tenancy Act, any rent which is not duly paid at or before the time when it falls due is deemed to be an arrear, and, subject to certain provisions of the Act, a landlord can institute a suit for the recovery of arrears of rent at any time after they fall due, without calling upon the tenant first to pay up the arrear. There does not appear to be any proper reason why, when a landlord is entitled to payment of rent, he should be required to demand that rent before he obtains a certificate. In the same way, with other authorities, such as the District Boards, we have to make certificates on requisitions, which would complicate matters very much if demands had to be made before the issue of certificate. I do not think that this new principle ought to be introduced at this stage. It is a principle which does not exist in the present Act. On these grounds, my Lord, I must resist this amendment."

The Motion was then, by leave of the President, withdrawn.

The following Motion was also, by leave of the President, withdrawn.—

19. If Motion No. 18 be carried, the Hon'ble Rai Hari Mohan Chandra Bahadur to move that the words "and which has not been paid on demand" be inserted after the blank space in line 3 and before the words "verified by me" in line 4 in the certificate at the foot of Form II of the Appendix to Schedule II.

Schedule II—Rule 9.

20. The Hon'ble Rai Hari Mohan Chandra Bahadur moved that the words "shall also" be substituted for the words "may, if the Certificate-officer so directs," in Schedule II, Rule 9.

He said :—

"My Lord, my experience of the manner in which notices are sometimes served in the mufassal is painful. To be on the safe side, it is, I think, necessary that every notice should be served by post which, I understand, under the General Clauses Act means registered post."

The Hon'ble Raja Hrishikesh Laha said :—

A similar amendment stands in my name.

"It is a matter of frequent complaint that properties of certificate-debtors are often sold for trifling amounts and purchased by persons who hang on courts at very inadequate prices, and the reason ascribed for this state of things is that the debtors were not served with notices of certificates and therefore could not deposit the amount due. They do not even become aware of such sales till the purchaser takes possession of the property, when the debtor is compelled, in order to retain his property, to submit to the extortionate demands of the auction-purchaser. With a view to avoid this state of things, it is very desirable that notice of the certificate under this clause should invariably be sent to the debtor by registered post, and the cost of such service be added to the certificate decree."

The Hon'ble Babu Surendra Nath Ray said :—

"Amendments Nos. 20, 21 and 23 are, I think, practically the same, and I have great pleasure in supporting this. The fact is, as your Lordship will be pleased to see, that in the collection of opinions on the Bengal Public Demands Recovery Bill, which was circulated to us, the opinion of the British Indian Association, which is the leading Association of the zamindars in Bengal, with reference to clause 7 will be found on page 9 of the collected

[*Rai Nalinaksha Basu Bahadur.*]

opinions. The opinions of the Chittazong Association will be found on page 3.

"It is a fact well known that these peons never go to the mufassal or go there very seldom. In civil courts you know very well that the identifier on behalf of either the plaintiff or the defendant generally accompanies the peon, and of course the peon is bound to go along with him and serve the notice. But the Collectorate peon on a salary of Rs. 7, when he is directed to serve a notice at a place about 25 or 30 miles distant from head-quarters, what does he do? He does not know either the plaintiff or the defendant, no identifier identifies the latter because nobody is interested in seeing that the proper person is served with the certificate, the result being that he gives a return showing that he has served the notice on the outer door of the house of the certificate-debtor because, he says, he could not find him. That is generally the return which is sent in by the peon. I know, my Lord, that, as a matter of fact, here in the Presidency town, before your Lordship's very door, the peons think it beneath their dignity to go in tram cars with the identifier. You have to give them second class carriages to go from the Calcutta Small Cause Court to the house of a plaintiff or defendant to serve a notice. This is known to many people, especially those who have the misfortune of being litigants. If such be the case in the metropolis of British India, what does not happen, my Lord, in the interior districts? Those who have the misfortune of being litigants know all about this. I hope this amendment will meet with your Lordship's approval."

The HON'BLE RAI NALINAKSHA BASU BAHADUR said :—

"I beg to support this Motion and I submit that the service of notice under section 7 is an essential necessity. It is tantamount to a first summons in a regular suit. It gives notice to the certificate-debtor that a certificate has been issued against him. I am bound to say that it is well known in the mufassal that every year a large number of proprietors lose their properties owing to the irregular and illegal way the certificate cases are disposed of. The procedure generally observed is anything but satisfactory, and the way in which peoples' properties are daily sacrificed for realization of money due under the certificates is simply deplorable. The certificates are not issued within any definite fixed time, but they are issued at the discretion of the Certificate-officer or more properly at the discretion of his amla, and a notice is made over to a peon for service who, either through indolence or other motives, does not go to the certificate-debtor's house, but makes a return of having served the notice by sticking it up at some conspicuous part of the house. A band of unscrupulous men who hang about the court premises and a few low mukhtears are generally present at the sales, and some one of them purchases the properties at a nominal price and then sell them either to the defaulting owner or to some other person at a considerable profit. It is generally believed that these men are in league with the serving peons and the low amlas of the courts. The provision of the Bill that a sale should not be set aside except on the ground that the debtor has sustained substantial injury may be good when the sale is sought to be set aside in the execution department, but when the validity of the certificate is attacked on the ground of fraud or on the ground of non-service of notice, the sale held under its strength must necessarily fall to the ground. A distinction should be drawn between illegality and irregularity. When a sale is tainted with irregularity only, it is not liable to be set aside without proof of substantial loss having been sustained by the certificate-debtor but where the sale is vitiated by illegality it must cease to exist without proof of any such substantial loss. Non-service of notice under section 7 is a potential illegality quite sufficient to nullify any sale held by virtue of a certificate under the Act. Moreover, when a property is sold for its own debt, the owner of it should not be deprived of it, if there be illegality or even irregularity in bringing about a sale, although no proof of substantial loss is given. A man having an immovable property sets a peculiar value on it which cannot be compensated by money. He ought to have it if its sale is tainted by illegality or irregularity.

[*Rai Priya Nath Mukharji Bahadur ; Babu Surendra Nath Banerji.*]

"Therefore I submit, my Lord, that it is absolutely necessary a proper notice should be served by registered post in addition to the usual notice that is served."

The HON'BLE RAI PRIYA NATH MUKHARJI BAHADUR said :—

"My Lord, As to this question of service of official papers by registered post, I think it might be useful if I gave the Council the benefit of the experience we have had of this kind of thing in the Registration Department.

"The Inspector-General of Registration of Eastern Bengal and Assam made a rule with the approval of the Government—which rule has come down to us as a legacy—that after registration of a document, it might, if the presentant so wished, be returned to himself or his endorsee by registered post at his expense. This was done to save him the trouble of coming again to the Registration office if he was anywhere near a post office. Everything was done to encourage this procedure, and it was at first thought that the parties concerned would find it convenient and welcome it. But what was the result? Only a fraction of the registrants ever availed themselves of the privilege and had their documents sent by the registered post. A certain proportion of the documents so sent were returned undelivered, because in the first place people are afraid to sign a receipt for anything and see a danger lurking where there may be none and refuse to take a registered letter, and, secondly, because the postal peon would not take the trouble to go to the respective villages—the practice being to deliver the covers at the *hâts* where people from surrounding villages are supposed to congregate on a *hât* day. And if for some reason the addressee was not there or was somehow missed, the cover was returned undelivered.

"Then a certain number was delivered to wrong persons and parties complained at the Registration office about non-receipt of documents, although they had paid the necessary postal charges. There was reason to believe that in some of these cases the documents were got hold of by interested persons for their own ends. The village postmaster is sometimes the teacher of the local *patshala* or some amla of the local zamindar, or some similar individual, and it requires no stretch of the imagination to conceive that if a person was so minded, he could easily contrive to get at this postal official, or, failing him, the postal peon. The District Registrars and inspecting officers of the department have therefore condemned it as unsafe, and the system has not been appreciated. It has certainly not achieved the purpose for which it was intended, and not being an unmixed blessing, has fallen into disuse. The rule is going to be abrogated."

The HON'BLE BABU SURENDRA NATH BANERJI said :—

"My Lord, I confess I was not prepared for the speech to which we have just had the honour of listening. A great officer of Government and a trusted servant of the State passes a strong condemnation upon a department which all of us regard as one of the most efficient departments of the State. We have been brought up in the traditional idea that the Postal Department is the most efficient department of the State and the Police Department is the least efficient. These two stand in the antipodes of efficiency, the Postal Department on the top and the Police Department at the bottom. That has been our traditional idea, and I believe the Hon'ble Members around the table will confirm me in that idea. Now we are told by the Inspector-General of Registration that the Postal Department is as inefficient as the Police Department. I have a higher idea of the Postal Department than my friend round the table. The universal complaint that has been made about these certificates is that they are not delivered because we are told that these notices are delivered at some *hât* day when people congregated together in a market-place, and then these notices and summonses are delivered in a perfunctory way. That is exactly our complaint, and therefore we want that these certificates should be registered so that the elements of slipshodness and perfunctoriness may be effectively dealt with. It is because

[*Mr. Byomkes Chakravarti ; Babu Mahendra Nath Ray.*]

we believe that the postal peons in the remote districts do not do their duty properly, we insist upon these certificates being delivered in registered documents. There is at least some guarantee that an honest effort is made to make over the certificates to the proper parties. I am not a servant of the Government, but it is my duty to come into contact with public opinion—to be the Receiver-General of all complaints in my position as a journalist, and the one matter about which complaints have been made in season and out of season with the utmost emphasis by all sections and classes of the community is that our notices, our summonses, our certificates are not properly delivered to the right parties. Is it not the duty of the Council and the duty of Government now that we have the opportunity to rectify this state of things by accepting the amendment? Your Excellency will have noticed a remarkable coincidence, namely, that these amendments have not been sent to the office after the gentlemen have been closeted together and taken counsel together. My friend sent over his amendment on his own initiative and another sent his in, and so did a third, and the three of them came distinctly to the conclusion on their own initiative that this was a black spot which ought to be amended, and therefore this remarkable coincidence in these amendments. Having regard to the universal and strongly expressed opinion about this matter and having regard to the serious miscarriages of justice which have taken place in consequence, it seems to me a matter of first importance that this state of things should be rectified, and this amendment be accepted by your Excellency's Government."

The HON'BLE MR. BYOMKES CHAKRAVARTI said :—

"My Lord, I desire to say one word in connection with this amendment. The difficulty is this. The Certificate-officer is in the 'zilla' station if I may use this expression (district station) and a peon in charge of the service of notice has to be sent out from the district station into the interior, and it very often happens, specially where the certificate is being issued at the instance of the Collector, that the peon has no knowledge of the interior. Probably he comes from one part of the country, and the service has to be effected in another part of the country with which he is not familiar, whereas if you have to send a notice by the post, the postal peon in almost every case has to be familiar with the neighbourhood. He knows almost every village where he has to deliver letters every day, and there is every chance of his delivering to the right person. Of course there may be fraud in a district station as in the post office, but I am not aware—and I have a knowledge either directly or indirectly with regard to at least half the districts in Bengal—of a single *gomastah* of a zamindar who is not also a postmaster. However that may be, the position is this: what we want to avoid is, and I think everybody is agreed with regard to it, that the notice should be properly served, that the man should have notice that a certificate is going to be issued against him, and what we say and feel (and the country apparently expresses the same opinion) is that a further safeguard is to be provided in the shape of service by the post, which means the registered post, and I sincerely hope that the Hon'ble Member in charge of the Bill will see his way to accept this amendment.

"I shall only add one word with regard to the Registration Department. I have no knowledge of the Registration Department nor of the legacy it has received from Eastern Bengal, and I attach no importance to any legacy unless it is a legacy of any money left in my favour. I am only seeking to support this amendment which is a further safeguard for the purpose of bringing it to the notice of the certificate-debtor that a demand is still due by him, and he has not paid it."

The HON'BLE BABU MAHENDRA NATH RAY said :—

"My Lord, as a member of the Select Committee where this matter was fully discussed, I had very grave doubts whether I should support this amendment, but the speech we have just heard from the Inspector-General

[*Mr. Lyon.*]

of Registration delivered on this occasion has removed whatever misgivings I had in my mind. It is certainly a very queer sight to find the head of a department namely, that of the Inspector-General of Registration, passing such criticism on a department which, as my hon'ble friend Babu Surendra Nath Banerjee has reminded us, is considered by all to be the best managed department, under Government. I never thought that service by a peon in the manner in which summonses are served in the Civil Courts will ever be so good, specially in the case of service of notice under this Act. as service by registered post. I always thought that service by registered post would be more effective than the ordinary service by peon who has to go about in the mufassal, if he goes about at all, without an identifier, and whatever misgivings I had as to the efficiency of service by registered post has been removed by the very remarkable speech we have heard delivered on this occasion by the present Inspector-General of Registration. Therefore I shall vote for the amendment."

The HON'BLE MR. LYON said :—

"My Lord, I confess that I approached the consideration of this amendment which has been received with somewhat mixed feelings. Nobody could be more anxious than the Government to improve the service of their notices in the mufassal, and, from that point of view, I have every possible sympathy with any suggestion that is made for the improvement of the service of these notices which would tend to secure that every person who has to receive a notice receives it, whether it be in the city of Calcutta or in the mufassal. I must note, however, that this suggestion as to service by registered post is—and it is a point which seems to have been forgotten by the Hon'ble Members dealing with this amendment—one of the ways and means of service permitted under the Bill, although it is not made compulsory by the Bill. It is merely suggested, and when it was proposed to make the procedure compulsory we considered carefully whether this could be accepted, but found ourselves unable to do this.

"In the course of this debate a strange attack has been made upon the official who has risen to support the Government views. The Inspector-General of Registration did not insist upon any opinion of his own but made certain statements of facts as to what happened to documents which had been sent by registered post. The Hon'ble Member, the Inspector-General of Registration, is not in the least interested in saying that the registered post has failed in this case; it is clear that this was a means adopted in all good faith by his department with every desire that these documents should reach their owners safely, and it is only in consequence of the actual facts which have been disclosed that he has been induced to stand up and make this report to the Council. I may add that the case does not depend on the words of the Inspector-General of Registration alone, although he has given the Council very valuable help by contributing these facts, as I have been informed that exactly the same thing occurred recently when notices had to be sent out by registered post to the Muhamadan electors of this Council, the service of these notices by registered post proving practically a failure for identically the same reasons that have been given to us by the Inspector-General of Registration. I do not think that because the Hon'ble Member has given us these facts as to the working of his department that gentlemen should get up and accuse him of making a violent attack on the Postal Department. I have no doubt that if you consulted the Postmaster-General on the subject he would disclose to you a great many more failures of this kind which the Inspector-General of Registration has not mentioned. He with his intimate knowledge of his department would show that the registered post, despite all his efforts to improve it, is by no means an infallible method of conveying notices to the parties concerned in the mufassal. It seems to me also that the Hon'ble Mr. Surendra Nath Banerjee made a mistake in his reference to a portion of the speech by the Inspector-General of Registration. As I understood that speech, the Inspector-General said that it was the registered letters which were distributed at the *hāt* and not the notices carried by our peons."

[*Babu Surendra Nath Banerji; Mr. Lyon.*]

The HON'BLE BABU SURENDRA NATH BANERJI said :—

"I think the Hon'ble Member spoke of these letters being delivered at the *hât*."

The HON'BLE MR. LYON said

"Yes, and that was a method which I understood the Hon'ble Babu Surendra Nath Banerji to deprecate.

"The idea suggested by those who supported the amendment is that we must improve our existing procedure very greatly, and that the only means of doing this is by adopting the registered post. I think the facts given us by the Inspector-General of Registration should be carefully weighed as being facts which are given by an agency which is entirely impartial in this matter.

"As to our anxiety to improve the system of serving notices, I would point out that the question has been engaging the careful attention of the Governments of Bengal and Eastern Bengal and Assam for some years past, and that the proposals for amendment which have been put forward form an integral part of a scheme which has received great approval from Hon'ble Members of this Council—the scheme for reconstituting the village panchayat; and the Government of Bengal are now entrusting to a great extent to the head of the village panchayat the duty and responsibility of serving these notices; we are in fact acting on the lines which the Hon'ble Mr. Chakravarti has suggested, because Mr. Chakravarti has claimed for the postal peons that they are local people, and they know the people on whom service of notice is to be made. That is exactly the line we are taking, and the principle that we are adopting in the new rules—and we are issuing and extending it gradually all over Bengal for the service of our notices—is that the notices should be served through the village officers, those who know everybody concerned in the village and who can tell exactly upon whom they are to be served and whether they have been properly served.

"There is another matter I would like to touch upon, and that is that, while I have claimed that we are doing our best to improve the service of notices, there are figures which show that the state of affairs is by no means so dreadful as is suggested by some Hon'ble Members. I do not know if it will surprise this House to hear that during the last year 95,000 certificates were issued in the province of Bengal and recourse to sale was taken in only 2,295 cases or less than about 2½ per cent. of the whole total. If our certificate procedure and the service of notices under it are successful in 97½ per cent of cases, we believe that the service of these notices and the intimation conveyed through these notices to the men concerned in the mufassal cannot be quite so bad as the picture that has been given to us. There is another reason why we are not inclined to accept the registered post as a proper solution of the difficulty in these cases. I believe if we make compulsory the system of notices through registered post, we should have greater difficulty in getting our notices served by our own peons. We should certainly weaken all the incentive there is to the department and to the peons to serve those notices properly on the people, and moreover we shall be depending on a system which, from its own inherent virtues, cannot be made so suitable as the service of notices through village officers in a village. It is impossible so to prepare rules and enforce them in the Postal Department as to make it equally compulsory upon a person to receive a registered document from the post as to receive the notice which has been served upon him by us.

"I think the adoption of this amendment would largely increase the cost of our proceedings and would also increase their complications and difficulties, and I would suggest that the House ought to be prepared to leave it to the discretion of any Certificate-officer to use his discretion under the rules, whether in any particular case he should adopt the system of registered post or not.

"With these words I would express a hope that the amendment will not be accepted by the Council."

[Babu Surendra Nath Ray.]

The motion being put to the vote, a division was taken with the following result :—

Ayes 18.	Noes 21.
The Hon'ble Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur. „ Maharaja Jagadindra Nath Ray. „ Maharajadhiraja Bahadur of Burdwan. „ Mr. Byomkes Chakravarti „ Babu Surendra Nath Banerji. „ „ Mahendra Nath Ray. „ Rai Radha Charan Pal Bahadur „ Dr. Deba Prasad Sarbadhikari. „ Rai Nalinaksha Basu Bahadur. „ Babu Surendra Nath Ray. „ „ Prasanna Kumar Ray „ Rai Hari Mohan Chandra Bahadur. „ Maulvi A. K. Faz-ul-Haq. „ „ Musharaf Husain. „ Raja Hrishikesh Laha, C.I.E. „ Dr. Nilratan Sarkar. „ Maulvi Abul Kasem. „ Mr. Golam Hossein Cassim Ariff	The Hon'ble Mr Norman McLeod. „ „ J. C. Shorrocks. „ „ R. Glen. „ „ A. W. C. Chaplin. „ „ W. T. Grice. „ „ J. G. Cumming, C.I.E. „ „ C. H. Bompas. „ „ S. L. Maddox, C.S.I. „ „ H. J. Hilary. „ Rai Priya Nath Mukharji Bahadur. „ Sir Frederick Loch Halliday, Kt., M.V.O. C.I.E. „ Sir William Duke, K.C.I.E., C.S.I. „ Mr. E. W. Collins. „ „ C. J. Stevenson-Moore, C.V.O. „ „ H. L. Stephenson. „ „ P. C. Lyon, C.S.I. „ „ J. H. Kerr, C.I.E. „ Nawab Syed Shams-ul-Huda. „ Mr. B. K. Finnimore. „ „ A. N. Moberly. „ „ G. W. Küchler, C.I.E.

The following Members were absent :—

The Hon'ble Nawab Sir Khwaja Salimulla Bahadur, G.C.I.E., K.C.S.I. „ Maharaja Ranajit Sinha of Nashipur. „ Mr. S. P. Sinha. „ „ V. Wood. „ Raja Mahendra Ranjan Ray Chaudhuri. „ Mr. J. G. Apcar. „ Babu Ananda Chandra Ray. „ „ Upendra Lal Ray. „ Nawab Saiyid Hossain Haider Chaudhuri. Khan Bahadur. „ Mr. J. Donald. „ „ N. D. Beatson Bell, C.I.E. „ „ B. C. Mitra. „ Sir Allan Arthur, Kt.
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The Hon'ble Raja Shoshi Kanta Acharyya Chaudhuri Bahadur abstained from voting.

The result of the division being *ayes* 18. *noes* 21, the motion was lost.

The following Motions were, by leave of the President, withdrawn :—

21. The Hon'ble Babu Surendra Nath Ray to move that the words "shall also be served by registered post" be substituted for the words "may, if the Certificate-officer so directs, be served by post" in Schedule II, Rule 2.

[*Raja Hrishikesh Laha ; Babu Surendra Nath Ray , Mr. Lyon.*]

*22. The Hon'ble Raja Hrishikesh Laha to move that the words "shall in every case be served by registered post" be substituted for the words "may, if the Certificate-officer so directs, be served by post" in Schedule II, Rule 9.

Schedule II—Rule 9.

23. The Hon'ble Babu Surendra Nath Ray moved that the words "shall, except where the certificate-debtor has personally acknowledged its receipt, be served by registered post" be substituted for the words "may, if the Certificate-officer so directs, be served by post" in Schedule II, Rule 9.

He said :—

"In cases, my Lord, where the certificate-debtor had actually signed the receipt, it will not be necessary to serve the notice again by registered post, but in other cases, the certificate ought to be sent by registered post. That is the idea of the amendment."

The HON'BLE MR. LYON said :—

"I am afraid that we cannot accept this amendment because it would introduce many more complications than the ones suggested by the previous amendment. The difficulty is one that will be appreciated by all Hon'ble Members, especially, I think, by the lawyer Members of this House. It is that it would be extremely difficult to ascertain and to enter upon inquiries as to whether the certificate-debtor had personally acknowledged this receipt. I think we must depend on more simple rules in the service of our notices. The proposed procedure would cause much difficulty and delay, and inquiries would have to be made, and the door would be opened to the certificate-debtor to raise the point as to whether he had actually himself acknowledged the service. So I hope that the House will agree with me that as we have not determined to make it compulsory to issue by registered post, it is unnecessary to enter upon these elaborate enquiries in order to serve by registered post in some particular case."

The Motion was then put and lost.

Schedule II—Rule 57.

24. The Hon'ble Raja Hrishikesh Laha moved that the word "shall" be substituted for the word "may" in line 1 of Schedule II, Rule 57.

He said :—

"The reasons for this amendment are so obvious that I do not think it is necessary for me to press it before the Council. We are going to authorise the Certificate-officer to commit a person to prison, and it would be only fair if that person be given an opportunity to say what he has got to say against the commitment. He may have very good reasons against it. If we deny him this opportunity we shall be doing a great injustice to him. I am therefore of opinion that the law should be imperative that the Certificate-officer shall give the certificate-debtor an opportunity to appear before him and offer his explanation."

The HON'BLE MR. LYON said :—

"My Lord, I am afraid we are not prepared to make this compulsory in all cases. It is a rule which we have adopted from the Civil Procedure Code, and in many cases where there is a likelihood of the certificate-debtor absconding, it would be dangerous to issue a notice of demand before we issue a warrant for arrest. I think that it would be undesirable to make the issue of such a notice compulsory, though we leave it to the discretion of the serving officer to do it where he thinks fit. I would ask the House to reject the amendment on the ground that it would be introducing a dangerous innovation which might lead to complications in the procedure under the Act."

[Division.]

A division was then taken, with the following result :—

Ayes 11.	Noes 25.
<p>The Hon'ble Maharaja Jagadindra Nath Ray.</p> <p>„ Maharajadhiraja Bahadur of Burdwan.</p> <p>„ Mr. Byomkes Chakravarti.</p> <p>„ Babu Surendra Nath Banerji.</p> <p>„ Rai Radha Charan Pal Bahadur.</p> <p>„ Dr. Deba Prasad Sarbadhikari.</p> <p>„ Babu Surendra Nath Ray.</p> <p>„ Maulvi A. K. Faz-ul-Haq.</p> <p>„ Raja Hrishikesh Laha, C.I.E.</p> <p>„ Dr. Nilratan Sarkar.</p> <p>„ Mr. Golam Hossain Cassim Ariff.</p>	<p>The Hon'ble Mr. Norman McLeod.</p> <p>„ Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur.</p> <p>„ Mr. J. C. Shorrook.</p> <p>„ „ R. Glen.</p> <p>„ „ A. W. C. Chaplin.</p> <p>„ „ W. T. Grace.</p> <p>„ Babu Prasanna Kumar Ray.</p> <p>„ Rai Hari Mohan Chandra Bahadur.</p> <p>„ Mr. J. G. Cumming, C.I.E.</p> <p>„ „ C. H. Bompas.</p> <p>„ „ S. L. Maddox, C.S.I.</p> <p>„ „ H. J. Hilary.</p> <p>„ Rai Priya Nath Mukharji Bahadur.</p> <p>„ Sir Frederick Loch Halliday, KT M.V.O., C.I.E.</p> <p>„ Maulvi Abul Kasem.</p> <p>„ Sir William Duke, K.C.I.E., C.S.I.</p> <p>„ Mr. E. W. Collit.</p> <p>„ Mr. C. J. Stevenson-Moore, C.V.O.</p> <p>„ „ H. L. Stephenson.</p> <p>„ „ P. C. Lyon, C.S.I.</p> <p>„ „ J. H. Kerr, C.I.E.</p> <p>„ Nawab Syed Shams-ul-Huda.</p> <p>„ Mr. B. K. Finnimore.</p> <p>„ „ A. N. Moberly.</p> <p>„ „ G. W. Küchler, C.I.E.</p>

The following Members were absent :—

<p>The Hon'ble Nawab Sir Khwaja Salimullah Bahadur, G.C.I.E., K.C.S.I.</p> <p>„ „ Maharaja Ranajit Sinha of Nashipur.</p> <p>„ „ Mr. S. P. Sinha.</p> <p>„ „ „ V. Woods.</p> <p>„ „ Raja Mahendra Ranjan Ray Chaudhuri.</p> <p>„ „ Mr. J. G. Apcar.</p> <p>„ „ Babu Ananda Chandra Ray.</p> <p>„ „ Upendra Lal Ray.</p> <p>„ „ Nawab Saiyid Hossain Haider Chaudhuri, Khan Bahadur.</p>	<p>The Hon'ble Mr. J. Donald.</p> <p>„ „ „ N. D. Beatson Bell, C.I.E.</p> <p>„ „ „ B. C. Mitra.</p> <p>„ „ „ Sir Allan Arthur, KT.</p>
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The following Members abstained from voting :—

<p>The Hon'ble Raja Shoshi Kanta Acharyya Chaudhuri Bahadur.</p> <p>„ „ Babu Mahendra Nath Ray.</p> <p>„ „ Rai Nalinaksha Basu Bahadur.</p> <p>„ „ Maulvi Musharraf Husain.</p>

The result of the division being ayes 11, noes 25, the motion was lost.