

*Tuesday,  
6th January, 1914*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

**LAWS AND REGULATIONS**

Vol. LII

**April 1913 - March 1914**

ABSTRACT OF PROCEEDINGS

OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

From April 1913 to March 1914.

VOL. LII.

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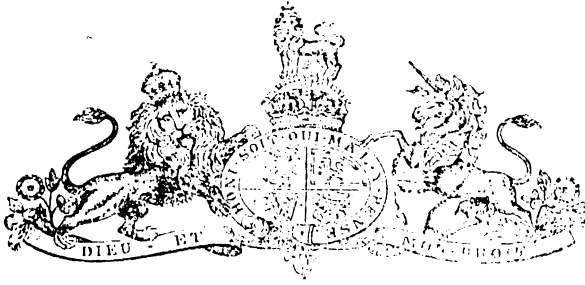


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1914



GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA  
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS  
UNDER THE PROVISIONS OF THE INDIA COUNCILS ACTS, 1861 to 1909  
(24 & 25 Vict., c. 67, 55 & 5; Vict., c. 14, AND 9 Edw. VII, c. 4).

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on  
Tuesday, the 6th January, 1914.

PRESENT :

His Excellency **BARON HARDINGE OF PENSHURST**, P.C., G.C.B., G.C.M.G., G.C.V.O.,  
G.M.S.I., G.M.I.E., I.S.O., Viceroy and Governor General, *presiding*,  
and 61 Members, of whom 53 were Additional Members.

**OATH OF OFFICE.**

The following Additional Members made the prescribed oath or affirmation  
of allegiance to the Crown :—

**The Hon'ble Sir Edward Maclagan, K.C.I.E., C.S.I.**  
" " **Surgeon-General Sir Pardey Lukis,**  
**K.C.S.I., M.D., F.R.C.S.**  
" " **Mr. L. C. Porter, C.I.E.**  
" " " **L. M. Wynch, C.I.E.**  
" " " **E. H. C. Walsh, C.S.I.**  
" " " **W. H. Cobb.**  
" " " **W. F. Rice, C.S.I.**  
" " " **A. H. Diack, C.V.O.**  
" " " **J. MacKenna.**  
" " " **H. M. Laurie.**  
" " " **J. Donald.**

**QUESTIONS AND ANSWERS.**

**The Hon'ble Raja Kushal Pal Singh** asked :—

1. " Will the Government be pleased to state whether it is a fact that the Government of India had asked all Local Governments to consider the expediency and practicability of reducing the revenue payable on land which had been assessed with reference to the benefits accruing to it from an irrigation work when such irrigation work had from any cause fallen into disuse during

Reduction of land revenue when irrigation work had fallen into disuse.

[*Raja Kushal Pal Singh*; *Sir Robert Carlyle*; [6TH JANUARY, 1914.]  
*Sir A. H. McMahon*; *Sir Reginald Craddock.*

the currency of the settlement? If so, will the Government be pleased to lay on the table copies of the replies received from Local Governments on this subject?"

**The Hon'ble Sir Robert Carlyle** replied :—

"I lay on the table a copy of extracts\* from official correspondence which give the information for which the Hon'ble Member asks."

**The Hon'ble Raja Kushal Pal Singh** asked :—

Ex-cadets  
of the  
Imperial  
Cadet Corps.

2. "Will it please the Government to lay on the table a statement showing the names of the members of the Imperial Cadet Corps, together with the dates of their appointment, and the present posts which they hold?"

**The Hon'ble Lieutenant-Colonel Sir A. H. McMahon** replied :—

"It is presumed that the Hon'ble Member's question refers to ex-cadets of the Imperial Cadet Corps."

"No record is maintained of their employment subsequent to their leaving the Corps except in the case of those who obtain Commissions in His Majesty's Native Indian Land Forces."

"A list of them, with their present posts and dates of appointments, is to be found in the Quarterly Indian Army List."

**The Hon'ble Raja Kushal Pal Singh** asked :—

Number of  
Assistant  
Sessions  
Judges  
taken from  
the Judicial  
and Execu-  
tive  
Branches  
of the  
Provincial  
Civil  
Service.

3. "Will it please the Government to lay on the table a statement showing, in each of the provinces of Madras, Bombay, Bengal, the United Provinces, the Punjab and Bihar and Orissa :—

- (a) how many Assistant Sessions Judges have been taken from the Judicial Branch of the Provincial Civil Service, and  
 (b) how many from the Executive Branch of the same service?"

**The Hon'ble Sir Reginald Craddock** replied :—

"(a) & (b). The following table shows the number of Assistant Sessions Judgeships held on the 1st December, 1913, in the provinces specified, by members of the Judicial Branch of the Provincial Civil Service. The figures for the Executive Branch of the same service are *nil*."

Madras . . . . .	2
Bombay . . . . .	5
Bengal . . . . .	4
United Provinces . . . . .	8
Bihar and Orissa . . . . .	3
Punjab . . . . .	<i>Nil</i> ."

**The Hon'ble Raja Kushal Pal Singh** asked :—

Railway  
charge on  
ghee.

4. "(a) Will the Government be pleased to state whether the rate chargeable by railways on ghee was formerly  $\frac{1}{2}$  pie per maund per mile, and whether it has been raised to  $\frac{3}{4}$  pie per maund per mile?

"(b) If so, will the Government say if they will be pleased to consider the desirability of reducing the railway charge for the carriage of ghee?"

[ 6TH JANUARY, 1914 ] [ *Sir T. R. Wynne ; Raja Kushal Pal Singh.* ]

**The Hon'ble Sir T. R. Wynne** replied :—

"The answer to question (a) is that no alteration has been made in the maximum rates which railways are permitted to charge for the carriage of ghee."

"I should also point out that there are large number of special rates in force on all railways for the carriage of ghee between different stations and that these rates are well below the maximum which railways are authorized to charge. For instance, the rate for ghee from Etawah to Howrah is about  $\frac{1}{4}$ th of a pie and from *via* Delhi for traffic from Kaithal to Howrah is about  $\frac{1}{4}$ th of a pie.

"With regard to (b), as the maximum rate which has been in force for many years is not an unduly high one, and since, as pointed out above, the traffic is largely carried at special rates which are lower than the maximum permissible, Government are not convinced of the desirability of effecting a reduction in the present maximum rate."

**The Hon'ble Raja Kushal Pal Singh** asked :—

5. "Will the Government be pleased to state whether the railway freight on unbaled grass and straw was formerly  $\frac{1}{3}$  pie per maund per mile and whether it has been raised to  $\frac{1}{2}$  pie per maund per mile? If so, will the Government be pleased to say whether they propose to consider the desirability of reducing this rate?"

Railway freight on grass and straw.

**The Hon'ble Sir T. R. Wynne** replied :—

"No alteration has been made in the maximum rate which Railways are permitted to charge for the carriage of unbaled grass and straw.

"I would also point out that there are a large number of special rates in force on Railways for the carriage of these commodities which are considerably lower than the maximum rate permissible. For instance, a rate of about  $\frac{1}{5}$  of a pie is charged for consignments from Nepalganj to *via* Cawnpore.

"It must be recollected that unbaled grass and straw is not a very paying commodity to carry, as it is impossible to load a wagon with it up to its carrying capacity. Government, therefore, cannot undertake to consider the desirability of effecting a reduction in the present maximum rate."

**The Hon'ble Raja Kushal Pal Singh** asked :—

6. "Will the Government be pleased to state whether the Railway risk rate on raw sugar (*gur*) and unrefined sugar is  $\frac{1}{3}$  pie per maund per mile and the rate levied on imported refined sugar is  $\frac{1}{4}$  pie per maund per mile?"

Railway risk rate on raw and unrefined sugar.

"If so, is it a fact that the levying of a lower rate on refined sugar prejudicially affects the indigenous production of sugar? Will the Government be pleased to say whether they propose to consider the desirability of reducing the railway charge on raw and unrefined sugar?"

**The Hon'ble Sir T. R. Wynne** replied :—

"The maximum rate sanctioned for all classes of sugar [raw (*gur*) unrefined and refined alike] is  $\frac{1}{3}$  pie per maund per mile. No distinction is made between imported and indigenous sugars which are both governed by the same maximum rate.

"While these are the maximum rates Railways are permitted to charge, in actual practice sugar is very largely carried at special rates which are lower than the maximum permissible.

"Railway companies are entitled to charge any rates they may desire, provided that they are within the maximum and minimum rates fixed by the Government of India for the class in which the commodity to be carried is classified."

{ *Maharaja Ranajit Sinha of Nashipur; Sir William Meyer; Sir T. R. Wynne; Sir Reginald Craddock.* [6TH JANUARY, 1914.]

**The Hon'ble Maharaja Ranajit Sinha of Nashipur** asked :—

Rise of price of foodstuffs.

7. "Will the Government be pleased to state if the inquiry as to the cause of the rise of the price of foodstuffs generally has been completed and, if so, what steps they propose to take in the matter?"

**The Hon'ble Sir William Meyer** replied :—

"The inquiry into the rise of prices—not of food prices exclusively—has been completed. The Report thereon is still under the consideration of the Government of India, and they are not yet in a position to state what steps will be taken in regard to it."

**The Hon'ble Maharaja Ranajit Sinha of Nashipur** asked :—

Nalhati-Azimganj Branch.

8. "Is it a fact that the line of the Nalhati-Azimganj branch of the East Indian Railway is not in good condition? and that the speed of trains on that line is in consequence very low?"

"Is it a fact that it takes about three hours to run for about 28 (twenty-eight) miles the distance from Nalhati to Azimganj? If so, will the Government be pleased to state whether it is proposed to make any improvement on the line?"

**The Hon'ble Sir T. R. Wynne** replied :—

"It is a fact that the speed on the Nalhati-Azimganj branch of the East Indian Railway is low and also that it takes about three hours to run from Nalhati to Azimganj. This low speed is not due to the line being in bad condition. It is due to the fact that the line was built for low speeds as a light railway running along the public road.

"With regard to improving this line, *viz.*, laying heavier rails, renewing with stronger girders, fencing it, etc., the question has been carefully gone into and it has been decided that the better course to take to improve the cross connection would be to build a new chord standard line from Sainthia to a point on the newly constructed Outwa-Azimganj line situated opposite to Berhampore, which would give additional railway facilities to the area it will pass through and serve a large and important tract of country. It is anticipated that this new chord will be largely used by traffic that now passes over the Nalhati-Azimganj branch."

**The Hon'ble Maharaja Ranajit Sinha of Nashipur** asked :—

Income qualification.

9. "Will the Government be pleased to state whether the word 'income' in the expression 'possess an annual income' in rule 2 of the rules in Schedule VI, framed under Regulation II, Sub-Head X, and Regulation III is to be construed as meaning the net income after deducting the interest payable on the encumbrances on the property from which the income is derived or the gross income without making such deduction?"

"If the word 'income' is not to be construed as excluding such interest, whether in computing the qualifying income of a voter in England, the interest on encumbrances is not excluded and if it is, whether the Government will be pleased to bring the Indian rule into conformity with the English practice?"

**The Hon'ble Sir Reginald Craddock** replied :—

"The word 'income' as used in rule 2 of the Schedule referred to is defined in rule 3, and it is not intended that the deductions mentioned should

[6TH JANUARY, 1914.] [Rai Sri Ram Bahadur; Sir Robert Carlyle; Sir T. R. Wynne; Mr. Huda; Sir Reginald Craddock.]

be made. It is thought that any other interpretation would in practice cause grave inconvenience and necessitate inquisitorial inquiries, and no change of the rule in the direction indicated is therefore contemplated. The analogy of English law is not exact, since the wording of the Statutes to which reference is apparently made differs from that of the Schedule."

**The Hon'ble Rai Sri Ram Bahadur** asked :—

10. "Will the Government be pleased to lay on the table a statement showing separately in each of the Provinces of India—

"(a) the areas of culturable land owned by the Government and set apart as reserved forest and not so reserved.

"(b) the areas of culturable waste lands owned by Government and not reserved as forests?"

**The Hon'ble Sir Robert Carlyle** replied :—

"The information asked for by the Hon'ble Member is not available. Figures showing the area under forests and the culturable waste area in each Province in India will be found on pages 50-53 of Volume I of the Agricultural Statistics of India. There are no figures to show how much of the area under forests is culturable or how much of the culturable waste area is owned by Government."

**The Hon'ble Rai Sri Ram Bahadur** asked :—

11. "Will the Government be pleased to state whether they propose to make it a condition in all future appointments to the Railway Board, that the persons so appointed shall not, at the expiration of the term of their office, accept posts of Director in any Railway Company working in India?"

**The Hon'ble Sir T. R. Wynne** replied :—

"The answer to the Hon'ble Member's question is in the negative."

**The Hon'ble Mr. Huda** asked :—

12. "Was any allotment of listed posts made between the Provinces of Bengal and Bihar and Orissa in April, 1912? If so, how many of such listed posts were allotted to the members of the Provincial Judicial Service in the two Provinces respectively?"

**The Hon'ble Sir Reginald Craddock** replied :—

"The answer to the first part of the question is in the affirmative. In regard to the second part, attention is invited to the Home Department Resolution Nos. 481-485-O, dated the 19th December, 1913,\* a copy of which is laid on the table."

**The Hon'ble Mr. Huda** asked :—

13. "Has the number of first grade Munsifs in the Province of Bihar and Orissa been reduced from 20 to 14? If so, will the Government be pleased to say why?"

**The Hon'ble Sir Reginald Craddock** replied :—

"Prior to the recent territorial distribution there was no separate cadre of Munsifs in Bihar and Orissa and the Hon'ble Member's question is not, therefore, understood. In dividing the cadres of the old provinces of Bengal and Eastern Bengal and Assam, the Government of India endeavoured to satisfy the reasonable expectations of officers serving in either area, while adhering generally to the general scale of emoluments current in the service."

\* Vide Appendix II.

[*Sir Gangadhar Chitnavis; Mr. Clark; Sir T. R. Wynne; Sir William Meyer; Rai Sitanath Ray Bahadur; Sir Harcourt Butler.*] [6TH JANUARY, 1914.]

**The Hon'ble Sir Gangadhar Chitnavis** asked :—

Bank failures.

14. "Does Government propose to undertake legislation dealing with banks? If so, does it intend that the recent bank failures should undergo thorough investigation before any such legislation is undertaken?"

**The Hon'ble Mr. Clark** replied :—

"The Government of India, before the recent Bank failures, addressed Local Governments and Administrations, inviting their opinion and that of the mercantile community on certain proposals for legislation on the subject of the management of banks. On the receipt of their replies the question whether legislation in regard to the matter should be undertaken will be decided. In arriving at any decision the Government of India will consider very carefully the causes of the recent Bank failures on which much light will no doubt be thrown in the course of liquidation proceedings. The Government of India have not yet decided whether a special inquiry into these causes will be necessary; but the possibility that a special inquiry might usefully be undertaken at some suitable stage has already been under consideration and will not be overlooked."

**The Hon'ble Sir Gangadhar Chitnavis** asked :—

Programme of Railway Expenditure.

15. "Is a programme of Railway expenditure prepared every year? If so, does Government propose to consider the question whether there should be a three years' programme of such expenditure instead of an annual one?"

**The Hon'ble Sir T. R. Wynne** replied :—

"A detailed programme of Railway expenditure is prepared every year and at the same time a forecast of probable expenditure during the following two years is also made out. This forecast in turn becomes the basis of the programme for the following years modified so as to conform with the capital available for the year and to meet new conditions which have in the meantime arisen."

**The Hon'ble Sir Gangadhar Chitnavis** asked :—

Contribution to India for loss of opium revenue.

16. "Does Government propose to move the Imperial Government for the payment to India from the Imperial Exchequer of compensation for the loss of Indian opium revenue?"

**The Hon'ble Sir William Meyer** replied :—

"As matters at present stand, the Government of India do not consider that there is any adequate cause for asking for an Imperial contribution."

**The Hon'ble Rai Sitanath Ray Bahadur** asked :—

Free Elementary Education.

17. "Will the Government be pleased to state what practical steps have been taken, in the course of this year, to extend the application of the principle of free elementary education amongst the poorer and more backward sections of the population as indicated in the Despatch of the Government of India, dated the 21st of February, 1913?"

**The Hon'ble Sir Harcourt Butler** replied :—

"In May, 1913, the Government of India requested Local Governments to inform them what had been done regarding the application of the principle of free elementary education amongst the poorer and more backward sections of the



[6TH JANUARY, 1914.] [Sir Harcourt Butler; Rai Sitanath Ray Bahadur.]

population and what further action and expenditure were deemed necessary. The answers received up to date may be summarised as follows:—

**“United Provinces.**—The Committee on primary education have made certain recommendations which will be taken into consideration when the new grants are being allotted.

**“Bihar and Orissa.**—Compulsory payment of fees has been abolished and 10 per cent. of the pupils in every school must be allowed to read free.

**“Central Provinces.**—It may be said that no boy is refused education in these Provinces on account of poverty. The small amount of fees recovered is utilised by the village school committees in improving the school and its apparatus and environment. No steps appear necessary in the way of further relaxation as to fees.

**“North-West Frontier Province.**—Primary education was made free in Government and Board Schools with effect from the 1st April, 1912, and the example thus set has been followed with few exceptions by schools under private management.

**“Burma.**—In view, on the one hand, of the vast preponderance of aided schools, in the lay variety of which the managers depend upon their fees as a necessary complement to Government grants, while the monastic class can afford to dispense education *gratis*, and, on the other hand, in view of the enormous number of unregistered institutions in which free education can be obtained, special measures to extend free elementary education for boys seem neither necessary nor desirable in this province.”

**The Hon'ble Rai Sitanath Ray Bahadur asked :—**

18. “Is any scheme for the extension of School Final Examination under the consideration of the Government of India? If so, have they come to any decision in regard to the extension of School Final Examination in Bengal?”

School Final Examination in Bengal.

**The Hon'ble Sir Harcourt Butler replied :—**

“The answer is in the negative.”

**The Hon'ble Rai Sitanath Ray Bahadur asked :—**

19. “Are the recommendations of the Decentralization Commission in regard to Local Self-Government in rural areas under the consideration of the Government? If so, when are their final orders thereon likely to be issued?”

Local Self-Government in rural areas.

**The Hon'ble Sir Harcourt Butler replied :—**

“The replies of all Local Governments on the recommendations of the Royal Commission upon Decentralization regarding village organization have not yet been received. Those regarding rural boards are now under the consideration of the Government of India. It is not possible to state yet when orders on the latter are likely to be issued.”

**The Hon'ble Rai Sitanath Ray Bahadur asked :—**

20. “(a) Will the Government be pleased to lay on the table a statement showing the number of Indian coolies who emigrated from India under a system of indenture and the places where they emigrated to in 1912?”

Indian coolies who emigrated from India under a system of indenture.

“(b) Has the Government of India made any inquiry into the condition of Indian coolies who are sent to Dutch Colonies and the treatment they receive there?”

“(c) Does the Government propose to take into its consideration the whole question of emigration under a system of indenture?”

[*Mr. Clark; Rai Sitanath Ray Bahadur; Sir Harcourt Butler; Sir Reginald Craddock; Mr. Abbott.*] [6TH JANUARY, 1914.]

**The Hon'ble Mr. Clark** replied :—

"(a) A statement \* is laid on the table.

"(b) The Government of India recently deputed two officers, Mr. J. McNeill, I.C.S., and Mr. Chinnman Lall, a non-official gentleman, to inquire into the conditions of Indian labour in certain British Colonies, and, with permission received from the Dutch Government, in Surinam. The report of these officers has not yet been submitted to the Government of India.

"(c) The whole question of emigration under indentures will come up for the consideration of the Government of India when the report of Messrs. McNeill and Chinnman Lall has been received. I may state, however, that the present situation in South Africa is the result of conditions which are peculiar to the Union and do not exist in the other Colonies to which indentured emigration is permitted. I may also mention that there is now no indentured emigration to South Africa."

**The Hon'ble Rai Sitanath Ray Bahadur** asked :—

Indian  
Institute of  
Science at  
Bangalore.

21. "Have the Committee appointed to inquire into certain matters relating to the Indian Institute of Science at Bangalore submitted their report? If so, do Government propose to lay the report on the table?"

"Is it in the contemplation of the Government to make any changes in the professorial staff of the said Institute?"

**The Hon'ble Sir Harcourt Butler** replied :—

"The Government of India are not in a position to make any statement at present."

**The Hon'ble Rai Sitanath Ray Bahadur** asked :—

High Court  
at Patna.

22. "Having regard to the recent pronouncement made by His Excellency the Viceroy, at Bankipore, with reference to the establishment of a Chartered High Court at Patna, for the province of Bihar and Orissa, will the Government be pleased to state :—

"(a) when the said High Court is going to be opened at Patna?"

"(b) what would be the number of Judges in the said High Court?"

"(c) whether it would, in any way, affect the numerical strength of the Calcutta High Court so far as the present number of its Judges is concerned?"

**The Hon'ble Sir Reginald Craddock** replied :—

"(a) It is hoped that the new High Court will be opened in about two years' time.

"(b) and (c) The judicial strength of the new Court and the effect of the creation of a new Court upon the strength of the Calcutta High Court are still under discussion with the Secretary of State, and no pronouncement can yet be made on the subject."

**The Hon'ble Mr. Abbott** asked :—

Placing of  
Educational  
Institutions  
in Mysore  
under a  
separate  
European  
Inspector of  
Schools.

23. "(1) Will the Government be pleased to state whether it has been decided to place the Educational Institutions in Mysore (including Bangalore and Coorg) under a separate European Inspector of Schools?"

"(2) Are there separate educational institutions for Indians and Europeans in the said area? If so, and if the answer to (1) is in the affirmative, will the Government be pleased to state whether the same Inspector will control both classes of institutions?"

[6TH JANUARY, 1914.] [Mr. Abbott; Sir Harcourt Butler; Sir T. R. Wynne.]

"(3) Are Indian and European educational institutions governed by different codes and are their peculiar wants and educational requirements dissimilar? If so, has the Government considered the question whether it may not hamper efficiency if the same Inspector is required to look after Indian and European schools at the same time?"

"(4) Is it the fact that Government has after long consideration accepted it as a general rule that there should be a separate European Inspector for European schools?"

"(5) If the Government has decided on appointing one Inspector for all the schools, Indian and European, in Mysore and Coorg, will the Government consider the question of appointing, in addition, a person with experience of the requirements of the European institutions in the Civil and Military station of Bangalore and the domiciled community at large to be an Assistant Inspector for the European schools alone?"

**The Hon'ble Sir Harcourt Butler** replied :—

"(1) It has been decided to appoint a separate Inspector for the school situated in the Civil and Military station of Bangalore, in Coorg and in the South Kanara district.

"(2) There are separate institutions in Bangalore for Europeans and for Indians. The same Inspector will visit both classes of institutions.

"(3) The answer to both parts of this question is in the affirmative.

"(4) It is now accepted as a general rule that, where the number of such institutions is sufficient to justify this arrangement, there should be a separate European Inspector for schools for Europeans.

"(5) The Government are of opinion that, in consideration of the number of schools and other circumstances, there is no need for the arrangement suggested by the Hon'ble Member."

**The Hon'ble Mr. Abbott** asked :—

24. "(1) Will the Government be pleased to state if any alterations have been made in the original rules affecting gratuities to railway servants.

"(2) Will the Government be pleased to furnish information showing what proportion of railway servants in the employ of railways has within the last five years received promotion from the subordinate to the official grades.

"(3) Does the Government propose to consider and to move Managers and Agents of State-aided Railways to consider the expediency of promoting a large proportion of railway servants now occupying subordinate appointments to the official or superior grades?"

Gratuities to railway servants and their promotion to the superior grades.

**The Hon'ble Sir T. R. Wynne** replied :—

"The answer to (1) is that no alterations have been made in the original terms of the Government of India Resolution under which gratuities to railway servants were sanctioned. In the practical application of these terms it has been necessary to define clearly certain points which arose in audit and this has been done, but the full benefit of the concession to Railway employes has not been in any way impaired by these definitions.

"With regard to (2) it would be impossible to answer the Hon'ble Member's question within a reasonable time as it would involve a laborious search of the records of all the Railways in India, figures not being available to enable a ready reply to be given.

"In reply to (3) promotion of subordinates to the official and superior grades is governed by the personal merit and qualifications of the individual and this point is well understood by the Agents of Railways in India."

[ *Sir Fazulbhoj Currimbhoj; Major-General W. R. Birdwood; Mir Asad Ali; Sir Harcourt Butler; Mr. Clark.* ] [ 6TH JANUARY, 1914. ]

**The Hon'ble Sir Fazulbhoj Currimbhoj** asked :—

Admiral  
Slade's  
Committee  
on Royal  
Marine.

25. " With reference to the reply given to my honourable friend the Hon'ble Mr. Vijayaraghavachariar to his question *re* recommendation of the Committee presided over by Admiral Slade on Royal Marine, will Government be pleased to state whether they have considered the recommendations of the Committee and if they will be pleased to publish them now ? "

**The Hon'ble Major-General W. R. Birdwood** replied :—

" The recommendations of the Committee are still under the consideration of Government."

**The Hon'ble Sir Fazulbhoj Currimbhoj** asked :—

Report of  
the Army-  
in-India  
Committee.

26. " With reference to the reply by Government to my question on the 20th March, 1913, relating to the publication of the Report of the Committee presided over by Field Marshal Lord Nicholson, will Government be pleased to state whether the orders of the Secretary of State have been received thereupon and if they will be pleased to place it on the table ? "

**The Hon'ble Major-General W. R. Birdwood** replied :—

" The Report of the Army-in-India Committee is still under the consideration of the Government of India and the Secretary of State."

**The Hon'ble Mir Asad Ali** asked :—

Statistics for  
Indian  
Universities.

27. " With reference to the question regarding certain statistics for Indian Universities, asked by the Hon'ble Raja Sir Mahomed Ali Mahomed Khan, on the 18th of September, 1912, the Government of India promised to lay on the table in due course a further statement of figures regarding other Universities. Have those figures been obtained ? If so, will Government lay them on the table ? "

**The Hon'ble Sir Harcourt Butler** replied :—

" The figures were obtained and the statement was published as Appendix A to the Proceedings of the Meeting of the Imperial Legislative Council of the 27th January, 1913."

**The Hon'ble Mir Asad Ali** asked :—

Bank  
failures.

28. " (a) Will Government be pleased to state the number of banks that failed, if any, province by province, for each of the last five years ?

" (b) Does Government contemplate to undertake at an early date banking legislation to safeguard the interests of shareholders and depositors in banks ?

" (c) If so, does Government propose to circulate the draft Bill amongst the Trade Associations, the Chambers of Commerce and other public bodies, besides prominent bankers and merchants, for eliciting their views thereon, prior to its being brought up before the Legislative Council ? "

**The Hon'ble Mr. Clark** replied :—

" (a) A statement \* is laid on the table showing details of recent bank failures in India. The Government of India are not in possession of the information required for a period of five years ; but they will procure it from the Local Governments if the Hon'ble Member desires.

" (b) and (c) Government have already issued a communication to all Local Governments calling for opinions on certain proposals in the nature of banking legislation. If legislation is ultimately decided upon, the usual procedure will be adopted for obtaining the views of the commercial associations and the public on the draft Bill."

\* *vide* Appendix D.

[6TH JANUARY, 1914.] [Mir Asad Ali; Sir Harcourt Butler; Mr. Clark; Sir William Meyer.]

**The Hon'ble Mir Asad Ali** asked :—

29. "(a) With reference to Government circular on Mahomedan education, issued from Simla on the 2nd May, 1913, to all Provincial Governments, will Government be pleased to state if they have received the recommendations of Local Governments ?

Mahomedan :  
Education.

"(b) If so, does Government propose to lay them on the table ?"

**The Hon'ble Sir Harcourt Butler** replied :—

"Only a few replies to the letter evidently referred to have so far been received. The question of laying the correspondence on the table will be considered when the replies from the other Local Governments have been received."

### INDIAN TELEGRAPH (AMENDMENT) BILL, 1913.

**The Hon'ble Mr. Clark** said :—"My Lord, I beg to introduce the Bill further to amend the Indian Telegraph Act, 1885, and to move that it be referred to a Select Committee consisting of the Hon'ble Sir Ali Imam, the Hon'ble Sir Ibrahim Rahimtoola, the Hon'ble Raja Sir Mubammad Ali Khan, the Hon'ble Mr. Enthoven, the Hon'ble Mr. Maxwell, the Hon'ble Mr. Das, the Hon'ble Mr. Banerjee, the Hon'ble Mr. Abbott, the Hon'ble Mr. Wynch, the Hon'ble Mr. Kenrick, the Hon'ble Mr. Rice and myself. I need take up very little of the time of Council, my Lord, in making this motion.

"The rapid and important development of radio-telegraphy has necessitated some amendment of the law in order to provide for its adequate control. It has already been held by competent authorities that wireless apparatus falls within the definition of telegraphs contained in the Telegraph Act of 1885, and consequently that the exclusive privilege of establishing, maintaining and working radio-telegraphic installations is vested in the Governor General in Council; but the peculiar features of wireless as distinct from ordinary telegraphy require that the Act should be amended in certain particulars so as to secure that this privilege should be adequately safeguarded. As legislation has had to be initiated for this purpose, the opportunity has been taken at the same time of making a few minor amendments in the Telegraph Act which experience has shown to be desirable."

The motion was put and agreed to.

### NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

**The Hon'ble Sir William Meyer** said :—"My Lord, I beg to introduce the Bill amending the Negotiable Instruments Act of 1881, and to move that it be referred to a Select Committee consisting of the Hon'ble Sir Ali Imam, the Hon'ble Mr. Monteath, the Hon'ble Mr. Achariar, the Hon'ble Sir Ibrahim Rahimtoola, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Rai Sitanath Ray Bahadur, the Hon'ble Mr. Brunyate, the Hon'ble Mr. Walsh, the Hon'ble Mr. Wynch, the Hon'ble Mr. Donald and myself, with instructions to report on or before the 3rd February, 1914.

"The Bill was published in the *Gazette of India* of December the 13th, and from the Statement of Objects and Reasons appended thereto Hon'ble Members will have gathered what purpose it is designed to effect. All that is now needed from me, I think, is a short explanation as to the necessity for the Bill, and the way in which its provisions will operate.

"The object of the Bill can be set forth in a single sentence, being merely to place beyond question the legality of what are known as endorsements 'in the alternative', that is to say, endorsements on a negotiable instrument made in such a way as to render the latter payable to two or more payees jointly,

[*Sir William Meyer; Sir Harcourt Butler.*] [6TH JANUARY, 1911.]

or in the alternative to one or some of several payees. These 'alternative' endorsements on Government Promissory Notes—which are a particular form of negotiable instruments—are, as Hon'ble Members doubtless know, particularly common in this country, as a result of the joint family system. Formerly it was the practice for the Public Debt Office, on the presentation to them of a note for renewal or for payment of interest, to recognise such endorsements without question. In 1911, however, doubts were raised in certain quarters as to their legal validity, and the Public Debt Office took objection to 'alternative' endorsements in which all the payees named did not join. The matter was thus brought to the notice of the Government, who considered it desirable to place it on a clearer footing.

"A further reason for legislating was the desirability of embodying in the Indian law the same definite statutory provision for the case of negotiable instruments made or endorsed in the alternative as exists in the English law. The English Bills of Exchange Act, 1882, makes it clear that *any* negotiable instrument made or endorsed in the alternative is valid, and Hon'ble Members will no doubt agree with me as to the convenience of approximating the law relating to business documents as closely as possible to that in force in England. It was therefore considered expedient not to confine the proposed legislation to one particular class of negotiable instruments, *viz.*, to Government promissory notes, but to extend it to all negotiable instruments as defined in the Act of 1881, *i.e.*, cheques, promissory notes and bills of exchange. This purpose can be effected very simply by embodying in the Indian law the first sentence of sub-section (2) of section 7 of the English Bills of Exchange Act, which runs as follows:—

"A bill may be made payable to two or more payees jointly, or it may be made payable in the alternative to one of two, or one or some of several payees", a provision which, read with sections 73 and 89 (1) of the same Act, also applies to cheques and promissory notes.

"A proposal to undertake legislation on these lines was placed before Local Governments, the Chambers of Commerce and Presidency banks in May last, and the complete unanimity of their replies justifies me, I think, in describing this modest piece of legislation as entirely non-controversial. I may add a few words, by way of exposition, on the substantive clauses of the Bill, copies of which are in the hands of Hon'ble Members.

"Section 13 of our Negotiable Instruments Act defines a negotiable instrument as a promissory note, a bill of exchange or a cheque. By clause 2 of the Bill we propose to add a sub-section to that section, reproducing in effect the wording of sub-section (2) of section 7 of the English Bills of Exchange Act, 1882, 45 and 46 Vict., C. 41.

"The object of clause 3 of the Bill, which is based on section 24 (3) of the English Bills of Exchange Act, is to make it clear that not only can a negotiable instrument be made payable in the alternative, when originally drawn in that manner, but that, if not so originally drawn, it can be made thus payable by endorsement.

"I may mention that it has not been considered necessary to make any corresponding specific provision as to the discharge of a negotiable instrument drawn in this form, for if such an instrument is specifically declared to be legal, then the receipt of the alternative payee or payees will constitute a valid discharge. Similarly, it has not been considered necessary to provide separately for the payment of interest."

The motion was put and agreed to.

### COPYRIGHT BILL.

**The Hon'ble Sir Harcourt Butler** said:—"My Lord, I beg to move that the Bill to modify and add to the provisions of the Copyright Act, 1911, be referred to a Select Committee consisting of the Hon'ble Sir Ali Imam, the Hon'ble Mr. Vakil, the Hon'ble Nawab Saiyid Muhammad, the Hon'ble Sir

[6TH JANUARY, 1914.] [ *Sir Harcourt Butler*; *Sir Reginald Craddock*;  
*Mr. Banerjee.* ]

Gangadhar Chitnavis, the Hon'ble Sir Fazulbhoj Currimbhoj, the Hon'ble Sir William Vincent, the Hon'ble Mr. Kenrick, the Hon'ble Mr. Kesteven, the Hon'ble Rai Sri Ram Bahadur, the Hon'ble Maharaja Ranajit Sinha, the Hon'ble Mr. Walsh, the Hon'ble Mr. Rice, the Hon'ble Mr. Porter, the Hon'ble Mr. Donald and myself.

"The Bill, which was circulated last September among the Local Governments and published for general information, has been generally approved. Clause 4, limiting the duration of copyright of translations, has met with some criticism, which, together with the other provisions, will no doubt receive careful consideration at the hands of the Committee."

The motion was put and agreed to.

### PROVINCIAL SMALL CAUSE COURTS (AMEND- MENT) BILL.

**The Hon'ble Sir Reginald Craddock** moved that the Bill to amend the Provincial Small Cause Courts Act, 1887, be referred to a Select Committee consisting of the Hon'ble Sir Ali Imam, the Hon'ble Maung Mye, the Hon'ble Mr. Arthur, the Hon'ble Mr. Acharjar, the Hon'ble Mr. Barua, the Hon'ble Raja Jai Chand, the Hon'ble Sir William Vincent, the Hon'ble Mr. Wheeler, the Hon'ble Mr. Kenrick, the Hon'ble Rai Sri Ram Bahadur, the Hon'ble Maharaja Manindra Nandi, the Hon'ble Mr. Das, the Hon'ble Mr. Cobb, the Hon'ble Mr. Laurie and the mover.

The motion was put and agreed to.

### RESOLUTION FOR PUBLICATION OF EDUCATIONAL PAPERS.

**The Hon'ble Mr. Banerjee** said :—" My Lord, I have the honour to move the following Resolution :—

' That this Council recommends to the Governor General in Council the publication of—

(a) all official papers in the possession of the Government of India, including correspondence, if any, with the Senate of the Calcutta University and His Excellency the Rector, relating to the affiliation of the Ananda Mohan College up to the B. A. standard, and the orders of the Government thereon, together with the replies, if any, to the representations of local public bodies and meetings :

(b) all official papers in the possession of the Government of India, including correspondence, if any, with Provincial Governments and Local Administrations leading to the announcement made in paragraph 25 of the Government of India Resolution, dated Delhi, 21st February, 1913, regarding the desirability of introducing the School Final Examination in Provinces where it has not been introduced, and in paragraph 47, of placing the recognition of schools for purposes of presenting candidates for Matriculation in the hands of the Local Governments, and all subsequent correspondence relating thereto.'

" My Lord, my resolution is an exceedingly simple one. It is a mere request for information, an appeal to Your Excellency's Government to take the public into their confidence in regard to certain educational proposals which have excited considerable controversy and which, in my Province, have awakened a general feeling of alarm and anxiety. My Lord, in matters educational, there are, and there can be no secrets ; for if there is one department

[ *Mr. Banerjee.* ]

[ 6TH JANUARY, 1914. ]

of the State more than another in which the confidence of the public and their co-operation are indispensable for the ends of efficient administration it is the Department of Education. Lord Curzon is my authority for it and be it remembered that it was during His Lordship's time that the Official Secrets Act was passed. Addressing the Educational Conference, which met at Simla on the eve of the constitution of the Universities Commission, Lord Curzon said ' Concealment has been no part of my policy since I have been here in India, and the education of the people is assuredly the very last subject to which I should think of applying any such policy.' My Lord, backed by this high and distinguished authority, I appeal with some confidence to Your Excellency's Government for the publication of the papers referred to in my Resolution.

" My Lord, in dealing with this resolution, I feel that I ought to clear my ground and guard against any misapprehension which the situation might give rise to. I wish to state as distinctly and as clearly as I can that I have introduced this resolution in no spirit of controversy or contention and that I have been inspired by a genuine desire to remove any misunderstanding or misapprehension, and to secure thorough co-operation between the representatives of the people and the representatives of the Government in regard to those vital issues raised in the resolution which forms the basis of my motion.

" My Lord, in the first place, I feel that I owe it to myself and to my educated countrymen to express our deep sense of gratitude to Your Excellency for the impetus which the cause of education has received during Your Excellency's administration. If education and sanitation are the watchwords of the educated community, they have also, in the words of Sir Guy Fleetwood Wilson, become the watchwords of the Government of India. An Education Department has been created and now forms a part of the Government of India. The educational expenditure has steadily grown, and as Your Excellency was pleased to remind us in the speech with which Your Excellency closed the Simla session, the words of which are still ringing in our ears, the educational expenditure under Your Excellency's administration has risen from 4 to nearly 6 crores of rupees a year. His Majesty's visit to India and the deep solicitude which His Majesty evinced for the spread of education among his Indian subjects, have helped to place the educational problem in the forefront among public considerations. His Majesty's message of hope and sympathy combined with the active and living interest awakened in educational problems among the Indian community and the highest circles of Government, have opened up vast possibilities of educational growth and expansion.

" May I express the fervent hope that nothing may be done, that no policy may be followed, which may mar or even dim this fair and beautiful prospect. My Lord, the first part of my resolution refers to the Ananda Mohan College. Hon'ble Members may perhaps like to know something about this College. It is a second grade college at the headquarters station of the Mymensingh district. Mymensingh is one of the biggest, one of the richest, one of the most populous districts in East Bengal. It has a population of 4½ millions and comprises an area of 6,332 square miles. My Lord, there is only one single solitary second grade college to meet the requirements in respect of high education of this vast and multitudinous people—a people as large as was the population of England in the time of Charles the First. The Ananda Mohan College is so called after the late Mr. Ananda Mohan Ghose, who was a native of this district, and who was one of the foremost men of his generation. Religious, social and political reformer, Mr Ananda Mohan Ghose rightly regarded education as the great instrument for the elevation of his countrymen. He was one of the founders of the City College in Calcutta, which, I think my hon'ble friends in charge of the Education Department will admit, has for the last 30 years been doing admirable work. He founded a branch school in the Mymensingh District and raised it to the status of a second grade institution. His death in 1906, combined with the exacting requirements of the recent University regulations, which have made heavy demands upon the financial resources of



[6TH JANUARY, 1914.]

[*Mr. Banerjee.*]

College authorities, led to the abolition of this College in 1908. But, my Lord, the people of Mymensingh had tasted the fruits of the tree of knowledge, and not death but life and an awakened educational impulse was their reward. A movement was set on foot for the establishment of a second grade college. The local public, be it said to their lasting credit, raised a subscription of Rs 1,23,000. The Government, with a generosity which was truly admirable, made a grant of Rs 50,000 and also offered a grant-in-aid of Rs 6,000 a year, and the college was re-established. Judging by its results, judging by the growing number of its pupils, it must be held that the college has been a highly successful institution. But, My Lord, things in Mymensingh and in India are not stationary, any more than they are in any other part of the civilised world. Things are moving fast, very fast, under the impetus of world-wide forces of irresistible potency and the inspiration of progressive ideals created by education and fostered by a wise and beneficent Government. My Lord, I have already referred to the profound influence of the Royal Visit and the stimulus which it has communicated to the educational impulses of our people. I will say this, and I think without fear of challenge or contradiction, that the movement for the creation of a Hindu University at Benares, and also that for the establishment of a Mahomedan University at Aligarh, had their roots in the awakened educational enthusiasm which the Royal Visit had evoked. In Mymensingh the feeling manifested itself in an eager demand for a first grade college. In January, 1913, the College Council, at the head of which is the Magistrate and Collector, Mr. Blackwood—a name honoured in Eastern Bengal for the liberality of his views and his deep sympathy with the people—submitted an application to the Senate of the Calcutta University for raising the status of the Institution to that of a first grade college, for affiliation up to the B. A. standard in Arts. The movement was warmly taken up by the Magistrate-Collector as well as the Commissioner of the Division. The Government promised an initial grant of Rs. 40,000 and offered to raise a grant-in-aid to Rs. 11,000 a year if the local public would raise Rs. 50,000. The district was ablaze with enthusiasm. I am not guilty of the slightest exaggeration of language. Facts are more potent, more eloquent than any testimony which I might bear to the public spirit of the people of Mymensingh. In a few hours' time—not days or weeks, but a few hours' time—a hundred of the leading men of Mymensingh signed a legal document, accepted by the Commissioner of the Division and the Magistrate-Collector, by which they held themselves responsible for a sum of Rs. 50,000. The Government was responsive and the Government was sympathetic. Two Directors of Public Instruction, one after another—Mr. Kuchler, late Director of Public Instruction, and Mr. Hornell, present Director of Public Instruction—both were in favour of raising the status of the College. The University Inspectors visited the College, reported favourably upon the application of the College Council, the University recommended its affiliation up to the B. A. standard in Arts, limiting the number of subjects to be taught; and now, My Lord, a shadow was thrown over the patriotic efforts of the people of Mymensingh. The Government of India declined to grant the affiliation. The Senate had made the recommendation, the University Inspectors had supported it, the Government of Bengal was in sympathy with it, but the Government of India declined to sanction the affiliation of the College on the ground, as I understand—I am speaking without chapter and verse, but I have tried to test my information as far as I could—that the college building was not ready and the staff had not been appointed. Now, My Lord, I desire to point out that under very much the same circumstances, the conditions being almost exactly the same, neither the staff having been appointed nor the laboratory and building arrangements completed, the Government of India granted affiliation to other colleges. Let me take one or two concrete cases. In 1909 the affiliation of the Rajshahi College was restricted. The University declined the affiliation of the College in respect of Physics up to the B. A. standard on the ground that the laboratory and college buildings were not ready. The Government of India, without referring to the University (which is the regular channel of communication), granted affiliation. Then again, in the same year, in respect of the

same College, the Calcutta University had declined to affiliate in Philosophy. The Government of India again intervened, and again without reference to the University granted the affiliation in the Philosophy up to the B.A. standard. My Lord, proceedings of this kind were extraordinary—for the Government of India to take the responsibility on their shoulders. The Senate, naturally aggrieved, recorded a protest against those proceedings as involving a breach of University discipline. Then again, My Lord, in the year 1909, in the same year, the University had declined to grant the affiliation of the Sylhet College in Physics for the Intermediate Standard in Science. The Government of India again granted that affiliation, although the University had declined, and on the ground that the laboratory and the buildings were not ready.

“My Lord, here was the Rajshahi College, a Government College, the Sylhet College, which soon became a Government College, though it was not one at the time of affiliation, and here is the Mymensingh College, a private institution. I want to know the reason of this differential treatment between a Government College and a private institution. My Lord, I claim on behalf of the private Colleges, and I claim with some little warmth of feeling, having been for the past 40 years connected with a private college, that they are entitled to the sympathetic consideration of the Government, in view of their limited resources and the arduous nature of the difficulties with which they have to grapple. The Education Commission of 1882 recommended the encouragement of private enterprise in matters educational on the ground that the effect of it would be to foster educational institutions of different types. My Lord, I hope and trust that the papers which will be laid on the table in response to my appeal will disclose some reason for this differentiation between Government and private Colleges. But there seems to have dawned at last a ray of light and hope on the situation, for I understand that an assurance has been given that the first B. A. class in connection with the Anand Mohun College will be opened in July, 1914, and I hope my Hon'ble friends in charge of the Educational Department would be in a position to repeat this assurance from their places in the Council Chamber.

“My Lord, the next part of my resolution has reference to the School Final Examination. Facts and figures are given in the Government Resolution. From those facts and figures I gather that in Madras the School Final has been making steady progress. The same cannot be said in respect of the other provinces. But even if the success of the experiment was much more assured, and the system was much more popular in Madras and in other parts of the country, that would not be an argument in favour of its application to Bengal, for as the Government itself has observed in the Resolution which we are discussing, the educational systems of the different provinces vary and a system which may suit Madras may not be applicable to Bengal. My Lord, whatever presumption may be raised in favour of the extension of this system to Bengal from its success in Madras, it is negatived by the experience that we have had in Bengal itself. I will give some facts. The School Final was introduced in Bengal, in Western Bengal not in Eastern Bengal, in connection with primary schools and the middle schools, English and Vernacular. They have been in operation there since 1904. On the 4th February, 1913, the Director of Public Instruction declares in a circular note, from which I shall presently read an extract, that it has absolutely failed and that the system should be discontinued. The circular letter was addressed by the Director of Public Instruction to the Inspectors of Schools in the Rajshahi Division, the Dacca Division and the Chittagong Division. This is the extract :

‘Observation of the system that has been at work since 1904 has convinced the Educational and Executive Officers and the general public of West Bengal of its inefficiency and unsuitableness to prevailing conditions. It is therefore proposed to revert to the old system and once more conduct the final examination of Standard VI as a public examination, upon whose results the Middle Scholarships and Middle Vernacular and Middle English certificates will be awarded. Before, however, addressing Government the Director of Public Instruction is desirous of ascertaining the views of Educational and Executive Officers of Eastern Bengal, where the same system of examination as outlined above prevails.’

[6TH JANUARY, 1911.]

[Mr. Banerjee.]

“ My Lord, the educational system of East Bengal and that of West Bengal do not materially differ. Therefore this pronouncement though applicable to West Bengal is really also applicable to East Bengal. My contention is this, that if in the primary schools and in the middle schools, vernacular and English, the system of school final has failed, have we not an overwhelming presumption in favour of the contention that it is doomed, foredoomed, to failure when applied to the high schools? But, my Lord, there is another consideration which has to be weighed in the balance in this connection, and it is this: those who believe in University education, who regard it as having been one of the most potent factors in making modern India what it is to-day, must view with grave alarm and misgivings the operation and growth of a system which must encroach upon the ground covered by the University and eventually seriously restrict it. Speaking for the people of Bengal, and I hope that the sentiment will be re-echoed by my friends from the other provinces, I say that we view with the gravest anxiety the proposed extension of this system to the high schools in our Presidency.

“ Now, my Lord, I pass on to the third and last branch of my subject, *viz.*, the recognition of schools. Paragraph 47 of Government of India Resolution says that in Provinces where it does not exist the Government of India think it desirable that the power of recognition of schools should be vested in the Local Government. In Bengal, my Lord, this power is now exercised by the Senate, and if this proposal were carried out the effect of it would be to transfer this power from the Senate and vest it in the Local Government. My Lord, the proposal has caused wide-spread alarm and anxiety throughout Bengal. Meetings have been held all over the Province culminating in a great demonstration at the Town Hall under the presidency of the venerable Raja Peary Mohun Mukhorjee, the Nestor of the Bengal Zemindars and himself one of the most brilliant products of the Calcutta University. Speaking from his place as President of the Town Hall meeting, he voiced the public sentiment when he said that he was there as a representative of the past to join hands with the representatives of the present and invoke the Divine blessing upon their endeavour to rescue from peril their bounteous mother, the University of Calcutta, and the cause of education generally. My Lord, next to religion, education is our most sacred concern. It touches our deepest instincts. Throughout our long and chequered history, despite its many vicissitudes, religion and education have gone hand in hand. Our holiest shrines of worship are our noblest temples of learning. Benares stirs the religious fervour of the Hindu world. Benares evokes the admiration by the profundity of its learning. Rightly or wrongly, rightly from my point of view, we regard this proposal, if it is to be extended to Bengal, and perhaps to other parts of India, as constituting a grave menace to the cause of higher education. And what is the justification for it? Has the Senate of the Calcutta University asked to be relieved, or has the efficiency of the work suffered by reason of this power being vested in the Senate? I think, my Lord, both these questions must be answered in the negative. The Government of Bengal the other day, with the full concurrence of the Government of India, consulted the Senate of the Calcutta University, and I understand that a weighty protest has been recorded against this proposal. In any case, the Senate do not want to be relieved. They feel that they can bear the burden and discharge the responsibility. Has there been any lack of efficiency? I say ‘No,’ and I think that Hon’ble Members will also say ‘No,’ when they have heard me. The highest official authority have borne testimony to the character of the work which the Senate of the Calcutta University have done in this respect. The Bengal Administration Report is the voice and organ of the Bengal Government, and this is the testimony recorded in the Bengal Administration Report for the year 1911-12, as regards the character of this work :

‘ Another important task of the University is the inspection of the High English Schools. The number of these schools recognised by the University is 619, of which 63 are under the management of the Government. During the last five years the Syndicate has made a systematic examination of these schools and has succeeded in remedying many of the defects that were discovered. It has laid down that each recognised school must have on its staff

at least two graduates and two F. A. or Intermediate passed teachers, a minimum scale of pay for teachers has been fixed; sufficient accommodation and equipment have to be provided, libraries maintained and arrangements made for physical exercise.'

"Then comes the most important sentence of all :

'The granting or refusal of these privileges of affiliation or recognition is the foundation of the disciplinary power of the University.'

"My Lord, it is now proposed to weaken the foundation of this disciplinary power by withdrawing the right of recognition from the Senate. Is that conducive to its efficiency, its prestige, or its dignity? Here we have the highest testimony possible, coming from the Government of Bengal itself, in favour of the continuance of this power in the hands of the Senate as being essential to its disciplinary jurisdiction. I hope, my Lord, that with this testimony, coming from the highest official source, the Government of India in the Education Department will pause before it proceeds to extend this measure to the Province of Bengal. The Resolution says that the object of the transfer of this power from the Senate to the Government is to free the Universities for higher work and for the more effective control of the affiliated colleges. The effectiveness of the control exercised by the Calcutta University over its affiliated colleges has never been questioned. I am connected with one of the affiliated colleges, have been so for the last forty years, and I say this, and I think I echo Bengal feeling on the subject, that the effectiveness of the control is carried a little too far and that it is a trifle too meddlesome. We should like to have a little less of this control and a little more independence given to these colleges. Let us discuss another consideration. The schools are the feeders of the colleges and it is obvious that the institution which controls the colleges is best fitted to control the system of instruction which is to qualify for college education. I think, my Lord, that this is a truism so palpable that I need not further elaborate the point. I cannot disguise from myself the conviction that behind this all is the old, old plea of efficiency about which Lord Morley has said that it had been carried a little too far in the administration of this country. Speaking from his place in Parliament, I think it was in connection with the Budget Debate of 1906, he observed 'our Government would be more popular if it was a little more elastic and a trifle less efficient' But, my Lord, not only is there no justification for this proposal, but I venture to contend that the whole weight of argument is on the opposite side. Let us examine the matter a little closely. When an application is submitted to the University for the recognition of a school it is forwarded to the Director of Public Instruction for report. The Education Department has thus the fullest opportunity of recording its views upon the application. But the final authority is the Senate. Now the Senate, like all public bodies, deliberates in public, decides in public, and, although largely official in its constitution and personnel, it decides with the aid of popular representatives. Nor is this all; it decides on grounds that are purely educational. Now, my Lord, if this power were transferred to the Education Department, what would happen? The Education Department, like all other Departments of Government—I am making no reflection upon any institution or body, I am merely stating the facts—would deliberate in secret, would decide in secret, and without the aid of popular representatives. Further, what guarantee is there that its decisions will always be guided by educational considerations? Every Government, whatever else it may be, is unquestionably a political organization, and every Department of Government, even that of pure study, partakes of a political flavour. What we fear is that if this power were transferred to the Education Department of the Local Government, in times of excitement the fate of our institutions would be determined by political, and, I was going to add, by police considerations. The past is a guide for the future. What has happened in the past may be repeated in the future. It is a matter of common knowledge that in the height of the excitement in Eastern Bengal some of our educational institutions escaped disaffiliation through the saving power of the Senate. The Brij Mohan College, one of the best institu-

[6TH JANUARY, 1914]

[*Mr. Banerjee.*]

tions in Eastern Bengal, was recommended for disaffiliation by the Government of Eastern Bengal, chiefly on the report of the Criminal Investigation Department. The Senate appointed a Committee on which there were two European gentlemen, one of them now dead whose memory we honour, the late Mr. Cunningham. They visited the college, held a local inspection and found that the report upon which the application for disaffiliation had been made was misleading or exaggerated in many essential points. The college was saved, and is now doing useful and splendid work. I submit, my Lord, that our alarm and anxiety in connection with this matter is one that is well founded.

“It has been said that ‘the man who pays the piper has the right to call for the tune.’ This is an argument that has been adduced by a high official of the Bengal Government; but it will not stand the test of scrutiny, so far as Bengal is concerned. It appears from the Administration Report that we have in Bengal 619 schools recognised by the University. Of these 619 only 63 are Government schools, the balance of over 550 are private institutions, managed, controlled and financed by our countrymen; about one-half of them receive aid, the other half are entirely dependent on their own resources. Therefore, this argument of the tune and the piper does not apply to the conditions prevailing in our Province. But, my Lord, there is another aspect of the question which arises from the view which I have presented to the Council. In almost every district town we have a Government school and there are one and sometimes two competing schools controlled by private management. Between these there is often rivalry and jealousy. A local feeling and local bias is thus engendered; the local education authorities are infected by this feeling. It is these authorities, be it observed, who will report upon any application for the recognition of a school. Practically, therefore, it comes to this that you make over the decision of the question as to whether a particular school in any particular locality is to be recognised or not to the men who may have contracted a local bias against private enterprise in matters of education. At the present moment and under existing conditions the controlling superintendence of an independent body like the Senate nullifies the operation of personal and local bias.

“Therefore, I venture to submit that it would be exceedingly risky to introduce an experiment of this kind in a province like Bengal, where the vast majority of the high schools are controlled by the people. They, at any rate, ought to have a predominant voice in the matter of the recognition of schools, and if they have not, the fact will operate as a set-back to educational progress. My Lord, what is it that has covered Bengal with her educational institutions? From the earliest period of our contact with our British rulers our people have evinced the most active interest in the spread of high English education. Our fathers founded the Hindu School in 1817, nearly a hundred years back, at a time when the Government had not entered the arena of high education, and only four years after the East India Company had budgeted the paltry and insignificant sum of £10,000 for the education of the whole province of Bengal. My Lord, it was at the instance of the great Raja Ram Mohan Roy that Dr. Duff, the prince of Indian missionaries and the prince of Indian educationists, came over to Bengal and established the Free Church College, now known as the Scottish Churches College. My Lord, it is trust that has covered Bengal with her educational institutions. Mistrust, or the semblance of a policy involving an abatement of the confidence which has hitherto been reposed in the people, will be disastrous to the cause of education in Bengal and in other parts of India. It will not add to the number of schools: it will restrict the educational area and may even nullify the gracious message of our august Sovereign. But I have no fears, no doubts, no misgivings. I am confident that this proposal will not be extended to Bengal and I am fortified in that confidence by the terms of the resolution of the Government itself. The resolution says—‘Each province’ (I am repeating the exact words) ‘has its own educational system. It has grown up under its local conditions and is’ (very significant words) ‘a part of its general well-being.’ Then the resolution adds, ‘The Government of India have no desire to enforce a uniform system amid

[*Mr. Banerjee ; The President ; Malik Umar Hyat Khan.* [6TH JANUARY, 1914.]

divergent conditions.' That, my Lord, is my appeal. We are proud of our local institutions, our local environments, our local traditions. We have been nurtured in them, we have grown up with their growth. We have grown up, if not to the full height of our educational stature—which, perhaps, is a matter of future accomplishment—at any rate to our present stage of educational progress under the happy operation of local conditions and environments in the creation of which the Government has had a supreme hand. We love them, we cherish them with affectionate regard: they are a part and parcel of our very being. They are bound up with our happiness and contentment. It is now proposed, my Lord, to revise them, to modify them, indeed, to revolutionize them."

**His Excellency the President** said:—"I would ask the Hon'ble Member to conclude. I have already given him more than 40 minutes, so he must conclude at once please."

**The Hon'ble Mr. Banerjee** said:—"I will, My Lord.

"We of the East abhor great and sudden changes, whether in education or in Government, with all the warmth of our oriental natures. We are advocates of steady, normal, natural expansion, according to our requirements and the growth of an advancing public opinion. Public opinion in India, in Bengal, the opinion of a united community, of Hindoos and Mohammadans alike, is arrayed in strenuous opposition to this proposal.

"My Lord, we have had enough of contention, of controversy, of agitation: we want peace; we pray for peace. Give us peace, My Lord, by suspending, at any rate for the present, the application of this proposal to the province of Bengal. If public opinion in its subsequent developments supports it, there will be time enough to try the experiment, and then, My Lord, it will be tried with full moral support of the people of Bengal and under conditions which will conduce to its success. Such an experiment, so tried, will add another link to the golden chain of sympathy which Your Excellency's Government has been forging for the people of India, and it will afford another striking illustration of the policy of conciliation and co-operation with which Your Excellency's honoured name will always be imperishably associated in the pages of Indian history. In the meantime, My Lord, let us be permitted to walk in the old ways where our footsteps have been so sure, so safe, and so steady, and where on the whole the results achieved have been so triumphantly successful. That, My Lord, is our appeal to Your Excellency's Government, on behalf of the people of Bengal, whose interests in association with my colleagues I represent in this Council, and I am sure I do not make that appeal in vain."

**The Hon'ble Malik Umar Hyat Khan** said:—"My Lord, I am against the principle of giving publicity to any official papers or correspondence on any subject which has not been expressly meant for publication at the time of writing. The writer, when he may not have had the intention to make his sentiments public, considers and expresses himself from different standpoints of political aspects with perhaps a personal knowledge of the addressee's views which he has imbibed either from his writings or from previous conversations. If this form of correspondence was published the majority of those who indulge in commenting upon such publications and who have unfortunately not very many vocations to pursue in life fall short of understanding it in the proper sense, and some of them, if they do so, may distort the meaning in a way which may suit their own purposes. Thus there lies a great danger which may involve grave issues. By so doing there are chances of giving a field to hot-headed discontented youngsters and an opportunity to a section of the press whose sole ambition is concentrated on making capital out of the sale-proceeds of their newspapers finding a ready market at such times and who may welcome the opportunity to rouse the ignorant classes of people into commotion by writing stirring and misleading articles. I have heard that resolutions are being passed by certain organizations to persuade the Government to soften the Press Act for

[6TH JANUARY, 1914.]

[*Malik Umar Hayat Khan; Maharaja Manindra Chandra Nandi of Kasim Bazar; Rai Sitanath Ray Bahadur.*]

the benefit of the above mentioned classes which, I hope, the Government would not listen to.

"For these reasons I am generally against any Government papers of such nature being ever made public. As the papers asked for in this resolution fall under the above category I oppose the resolution."

**The Hon'ble Maharaja Manindra Chandra Nandi of Kasim Bazar** said:—"My Lord, I beg to support this Resolution. The first part of the Resolution recommends to the Governor General in Council the publication of certain papers relating to the Senate of the Calcutta University in connection with the proposed affiliation of the Ananda Mohan College up to the B. A. Standard and the orders of the Government thereon. It seems to me that there can be no reasonable objection to the publication of such papers, if in existence, and that it is in the public interest that they should be published.

The second part of the Resolution is also a recommendation for the publication of official papers and correspondence, if any, in regard to the introduction of the School Final Examination in Provinces where it has not been already introduced. It is somewhat remarkable, as the Hon'ble mover of the Resolution has pointed out, that although the School Final Examination was introduced in Western Bengal in 1904 in Primary and Middle Schools so late as February 4th, 1913, the Director of Public Instruction, Bengal, issued a circular that the School Final Examination should not be introduced in Eastern Bengal. The inference is that that examination was not found to be a success in Western Bengal. My Lord, one can understand the need for such an examination in other Provinces where a certificate of having passed the School Final Examination is a qualification for employment, but that argument does not apply to Provinces where thousands of students pass the Matriculation Examination every year. Besides, it stands to reason that so far as the public service is concerned the Matriculation Examination should be placed on the same footing as the School Final Examination.

"Finally, the Resolution recommends the publication of papers relating to the proposal of placing the recognition of schools for purposes of presenting candidates for Matriculation in the hands of Local Governments. Without expressing any opinion at the present moment as to the desirability of taking away from the hands of the Indian Universities a power and a discretion which they have hitherto very properly exercised, it seems highly expedient that all papers connected with such a proposal should be placed before the public before any final decision is arrived at by the Government."

**The Hon'ble Rai Sitanath Ray Bahadur** said:—"My Lord, I want to say a few words with reference to the third part of Mr. Banerjee's Resolution regarding the proposal for placing the recognition of schools for purposes of presenting candidates for matriculation in the hands of the Local Governments.

"My Lord, the resolution, which my Hon'ble friend Mr. Surendra Nath Banerjee has moved, has reference to paragraph 47 of the Government of India Resolution, dated Delhi, 21st February, 1913, which runs as follows:—

'In order to free the Universities for higher work and more efficient control of colleges, the Government of India are disposed to think it desirable (in provinces where this is not already the case) to place the preliminary recognition of schools for purposes of presenting candidates for Matriculation Examination in the hands of the Local Governments and in case of Native States, of the durbars concerned, while leaving to the Universities the power of selection from schools so recognised. The University has no machinery for carrying out this work and in most provinces already relies entirely on the departments of Public Instruction, which alone have the agency competent to inspect schools. As teaching and residential universities are developed, the problem will become even more complex than it is at present. The question of amending the Universities Act will be separately considered.'

"The question which naturally arises in one's mind, after reading this portion of the Resolution, is why Government should, at this stage, take away this

[ 6TH JANUARY, 1914. ] [ *Rai Sitath Ray Bahadur.* ]

power from the Universities after they have exercised it for so long a time nay, I may say, since their very foundation, with such wonderfully successful results as have been testified to by several high officials and recognised authorities such as the Education Commission of 1882. In the paragraph referred to above, some attempt has no doubt been made to justify the change in view, but in my humble opinion, the reasons given are not enough to convince the public of the necessity for such a radical change and as such, my Hon'ble friend is, in my opinion, well advised in asking for the publication of all official papers in the possession of the Government of India in connection with this matter.

"It is, in my opinion, a very harmless Resolution and it will, I hope, find a ready acceptance in this Council Chamber. Now, my Lord, I beg to draw Your Excellency's attention to some salient points relating to the matter under discussion.

"My Lord, I indulge in no language of flattery, in no vain compliments, when I say that one of the greatest blessings of English rule in this country and one which is prized so highly by the people in general, is the blessing of English Education which was introduced into this country by such far-sighted and liberal-minded statesmen as Lord William Bentinck and Lord Macaulay, and I may add that it was the torch-light of English education which dispelled the darkness of ignorance and superstition in which the general mass of population was enveloped. In the pre-British period of her history, India passed through many kinds of experiences. Over this ancient land of sages and *rishis*, many and diverse civilisations have come and gone. But she was true to her ideal, she did not forget the key-note of her life and culture, the ideal of plain living and high thinking. The sum total of that ideal and culture is vast and stupendous. It is now our precious heritage. But, my Lord, man lives more in the present than in the past. Bearing this in mind, if we look more closely into the present stage of our development, we see that our ideas of culture and enlightenment have been broadened by our contact with English rule and culture. The most distinctive and glorious feature which marks out English administration and English education in this country from all other periods is that, whereas in ancient India, knowledge and learning was confined to a select few, now it is the common heritage of all. The battle royal between the Anglicists and the Orientalists was not fought in vain, after all. The prophetic vision of that gifted and far sighted statesman whose glorious achievements in the fields of law and literature threw a halo of lustre on the exalted office which he so worthily occupied here has been realised. Lord Macaulay's famous minute of 1835 was only a forerunner of something yet greater to come, and it was in 1854 that some definite policy was laid down by the now famous and historic Despatch of Sir Charles Wood (afterwards Lord Halifax). It sketched, in brief outline, a complete system of public education in India. The principles then laid down were reaffirmed in successive times and still guide, in the main, the efforts of the Government in this direction. The Despatch of 1854 prescribed the constitution in each province of a separate Department of Public Instruction and the institution of Universities at the Presidency towns, etc., etc. The older Universities of Calcutta, Madras and Bombay were established in 1857, and by 1861 the new system was in general working order. And what has been the result, my Lord? Under the fostering care of the Universities, education in all its branches has advanced and is still advancing by leaps and bounds. But, my Lord, I am here more concerned with secondary education than anything else, and I wish to draw Your Excellency's attention to a few simple facts on this subject. The following figures which relate to the whole Indian Empire will speak for themselves :—

Years.	Number of secondary schools.	Number of scholars.
1860-61 . . .	142	23,165
1870-71 . . .	3,146	206,300
1881-82 . . .	4,122	222,097
1891-92 . . .	4,872	473,254
1901-02 . . .	5,493	622,768.



[6TH JANUARY, 1914.] [*Rai Sitanath Ray Bahadur; Rai Bahadur V. R. Pandit.*]

"I do not find figures for 1911 to 12, but they would surely be more hopeful than those of the past. All these wonderfully successful results have been achieved under the guidance of the Universities acting in co-operation with the Departments of Public Instruction. It is a matter of supreme satisfaction to us that in this advancement of learning, Calcutta University stands foremost. Well has the University of Calcutta, of which Your Excellency is the honoured head, justified its motto "advancement of learning." I need not go into the details concerning this matter of the recognition of secondary schools by the University acting in co-operation with the Department of Public Instruction.

"In short, the Department of Public Instruction has got a very determining voice in this business. The University acts only as the nominal superior authority. This is as it should be. For, my Lord, these secondary schools are practically so many feeders to the Colleges which are affiliated to a University. Why should the connection so intimate, so close, say, I may say, so inseparable, and which has been instrumental in producing such wonderful results, be severed, all of a sudden. I beg to draw the attention of Your Excellency's Government more pointedly to the financial aspect of this scheme. In this petty matter of the recognition of a secondary school is to go up in every instance for final disposal before a Local Government, the Local Government already overworked with other multifarious duties would have no help in the matter but to keep a sufficiently large staff with an Education Secretary to do this work properly and regularly. That means a considerable expenditure of money with no proportionate gain. With these few words, I beg to support the third part of the Resolution."

**The Hon'ble Rai Bahadur V. R. Pandit** said :—"My Lord, I crave Your Excellency's permission to say a few words on this subject. The Resolution which the Hon'ble Mr. Banerjee has brought forward has given us a welcome opportunity of pointing out what the public opinion is on these questions.

"With regard to the particular question raised in part (a) of the Resolution about the Anand Mohan College at Mymensing, it involves a consideration of the facts of the case and the propriety of Government's action with regard to the institution must be determined in the light of the special facts of that case; and judging from what we have heard from the Hon'ble Mr. Banerjee, he has apparently made out a strong case for the recognition of that institution up to the standard sought. The concluding remarks on that subject made by the Hon'ble Mr. Banerjee show that the Government of India are prepared to recognise it and probably it has been only a question of delaying affiliation for a year or two. However, as the Resolution merely seeks that the public may be enlightened as to the reasons which have led the Government of India to refuse the sanction for which a recommendation was made by the Senate, I am sure that if it will not be possible for the Hon'ble Member in charge of the Department to place all the correspondence on the table, at any rate we shall hear from him everything which will allay our anxiety on the subject and will enable us to see that it has never been the intention of the Government to retard the progress of education, but that it was only with a view to promoting the best interests of education and seeing that all the equipment which was deemed essential with regard to the institution had been completed that the orders of Government complained of were passed.

"With regard to Part (b) of the Resolution which has been moved by the Hon'ble Mr. Banerjee, it is one of considerable importance as affecting the whole country. I am not one of those who are opposed to the School Final examination. I do believe that, with regard to young men who finish their educational career at an earlier stage and do not go up for a degree of the University, it is not altogether desirable that their education should be determined by the conditions as to curricula, etc., prescribed for various stages for proceeding to a University degree and especially by those prescribed for the particular stage

[ *Rai Bahadur V. R. Pandit.* ] [ 6TH JANUARY, 1914. ]

known as matriculation. Provided the system under which the School Final examination is held is as sound and as worthy of commanding the confidence of the public, I would welcome such an examination for students of a particular class.

“ With regard to the recognition of schools, however, I maintain that the present system would be the best one to continue for the purpose of matriculation at an University. I am aware that in the case of Universities which exercise jurisdiction over several provinces, the Senate, or the particular Committee of the Senate which deals with applications for the recognition of those institutions, that is High Schools, is, in regard to institutions situated in provinces other than the one wherein the office of the University is located, sometimes not in a position to decide in a proper way their applications and is often led into discarding proposals which come up with the imprimatur of the Director of Public Instruction of the province. This undoubtedly is a hardship, and if it is only to meet that hardship in a few individual cases that it is intended to give power to the Local Government concerned, that will be the only object which will be served. On the other hand, the suspicions of the public will be aroused by such a course.

“ My Lord, the demand for secondary education, as Your Excellency's Government knows full well, is increasing by leaps and bounds, and the greatest difficulty has been experienced everywhere in meeting it; and the Government itself has also felt that difficulty. The Government has, no doubt, laid down the principle that it is no part of its duty to meet all the demand for secondary education, its duty being confined to providing a model institution in every District to impart secondary education which will serve as a pattern for imitation for the private institutions which might be brought into existence by private enterprise and might receive Government aid. Now, in this state of things, it is found very difficult to provide for all the young men who are longing for secondary education and who but for it would be turned out into the streets and would lead the life of loafers to the utter ruin of themselves and to the great detriment of society. If in spite of these difficulties private institutions supported by the munificence of private gentlemen are brought into being and they are in any way subjected to apparently more severe and arbitrary restrictions, such as recognition on the part of Local Governments would, it is apprehended, involve, even granting that the Local Governments would not refuse recognition unless there were very good grounds, there would always be room for suspicion that their existence is not desired and that Government had been trying to check the spread of secondary education and placing difficulties in the way. On the other hand, the present system, whereby the Senate of the University and its special Committee decide the question and grants recognition, is one which involves no difficulties and does not prevent a proper view being taken by those bodies.

“ My Lord, the rules of the various Universities, and I know that particularly those of the University upon which I have been serving for the last 10 years, lay down that an application for recognition should be sent through the Inspector of Schools and should be recommended by him and that all the particulars requisite for a proper determination of the matter should be before the Committee. It is in that way, after giving the fullest consideration that each case is dealt with by the Committee of the Senate which, being composed of experienced educationists who have sat on it for many years and dealt with numerous applications, as a rule determines the question upon generally-applicable grounds and upon a uniform policy. This being the present system, I maintain that no good will be served by taking away the power of recognition of high schools for purposes of Matriculation from the Universities and placing it in the hands of the Local Government. We have read in the course of the evidence given by several officers of high standing in the Education Department, who have been examined before the Public Services Commission, that their opinions have been discarded by the Secretariats of Local Governments in dealing with various purely Educational questions. Such being the method of work in Secretariats, there is no guarantee that even

[6TH JANUARY, 1914]

[*Rai Bahadur V. R. Pandit ; Pandit Madan Mohan Malaviya.*]

the educational point of view will properly be looked at when the application of a High School for recognition comes up before the Local Government as one of the numerous papers that come up for disposal and are disposed of one way or other under pressure of work.

"I submit, my Lord, that, in the present state of things, public opinion will be in favour of continuing the present system, and if a change is still considered desirable all that is asked in this Resolution is that, in order that we should be in a position to realise the utility of the change, such papers as may be in the possession of the Government of India, and such as would lead us to form a correct opinion upon the subject, may be placed upon the table. I venture to think that this proposal is open to no objection and that Your Excellency's Government will kindly accede to the request as made in this part of the Resolution."

**The Hon'ble Pandit Madan Mohan Malaviya** said :—

"I wish, my Lord, to say just a few words on the second part of the Resolution. There are two questions dealt with therein, one relating to the School Final examination and the other to the recognition of schools by a University.

"With regard to the first, my Lord, as the Hon'ble Mr. Banerjee himself has said in his speech, there is a divergence of opinion in the different provinces. In Madras, the School Final examination is very much in favour: in the United Provinces and in Bombay, it seems to be steadily gaining ground—opinion seems to be nearly divided in favour of it and the Matriculation examination. To give the School Final the fairest chance, no cause should be given for any complaint on the ground that anything was being done to force the School Final examination upon students or schools. If the matter is allowed to proceed in this way, after the lapse of some little time, even in Bengal, the misgivings and the suspicions entertained against this examination will probably pass away and a better understanding will arise regarding it. I therefore support the prayer which has been made that the Government may be pleased to publish the correspondence, if any, referred to in the resolution, as it will help to remove misgivings and will enable people to see the exact grounds upon which the adoption of this examination is recommended. As the Hon'ble Member for Education has already said, to-day, there is no scheme under the consideration of Government for the introduction of the School Final examination in Bengal. And there is no reason to apprehend that it will be forced there against the wishes of the public or the educational sentiments of the province in this matter. If the Government will publish the papers as is recommended, they will help to explain its position all the better to the public.

"With regard to the other question—the recognition of schools—opinion is more unanimous and more general throughout the country. I believe Your Excellency's Government is aware, I am sure the Hon'ble Member for Education is fully aware, that there is a large body of opinion, practically unanimous, among Indians, that the power of recognising schools to enable them to send up candidates for the University Matriculation Examination, which Universities have exercised for the last 60 years, should continue to be exercised by them.

"The public—the Indian public at any rate—do not yet see sufficient reasons which would justify this power being transferred from the Universities to the Local Governments. My Lord, the Senates of existing Universities are constituted by Acts of Government; they are composed, under the Regulations of the new Universities Act, largely of officials representing the Government; they are for all practical purposes Departments of the State for promoting higher public education. They have hitherto exercised this function of recognising schools after receiving and considering the recommendation of the Department of Public Instruction, of the Province or Provinces in which they are situate, and it has not yet been shown—at any rate, the public is not aware—that there has been any failure on the part of the Universities in

[*Pandit Madan Mohan Malaviya; Sir Harcourt Butler.*] [6TH JANUARY, 1914.]

exercising their duty in a proper manner. For these reasons, My Lord, as in Bengal, so in the United Provinces, so also in Bombay, there is a very strong feeling that this power should not be taken away from the Universities; and I hope that the request that has been made on this point by my Hon'ble friend, namely, that the Government may be pleased to publish the papers relating to this question, is one which will be acceptable to the Hon'ble Member for Education. I am certain that there is nothing that the Government have to conceal on this point, and I believe that the publication of the papers will lead to a better understanding of this question and to a better solution thereof. There are no doubt always two sides to every question, and there may be a great deal to be said in favour of the view which, it would seem from the terms of the Resolution, finds some favour with the Government; but I am sure the acceptance of the Resolution will lead to good results, both as regards the public and the Government. With these few words I support the resolution recommending the publication of the papers relating to the question of the recognition of schools."

**The Hon'ble Sir Harcourt Butler** said:—"My Lord, although the words of the Hon'ble Mover were rather strong and fulminant, I gladly recognise the moderate tone of his speech and his desire to help. I hope that our educational debates will always be conducted in this spirit. The points on which we agree are many, and the points on which we differ are few. I think, indeed, that the Hon'ble Mover is unnecessarily alarmed, but I think his alarm is due to a misunderstanding which I hope to be able to remove. I may say at once that the Government desire whole-heartedly to take the people into their confidence. They have no secrets in education, and I think that the action of the Government of India since the new department was formed and since His Excellency assumed the office of Viceroy, have been consonant with this attitude. There is no intention whatever to substitute a policy of mistrust for a policy of trust, and I think I am voicing the opinion and the feeling of you all when I say that it is inconceivable to associate a policy of mistrust with the Viceroyalty of Lord Hardinge. While there is no desire for any sort of concealment, we have to observe the rules and customs of business which have grown up after long experience in the conduct of public affairs, and one of the first principles is this, that those who correspond with the Government must feel that they can correspond freely and frankly without fear of the publication of their views except in special cases when the public interest clearly requires it. Many of you are business men and you know that you could not carry on your business for a day if you had not confidence that your correspondence would be respected. In the present instance, the correspondence is not yet complete and matters are still under discussion, but I hope to be able to tell you enough to satisfy you as to the action of the Government.

"I now turn to the terms of the Resolution. As already explained, it would be unusual to publish the correspondence between the Government of India, the University and others in regard to the affiliation of the Ananda Mohan College. The facts, however, can be stated in a nutshell. In a letter dated 9th May, 1913, the Syndicate recommended the raising of the college to the status of a first grade institution, stating that it was in the contemplation of the Governing Body of the College to entertain the services of an additional professor in every one of the subjects proposed to be taught. From the papers it was apparent that the professors had not been appointed and that certain improvements in accommodation—which had evidently been thought necessary in the first instance as the Local Government was prepared to give a grant of Rs. 55,000 towards them, provided that a sum of Rs. 50,000 was collected by private subscription—had not been carried out. From the minutes of the Syndicate it appears that the Hon'ble the Vice-Chancellor had stated that the question of class accommodation was the weak point about the college, but that he had no doubt that whatever sum the local authorities might be able to raise would be spent in extending the class accommodation. He added that the consideration which weighed with him was the congested state of the Calcutta Colleges and that if a properly equipped mufassal college could take

[6TH JANUARY, 1914.] [Sir Harcourt Butler.]

in even 40 to 50 students, that would be a point gained. This letter was received by the Government of India at the end of May, and on the 17th June they sent their reply to the effect that the application had reached them just before the commencement of the academical year, that the present staff and accommodation were admittedly insufficient for the affiliation sought, and that the Government grants which had been promised were conditional upon the grant of this affiliation and upon the raising of Rs 50,000 from local subscriptions. The Government of India were unable to sanction increased affiliation on the basis of unperformed promises, but they expressly stated that when improvements had been carried out they would reconsider the case. They sympathised with the view that, owing to the congestion at the colleges in Calcutta, it is desirable, wherever possible, to strengthen mufassal colleges. The Hon'ble Mr. Ghuznavi, who was interested in the case, wrote to me on the 19th July that it had been decided not to press for affiliation that year. Since then the Government of India have received no further information in the matter. They will gladly reconsider the matter when improvements have been effected, and in view of the enthusiasm with which the Hon'ble Mover tells us the district is ablaze, I hope that the necessary conditions will be fulfilled, in which case I think I may claim the action of the Government of India will have been stimulating to the cause of education. The Hon'ble Member charges the Government with according differential treatment to Government Colleges and to private institutions. But he has to go back to 1909 for an instance to support his case. I may mention that in 1909 the present Department of Education had not been constituted nor had His Excellency assumed his office. I have therefore no first-hand knowledge of the case in point but I have been able to ascertain the facts and I think the Hon'ble Mover would do well to verify his statements before he makes them. I will quote the orders of the Government of India in regard to the affiliation of the Rajshahi College.

'With regard, however, to the question of affiliation up to the B. A. Examination, I am to offer the following observations on the proposals of the University for the restriction of the affiliation. In the case of Philosophy, the Government of India understand that, since the date of the Senate's recommendation, the College has complied with the requirements of the University by appointing a second professor to teach this subject, and they do not consider it desirable, therefore, to order its disaffiliation in Philosophy. The proposal to disaffiliate the College in Physics and Chemistry was apparently based upon the insufficiency of the provision of the staff, and the inadequacy of the accommodation. The Government of India are informed that, so far as the staff is concerned, the requirements of the University, in both these subjects, have now been fully met. Sufficient accommodation has also been provided for the teaching of Chemistry while it is understood that plans of the Physics laboratory are being pushed on. Since therefore the new accommodation is being provided with reasonable despatch, and since the University Inspectors in 1907 reported of the existing accommodation that it would do very well for the small B. A. and B. Sc. classes that the College was likely to have, the Government of India do not feel justified in ordering the disaffiliation of the College in these subjects. In these circumstances, the Government of India are of opinion that the College should be permitted to retain affiliation up to the B. A. degree in Physics and Chemistry.'

"The Council will observe that the case of the Rajshahi College was quite different in that the conditions required had been fulfilled or were in train. As regards the Braja Mohan College we seem to have but little information. So far as my information goes there never was a recommendation for disaffiliation. The Commission proposed was never sent down, but Messrs. James and Cunningham and Dr. P. K. Roy inspected the college in the ordinary course and made a report to the University. This also was before my time. So far as I have been able to ascertain no inquiry was made into the political aspects of the case. In any case I think I have said enough to convince the Council that the Government of India does not differentiate between Government and private institutions.

"As to correspondence with local public bodies, there is little to say. Apart from letters and telegrams from the Hon'ble Mr. Ghuznavi and two telegrams received, one from the Secretary of the College, the other from the Secretary of the Mymensingh Association, before any orders had issued from

[ *Sir Harcourt Butler.* ] [ 6TH JANUARY, 1914. ]

the Government of India, the only communications received appear to have been the following. The Secretary of the College asked why the application had been rejected and was told that the reasons had been explained to the university. A Resolution was received from a public meeting in Tangail asking for reconsideration of the decision ; and telegrams were also received from the Secretaries of the Mymensingh Association and the Nadiabasi Sabha, Gobindapur, to the effect that the local Public were mortified. These documents were sent to the Government of Bengal with a request that the senders of the telegrams might be informed that the matter would be considered by Government should the application be renewed through the proper channel. No such application has been received.

“ I now turn to the second half of the Resolution. In respect of this too I am obliged to meet the Resolution of the Hon'ble Member with a negative on the same ground, namely, that it would be contrary to practice to publish the correspondence for which he asks. I cannot even indicate at present the nature of that correspondence, because it involves questions still under discussion with Local Governments. Still less can I discuss questions of fact or policy on which the replies of Local Governments are not yet complete. The discussion must therefore so far as I am concerned remain academic. I can, however, assure the Hon'ble Member that nothing will be done in haste or without full consideration. Indeed, any action in regard to recognition of schools will involve legislation with its attendant processes of consultation. It may, however, serve an useful purpose if I indicate at greater length than was possible within the compass of a general Resolution the reasons why the Government of India have consulted Local Governments in regard to these questions. The two aspects of the Resolution are distinct although collateral. Both refer to High Schools only which prepare boys in English either to complete their school courses or to go on to an university.

“ I will deal first with the school-leaving certificate or school final examination. This has a long history behind it. For more than thirty years systems of school education have been criticised on all sides as being unduly literary in character and unduly subordinated to examination. The matriculation examination, it has constantly been said, has led directly to cram the development of the memory at the expense of the higher faculties, the neglect of character and the loss of health and buoyancy of mind. The interests of the majority have been sacrificed to the interests of the few and the conditions of the matriculation examination have cramped the scope of general education. I may mention that comparatively few pupils (about one-fifth of those studying in the high classes of a school) pass beyond the school stage to college. In order to meet criticisms of this kind the Commission of 1882 recommended a school course of a modern and practical character freed from the domination of a matriculation examination. This recommendation was generally accepted but did not lead to any appreciable result. Either the time was not ripe or the desire for change had not really sunk in. The whole question was again considered by the Indian Universities Commission, 1902, who advised that the conduct of a school final or other school examination was outside the functions of a university, that the university would benefit if the matriculation were no longer accepted as a test for service under Government, that a school final examination should be substituted as qualifying for admission to professional examinations and that it could advantageously be made a complete or at least a partial test of fitness for entrance to an university. Sir Gooroo Das Banerjee, a name always to be mentioned with great respect, dissented from this advice on certain grounds, two of which have since been wholly or in part removed—first, that there was then no definite scheme of school final examination, and, secondly, that the resources of the universities would suffer if they were deprived of matriculation fees. I cannot, without unduly trying your patience, trace in detail the history of the question in the different provinces. You will find full information on the subject in the very able and

[6TH JANUARY, 1914.] [ *Sir Harcourt Butler.* ]

exhaustive Quinquennial Review prepared by Mr. Sharp, which will shortly be published. Briefly, as this review will show, the history of the case has passed through three stages. In the first instance the idea was to produce a modern side course and an examination which would serve as a certificate for employment, without necessarily drawing students to an university career. In the second instance the idea was to frame a course which would meet the needs of pupils who did not want an university career but who did not wish to be restricted to a modern side education. In the third instance it was recognised that there were serious defects not only in the matter but also in the manner of examination, and the attempt was made to substitute records of the pupil's school career and broad practical tests of attainment for a purely written examination carried out by the external authority of the university. Early attempts to establish tests other than those of an external examination were not successful.

“ Within the last quinquennium, however, new systems have been framed in Madras and the United Provinces. Both of these systems lay stress on record of the pupil's progress maintained in the high classes of schools. The Madras system, while it includes examination, does not make the grant of a certificate conditional on the attainment of any prescribed standard in examination. The grant of a certificate under the United Provinces system does depend on the attainment of a certain proficiency based on written and oral examination. The certificates under both the Madras and United Provinces systems are recognised by the local universities as equivalent to matriculation; but the Madras certificate is, while the United Provinces certificate is not, the sole qualification for Government service of certain grades. The Madras certificate is open to pupils of nearly all schools, and the system of school leaving certificates has practically superseded the matriculation examination. The United Provinces certificate can only be obtained by pupils of certain recognised schools, but is becoming increasingly popular. The only province other than Madras and the United Provinces which has an effective system of school leaving tests is Bombay, where the scheme does not rely upon the record of a pupil's achievements and character but is purely examinational, is not recognised by the university and is regarded as the sole qualification for Government employ at that stage. Incidentally I may mention that in both Madras and the United Provinces the test or examination is directed by a special board. In the former province this consists of the Director, four officials and four non-officials; in the latter province it consists of the Director, two representatives of the University, one of the Thomason College, Roorkee, one of the Chamber of Commerce, two officers of the department, two non-official members appointed by Government and the assistant director as secretary. I would ask you to consider that the Government of India has brought no pressure to bear in the matter as regards any details of either the Madras or the United Provinces system. We have welcomed the growth of two systems very different in character. Our own suggestion combines features of both systems but we recognise the desirability of free experiment. While we realise that the value of external examinations cannot be overlooked because they set before the teacher a definite aim and maintain a standard, we are convinced that the definite aim of external examination often unduly overshadows instruction, and that the standard of an external examination is necessarily limited to examination results, especially in view of the large numbers that have to be examined, and does not take account of the record of mental development or general growth of character. Our suggestion is that a record should be kept of the progress and conduct of each pupil in the high classes of a high school and of the marks obtained in the various school tests. The inspector would enter his remarks upon these records at the time of his visits and thus obtain some acquaintance with the career of each candidate during the two or three years before examination. The examination itself would be conducted partly by written papers on the more important subjects of instruction but also to a large extent orally, due regard being paid to the students' past career. Oral examination would be

[*Sir Harcourt Butler.*] [6TH JANUARY, 1914.]

conducted by the inspector in consultation with members of the staff. A large increase in the superior inspecting staff would undoubtedly be required to work a system of this kind generally and safeguards would be necessary to protect teachers from undue influences. The Government of India have already stated that they are prepared to assist, with such grants as they may be able to afford, the introduction of any such system which may be locally practicable. But there has not been any compulsion in the matter, nor has the case passed as yet beyond the stage of suggestion. The successful working of the record system postulates capable and honest teachers and a considerable number of inspectors competent to test in several subjects at inspection and to conduct oral examinations. Of the ultimate success of a system of school leaving certificate, however, I have no doubt whatever. All modern experience points to the importance of the record in measuring the capacity and mental development of pupils. The Hon'ble Mover says that an examination of a somewhat similar kind has failed in Bengal. But it is clear from his speech that it was not a high school examination at all. It would be more correct to say that the school final examination has never been tried. I should like before leaving this subject to read to you a passage from the Final Report of the Royal Commissioners on University Education in London, which was published since our Resolution of 1913 was issued. The Commission was a body of rare distinction, including Lord Haldane as Chairman, with Lord Milner, Sir Robert Romer, a Senior Wrangler, a Fellow of the Royal Society and a Lord Justice of Appeal, Sir Robert Morant, Permanent Secretary to the Board of Education, Sir William McCormick, who, as a professor and in other capacities, has had a life-long connection with universities, Mrs. Creighton, Mr. Currie and Mr. Sargant as members. They have drawn up a report of exceptional value. In it they referred to this question as one which had been explored by the Consultative Committee of the Board of Education and which was then under consideration by the Board themselves. They did not feel it within the terms of their reference to make recommendations as to the best means of attaining the ends which a growing body of opinion desired. 'We are, however,' they said, 'directly concerned to see a solution of the problem reached which will ensure a proper standard of entry and which, as regards finance, will relieve the university from the necessity of depending upon the fees of its matriculation examination for the support of its own proper work. Until this necessity is removed the establishment of a school nomination in the true sense will be difficult. In any circumstances the influence of the university will ultimately be paramount in regulating the standard of proficiency in special subjects to be required of students for admission to the degree courses in each faculty, but the secondary schools are similarly entitled to arrange their curricula in the interests of all classes of their pupils, and the school examinations must be based on these curricula. The central education authority, on the other hand, is concerned to see that its grants to the schools and to the universities are effectively used and in the ultimate issue it is that authority which must provide for the co-ordination of secondary schools and universities, and must give the necessary assurance to the universities that the pupils seeking admission to their degree courses have reached the required standard of education.' The commissioners concluded that as a first step in the direction indicated, the university should cease to admit pupils in schools to its own examinations, including that for matriculation, although some form of matriculation examination should be retained for those who were unable to approach the university through the normal avenue of the secondary school. This is substantially the attitude which the Government of India have taken up for some years past. I may say that I do not anticipate that there would be real difficulty in compensating universities for the loss of fees derived from the matriculation examination.

"I turn now to the recognition of schools. Every modern system of educational organisation is based on a large and growing measure of State control. It is generally agreed by thoughtful people now that the control of education is a duty which the State owes to the parents and the rising generation. Referring to secondary schools in their Resolution of 1904 the Govern-



[6TH JANUARY, 1914.] [Sir Harcourt Butler.]

ment of India laid down that whether these schools were managed by public authority or private persons, and whether they received aid from public funds or not, the Government was bound in the interest of the community to see that the education provided in them was sound. The Government must, for example, satisfy itself in each case that a secondary school was actually wanted; that its financial stability was assured; that its managing body, where there was one, was properly constituted; that the school taught the proper subjects up to a proper standard; that due provision was made for the instruction, health, recreation and discipline of the pupils; that the teachers were suitable as regards character, number and qualifications; and that the fees to be paid would not involve such competition with any existing school as would be unfair and injurious to the interests of education. Such were the conditions upon which alone schools should be eligible to receive grants-in-aid or to send up pupils to compete for or receive pupils in enjoyment of Government scholarships. Schools complying with these conditions would be ranked as 'recognised' schools, and would have the privilege of sending pupils to university examinations. I cannot believe that those who have knowledge and desire the best education possible for the rising generation in India will dispute the propriety of these conditions. I do not wish to introduce any unnecessary element of controversy into my remarks, and will only say that if we are, as I believe we are, on common ground in principle, experience since 1904 does not justify any relaxation of the principle. The question really is by whom should control be exercised. The University Commission of 1902 recommended that in this matter the Universities, who had admittedly no adequate machinery for ascertaining the condition of schools, should be guided by the Education Department to whom the inspection of schools more properly belonged. The schools recognised by the University, they said, should be in British India schools recognised by the local Educational Department in accordance with the departmental rules for the time being in force, and in Native States schools certified by the Government of the State in which they were situated to be organised and conducted in general accordance with the educational rules in force in that province of British India with which the Native State was politically or academically connected. So far as Government or aided schools were concerned, Sir Gooroo Das Banerjee had no objection to this recommendation, but he contended that unaided private schools should remain under the University. Eventually the Government of India decided to leave the final act of recognition in the case of all schools to the University. In practice the Universities have in the main been guided by the Departments of Public Instruction. Exceptions and difficulties there have been in certain quarters but on the whole the advice of the departments has been followed. The Madras University has delegated the act of recognition to the department entirely. Why, then, you may ask, did the Government of India consult Local Governments about a change of policy? The answer, is and, I think, you will agree that it is a complete answer, because conditions have entirely changed. First, it has been decided to build up within the jurisdiction of the old territorial universities local teaching and residential universities. This introduces entirely new conditions which under the present system would clearly lead to confusion and clashing of standard. Consider what it would be if all these universities had powers of recognition. Secondly, it has been decided to develop the idea of teaching universities and in consequence it seems necessary to set free the Universities from the burden of work in connection with the schools which now falls on them in order to give them time for this their more appropriate work. Thirdly, in view of the great educational advance impending, to cope with which existing organisations are plainly inadequate, it seems necessary to simplify procedure, to avoid duplication of work and to carry still farther the principle, on which the Universities Commission laid so much stress, of drawing a line between Schools and Colleges. Fourthly, the question of unaided private high schools is no longer so important as it was. These schools are more and more receiving aid as funds are made available. The latest figures show that in the whole of India, of 929 privately managed high schools for boys only 344 are unaided, and the Government of India have

[6TH JANUARY, 1914.] [*Sir Harcourt Butler; Mr. Banerjee.*]

expressed their desire that the grant-in-aid rules should be made more liberal and elastic.

"I confess that I have not heard in this debate anything to refute the reasons which led us to discuss these questions with Local Governments but I can assure the Council that I shall study the record of our proceedings carefully when the replies of Local Governments are complete and the question comes up for decision. I would remind the Council that our suggestion does not amount to more than this, that we commend the success of Madras to the attention of Bengal. I cannot admit that we have thrown a dark shadow over Bengal Education.

"I would like to say a few words of a general character in conclusion. I sometimes wonder whether people realise the enormous changes that are coming over our educational systems and the necessity for recasting our ideas in regard to them. What may have sufficed hitherto will not suffice much longer now. What seems an impossible reform now will perhaps be out of date ten or fifteen years hence. Things are moving very fast in the educational world and if India is to hold her place we must move in sympathy with them. I am an optimist about Indian education. When I look at the results already achieved with the materials at our disposal and reflect on the possibilities as well as the difficulties of the future I rest in hope. I trust that I have convinced you that the Government of India has no sinister motives in the action which it has taken but is carrying out a progressive and an accredited—a fully accredited—policy. I ask you to believe in the honesty and good intent of the Government of India and the Local Governments in regard to education. We are straining every nerve to make it more responsive to the needs of the people and the time, and we count—we confidently count—on the assistance of Indian parents in the great work before us all."

**The Hon'ble Mr. Banerjee** said :—

"My Lord, I desire to congratulate the Hon'ble Member in charge of the Education Department upon the tone, the temper and the spirit of the speech to which we have just listened. There may be differences of opinion between him and the popular representatives: we may not be able to see eye to eye in respect of very many matters; but at the same time we thoroughly recognise the spirit of friendliness and sympathy with which the whole of that speech is charged, and we reciprocate that sentiment on this side of the house.

"My Lord, the Hon'ble Member in charge of the Department has told us that the Government is anxious to establish most friendly relations to secure co-operation in the matter of education on the part of the popular representatives. But, my Lord, co-operation and friendly relations are based upon information and knowledge. In order that we might be able to co-operate with intelligence, with effectiveness, it is necessary that we should know the whole situation, it is necessary that the amplest materials which are in the possession of the Government should be laid before us. But the Hon'ble Member, having made that declaration, withholds the correspondence and the papers on the ground that the correspondence is still proceeding, on the ground that part of it is confidential, and that if that correspondence is laid before us the public."

**The Hon'ble Sir Harcourt Butler** said :—"I rise to a point of order, my Lord. I must correct the statement that part of the correspondence was confidential. I never made that statement."

**The Hon'ble Mr. Banerjee** said :—"I beg to withdraw the statement.

"At any rate I am entitled to say this, that if it is necessary that we should co-operate with the Government, we should have all the materials to form an enlightened and informing judgment. Those materials are not before us.

[ *Mr. Banerjee; Mr. Chakravarti Vijiaraghava-* [6TH JANUARY, 1914.]  
*chariar.*]

"My Lord, I frankly admit that in regard to the question of the School Final there is a divergence of opinion, and that is all the more reason why I think the correspondence on this subject should be laid before the public. In that case we should be in a position to know matters which are not before us at the present moment, and on the basis of those materials form an enlightened judgment upon the situation.

"My Lord, the Hon'ble Member in charge of the Department has said that we must adapt ourselves to modern ideas, that among modern ideas on education State control of Education is an essential feature. But, my Lord, there is a very great difference between State control in this country and State control in Europe. State control in Europe means control by and through the people; State control here means control by and through the officials, and the officials and the people may not see eye to eye in respect of many matters. Therefore when that argument is brought forward before us and we are asked to accept it, we must accept it with this modification that the conditions are very different. My Lord, we are anxious to adapt ourselves to modern conditions; India is moving; all of us must move; the East is changing. But one indispensable condition of progress, I venture to assert from my place in this Council, is that the Department must take the public with them, that they must defer to public opinion, and to the public opinion of the educated community who are the creatures of the Government best able to instruct and enlighten the Government upon these matters. Their opinion is entitled to the most serious consideration.

"Now, my Lord, it is very evident from the discussion which has taken place in this Council Chamber that, whatever difference of opinion there may exist amongst us with regard to the School Final, there seems to be a unanimity of feeling that the time has not yet come for the transfer of the right of recognition of schools from the Senate to the Government. I think there has been a clear, explicit, unanimous opinion on the part of non-official members on this side of the house. I hope and trust that my hon'ble friend will accept this view and that in the subsequent developments of the question, he will keep in mind that, despite differences of opinion with regard to the question of the School Final examination, there is absolute unanimity with regard to the other question, which in one sense is more vital, namely, the transfer of the power of recognition from the Senate to the Government. We are willing to co-operate with the Government, we are willing to move with the times and with the demands of progress, but progress must be based on an exceedingly deferential attitude towards public opinion, and therefore I appeal once more to the Hon'ble Member in charge of the Department if he could see his way to comply with the terms of the Resolution which I have ventured to lay before this Council, namely, to publish the papers upon the strength of which we might be able to form an independent judgment and co-operate with him in the great work of education."

**The Hon'ble Mr. Chakravarti Vijiaraghavachariar**  
said :—

"My Lord, under Rule 21 of the Rules for discussing Resolutions, will Your Excellency consider whether it will not be convenient to divide this Resolution into three parts and to put them separately to the vote, because the Resolution asks for papers on three different points. The first relates to a set of papers concerning a matter of local interest, the next to one set of papers relating to the School Final Examination and the other to a third set of papers relating to recognition of schools for purposes of presenting candidates for Matriculation."

The Resolution was then put to the Council in three parts, namely :—

"That this Council recommends to the Governor General in Council the publication of—

- (a) all official papers in the possession of the Government of India including correspondence, if any, with the Senate of the Calcutta

126 RESOLUTION FOR PUBLICATION OF EDUCATIONAL PAPERS.

[*Mr. Chakravarti Vijayaraghavachariar.*] [6TH JANUARY, 1914.]

University and His Excellency the Rector, relating to the affiliation of the Ananda Mohan College up to the B. A. Standard and the orders of the Government thereon, together with the replies, if any, to the representations of local public bodies and meetings :

- (b) all official papers in the possession of the Government of India, including correspondence, if any, with Provincial Governments and Local Administrations, leading to the announcement made in paragraph 25 of the Government of India Resolution, dated Delhi, the 21st February, 1913, regarding the desirability of introducing the School Final Examination in Provinces where it has not been introduced :
- (c) all official papers in the possession of the Government of India, including correspondence, if any, with the Provincial Governments and Local Administrations, leading to the announcement made in paragraph 47 of the Government of India Resolution, dated Delhi, 21st February, 1913, of placing the recognition of schools for purposes of presenting candidates for Matriculation in the hands of the Local Governments and all subsequent correspondence relating thereto."

Each part of the Resolution was rejected.

The Council adjourned to Friday, the 9th January, 1914.

W. H. VINCENT,  
*Secretary to the Government of India,  
Legislative Department.*

DELHI;  
*The 9th January, 1914.*

**APPENDIX A.***(Referred to in the Answer to Question 1.)*

*Extracts from correspondence with the Local Governments and Administrations on the subject of the reduction of the revenue payable on land which had been assessed with reference to the benefits accruing to it from an irrigation work which had fallen into disuse during the currency of the settlement.*

**GOVERNMENT OF INDIA.**

**Government of India Circular No. 6-43-60, dated the 15th February 1902.**

3. \* \* A further question of importance which I am to commend to your attention is the reduction of the revenue payable on land which has been assessed with reference to the benefits accruing to it from an irrigation work, when such work has, for any reason, fallen into disuse during the currency of settlement; and I am to ask that, if no provision for abating the assessment in such a case now exists, the expediency and practicability of making some concession in this direction may be carefully considered. But while the Government of India are of opinion, that as regards at all events such tracts as the Punjab and the North-Western Provinces, the permanent exemption from assessment of the profits accruing from irrigation works would be a measure of unnecessary liberality, they would be glad if the present system of assessing these profits were examined and explained, attention being paid to the question whether the periods of exemption from enhancement of assessment at present allowed are sufficiently long, and whether proper precautions are taken against the imposition, after the expiry of the term of protection, of a rate which leaves the improving cultivator less than a liberal profit on his outlay.

**REPLIES FROM LOCAL GOVERNMENTS AND ADMINISTRATIONS.****BENGAL.**

**Letter from the Government of Bengal, No. 3025, dated the 23th October 1902.**

5. The last question asked in the letter under reply, *viz*, as to the expediency and practicability of reducing revenue payable on land which has been assessed with reference to the benefits accruing to it from irrigation works, when such works have fallen into disuse, is sufficiently answered in paragraph 9 of the Board's letter herewith enclosed.

**Letter from the Board of Revenue, L. P., to the Government of Bengal, No. 37, dated the 11th September 1902.**

9. In connection with this subject the Government of India invite attention to the desirability of reducing the revenue payable on land which has been assessed with reference to the benefits accruing to it from an irrigation work, when such work has, for any reason, fallen into disuse during the currency of a settlement. No orders on this subject appear to be needed in Bengal, as tenants can claim reductions of rent on account of deterioration of their lands under section 35 of the Bengal Tenancy Act, section 18 of Act X of 1859, and section 27 of Act I (B. C.) of 1879; and the assessment of revenue in the temporarily-settled estates would be adjusted in accordance with those reductions.

## UNITED PROVINCES.

**Letter from the Government of the United Provinces, No. 1904, dated the 27th June 1902.**

\* \* \* \* \*

4. The capital spent on an improvement having been repaid with interest during the currency of a settlement, it follows that no further claim could exist to special treatment after the expiry of that term. Nor would this Government recommend any reduction of assessment when minor works such as wells fall into disuse. It is the business and the interest of the landholder to renew them.

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**Letter from the Board of Revenue, United Provinces of Agra and Oudh, to the Government of the United Provinces, No. 474-1-508-A., dated the 18th April 1902.**

\* \* \* \* \*

4. As to the reduction of the assessment on land which has been assessed with reference to the benefit accruing to it from an irrigation work, when such work has fallen into disuse, the Senior Member doubts whether it would be expedient or practically possible to make any reduction in the assessment when minor works such as wells fall into disuse, the only effect, if it had any effect at all, would be to discourage the owner from repairing it. In any case in which the irrigation work which has fallen into disuse is on a large scale, *e.g.*, a tank or embankment or a canal, so that the assets of the village are seriously affected by its destruction, an application for relief would, under our system in these Provinces, receive full attention and the revenue would be reduced, and no special provisions seem to be required.

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## PUNJAB.

**Letter from the Government of the Punjab, No. 1614-S., dated the 22nd August 1904.**

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I am directed to submit, for the information of the Government of India, the definite rules which have now been formulated under the orders of His Honour the Lieutenant-Governor for the reduction of the revenue payable on land dependent on a masonry well or other private irrigation work when such well or other work falls into disuse during the currency of a settlement.

### RULES.

I. The Deputy Commissioner shall remit so much of the assessment on the land irrigated from a masonry well as is based on the profits of irrigation from the well—

- (a) when it ceases to be fit for use;
- (b) when irrigation from it is superseded by canal irrigation, and canal advantage revenue or owner's rate has been imposed.

II. The Deputy Commissioner may grant a similar remission if the well, though still fit for use, has been out of use for four harvests, provided that no remission shall be given if the disuse of the well—

- (a) occurs in the ordinary course of husbandry, the well being intended for use merely in seasons of drought;

(b) is due to the introduction of canal irrigation, and canal advantage revenue or owner's rate has not been imposed.

*Note.*—The revenue based on the profits of irrigation from the well shall ordinarily be assumed to be as follows :—

- (i) Where a lump sum has been assessed on the well in addition to a non-well rate,—such lump sum.
- (ii) Where a lump sum, inclusive of a non-well rate, has been assessed,—such lump sum after deducting the equivalent of non-well rate.
- (iii) Where the distribution of the assessment has been by soil rates,—the difference between the actual assessment of the well and the assessment brought out by the *barani* rate of the village.
- (iv) Where the distribution of the assessment has been by an all round rate,—the result of applying to the *chahi* area of the well at settlement the difference between the *chahi* and *barani* rates for the estate if any framed by the Settlement Officer, and if no such rates were framed, then the difference between those framed for the circle.

III. Cases may occur which will not be sufficiently met by the remission of only so much of the assessment as is based upon the profits of irrigation from the well. Such cases should be referred through the Commissioner for the orders of the Financial Commissioner.

IV. In deciding whether to use the discretion given to him by Rule II, the Deputy Commissioner shall consider whether the disuse of the well is due to some cause beyond the control of the land-owner, such as the spread of salts in the soil, the loss of tenants or cattle and extreme difficulty in replacing them.

V. Except with the sanction of the Financial Commissioner, no remission shall be given under these rules if the assessment of the estate is so distributed that persons other than the person or persons who directly benefited by the irrigation from the well would reap the advantage thereof.

VI. When a remission is granted it shall take effect from such harvest as the Deputy Commissioner may determine.

VII. If a new well is made to irrigate the land attached to a well in respect of which a remission has been granted under these rules, or if such well is repaired, the re-imposition of the assessment will ordinarily be effected in accordance with the rules for the grant of certificates of exemption contained in paragraphs 502 to 505 of the Settlement Manual as recently revised.

VIII. Where a well for which a remission has been given is again brought into use, and no certificate of exemption is granted, as for instance on the return of tenants or by reason of replenishment of cattle, the Deputy Commissioner shall reimpose the whole of that portion of the assessment which was remitted with effect from such harvest as he may determine.

If in any case the Deputy Commissioner thinks the whole should not be reimposed, he should report the case for the orders of the Commissioner.

IX. These rules may be applied, so far as they are applicable, to the grant of remissions in the case of other irrigation works constructed at private expense, such as canals, water-courses, dams, embankments, reservoirs, and masonry *jhalars*.

## BURMA.

Letter from the Government of Burma, No. 607-5-L-4, dated the 27th  
May 1902.

\* \* \*

3. \* \* With reference to the concluding portion of paragraph 3 of your letter, I am to remark that a reduction or abatement in revenue is at once made with the change in the variety of crops grown when lands which have hitherto had a water-supply cease to be irrigated.

**CENTRAL PROVINCES.**

**Letter from the Chief Commissioner, Central Provinces, No. 6923, dated the 20th December 1902.**

12. There remains the question whether the revenue payable on land which has been assessed with reference to the benefits accruing to it from an irrigation work should be reduced, when such work has, for any reason, fallen into disuse during the currency of a settlement. Mr. Hewett would deprecate reduction being given "for any reason;" the utmost that could be said would be "for reasons beyond the revenue-payer's control." It has been pointed out by Mr. Sly that reduction is given at settlement, and that, if the principle underlying the suggestion were pushed to its logical conclusion, it would involve a fluctuating assessment with a water rate on the area actually irrigated each year. There should in the Officiating Chief Commissioner's opinion, be no reduction when the malguzar or tenant, by reason of his own apathy or extravagance, neglects to keep a tank or well in repair. When calamitous seasons have depressed the peasantry so that they cannot keep their works in repairs, the proper course seems to Mr. Hewett to be to abate the land revenue, and this is a policy which has been actively pursued by the Administration of these Provinces.

**COORG.**

**Letter from the Chief Commissioner, Coorg, No. 969, dated the 26th May 1902.**

4. The last question relates to the reduction of the revenue payable on land which has been assessed with reference to the benefits accruing to it from an irrigation work, when such work has fallen into disuse. There can be no doubt as to the expediency, or indeed the justice, of reducing the assessment when the irrigation work on which the cultivation depends fails, and the produce is necessarily curtailed. The relief required can be given in Coorg under clause (d) of sub-section 1 of section 55 of the Coorg Land and Revenue Regulation, 1899, which provides for the making of special assessments on account of a deteriorating cause, that is to say, when assessments of land revenue require revision in consequence of the action of water, sand or calamity of season, or from any other cause.

**AJMER-MERWARA.**

**Letter from the Chief Commissioner, Ajmer-Merwara, No. 798-115-III, dated the 27th June 1902.**

3. I also share his (Commissioner's) view that local arrangements in Ajmer-Merwara for disposing of the class of cases referred to in the third paragraph of your circular in which irrigation works have fallen into disuse during the currency of settlement, are adequate, and demand no alteration.

**Letter from the Commissioner, Ajmer-Merwara, to the Agent to the Governor-General, Rajputana, and Chief Commissioner, Ajmer-Merwara, No. 3426-R., dated the 18th June 1902.**

5. As regards the reduction of the assessment on land fixed with reference to benefits accruing from irrigation when the irrigation work falls into disuse the



position is this. All the tanks (I speak of the "Kbalsa" area) are Government tanks and Government maintains them, with the exception of class 4 tanks which the villagers are bound to maintain. The irrigation revenue in the case of the tanks of classes 1 and 2 varies with the water supplied. In the case of tanks of classes 3 and 4 it is a fixed sum calculated on an average at settlement and liable to suspension or remission in any given year under either the Irrigation Assessment Rules, which are liberal, or the Land Revenue Suspension and Remission Rules, which are equally so. A tank that became permanently useless would, at the next revision, be struck off the tank list and the land under it would be treated as dry. Thus our rules provide a seemingly sufficient remedy in the case of irrigation works that fall into disuse. They do not appear to require modification.

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## BALUCHISTAN.

**Letter from the Agent to the Governor-General in Baluchistan, No. 569-C., dated the 30th June 1902.**

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2. I entirely concur with the opinion of the district officers and the Revenue Commissioner in Baluchistan that the present inducements held out to land-owners in this agency to improve and extend their cultivation are amply sufficient.

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**Letter from the Revenue Commissioner in Baluchistan to the Agent to the Governor-General in Baluchistan, No. 1871, dated the 16th June 1902.**

\* \* \* \* \*

5. With reference to the concluding portion of paragraph 3 of the above *Vide paragraphs 6 and 7 of Order No. 10321, Circular I* may note that provision\* already exists in Baluchistan for remission of revenue payable on land which has been assessed with reference to benefits accruing to it from an irrigation work when such work falls into permanent or even temporary disuse during the currency of settlement.

\* \* \* \* \*

**Order by the Hon'ble the Agent to the Governor-General and Chief Commissioner in Baluchistan, No. 10821, dated Quetta, the 17th December 1901.**

In supersession of all existing orders the Hon'ble the Agent to the Governor-General and Chief Commissioner in Baluchistan is pleased to issue the following rules regarding the temporary exemption of improvements of land from revenue, and the suspension and remission of land revenue:—

\* \* \* \* \*

6. *Suspension of revenue.*—In the case of severe or continued calamity to harvests, and when assessments are paid in cash, the Political Agent and Deputy Commissioner may by order direct that the whole or part of the land revenue falling due in an estate be suspended. All orders thus issued by the Political Agent and Deputy Commissioner shall be at once reported by him for the sanction of the Revenue Commissioner, and the Revenue Commissioner

may cancel or modify the Political Agent and Deputy Commissioner's orders as to him seems fit.

7. *Remission of land revenue.*—When, under the circumstances stated in the last rule, it is proposed to remit land revenue, the amount in respect of which the proposal is made, if not already suspended, shall be suspended and the case shall be reported by the Political Agent and the Deputy Commissioner to the Revenue Commissioner, who, if he agrees, may sanction the remission if it does not exceed Rs. 500. If the amount to be remitted exceeds that sum, the sanction of the Hon'ble the Agent to the Governor-General and Chief Commissioner should be obtained.

NOTE.—The term "land revenue" referred to in paragraphs 6 and 7 of these rules includes grazing tax and tax levied on water mills.

## HYDERABAD ASSIGNED DISTRICTS.

**Letter from the Resident at Hyderabad, No. 204, dated the 16th June 1902.**

I am directed to refer to your Circular letter No. 6-43-60, dated 15th February 1902, and in reply thereto to submit a copy of a letter No. 624-R., dated 26th-29th May 1902, from the Officiating Commissioner, Hyderabad Assigned Districts.

2. The Resident, I am to say, concurs fully in the opinions expressed by the Officiating Commissioner, and has nothing to add to what Mr. Elliot has written.

**Letter from the Commissioner, Hyderabad Assigned Districts, to the Resident at Hyderabad, No. 624-R., dated the 26th-29th May 1902.**

5. On the third point there is not, I believe, any provision in our Land Revenue Code or Settlement Rules for reduction of the revenue payable on land which has been assessed with reference to the benefits accruing to it from an irrigation work when such work has for any reason fallen into disuse during the currency of a settlement. In past years there has been lengthy correspondence on this subject in connection with lands at Pala and Bhowkund in the Morsi taluq, Karanja in the Murtazapur taluq, and at Khayer and Chatwan in the Wun taluq. I am of opinion that where a water-rate in the shape of an enhanced assessment has been fixed on land irrigated from works executed at the cost of the State, if such works cease to supply the water necessary for irrigating the land, the enhanced assessment should be remitted, but where the holder for any reason ceases to irrigate his fields from works erected at his own cost, there is no reason why he should be exempted from paying the enhanced assessment. The probability is that the land yields in ordinary years a good enough crop to satisfy the holder, and he does not consider it worth his while to irrigate the land or even to keep the wells and channels in repair, but he is wise enough to clear out the wells and repair the channels as soon as a year comes in which the rainfall is scanty or unseasonable, and it will pay him to irrigate his crops.

## GOVERNMENT OF INDIA.

Government of India Resolution No. 6-193-2, Jated the 24th May 1906.

11. The third branch of the subject dealt with in this Resolution is the question of granting a reduction of assessment when an improvement ceases to be of use. In this connection Local Governments were asked to consider the expediency and practicability of reducing the revenue payable on land which has been assessed with reference to the benefits accruing to it from an irrigation work, when such work has for any reason fallen into disuse during the currency of settlement. It has hitherto been generally considered that when an estate or holding has been given an assessment fixed for a term of years, no change should be made in the amount of that assessment, until the term of years has expired, without very strong reason, one argument against granting a reduction of assessment being that Government is bound by the terms of the settlement contract not to raise the assessment until the term of settlement has expired, and that, therefore, the revenue-payer, who is entitled to all the profits that he can derive from the improvement of his holding during the currency of settlement, should be held to his bargain and required to pay the fixed amount of the assessment, although his holding may have deteriorated. The Government of India admit the force of this argument, especially in the case of a large landholder who has some capital to fall back upon, and who may reasonably be expected to make up for the losses of bad years from the profits of good years; but they are prepared, when dealing directly or indirectly with small landholders, who have no means of rapidly repairing the loss of an improvement, to relax, where practicable, the rigidity of the settlement contract, so far as to grant some reduction of revenue where an irrigation work, the existence of which was taken into account when the assessment was imposed, has fallen out of use. In reply to a circular on the subject the Government of the Punjab has submitted a revised set of rules proposed with the above object, under which, in certain districts, when a masonry well ceases to be fit for use from any cause, the collector is required, even during the currency of the settlement, to remit so much of the assessment on the land irrigated from it as is based on the profits of irrigation from the well, the subordinate revenue establishment being instructed in the ordinary course of their duties to report the case of any well which has obviously become quite unfit for use. These rules, which are based on the consideration that, when a well is no longer fit for use, the reduction of its revenue is on a par with the remission of land revenue for calamity of season or in consequence of river action, have been applied even to estates, the assessment of which was fixed on the landholders as a body on the principle of joint responsibility, as it is recognised to be unfair to insist upon the rigid application of that principle, where the interests of the individual landholders are in reality distinct. The system now adopted by the Punjab Government necessarily involves an increase of work for the revenue staff and the abatement of small sums of fixed land revenue during the currency of a settlement, but the Government of India are of opinion that where the necessary machinery for carrying out such a system is available, it may properly be adopted. In the Tenancy Law of most provinces provision is made for the reduction of the rent payable by a tenant to a private landlord when land formerly irrigated ceases to be irrigable, and on this analogy the Government of India are prepared to approve of a similar reduction of land revenue payable by small landholders in like circumstances. They consider that the loss of revenue involved by the adoption of such a policy will be more than compensated by the encouragement given to the sinking of wells, seeing that nothing so much discourages a small landholder from making a new well as the dread that he may be required to pay a wet assessment on the land after his well has become unfit for use. They, therefore, approve of the policy adopted by the Punjab Government, which is in accordance with the promise given in the Resolution on Land Revenue policy above quoted, that a further advance would, if possible, be made in the direction of a more general resort to reduction of assessment in cases of local deterioration. They desire Local

Governments to consider whether rules similar to those adopted in the Punjab could be applied with advantage in their respective provinces. The system is applicable chiefly to small landholders, who have themselves constructed at their own expense wells or other irrigation works, the existence of which has been taken into account in fixing their assessment, and is not meant to apply to works executed by tenants on large estates. The Government of India realise that rules of this character cannot be satisfactorily carried out in the absence of a sufficiently trustworthy and well-supervised land revenue agency, but where such an agency is available, they think that an endeavour should be made to grant prompt relief to impoverished peasants.

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**Replies from Local Governments and Administrations.**

**MADRAS.**

**Letter from the Government of Madras, No. 2918, dated the 20th October 1908.**

With reference to the correspondence ending with Mr. Wilson's letter No. G. O. No. 2917, dated the 20th October 1908. 793—193-2, dated the 24th May 1906, I am directed to forward a copy of the marginally noted Proceedings of this Government, in which their conclusions on the subject of the taxation of agricultural improvements effected by private persons at their own cost, which is dealt with in the resolution of the Government of India No. 6—193-2, dated 6th May 1906, are embodied.

**Madras Government Order No. 2917-Rev., dated the 20th October 1908.**

\*     \*     \*     \*     \*

9. In paragraph 11 of the Resolution No. 6—193-2, dated 6th May 1906, the Government of India deal with the question of granting a reduction of assessment when an improvement to a holding which has been assessed with reference to the benefits accruing to it from such improvement ceases to be of use. The consideration of this point does not arise in this Presidency where private improvements are not taxed in the first instance. In the districts of Malabar and South Canara where wet assessment was imposed at the last settlement on land converted from dry to wet at the ryot's expense, and dependent, as a rule, on falling rain for its source of irrigation, cases of reconversion of land from wet to dry are very rare, and if such cases occurred they would be suitably dealt with under the Board's Standing Order No. 1 (5).

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**BOMBAY.**

**Letter from the Government of Bombay, No. 6376, dated the 25th June 1908.**

With reference to the Resolution of the Government of India, No. 6—193-2, dated 24th May 1906, indicating the policy of that Government regarding the assessment of land improvements, I am directed to forward, for their information, a copy of the Resolution of this Government, No. 6106, dated 18th June 1908, which contains orders on the several points dealt with in, and the information required in, paragraph 12 of that Resolution.

**The Bombay Government Resolution No. 6106, dated the 18th June 1908.**

12. As regards the request of the Government of India that Local Governments should consider whether rules similar to those adopted in the Punjab, which provide for remission of so much of the assessment on the land irrigated from a well which has ceased to be fit for use as is based on profits of irrigation from that well, could be applied with advantage in their respective provinces, the only questions requiring examination in this Presidency seem to be whether in the Deccan and Karnatak the rates on any well lands at present paying higher assessment than the ordinary dry-crop rates require to be reduced in consequence of wells having gone out of use, and whether in Gujarat, as a consequence of the sinking of the subsoil water level, reductions are required in the subsoil water assessment, supposing that impost to be retained in principle. As at present advised, the Governor in Council is disposed to think that no general inquiries on the subject are necessary. As already indicated, cases of over-assessment and reductions required have been investigated in Gujarat. In the Deccan and Karnatak, people may be left to represent the cases in which wells have gone permanently out of use. Inquiry can also be made by District Officers when visiting villages whether any such cases exist, and if any come to light, they can move for remedial action.

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**BENGAL.**

**Letter from the Government of Bengal, No. 491-T. R., dated the 6th May 1907.**

5. As regards the reduction of assessment when an improvement ceases to exist, or to be of use, it appears from paragraph 11 of the Resolution of the Government of India that the proposed rules are intended to apply chiefly to small landholders who have constructed, at their own expense, wells or other irrigation works, the existence of which has been taken into account in fixing their assessment; and it is recognised that rules on this subject cannot be satisfactorily carried out in the absence of a trustworthy and well supervised land revenue agency. This question also is not one of much practical importance, so far as Bengal is concerned. Under proviso (ii) to section 29 of the Bengal Tenancy Act, an enhancement fixed in consequence of an improvement is payable only so long as the improvement exists. If the raiyats of a proprietor of a temporarily-settled estate or of a tenure-holder in a Government estate were to refuse to pay the rents fixed at the settlement, on the ground that the improvement which was taken into account in fixing those rents was no longer effective, the landlord would almost certainly apply to the Collector for a reduction in his assessment on this account. But this would not often happen; as a rule the landlord would continue to realise full rents from his raiyats rather than give them an abatement and apply for a corresponding reduction of assessment. The real problem in such cases is to reach the raiyat who has suffered owing to the failure of an improvement: and in the absence of a qualified local agency this problem, in Bengal, would generally prove insoluble. It has already been pointed out that no enhancement is made in respect of improvements by raiyats in Government estates. There is therefore, in their case, no necessity to provide for abatement if the improvement should fail.

## UNITED PROVINCES.

**Letter from the Government of the United Provinces, No. 4132, dated  
the 24th December 1906.**

3. \* \* \* \* The first question for consideration relates to the grant of a reduction of assessment during the currency of a settlement when an improvement ceases to be of use. Paragraph 5 of the Board's letter shows the differences which obtain both in natural conditions and in the method of assessment between the United Provinces and the Punjab in this matter, and the Lieutenant-Governor considers that these differences are such as to prevent any rules similar to the Punjab rules being usefully applied to the United Provinces. Rule V of the Punjab rules, which provides that except with special sanction no remission shall be given if the assessment of the estate is so distributed that persons other than those who directly benefited by the irrigation from the well would reap the benefit thereof, would render the rules, if applied to the United Provinces, nugatory in most cases. In His Honour's opinion when a well ceases to be of use and is beyond repair, the main object to be aimed at is to get a new well built as soon as possible, and to encourage this he is prepared to recommend that in such cases an allowance should be made during the currency of the settlement by deduction from the land revenue equivalent to the allowance by deduction from the assets which would be granted at the beginning of the next term of settlement. To carry out this proposal the following rule might be added to the rules drafted by the Board :—

When during the currency of a settlement a new permanent well is constructed with the aid of a loan granted under Act XIX of 1883 or by or at the cost of landholders, and such new well replaces an old one in respect of which allowance was not made at settlement under rule 2 (of the draft rules) an estimate shall be made of the expenditure incurred in constructing the new well, and allowance for the improvement shall be made by a reduction in the revenue by an amount equal to five per cent. on the estimated expenditure.

Such reduction shall take effect from the commencement of the revenue year following that in which the new well was completed, and shall continue for the remainder of the term of settlement.

\* \* \* \* \*

**Letter from the Board of Revenue, United Provinces, to the Government  
of the United Provinces, No. 2914-N. I., 508-A., dated the 10th  
September 1906.**

\* \* \* \* \*

5. The proposal to allow a reduction of revenue when an improvement ceases to be of use has next to be considered. The Board may say at once that they are opposed to the adoption of this principle in these provinces. It is based on Punjab experience, but the conditions in the Punjab are very different. In the first place there has always been a strong tendency in that province to discriminate the portion of the revenue that may be described as due to irrigation; this portion is often fluctuating in its character, and the proposal to allow a reduction when a well falls out of use may, therefore, be described as merely an extension of the ordinary revenue system. In these provinces, however, where such phrases as "land in its unirrigated aspects," "water advantage rate," and so on are unknown, it would be a difficult innovation. The unit of property, again, in the Punjab seems quite commonly to be the well (paragraphs 116 and 165 of the Punjab Settlement Manual) and in that case joint responsibility is a fiction (paragraph 438); more generally there seems to be some reason to suppose that the principle of joint responsibility had no great natural root in the Punjab and was incorporated in the revenue system there chiefly on the strength of the example set by the North Western Provinces. The Board would say, therefore, that both because of the system of assessment and the nature of proprietary rights, it would be exceedingly difficult in these provinces to give effect to the proposal. The amount assessed on irrigation is not known. The loss in assets might be calculated at the difference between

wet and dry rates, but even this would frequently be impossible. In a considerable portion of these provinces the rental system recognises no distinction between wet and dry rates. Further, as Mr. Hooper pointed out when Commissioner of the Fyzabad Division, it is impossible to isolate the loss on a particular well or wells; there may, at the same time, have been an extension of cultivation or a rise in rates, so that the assets as a whole are higher than at settlement, and in that case there is no reason for a reduction in the revenue demand. Regard must be had then to the general assets of the mahal, a matter that is sufficiently well looked after already, or an attempt must be made to estimate the assets of a particular holding. The general difficulties that would be caused by any such attempt will be stated presently, but there are special difficulties where wells are concerned which require separate notice. These difficulties would not arise if each well with the lands attached to it were a separate unit, but except in Lalitpur and a portion of Jhansi tahsil the Board are not aware that this is the case anywhere in these Provinces. Where communities of small proprietors are concerned—and this is the case under consideration—the arrangements under which wells are constructed and irrigation facilities are interchanged are extremely complicated and the distribution of any reduction in revenue would be very troublesome.

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### BURMA.

**Letter from the Government of Burma, No. 377-5-L-1, dated the 26th September 1908.**

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5. Finally, I am to explain the arrangements now in force ensuring an abatement of revenue in the case of deterioration of a holding during the currency of a settlement, and the steps now being taken to extend these arrangements.

It is unnecessary to discriminate between cases where the right to a reduction may be based simply on a deterioration in the nature of the holding and those in which it may be based on the ceasing of an improvement, previously effected, to be of utility. These have hitherto not been directly provided for in Burma except that in Upper Burma in the case of failure of irrigation works, Direction 28 of the Upper Burma Supplementary Survey Directions contained provision for a reclassification by the Deputy Commissioner or, when so empowered by the Deputy Commissioner, by the Superintendent of Land Records or by the Sub-divisional Officer, of lands irrigated at settlements which have since ceased to be irrigated. Amendments have been made to the Supplementary Survey Directions for both Lower and Upper Burma which provide for a reclassification of lands which have deteriorated from causes other than irrigation. These amendments provide that these powers shall be exercised only in exceptional cases where land is abandoned to a considerable extent and where the inapplicability of the classification adopted at settlement is clear beyond reasonable doubt.

The Government of India are aware that this Province enjoys an exceptionally liberal remission system (as a reference to Directions 49 to 70 under the Lower Burma Land and Revenue Act and to Rules 229 to 241 under the Upper Burma Land and Revenue Regulation will show) and that in addition the assessment may be materially reduced on land left fallow for certain reasons in Lower Burma (Lower Burma Rules 77 *ff.*), while in Upper Burma assessment is made only on land which has produced a matured crop.

In these circumstances the Lieutenant-Governor has not thought it necessary to adopt in this matter rules similar to those in force in the Punjab. His Honour believes that the changes now made in the Supplementary Survey Directions, taken in conjunction with the rules regarding assessments and remissions, will fully provide prompt relief from over-assessment of holdings which have suffered deterioration since they were assessed.

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**ASSAM.****Letter from the Government of Eastern Bengal and Assam, No. 8533-C, dated the 22nd July 1907.**

With reference to the correspondence ending with Mr. Innes' memorandum, No. 974—47-7, dated the 18th June 1907, regarding the exemption of

land improvements from enhancement of land revenue, I am directed to submit a copy of a report received from the Board of Revenue on the subject, and to say that the Lieutenant-Governor is glad to find himself in general accord with the opinion of the Government of India and the Government of Bengal that the object of the reference are already in a very great measure secured to the raiyats of this Province by existing law and custom.

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**Letter from the Board of Revenue, Eastern Bengal and Assam, to the Government of Eastern Bengal and Assam, No. 64-G.E.G., dated the 25th April 1907.**

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10. The question of reducing an assessment in cases where a work of improvement has ceased to be of use has not been discussed by the Commissioners of Rajshahi, Surma Valley Districts and Assam Valley Districts, presumably because drainage and embankment works, to which Government say, its practical application seems to be confined, are not met with in their divisions. The Commissioner of Chittagong would not limit the principle to these works, but would extend it to tanks. The Commissioner of Dacca says it is sufficient if the Settlement Officer reduces the assessment at the time of next settlement. In the case of a work constructed by Government which has caused an enhancement in the assessment, the Board think that this enhancement should be taken off at once when the improvement ceases to be of any use, and they would mend the rules throughout the province so as to allow District Officers to do this. Where the assessment has been enhanced owing to an improvement effected by the raiyats themselves, the same principle should apply, but if sufficient allowance is made, as suggested above, when the work of improvement is constructed, cases will not often arise, for the raiyats in their own interests will see that the work is kept in a proper state of repair. With the revenue staff at the disposal of Government in Eastern Bengal it will be difficult to ensure that the deterioration of an improvement is promptly reported, but if the policy of Government is made known with sufficient publicity, the raiyats will not be slow in themselves informing the District Officer.

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**CENTRAL PROVINCES.****Letter from the Chief Commissioner, Central Provinces, No. 280-XI-4-52, dated the 18th September 1908.**

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3. The Chief Commissioner has had a draft circular drawn up to give effect to the suggestions \* \* \* \* \* in regard to the circumstances under which exemption from assessment may be withdrawn. The instructions contained in the draft circular, copy of which is appended, will ensure full effect being given to the wishes of the Government of India in respect of all the matters dealt with in the correspondence \* \* \* \* \*

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. REVENUE BOOK CIRCULAR I-9.

**Subject. -Exemption of improvements from assessment.**

In the correspondence printed as an appendix, the Government of India Section 1. sanctioned the exemption of improvements from assessment. The rules then Serial No. 9. laid down have been scrutinized and extended in accordance with the principles laid down in the Government of India's Resolution No. G—193-2, dated the 24th May 1906, in the Department of Revenue and Agriculture.

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6. If an improvement ceases to be of use, relief is usually granted at the next revision of settlement by assessment of the land at the rates for unirrigated or unembanked land. In ryotwari villages, however, if a ryot is paying at a higher rate on account of irrigation (whether provided by himself or by the State) and irrigation permanently ceases to be available, the Deputy Commissioner will propose the reduction of the ryot's revenue to the rate payable on unirrigated land. In malguzari villages, if a malak-makbuza or Government ryot (holder of escheated malik makbuza land) is paying at the rate for irrigated land or if *si* or khudkasht is assessed at irrigated rates, and irrigation permanently ceases to be available, the Deputy Commissioner should, in case of hardship, recommend the reduction of the revenue to the unirrigated rate or an abatement of revenue proportionate to the difference between the rental value of the home-farm at irrigated and dry rates. And in malguzari villages where tenants are paying at irrigation rates, if a permanent failure of the water-supply causes hardship, the Deputy Commissioner may recommend a reduction of revenue conditional on the reduction of rents paid at irrigation rates to dry rates, whether the tenants have applied for reduction under Section 14 of the Tenancy Act or not. Provided that the failure of the water-supply be not due to the wilful neglect of the malguzar or to his applying the land to some other profitable use.

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**BERAR.**

\* \* \* \* \*

**Letter from the Chief Commissioner, Central Provinces, No. 204-XVI-30, dated the 21st March 1907.**

6. In respect of granting reductions of assessment when an improvement ceases to benefit the land concerned, I am to say that the failure of an improvement seems to be rare in Berar. In the recent settlement of the Wun Taluk of the Yeotmal District a dam was found to be out of repair and no longer yielding water for irrigation. Consequently the land which was assessed at irrigated rates at the last settlement is, since revision, assessed at dry rates. To meet such isolated cases it will, in the Chief Commissioner's opinion, be sufficient if Deputy Commissioners are authorised to apply for remissions of revenue, and the Chief Commissioner proposes to issue the following instructions on the subject:—

"If a survey number was at the last settlement assessed at the rates for irrigated land, and irrigation permanently ceases to be available, the Deputy Commissioner should report the facts, mentioning the assessment of the survey number at irrigated and at dry rates with a view to the remission of the difference for the remainder of the term of settlement."

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**AJMER-MERWARA.**

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**Letter from the Chief Commissioner, Ajmer-Merwara, No. 553, dated the 30th April 1910.**

3. I also attach draft rules for the reduction of *chahi* assessments, when a well ceases to be of use, prepared by the Settlement Officer, together with a copy

of the suggestions made by the Hon'ble Mr. L. S. Porter, C.S.I., on these rules. My own views on these rules are contained in paragraph 8 of my Note mentioned at 2 (5) above.

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**Draft Rules for the reduction of Chahi assessments in Khalsa areas when a well ceases to be of use.**

1. When a well on the lands attached to which revenue has been assessed at Settlement on account of irrigation from that well, ceases to be of use, the assessment on the lands irrigated from that well shall be reduced in accordance with these rules.

2. In the assessment volume, under each village are shown :—

- (a) the total area assessed at Settlement as irrigated from each well ;
- (b) a lump sum in respect of each such well—which lump sum represents that portion of the total assessment on the area assessed as irrigated from the well as is in excess of the ordinary dry assessment that would be paid in the absence of the well.

*Example*—Well No. 350. The *chahi* assessed at Settlement as irrigated from that well was four acres. These four acres were assessed at Rs. 4-8-0 per acre, *i.e.*, at Rs. 18. If the well did not exist, and these four acres were not otherwise irrigated, the assessment would have been four acres at 0-8-0 per acre Rs. 2 ; annas 8 being assumed to be the ordinary dry assessment rate for the village. The portion of the assessment due to the well is then Rs. 16 ; and the lump sum on the well is Rs. 16 which is the amount remissible, under these rules when the well ceases to be of use.

3. On the application of the person liable to the assessment, the Collector shall remit the lump sum shown in the assessment volume as assessed on a well :—

- (a) when it has disappeared, *e.g.*, by being washed away by a flood or otherwise or has for any other reason become entirely incapable of use ; or
- (b) when, though its cylinder is intact and, if there were water in it, it could be used for irrigation yet owing to continued drought or to sinkage of the water-level, the well has been entirely dry for four consecutive harvests, in which, had it not been dry, it would ordinarily have been used ; or
- (c) irrigation from it has been permitted by the Collector to be permanently superseded by tank irrigation from a variably assessed tank, and the person liable to the well assessment has now to pay the water charge for the tank irrigation on the land which was assessed as *chahi*.

4. The Collector may grant a similar remission in respect of a well, which, though still containing water and capable of irrigation, has been out of use for four consecutive harvests in which it would ordinarily have been used otherwise if the disuse of the well has been due to some cause beyond the control of the person liable to the assessment on the well—such cause, for instance, as the spread of salts in the soil rendering cultivation of the land assessed as irrigated from the well impossible, or the loss of cattle or cultivators and the impossibility of replacing them, and the like.

Provided that no remission shall be given :—

- (i) If the disuse of the well occurs in the ordinary course of husbandry, the well being intended for use merely in seasons of drought.
- (ii) If the irrigation from the well is replaced or superseded by irrigation from a 3rd or 4th class tank assessed to a fixed assessment.

5. When a remission is granted it shall take effect as follows :—

- (a) In the case of a remission granted under Rule 3 (a), from the first harvest in respect of which, had the well remained in existence or capable of use, irrigation would have taken place from the well, but could not.

*Example.*—The well in question was washed away by a flood in the rainy season, but ordinarily it irrigated *rabi* crops only—the remission will have effect from the *rabi* harvest succeeding its disappearance—and not from the *kharif* season during which it was washed away.

- (b) In the case of a remission granted under Rule 3 (b), or Rule 4, from the first of the four harvests in question.
- (c) In the case of a remission granted under Rule 3 (c) from the harvest in which the well irrigation was allowed to be permanently superseded by tank irrigation from the variably assessed tank and the water charges of the latter have been levied from the person liable to the well assessment.

6. The four harvests prescribed in Rule 3 (b) or Rule 4, shall be (a) *kharif* and *rabi* harvests only, and (b) only these harvests in which the well would ordinarily have been used, if the person liable to the assessment could have used it. Thus, if the well ordinarily irrigated *rabi* only and not *kharif*, the four harvests in question shall be four consecutive *rabi* harvests; but if the well ordinarily irrigated both *kharif* and *rabi* harvests, the four harvests shall comprise two *kharif* and two *rabi* harvests following one another alternately.

7. When a well, in respect of which a remission has been given under these Rules, is again brought into use (or its lands come under irrigation from a 3rd or 4th class tank), the Collector shall re-impose (with effect from such harvest as he may, by written order, determine) the lump sum which was remitted, provided that:—

- (1) in any case where *e.g.*, when a well is repaired the Rules\* for the exemption of Agricultural Improvements from assessment would apply, due effect shall be given to those Rules;
- (2) if in any case the Collector comes to the opinion that there is good reason why an amount less than the whole lump sum should be re-imposed, he may re-impose such less amount only;
- (3) in no case shall the lump sum or amount re-imposed have retrospective effect for more than one whole year prior to the date of the order of re-imposition.

\*Ajmer Regulations, Volume H to L, page 514.

8. Applications for remission with reference to Rules 3 and 4 shall be enquired into on the spot as soon as possible after being filed—by the Collector himself—or the Revenue Extra Assistant Commissioner so far as possible; but should at any time the applications be numerous, the Collector may authorise the Tahsildar or Naib-Tahsildar to make the local inspection and report the facts.

9. The Girdawars shall be responsible for promptly reporting to the Revenue Extra Assistant Commissioner—either from their own observations or from periodical enquiries from the Patwaris—all cases of the coming into use again of wells in respect of which a remission has been given under these rules. And the Revenue Extra Assistant Commissioner shall be responsible for seeing that the Girdawars do their duty in this respect. On receiving a report, the Revenue Extra Assistant Commissioner shall, after verification by himself or the Tahsildar or Naib-Tahsildar, submit it to the Collector for orders.

10. Subject only to the control of the Commissioner in accordance with the following rule, the order of the Collector as to whether a “lump sum” shall be remitted or re-imposed, or a less amount be re-imposed shall, unless he himself finds good reason to revise it or is directed to do so by the Commissioner be final.

11. The Collector shall submit a half-yearly return to the Commissioner of all well assessments remitted or re-imposed by him during that half year, ordinarily for the Commissioner’s information only—but the Commissioner may call for further information on any portion of the return if he so desires, and may, if reason appear, direct the Collector to re-consider any remission or re-imposition.

W. J. E. LUPTON, C.S.,

27th November 1909.

Settlement Officer, Ajmer-Mercara.

**Note on the Ajmer-Merwara settlement by the Chief Commissioner, dated the 22nd April 1910.**

\* \* \* \* \*

8. I concur throughout in the views expressed by Mr. Porter in Board of Revenue letter No. 118, dated the 5th April 1910, regarding the draft rules for the reduction of assessments on lands assessed as irrigated from wells that have ceased to be used.

\* \* \* \* \*

**Letter from the Board of Revenue, United Provinces, to the Agent to the Governor-General, Rajputana, and Chief Commissioner, Ajmer-Merwara, No. 118-1-577-B., dated the 5th April 1910.**

\* \* \* \* \*

3. Mr Porter entirely approves of the principle of the rules, namely, that the rate of revenue on land assessed as "chahi" should—when the well from which the land is irrigated becomes permanently useless for purposes of irrigation—be reduced to the "barani" rate.

4. The need for such a rule in Ajmer-Merwara is due to the fact (1) that the land is minutely sub-divided among large bodies of impoverished petty proprietors; and (2) that unirrigated land cannot possibly bear an assessment at "chahi" rates which are much higher than "barani" rates. Unless then a reduction of revenue is granted on land assessed as "chahi" which has permanently ceased to be irrigated the owner of the holding in question will be ruined.

5. At the same time the draft rules, in which an attempt has been made to provide for every possible case that may arise, appear to Mr. Porter to be unnecessarily elaborate. It is in his opinion sufficient to lay down the principle, and leave the Collector to decide in each case whether a reduction is claimable or not. In accordance with this principle Mr. Porter would suggest that the following be substituted for draft rule (3):—

"3. On the application of the person liable to pay the assessment, the Collector shall remit the lump sum shown in the assessment volume as assessed on a well if

- (1) the Collector is satisfied that the well has become permanently unfit for irrigation; or
- (2) the land assessed as "chahi" ceases to be irrigated from the well and is—with the permission of the Collector—irrigated from a first or second class tank and pays water-rate accordingly."

The second clause of the rule is suggested to meet the cases in which owing to the construction of new tanks, of the extension of tank irrigation, the use of tank water supersedes well water. No land can bear both rates.

Draft rule 4 may be omitted. Deterioration of soil is recognised as a fair ground on which to claim a reduction of revenue; but such cases must be dealt with on their merits as they arise. They cannot be provided for by rule.

For draft rule 5 the following might be substituted—

"5. The Collector shall decide in each case from what harvest the reduction of revenue shall take effect."

Draft rule 6 might be omitted.

Draft rule 7.—Mr. Porter would omit the words "with effect from such harvest as he may by written order determine;" and substitute for clause (3) the following:—

"The re-imposed assessment shall become payable from the date of such order or from such later date as the Collector may fix."

The enhancement of revenue with the retrospective effect is open to objection.

Draft rule 8.—In Mr. Porter's opinion the words "should at any time the applications be numerous" should be omitted. Prompt enquiries are desirable and it may not be possible for the Collector or Revenue Extra Assistant Commissioner to visit the locality at once.

Draft rule 9.—Patwaris should also be made responsible for the prompt report of all such wells coming into use again.

For draft rule 10, Mr. Porter would substitute:—

"No appeal shall lie from any order of the Collector under these rules; but all such orders shall be subject to the control of the Commissioner."

Draft rule 10 provides sufficiently for control by the Commissioner.

Draft rule 11.—The words from "Ordinarily" to the end of the rule may be omitted.

6. If these suggestions are approved, the rules will require to be renumbered.

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**Letter from the Government of India to the Chief Commissioner, Ajmer-Merwara, No. 802, dated Simla, the 14th July 1910, paragraph 6.**

The Government of India accept the rules drawn up by the Settlement Officer for the reduction of well assessments when a well ceases to be of use.

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**COORG.**

**Letter from the Chief Commissioner, Coorg, No. 1620, dated the 31st October 1906.**

\* \* \* \* \*

3. *In regard to paragraphs 11 and 12.*—The existing Revenue Rule 250 does not cover all cases of deterioration of land, inasmuch as it provides for the revision of the current assessments of estates only and does not allow of the re-assessment of individual holdings. An amendment of the rule is therefore necessary, and it is proposed to revise the rule as follows:—

"250 (a). On the application of the land-owners or on the recommendation of the Commissioner, the Chief Commissioner may order the current assessment of an estate or a holding to be revised, if, owing to calamity of season or other cause not above provided for, the profits of the estate or holding have been materially reduced.

"(b) In revising an assessment under this rule the Commissioner shall, except in cases in which the Chief Commissioner may by special order otherwise direct, be guided by the principles and instructions which were followed when the last general assessment was made.

"(c) When the assessment of an entire estate is revised, the distribution of the land revenue over the holdings shall be revised in conformity with the revised assessment of the estate."

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**NORTH-WEST FRONTIER PROVINCE.**

**Letter from the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, No. 234-H., dated the 12th August 1907.**

\* \* \* \* \*

8. (3) The land-owner, at least when he is a small peasant proprietor, is rarely deterred from effecting an improvement by the fear of an enhanced

assessment. What does deter him is the fear that if the improvement fails or ceases to be of use, *e g*, the collapse or drying up of a well, the deterioration of the soil owing to brackish water, the bursting of a dam, he may still have to pay the enhanced revenue.

The rigidity of our revenue system in the past, based on the argument that the settlement contract between the State and the revenue payer should not be lightly violated, has undoubtedly been a source of considerable hardship in individual cases. There has, however, been in recent years a strong movement in favour of increased elasticity and liberality. The recent Punjab rules referred to in paragraph 11 of the Resolution for the reduction of assessment when an improvement ceases to be of use, are well suited to the circumstances under consideration. They have been adopted with certain minor alterations to suit local requirements, in the four districts recently re-assessed, and embodied in the Final Settlement Reports which I hope to submit at an early date to the Government of India. Reductions of assessment in such cases had already been in practice granted in some instances in Peshawar, but other cases have come to notice where lands which had gone out of cultivation owing to the collapse of the well, or the well water producing "reh" in the soil, have continued to pay the irrigated rates. Accordingly the rules are now being made an integral part of our revenue policy, and with the land revenue machinery as now re-organised I anticipate no difficulty in giving effect to them.

9. The loss of revenue to Government will be inconsiderable, and in the long run will be more than counterbalanced by the increased inducement to carry out improvements; while the relief to individuals and even to communities will be considerable and will be much appreciated.

\* \* \* \* \*

## BALUCHISTAN.

**Letter from the Agent to the Governor-General and Chief Commissioner  
in Baluchistan, No. 237-S., dated the 5th February 1908.**

\* \* \* \* \*

9. "In tracts still under fluctuating assessment, the revenue demand is reduced automatically or ceases altogether as an improvement declines in usefulness or ceases to be of use. No rules seem to be required, therefore, for such tracts in regard to the matter dealt with in paragraph 4 of the Government Resolution. Rule VI of the draft now submitted deals with the matter as it affects improvements in settled tracts. It follows in the main, the existing practice, except that it has been usual to remit the assessment year by year in the case of total failure of the water-supply, and not at once for the remaining period of the settlement. The not uncommon case in which the owners of land, the irrigation source of which has dwindled or failed, purchase or hire water for the irrigation of the land from some other source, has been provided for in this rule. In such cases it seems equally undesirable to remit the whole revenue demand and to make no remission at all. The middle course suggested, though involving some rather difficult enquiries, is perhaps the most equitable way of dealing with such cases.

\* \* \* \* \*

\* \* \* \* \*

**Rule VI.**—In tracts under fixed cash assessments when a karez or other source of irrigation ceases to be of use or diminishes in usefulness to any

considerable extent, the Revenue Commissioner may sanction the reduction of assessment in accordance with the principles detailed below :—

Provided that remissions or reduction exceeding Rs. 500 a year in any one case shall require the sanction of the Local Government :—

- (a) in the case of total failure of the water-supply the whole assessment may be remitted for the remaining period of the settlement, provided that such failure has not been brought about by any negligence on the part of the owners, and that they are unable by due diligence to arrange for the irrigation of their lands from another source ;
- (b) when arrangements are made by the owners for the irrigation of their lands by purchasing or renting water from another source, a remission of revenue may be given based on the difference between the cost of such purchase divided by the number of years for which the settlement has to run, or the amount of such rent, and the estimated annual cost of maintenance of the original irrigation source ;
- (c) where the water-supply has seriously diminished from causes beyond the control of the owners an estimate of the actual produce should be made from year to year, and where the value of one-sixth of the produce is found to be less than the assessment a remission should be given equal to the amount of the deficiency ;
- (d) if, after an application has been dealt with under rule VI (a) the lands in question are again brought under irrigation by the re-opening of the old irrigation source or the opening of a new one, a reduction of revenue may be given based on the difference between the cost of re-opening or of opening such irrigation source divided by the number of years which the settlement has to run, and the estimated cost of maintenance of the original irrigation source.

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## APPENDIX B.

(Referred to in the Answer to Question 12.)

No. 451-C.—485-C.

GOVERNMENT OF INDIA

H O M E D E P A R T M E N T .

NUMBER OF APPOINTMENTS LISTED AS OPEN TO THE PROVINCIAL CIVIL SERVICE IN BENGAL, BIHAR AND ORISSA AND ASSAM.

### ESTABLISHMENTS.

*Delhi, the 19th December 1913.*

### R E S O L U T I O N .

Prior to the creation of the Bengal Presidency as now constituted and the provinces of Bihar and Orissa and Assam the following appointments, ordinarily filled by members of the Indian Civil Service, were included in the list of appointments open to members of the Provincial Civil Service in Bengal and Eastern Bengal and Assam :—

<i>Bengal.</i>	
Superior appointments—	
(a) Headships of districts . . . . .	3
(b) District and Sessions Judgeships . . . . .	4
(c) Junior Secretaryship to the Board of Revenue . . . . .	1
	8
Inferior appointments—	
(d) Under Secretaryship to Government . . . . .	1
	9
<i>Eastern Bengal and Assam.</i>	
Superior appointments—	
(a) Headships of districts . . . . .	2
(b) District and Sessions Judgeships . . . . .	3
	5
Inferior appointments—	
(c) Junior Secretaryship to the Board of Revenue . . . . .	1
(d) Under Secretaryship to Government . . . . .	1
	2
	7

2. On the reconstitution of the provinces in April 1912, the Government of India made the following redistribution of the listed appointments, subject to confirmation by the Secretary of State for India :—

	Bengal.	Bihar and Orissa.	Assam.	Total.
Superior posts . . . . .	7	5	1	13
Inferior post (Under Secretaryship to Government) . . . . .	1	1	...	2
	8	6	1	15



The appointment of Junior Secretary to the Board of Revenue, Bengal, has been recently abolished, and in the province of Bihar and Orissa there is only one Secretary to the Board of Revenue. One additional superior appointment has, however, been made over to the Provincial Civil Service in the Bengal Presidency in lieu of the appointment of Junior Secretary to the Board of Revenue, and a new post of District and Sessions Judge recently created has also been assigned to the Provincial Service. In view of the fact that the whole question of listing appointments has been for some time under consideration and will doubtless be reviewed afresh by the Royal Commission on the Public Services in India, the Government of India do not consider it necessary, at this stage, to insist upon the specification of the precise number of each class of superior appointment to be listed in the Bengal Presidency and in Bihar and Orissa, and the Secretary of State's approval has been obtained to the listing of the following appointments in the three provinces:—

	Superior.	Inferior.	Total.
Bengal Presidency .	Headships of districts or District and Sessions Judgeships . . . . . 8	Under Secretaryship to Government . . . . . 1	9
Bihar and Orissa .	Do. . . . . 5	Do. . . . . 1	6
Assam . . . . .	District and Sessions Judgeship . . . . . 1	...	1
	14	2	16
	—	—	—

The Governments of Bengal and Bihar and Orissa will be at liberty, as circumstances may demand, to vary within these totals, the number of each class of superior appointment to which members of the Provincial Civil Service are actually appointed.

3. The Governor-General in Council is also pleased to declare, with the Secretary of State's approval, that the following rates of pay shall be attached to the several appointments in question when held by officers of the Provincial Civil Service:—

(i) Headships of districts—

	₹
1st grade . . . . .	1,600
2nd grade . . . . .	1,200
3rd grade . . . . .	1,000

(ii) District and Sessions Judgeships—

	₹
1st grade . . . . .	2,000
2nd grade . . . . .	1,600
3rd grade . . . . .	1,200

(iii) Under Secretaryship to Government . . . . . 700

ORDER.—Ordered that a copy of this resolution be forwarded to the Governments of Bengal and Bihar and Orissa, to the Hon'ble the Chief Commissioner of Assam and to the Finance Department for information, and that it be published in the supplement to the *Gazette of India* for general information.

H. WHEELER,  
Secretary to the Government of India.

**APPENDIX C.***(Referred to in the Answer to Question 20.)**Statement showing the number of indentured Indian emigrants and the places to which they emigrated in 1912.*

Port of embarkation.	British Guiana.	Trinidad.	Jamaica.	Fiji.	Surinam.	TOTAL.
Calcutta	2,392	2,637	1,457	827	1,216	8,529
Madras	...	...	...	2,546	...	2,546
	2,392	2,637	1,457	3,273	1,216	11,075

## APPENDIX D.

(Referred to in the Answer to Question 28)

Statement showing the banks in India, all of which are registered Companies which have suspended payment and any available information concerning them.

No.	Name of Bank.	Date of registration under Companies' Act.	Date of closing.	CAPITAL.			Reserve.	Whether banking and other business was combined.
				Authorised.	Subscribed.	Paid up.		
				Rs.	Rs.	Rs.	Rs.	
1	People's Bank of India, Lahore.	6th Feb., 1901	20th Sept., 1913.	35,00,000	22,00,000	12,48,832	3,25,000	Object of company shown only as banking.
				These figures are taken from LeMaister's Investors India Year Book, 1913.				
2	Auriltar Bank, Lahore.	8th Feb., 1901	20th Sept., 1913.	5,00,000	5,00,000	1,70,887	75,000	Ditto.
				These figures are taken from LeMaister's Investors India Year Book, 1913.				
3	Hindustan Bank, Multan.	21st July, 1906	20th Sept., 1913.	2,40,000	2,22,575	1,17,124	Figures not available.	Banking and Commission Agency.
				These figures are taken from List of Joint Stock Companies, 1911-12.				
4	Doaba Bank, Auriltar.	11th April, 1908	14th October, 1913.	5,00,000	3,40,600	56,875	Do.	Ditto
				These figures are taken from the List of Joint Stock Companies, 1911-12.				
5	Lahore Bank, Lahore.	31st May, 1906	18th Novr., 1913.	5,00,000	4,80,000	1,11,125	35,000	Object of company shown only as banking.
				These figures are taken from LeMaister's Investors India Year Book, 1913.				
6	Indian Exchange Bank, Simla.	15th Sept., 1911	About 23rd Novr., 1913.	5,00,000	...	...	Figures not available.	Banking and Commission Agency.
				These figures are taken from the List of Joint Stock Companies, 1911-12.				
7	Industrial Bank, Ludhiana.	10th Oct., 1906	About 27th November, 1913.	5,00,000	1,59,000	51,332	Do.	Ditto.
				These figures are taken from the List of Joint Stock Companies, 1911-12.				
8	Bank of Peshawar.	18th Novr., 1903.	About 23rd Sept., 1913. Since resumed payment.	5,00,000	3,00,000	82,900	Not known.	Banking and money lending.
				These figures are taken from the List of Joint Stock Companies, 1911-12.				
9	Kathiawar and Ahmedabad Banking Corporation.	10th June, 1910.	3rd Novr., 1913	1,00,00,000	21,64,500	7,80,571	N/A.	Object of company shown only as banking.
				These figures are taken from LeMaister's Investors India Year Book, 1913, but list of Joint Stock Companies, 1911-12, show following subscribed and paid-up capital— 18,98,900				
10	Credit Bank of India.	15th Decr., 1909.	3rd Octr., 1913.	1,00,00,000	60,00,000	10,00,000	82,500	Ditto.
				These figures are taken from LeMaister's Investors India Year Book, 1913.				
11	Bombay Banking Company.	24th Novr., 1898.	7th Octr. 1913, Bombay Government state that bank has not resumed but according to newspaper reports it has.	5,60,000	1,80,250	1,03,385	Figures not available.	Ditto.
				These figures are taken from the List of Joint Stock Companies, 1911-12.				
12	Indian State Bank.	17th Novr., 1906.	29th Novr., 1913.	2,50,00,000	1,50,00,000	75,00,000	15,00,000	Ditto.
				These figures are taken from LeMaister's Investors India Year Book, 1913.				

The "Pioneer" dated the 4th December 1913, contains a report that a petition has been filed for the winding up of the Pioneer Bank, Bombay, a concern with 50 lakhs authorised capital none of which seems to have been subscribed or paid up. The bank has not yet suspended payment.