ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. LIV

April 1915 - March 1916

PROCEEDINGS

OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

From April 1915 to March 1916.

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GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE INDIAN LEGISLATIVE COUNCIL ASSEMBLED UNDER THE PROVISIONS OF THE GOVERNMENT OF INDIA ACT, 1915 (5 & 6 Geo. V, Ch. 61).

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Tuesday, the 15th February, 1916.

PRESENT:

His Excellency Baron Hardings 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 56 Members, of whom 48 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 Douglas Maclagan, K.C.I.E., C.S.I.

- Mr. Alexander Phillips Muddiman, C.I.E.
- Mr. John Ghest Cumming, C.I.E.
- Lt.-Col. Charles Mowbray Dallas, C.S.I.
- Mr. Reginald Arthur Mant.
- Maung Bah Too, C.I.E., K.S.M.
- Mr. Lionel Davidson, C.S.I.
- Dr. Mahendra Nath Banerjee, M.R.C.S., L.S.A.
- Mr. Charles William Maitland Hudson.

QUESTIONS AND ANSWERS.

The Hon'ble Sir Ibrahim Rahimtoola asked:-

1. "Will Government be pleased to state what facilities (if any) are available to the public for refining gold and silver in India?"

[15TH FEBRUARY, 1916.] Sir William Meyer; Sir Ibrahim Rahimtoola; Maharaja Ranajit Sinha of Nashipur; Sir C. Sankaran Nair; Mr. Surendra Nath Banerjee; Sir Reginald Craddock; Rai Sita Nath Ray Bahadur.

The Hon'ble Sir William Meyer replied:-

"No facilities for refining gold and silver are available to the public at the Indian Mints. The Government of India are not able to state how far, if at all, such work is undertaken by private agency in this country.".

The Hon'ble Sir Ibrahim Rahimtoola asked :-

Silver purchased for Indian

- 2. "Will Government be pleased to state to what extent (if any) has silver been purchased in each year for the purposes of the Indian Currency, since the closing of the Indian Mints to the unrestricted coinage of silver in 1893—
 - (a) in London,
 - (b) in India?"

The Hon'ble Sir William Meyer replied:

"I lay on the table a statement" giving the information asked for."

The Hon'ble Maharaja Ranajit Sinha of Nashipur asked:-

Circulation

3. "Will the Government be pleased to state if any orders have been ef cut cur-rency notes. issued prohibiting the circulation of cut currency notes?"

The Hon'ble Sir William Meyer replied:—

"The answer is in the negative. I will take an opportunity of referring to this question in my speech introducing the Financial Statement."

The Hon'ble Maharaja Ranajit Sinha of Nashipur asked :-

Appoint-ment of an efficial as Vice-Chan-University.

4. "Will the Government be pleased to state whether the appointment of an official as Vice-Chancellor of the Calcutta University is contemplated?"

The Hon'ble Sir C. Sankaran Nair replied:—

"The answer is in the negative."

The Hon'ble Mr. Surendra Nath Banerjee asked :—

5. "In the Press Communiqué issued by the Government, dated the 19th November, 1915, it was stated that the action of the Government of India in reducing the sentences on some of the prisoners in the Lahore Conspiracy case was taken as the result of careful examinations of the facts as proved in evidence against each individual prisoner. Was there any disagreement between the Government of India and the Special Tribunal which tried the case as regards the findings of the latter in regard to some of the facts?"

The Hon'ble Sir Reginald Craddock replied :-

"The Communiqué already issued contains all the information on the point which it is considered desirable to make public."

The Hon'ble Rai Sita Nath Ray Bahadur asked:—

6. (1) "With reference to the replyt given to my question on the subject at a meeting of Council on the 16th September, 1914, will the Government be pleased to state whether they have received the opinions of the several Local Governments on the question of adulteration of food-stuffs?

Not published in these Proceedings.
 † Vide page 70 of Council Proceedings of 16th September, 1914.

[15th February, 1916.] [Rai Sita Nath Ray Bahadur; Sir C. Sankaran Nair; Sir William Clark; Sir Reginald Craddock.]

- (2) If the answer be in the affirmative, will the Government be pleased to state whether they intend—
 - (a) to publish the correspondence on the subject and the papers relating thereto, and
 - (b) to undertake any legislation for the prevention of adulteration of food-stuffs?"

The Hon'ble Sir C. Sankaran Nair replied:-

- (1) "The replies of Local Governments have been received and are under consideration.
- (2) The Government of India are unable at present to state their intentions regarding the matters referred to in (a) and (b) of the Hon'ble Member's second question."

THE INDIAN PORTS (AMENDMENT) BILL.

The Hon'ble Sir William Clark:—"My Lord, I beg to move that the Bill further to amend the Indian Ports Act, 1908, be referred to a Select Committee, consisting of the Hon'ble Mr. G. R. Lowndes, the Hon'ble Sir Fazulbhoy Currimbhoy, the Hon'ble Rai Sitanath Ray Bahadur, the Hon'ble Major-General B. Holloway, the Hon'ble Mr. C. E. Low, the Hon'ble Mr. T. W. Birkett, the Hon'ble Mr. F. H. Stewart, the Hon'ble Mr. A. P. Muddiman, the Hon'ble Mr. L. Davidson, and myself."

The motion was put and agreed to.

THE INDIAN TRUSTS (AMENDMENT) BILL.

The Hon'ble Sir Reginald Craddock:—" My Lord, I beg to move that the Bill further to amend the Indian Trusts Act, 1882, be taken into consideration.

"The Bill has met with no opposition at all, and in regard to it, I have nothing to add to the explanation of its scope contained in the Statement of Objects and Reasons, and to the remarks that I made when I introduced the Bill last September.

"A few suggestions have been received from some or other of the authorities consulted, and have been carefully considered by the Government of India, but their conclusion has been that none of these suggestions are suitable for inclusion in the present Bill, either because the objects they are intended to serve are already sufficiently provided for by the existing Act, or because they fall outside the scope of the present Bill, though they might be relevant if the amendment of the Bill on wider lines were to be undertaken, or else because the further enlargement of trustee stock suggested would require further detailed examination at the hands of the numerous authorities interested in such matters, which would entail unnecessary delay in securing the particular amendments which the Bill is framed to secure. Among these suggestions I may note some of the more important

"It has been suggested, for example, that power should be taken to enable trustees to invest in debentures or other security issued by or on behalf of District Boards, and a similar suggestion has been made to add to the trustee's stock the stock shares and securities of any railway company, the interest of which is guaranteed by a Native State. The former proposal is supported by the Madras Government, but in neither case could the acceptance of these proposals be made off-hand without a further reference to all those who would have to be consulted. It might very well be that objections to so wide an extension may be raised. The reference related to the specific proposals made in the Bill, and it was never intended to invite suggestions for further additions to trustee's stock which must inevitably require very close examination.

[Sir Reginald Craddock; Sir William Clark; [15th February, 1916.]

The President.]

- "Another suggestion was made that the proviso to section 20 of the existing Act should be reproduced in respect of the new section 20-A. This proviso requires the consent of the beneficiary of the trust (when he is competent to contract) in respect to certain classes of investments, but in respect of other classes of investments, this consent is not necessary, and the additions which the Bill makes to trustee's stock will in any case be covered by the provise to section 20 of the Act, according as the new stock falls or does not fall into the category of investments which require or do not require the consent of the beneficiary of the trust.
- "Again, it has been suggested that power should be taken for the trustee to vary his investment. But the Act has been working for some 33 years, and no obstacle to a trustee varying investments has come to light.
- "Another suggestion made is that, instead of the prescriptions contained in the proviso to section 20, a sliding scale should be fixed having reference to the rate of interest and the number of years the security has to run. But the proposed new section follows exactly the corresponding provision in the English Trustee Act, and the proposal would appear to entail the adoption of restrictions which it might be difficult to enforce in practice.
- "The suggestions made on this occasion will remain on record for future consideration if the further amendment of the Act should at any time be taken up, but so far as the present Bill is concerned, they fall outside its scope, and none of them are such as to necessitate any modifications in the text of the Bill as introduced in Council. It is not considered necessary, therefore, to refer the measure to a Select Committee, and I accordingly move that the Bill be taken into consideration."

The motion was put and agreed to.

The Han'ble Sir Reginald Craddock:—" My Lord, I new beg to move that the Bill be passed."

The motion was put and agreed to.

THE DEFENCE OF INDIA (AMENDMENT) BILL.

The Hen'ble Sir William Clark:—" My Lord, I beg to move for leave to introduce a Bill to amend the Defence of India (Criminal Law Amendment) Act, 1915.

Rollowing the precedent of last year, we propose to incorporate in a legislative measure an Ordinance passed when Council was not sitting. The Bill when it becomes an Act will only have duration for the period of the war and six months thereafter. The origin of this particular Ordinance was the desire of Covernment to stimulate the production of wolfram which was required in the United Kingdom for the purposes of the war. At the same time certain other demonstrial matters were dealt with. I beg to move for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Sir William Clark:—"My Lord, I introduce the Bill, and I move Your Excellency to suspend the Rules of Business to admit of the Bill being taken into consideration. The same procedure was followed in similar cases last year."

His Excellency the President:—"I suspend the Rules of Business."

The Hon'ble Sir William Clark:—" My Lord, I move that the Bill be taken into consideration."

The motion was put and agreed to.

DEFENCE OF INDIA (AMENDMENT) BILL; INDIAN MEDICAL 112 (BOGUS DEGREES) BILL.

[15TH FEBRUARY, 1916.] [Sir William Clark; Sir Pardey Lukis.]

The Hon'ble Sir William Clark:—"My Lord, I move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN MEDICAL (BOGUS DEGREES) BILL.

The Hon'ble Sir Pardey Lukis :- "My Lord, before formally moving that the Bill, which is in my charge, should be referred to a Select Committee, I should like to express my satisfaction that the replies received from the authorities consulted show such a very large consensus of opinion in favour of the principle of the Bill on the part of the educated community, both European and Indian, whether they be doctors or laymen, and I would specially draw attention to the views of that very influential and representative body, the Bombay Medical Union, which includes all the most eminent and independent practitioners in Western India. With very few exceptions the criticisms received have been levelled merely at details. These criticisms will receive most careful and sympathetic attention on the part of the Select Committee, upon which we propose to place the Hon'ble Dr. M. N. Banerjee, Chairman of one of the institutions concerned, in order that the views of the authorities of the independent medical colleges may be fully represented. That being so, it is unnecessary that I should deal with matters of detail at this stage, but, with Your Excellency's permission, I wish to say a few words as regards the general object served by this Bill, about which many misconceptions have arisen. Briefly stated, the object of the Bill (which I may remark in passing will apply to all medical schools, whether Government or independent) is that no teaching institution shall examine its own students, but that it shall conform to certain definite standards, shall submit to outside inspection, and shall affiliate itself to one or more of the sanctioned examining bodies. authorities of the schools in question will be able then to seek three different grades of affiliation, namely, to the Licentiateship or Membership of the State examining body, the former corresponding to the diploma of the Sub-Assistant Surgeon, and the latter to the old L. M. & S., or they may affiliate to a recognised University for the higher degrees of M.B., or M.D. The real object of this Bill, therefore, is to improve the status of the independent medical colleges—not to destroy them—and I am surprised that anyone, who knows my views as regards the importance of improving the position of the independent practitioner, or who is aware of the keen interest I take in the development of independent medical colleges, should attribute to me the wish to injure the one or suppress the other. In this connection, may I refer Hon'ble Members to my speech in Council on March the 17th, 1911, when I said :-

'In Calcutta alone, there is ample room for properly staffed and well-equipped un-official medical colleges and schools which may be either affiliated to the University, or run on the same lines as a Government medical school, but entirely conducted by Indian medical men, and I look forward to the day when in every important town of the Indian Empire we shall have a well-equipped non-official medical college, staffed entirely by Indians, and working in friendly rivalry with the Government medical college; each institution striving its hardest to show the best results at the University examinations, and I earnestly hope that, before I say farewell to India, I may see this an accomplished fact—at any rate in Calcutta and Bombay.'

"My Lord, I still hope to see this dream fulfilled. On the 7th of last month, the College of Physicians and Surgeons of Bengal was granted by the Senate of the University of Calcutta provisional affiliation up to the Preliminary Scientific standard for the M B. degree, and I am proud to think that I was able to play a part in the securing of this desirable result. I hope also that, 'ere long, it may be possible to affiliate one of the other independent colleges in Calcutta to the State Medical Faculty of Bengal. Meanwhile, Bombay has received a munificent offer of twelve lakhs of rupees from the Trustees of Mr. Gordhandass Sunderdass for the foundation of a second medical college in that city, to be staffed by Indians not in Government service,

Sir Pardey Lukis; Mr. Surendra Nath [15th February, 1916.]

Banerjee; The President.]

and to be affiliated to the Bombay University. I trust most sincerely that it may be possible to utilise this very generous gift, and that the example of its donor may stimulate the rich and charitable nobility and zemindars of Bengal to come forward with the money which is required in order to place upon a sound footing the independent medical colleges in Calcutta, to one of which the Government of India has sanctioned a grant of five lakhs non-recurring and Rs. 50,000 recurring on certain conditions which will, I trust, shortly be fulfilled.

"With these remarks, my Lord, I now move that the Bill to prevent the grant to unqualified persons of titles implying qualifications in western medical science, and the assumption and use by such persons of such titles, be referred to a Select Committee, consisting of the Hon'ble Sir Reginald Craddock, the Hon'ble Mr. G. R. Lowndes, the Hon'ble Mr. Chakravarti Vijiaraghavachariar, the Hon'ble Rai Ghanasyam Barua Bahadur, the Hon'ble Raja Saiyid Abu Jafar, the Hon'ble Mr. J. Walker, the Hon'ble Mr. L. Davidson, the Hon'ble Dr. M. N. Banerjee, and myself."

The Hon'ble Mr. Surendra Nath Banerjee:—"My Lord, there are some of us who would like to speak on this Bill if we may."

His Excellency the President :-- " Certainly."

The Hun'ble Mr. Surendra Nath Banerjee:—" My Lord, I regret to say that I feel it my duty to oppose the motion. In doing so, I dissociate myself from those who believe that the Bill is aimed at private medical institutions; the Hon'ble Mover has made an emphatic disavowal in that respect, the disavowal was unnecessary. The Hon'ble Mover has been a staunch friend of the Indian medical practitioner throughout his official career. If to-day the difficulties which surrounded the question of raising the status of the Belgatchia Medical School, the foremost private medical school in Bengal, have been removed, the fact is largely due to the initiative and the disinterested efforts of Sir Pardey Lukis, and Bengal, let me say this most emphatically, will gratefully cherish the memory of his services in this connection. All the same, my Lord, I think the Bill is somewhat premature; my Lord, it is contentious, and being contentious, in accordance with the principle laid down by Your Excellency, it ought to be kept out of this Council for discussion during war time; that it is contentious and controversial is evident from a perusal of the papers which have been circulated; I need not refer to them at any length in this Council; they are in the hands of Hon'ble Members.

"My Lord, the Bill is condemned by Indian public opinion. As I came into this room I received a telegram which says that protest meetings against this Bill have been held at Madras, Nagpur and Calcutta. I am familiar with the meeting that was held at Calcutta. It was presided over by the Hon'ble Mr. B. Chakravarti, one of the most distinguished leaders of the Calcutta Bar. It was influentially and numerously attended, and it recommended the withdrawal of the Bill. My Lord, the Bengal Medical Association-I think my Hon'ble friend the Mover is acquainted with that Association-the President of which is Dr. S. P. Sarbadhikari, the organizer of the Bengal Ambulance Corps, and the Secretary is Dr. Mrigendra Lall Mitra, a distinguished medical practitioner, have recorded their protest against the Bill. They suggest substantial modifications, if not altogether the withdrawal of the Bill. The Bill was circulated among some of the non-official members of the Punjab Legislative Council, and the consensus of opinion of those members is against the Bill. I find one Muhammadan member recording a strong opinion against it. A Medical Association in the Punjab is also opposed to the Bill. Therefore, my Lord, I am entitled to hold that the Bill runs counter to the distinct expression of Indian public opinion. That being so, I appeal to Your Excellency to follow the wise guidance which Your Excellency has given to this Council, namely, that there should be always a deferential attitude towards the

[15TH FEBRUARY, 1916.] [Mr. Surendra Nath Banerjee; Maharaja Sir Manindra Chandra Nandi of Kasimbazar.]

reasonable expression of Indian public opinion. Judged by that test I submit that the Bill should be withdrawn. My Lord, nobody apparently wants this Bill. The medical profession do not want it, the Universities do not want it, and as for the community, they certainly do not want it. I venture to think that the community will suffer if the Bill becomes law. Let us analyse the situation for a moment. I am speaking of Bengal, because my experience of these matters does not extend beyond my own province. There are three classes of medical practitioners who minister to the medical needs of the community. They are, first, the qualified graduates from the Government institutions, secondly, the graduates from the private medical schools, and lastly, the out-and-out quacks. Now, my Lord, if this Bill becomes law, the second class of practitioners are bound to disappear in course of time, and what would be the result? The reign of the out-and-out quacks would be thoroughly and firmly established. What is the situation in Bengal at the present moment? We have a population of 45 millions according to the last Census. I think the number of qualified graduates in the Surgeon-General's list is 2,500. Making a simple mathematical calculation, it will be found that we have about a single qualified medical man to 20,000 persons. Will anybody in his senses say that this is sufficient? I say that the situation is intolerable having regard to our needs and to the way in which those needs Therefore, my Lord, it comes to this: that if this Bill comes into operation, and the partially qualified medical practitioners who pass out of the private medical schools disappear, the community will have to depend wholly upon the quacks. I hope that that is a situation which Your Excellency's Government will not countenance.

"Lastly, I come to the case of the students. My Lord, I am in close touch with the student community of Bengal. I meet them every day, and I have the deepest sympathy for them and their aspirations, and the deepest regret for their failings, whatever they may be. Now, my Lord, there are hundreds of students every year who are barred out of the Government medical institutions; barred out, not deliberately, but because there is no room, no accommodation, no arrangement for their teaching, and these have to seek admission into the private medical schools. Now, if these schools disappear, where will they go to? They will not be qualified in any way, the little service which they are able to render to the community they will not be in a position to render; the community will suffer, and these young men will swell the ranks of the idle and the discontented. Now I ask, is that a situation which is fair to these young men, or one which a responsible Government can contemplate with complacence and especially in these times?

"Therefore, my Lord, on all these grounds, with very great regret, I deem it my duty to oppose the motion."

The Hon'ble Maharaja Sir Manindra Chandra Nandi of Kasimbazar:—" My Lord, I regret I am unable to support the motion that this Bill be referred to a Select Committee. It seems to me that there is no occasion for the introduction or passing of such a measure. It is admitted that certain ancient forms of the art of healing, which were in existence before modern western science came into being, have done a great deal to relieve human suffering, and cannot be suppressed by law. The Bill before the Council proposes to prevent the grant to unqualified persons of titles implying qualifications in western medical science, and the assumption and use by such persons. I do not for a moment question the excellence of the Hon'ble Sir Pardey Lukis' motive in introducing this Bill, but I should like to point out that, in the institutions under reference, teaching of a sort in western medical science is imparted, and the persons taught in these institutions help to an appreciable extent the alleviation of human suffering, especially in India where the supply of qualified medical men is by no means equal to the demand. Public opinion almost throughout the country is opposed to this measure. As there is scarcely any room for doubt that the Bill before the Council is contentious, I pray Your Excellency will be pleased to permit it to be held in abeyance, if it is considered inexpedient that it should be withdrawn."

[Rai Sitanath Ray Bahadur; Maharaja Ranajit [15TH FRERUARY, 1916.]

Sinha of Nashipur.]

The Hon'ble Rai Sitanath Ray Bahadur :- "My Lord, while admitting the soundness of the principles underlying the Bill before us, I am sorry that, in view of the vehement opposition which has been aroused in Calcutta and elsewhere by the Bill in question, and which threatens the extinction of the few private colleges giving instructions in the western system of medicine, I should be forced to oppose the reference of this Bill to a Select Committee, for it is undoubtedly, as is evident now, a controversial measure, and it has always been, since the war broke out, the avowed policy of Your Excellency's Government not to take up any measure which, in the least, partakes of a controversial character. Moreover, in view of the fact that the population of India is about 316 millions, whereas the number of qualified doctors, brought up under the western system of medicine, is about a few thousands only, and considering that the disproportion between the demand and supply is so weefully glaring, is palpably so large, it is a matter of surprise that the Government, instead of enlarging the scope of the western system of medicine by giving all kinds of encouragement, specially pecuniary help, to some of the private colleges, one or two of which are undoubtedly doing lots of good work both by giving medical relief daily to hundreds of indoor and outdoor patients, as well as by giving instructions to several hundreds of young men, should do anything which would go to paralyse those institutions, and which would ultimately lead to their utter extinction. I am well aware and for that we are deeply thankful to Government for having been kind enough to promise liberal and substantial help, both recurring and non-recurring, to the Belgatchia Medical College. But, my Lord, Bengal with its teeming population of 50 millions, can boast only of one fully equipped medical college and two medical schools and another prospective medical college at Belgatchia; are they sufficient enough to provide medical practitioners for the requirements of the several millions of people who live in the interior?

"From all points of view, it must be admitted that the Bill, notwithstanding its evidently good intentions, is a little too premature. I, therefore, earnestly pray that the further consideration of this Bill may be postponed for the present."

The Hon'ble Maharaja Ranajit Sinha of Nashipur:— "My Lord, the object of the Bill, as explained in the Statement of Objects and Reasons, is to prevent the use of bogus titles; so far I quite agree with the Hon'ble the Director-General that this practice should be discontinued. But the Bill has gone further, it says that no institution shall be entitled even to grant a certificate that the students of that institution have been qualified in medicine or surgery. If this Bill be passed into law, I am afraid the private institutions will cease to exist, and instead of encouraging private enterprise, practically they will be hampered. There are very few medical schools and colleges in the whole of the Empire, and they cannot meet the needs of the country. In Bengal, my Lord, I have personal experience that the Medical College cannot admit all the students, who are desirous of prosecuting their studies in medical science, for want of sufficient accommodation, and if these private institutions be closed—and I am afraid they must be closed if this Bill be passed into law—then the result will be, as my friend on the right has said, that these students will pass their days idly and will be a discontented

"Further, my Lord, we find that the needs of the country do not require very skilled doctors in every case, and these half-qualified persons, who are turned out from private institutions, will be able to cope with ordinary cases, and if they do not exist the number of quacks will be rampant, and I am sure the object of the Bill is not that quacks should flourish.

"My Lord, I also appeal to Your Excellency that at this time of war such a controversial measure should not be taken into consideration, and we appeal to Your Excellency that, for the present, the Bill may be held in abeyance."

[15th February, 1916.] [Mr. Abbott; Mr. Rayaningar; Mr. C. Vijia-raghavachariar.]

The Hon'ble Mr. Abbott:—"My Lord, I beg to support the Bill. I consider it most urgently necessary."

The Hon'ble Mr. Rayaningar:—"My Lord, I cannot support the motion, and in not doing so I do not wish to enter into the details of the policy of the Bill I take into consideration the fact that the Bill is of a contentious nature and object to the motion Your Lordship almost made it a rule to avoid the introduction of contentious measures while the war is on, and the non-official members have been loyally supporting that rule. My Lord, the Medical (Bogus Degrees) Bill has been the subject-matter of great controversy. In my own Province of Madras, it has not had a good reception. There the unfortunate Dr. Krishnaswami Iyer's incident is still fresh in the memory of the people, and therefore the Bill will not receive the reception which it merits. I do not think the present is the proper time for the further consideration of the Bill. I therefore appeal to the Council to postpone it to some date after the conclusion of the war."

The Hon'ble Mr. C. Vijiaraghavachariar:—" My Lord, I believe I understand the Bill and I labour under no misconception I should think. The object of the Bill, as I understand it, is to diminish false pretences by persons who bear certain medical titles, either bestowed on them by certain selected institutions, or altogether falsely assumed by them. That is how I understand the Bill. Now, as regards its object, there can be no two opinions: it is in the highest degree laudable. But let us see what is the scope of the The scope of the Bill requires that these titles should be bestowed on them by certain recognised institutions which are now scheduled herein or shall be hereafter named by the Governor General in Council. It is confined to British India. It thus leaves severely alone the titles bestowed upon Indians by foreign institutions. As I understand it, this Bill cannot and does not intend to affect those titles. Taking therefore the scope of the Bill, it restrains the issue of titles only as regards institutions existing in India, and yet not scheduled or recognised by the Government of India. The most important question therefore is, what is the grievance, what is the evil against which this law is proposed as a remedy? There is not a scrap of paper containing evidence that any sick person or wounded person, or anybody having the care of such, was ever deceived by persons bearing these titles. I in vain searched for any such evidence through the voluminous quantity of papers placed at our disposal, and it has not been stated in the speech made by the Hon'ble and learned member in charge of the Bill that there was any evil arising in that way. No doubt it might be assumed a priori that certain people are, and would be, deceived, but, on the other hand, we find in one and the same place where the two sets of graduates are available, namely, those from Government institutions and those also from private institutions, people resort in much larger numbers to the graduates from private institutions because they are cheaper. Considering they are cheaper, people most naturally would ask the question, who are these people and why are they cheaper? How is it 'A,' M.D., charges Rs. 5 a visit, while 'B,' M.D., charges Rs. 15 for a visit? Clearly therefore people do inquire and judge of the qualifications and fitness of the two sets of people with these similar degrees, and I do not therefore subscribe to the a priori argument that these people bearing titles from private institutions practise any deception on the sick and wounded population, or those who have the care of the sick and wounded population. Therefore, there is absolutely no evidence of any evil against which this measure is proposed as a remedy, and if there is no evil, I cannot understand the urgency of it either. Therefore, I am obliged to associate myself with the Hon'ble members who believe, not that this measure is a premature one, but that it is altogether uncalled for. At the same time, I desire to say that, if it is yet deemed to be an important measure, I think it is a fit measure to be left as a legacy by the Hon'ble and learned member to his successor who might bring it up as a post bellum measure, and it might then be more calmly discussed after evidence taken of the evil really existing. With these few words, I am obliged to say I oppose the motion before the Council."

117 INDIAN MEDICAL (BOGUS DEGREES) BILL; RESOLUTION Re PREVENTION OF MALARIA.

[Sir Pardey Lukis; Mr. Surendranath [15TH FEBRUARY, 1916.]

Banerjee.]

The Hon'ble Sir Pardey Lukis:—" My Lord, I have listened very carefully to the remarks made by the Hon'ble members, but I am not convinced that they have established their case, at any rate so far as the principle of the Bill is concerned, and this, it must be remembered, is the only point now before the Council, the motion being merely one for reference to Select Committee. I do not think that anything has been said to show that this Bill is premature.

"On the contrary, I feel very strongly that the longer the Bill is postponed, the greater will be the vested interests opposed to it, and the more difficult will it be to cope with them. Nor can I admit that the Bill is contentious or that there is any strong feeling against it, either on the part of the medical profession or of the public; and I should like to point out that the Hon'ble member who is here to represent the interests of the independent medical colleges has not uttered a single word against the general principle of the Bill, nor has he opposed its reference to Select Committee. As regards the pathetic plea put forward by the Hon'ble Mr. Banerjee on behalf of all those students whom he fears will be thrown out of employment, thus becoming useless members of the community, I think I made it fairly clear in my opening speech that we have no desire whatever to deprive these students of employ-What we want is to see that they are properly taught. Similarly, we do not wish to restrict the supply of qualified medical men: we wish to ensure that medical men are properly qualified and fit to carry out western medicine, as now recognised. I pointed out in my speech that the independent medical colleges will be able to affiliate up to three different standards, the lowest being equivalent to that required of the Sub-Assistant Surgeon, or as he used to be called, the Hospital Assistant; and I maintain very strongly that it is not safe to permit any man to practise western medicine unless he comes up to this minimum standard, especially in these days when the medical man has to deal with such important methods of treatment as that by Salvarsan, Tuberculin, intravenous injections of antimonial and arsenical preparations, and all the various forms of vaccine and serumtherapy as now practised. I hold that if a man is unable to qualify up to the standard of a Hospital Assistant, he ought no to be permitted to practise western medicine, but should be content to confine himself to the simpler methods of treatment adopted by the baids and hakims.

"The point regarding foreign bogus titles, alluded to by my Hon'ble friend opposite, will be carefully considered in Select Committee, where there will be ample opportunities for discussion of all criticisms and amendments, and I may state that the course pursued as regards the future of this Bill will depend upon the conclusions there arrived at."

The motion was put and agreed to.

RESOLUTION BE PREVENTION OF MALARIA.

The Hon'ble Mr. Surendra Nath Banerjee:—"My Lord, I have the honour to move the Resolution which stands against my name. The terms of the Resolution are these:—

- 'That this Council recommends to the Governor General in Council (a) to instruct the Provincial Governments to take vigorous measures for the prevention of Malaria, and (b) to publish an annual statement showing the progress made by each Province in this matter.'
- "My Lord, I confess to a sense of personal concern in the question to which this Resolution relates. I come from a Province which may be said to be the home of malaria. It would be no exaggeration to say that some of the fairest parts of my loved Province have been decimated by this terrible scourge. There are districts in which the death-rate exceeds the birth-rate, owing to the prevalence of malaria. My Lord, I live in a village in Bengal. I have with my own eyes seen villages, once the abode of health, happiness

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and plenty, now a crumbling mass of dilapidated structures, overgrown with jungle, with a solitary inhabitant here and there, pale and anæmic, suffering from malarial fever, but resolutely clinging to the ancestral homestead, as if mounting guard over the sweet reminiscences of the past. Some of our healthiest districts have suffered grievously from malaria. Birbhum is a wellknown district in Bengal. At one time it was a health resort; it used to be so within my recollection. To-day the health-conditions of the place have completely changed. The Sanitary Commissioner of Bengal, in his Report for 1914, says that it tops the grim list of recorded mortality arising from malarial fever in the whole province. Take another district, the district of It is a place of renown in our religious and social history. It is the birthplace of Chaitanya, the great founder of Vishnuism, the home of Raghunandan, the most illustrious jurist that Bengal has ever produced. At one time it was a health resort. Tradition says that Warren Hastings, the first Governor General of Bengal, built a house there which he used to visit for health and change. To-day, my Lord, it is a plague spot, malarial fever counting its victims by thousands and tens of thousands. I could quote other instances, but they are unnecessary; let us look at the figures bearing The Government of India in their Resolution, dated the 23rd of May, 1914, say that—

'in many parts of India malaria is a far greater scourge than either cholera or plague.'

Here are the figures which amply prove the dictum of the Government of India. In Bengal, the mortality from fever for 1912 was 959,000 in round numbers; for 1913, it was 965,000, a slight increase; for 1914, 1,061,000, a steady increase. I have not got the figures for 1915, but I put a question in the Bengal Legislative Council, and I elicited this fact that the mortality from fever for the ten months of 1915 showed an increase in the death-rate. My Lord, we have therefore got this fact that, since 1912, the mortality from fever in Bengal has been steadily rising, and in 1914, it jumped to the figure of ten lakhs, and possibly in 1915 it will be worse. My Lord, let us take the average. The average of five years from 1908 to 1912 for Bengal is 927,000; the average of five years from 1909 to 1913—I take one year later—is 931,000. Here again there is an increase in the mortality.

"My Lord, I think it is only right and proper that I should pause for a moment to offer an explanation. The figures which I have quoted are the figures of mortality from fever of all kinds. We have not got a distinct head to show the mortality from malaria. That is unfortunate. I desire to call the attention of the Hon'ble Member in charge of the Department, and to request that there should be a special head showing the rate of mortality from malaria. But, my Lord, we are not left altogether in the dark as to the fact that malaria is principally responsible for these large figures, for the Sanitary Commissioner of Bengal in his report for 1914, while discussing the high death-rate of that year, lays special stress upon the prevalence of malaria, leaving the impression on the mind of the reader that malaria is responsible for this appalling death-rate. But this may be a surmise. The matter, however, is cleared up in a general way by the Government of India. In the observations which the Government of India make in their Resolution dated the 23rd May, 1914, they say—

'malaria kills, maims, causes more sickness, more misery, more deaths than any other disease in India.'

Therefore, my Lord, we have this plain fact admitted by the Government of India, that malaria is the greatest scourge that decimates the people of India, and nowhere is it more terribly felt than in the unfortunate province to which I have the honour to belong.

"My Lord, we now come to the United Provinces and the Punjab. But before I deal with them, I have an observation to make. Wherever there is a rise in the death-rate it is accompanied by a rise in the birth-rate—that is the beneficent ordering of nature. If it were otherwise, depopulation would follow. But, my Lord, in Bengal this wholesome law of nature is reversed or, at any rate, suspended. Let me quote the figures of the birth-rates and the death-rates for Bengal. I take the figures for 1912, 1913 and 1914. The

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birth-rate in 1912 was 35 30 per mille; in 1913, it was 33.75; and in 1914, 33.22. Therefore, Your Excellency will observe that there is a decrease in the birth-rate between 1912 and 1914. But there is a serious rise in the death-rate for the same period. Here are the figures. The death-rate for 1912 was 29.77; for 1913, 29.38; for 1914, 30.97. We have thus with an increasing death-rate, a decreasing birth-rate for the period to which I have referred.

"My Lord, in the United Provinces and the Punjab, we find a similar state of things. The death rate for fever in the Punjab was in 1912, 14 22, and in 1913, it was 17 15. In the United Provinces, the death-rate for fever was 20 66 in 1912, and in 1913, it was 23 88. My Lord, I will quote the remarks of the Government of India in this connection. In his report for 1913—I have not been able to get any more recent report than that for 1913—the Sanitary Commissioner says—

'To fever is ascribable yet again more than half the total mortality of India.'

"My Lord, malaria is spreading in Bihar. It has spread in the district of Shahabad. At present Bombay and Madras and the Central Provinces are comparatively immune. God grant that that immunity may long continue, but no one knows. The disease has a tendency to spread, and I venture to submit that it is only right and proper for the Government to take steps that will eradicate the disease or, at any rate, seriously curtail its area.

"But, my Lord, the loss of human life does not alone represent the sum total of the suffering and misery inflicted on the people by malaria. For one man who dies of malaria at least ten suffer from it—though they do not die of it. They carry on a lingering existence hovering between life and death, to whom death in many cases would be a relief. My Lord, the Government also suffers seriously and from a military point of view in consequence of the prevalence of malaria. The report of the Sanitary Commissioner with the Government of India for 1913 says—

'Malaria continues to be the dominating factor of inefficiency in European troops in India.'

That is the deliberate opinion of the Sanitary Commissioner with the Government of India in the year 1913. And, my Lord, the indirect consequences are very serious. Let me give an illustration. There is a great factory for producing munitions of war at Ichapur. I happen to know something about that factory, because I live close to it. The Factory employs 3,000 men a day. Six weeks ago 1,000 men, representing one-third of the total number of workmen, were absent owing to the prevalence of malaria. The Superintendent of another Factory near Calcutta said that one-half of his men were absent in the malarial season owing to the prevalence of malaria. My Lord, it seems to me that this is a state of things which deserves the most serious consideration of the Government of India. What a wastage of energy and loss of national efficiency all this represents.

"Having regard to the terrible mortality arising from malaria and the wide area it covers, I think I am entitled to hold that it has become a grave national problem. And be it noted, that malaria is most prevalent among the poor. Like plague, it is the poor man's disease, and has its roots largely in economic causes. A sanitary expert—a high official of Government whose name I am precluded from mentioning because I have not his authority for it—told me the other day that it is poverty, insufficient food, and insanitary surroundings which weaken the power of resistance and make people an easy prey to malaria. And what are the statistics on this subject? You find that malaria is most prevalent in rural areas where the vast millions of our people are gathered together. The Reports of Sanitary Commissioners, both of Bengal and of the Government of India, support this view. The Sanitary Commissioner for Bengal says in his report for 1913—

'Out of 965,000 deaths registered from this cause during the year under report, 25,000 occurred in urban areas and the rest in rural areas.'

In 1914, we have the same report. The Sanitary Commissioner says-

'The decrease in the mortality from this disease in urban areas that was noticed in that year's report was well maintained during 1914, while in the year before the mortality was higher in the rural area.'

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And, my Lord, the Government of Irdia says the same thing. The figures for 1913 supplied by the Sanitary Commissioner with the Government of India point to the same conclusion. In the rural area the death-rate from fever was 17.28 per mille; and in the urban area 10.35. Therefore, my Lord, I am entitled to hold that, in urging this matter for the consideration of Your Excellency's Government, I am pleading the poor man's cause.

"And, after all, my Lord, malaria is a preventible disease. It is not one of those scourges from which there is no escape, which we must submit to with all the fortitude and the patience that we can muster Malaria has prevailed in other countries, and they have been freed from it by the adoption of proper sanitary measures Malaria prevailed at one time in England. History tells us that James the First died of the tertian ague Malaria prevailed in Italy, but the reclamation of the swamps and the adoption of the system known as Bonificazione have helped to eradicate the disease and free the people from its ravages. Mark the achievements of America in the Panama Canal and of Japan in Formosa My Lord, I feel tempted to read an extract from an article which appeared in one of the newspapers regarding the work which Japan has done in Formosa in connection with the eradication of malaria—

'They set about doing this in a very business-like fashion. By way of experiment certain districts were selected, and on a certain day all the inhabitants were made to appear at an appointed time to have their blood examined microscopically with a view to finding out if they were malaria carriers. Those in whom the malaria parasites were found were placed under treatment for 30 days in order that the parasites may be exterminated. It is stated that altogether 376,621 persons were examined, of whom 10,000 were found to be carriers. It is stated that in two districts the mortality from malaria has been reduced to nothing, and in another district has been reduced from 11:60 to 3:39 per thousand. These results are noted after the system has been in operation for two years.'

"My Lord, am I to understand that our Government will confess to a failure in a work in which other Governments have been more successful? My Lord, our Government in normal times commands illimitable resources; its power of organisation is superb; its capacity to deal with difficult problems beyond all praise. But I confess that in this matter the Government has not done justice to itself. Of Conferences and Commissions we have had enough; but they have not been attended with adequate results. My Lord, I find in the Resolution of Government to which I have referred that six lakks of rupees have been spent for the purpose of carrying out anti-malarial operations. I should like to ask the question: Have they contributed in any way to reduce the mortality from malarial fever? I hope my Hon'ble Friends opposite will be in a position to give me an answer upon that point.

"Secondly, Provincial Malarial Committees have been appointed. We have one in Bengal. My Lord, will this Council believe it that that Committee did not hold a single meeting last year? Will the Council believe it that that Committee does not publish an annual report? It deliberates in secret, discusses in secret, works in secret, if indeed it works at all. I can understand a Cabinet dealing with difficult diplomatic questions conducting its proceedings in this manner; but sanitation is not a question of diplomacy. If there is any matter in regard to which the co-operation of the public is essential, it is sanitation; and if you want the public to co-operate, you must take them ir to your confidence; and tell them what you have done and what you mean to do. You have a Malarial Committee for all India; it publishes a report every year. I do not understand why the Bengal Committee should enshroud its deliberations in an impenetrable veil of mystery. I hope a word of advice might be given to that Committee to be a little more alert, to be a little more communicative, to be a little more diligent in the discharge of those responsible duties with which it is entrusted My Lord, amid the controversies that have taken place, with regard to malaria, there are two points about which there seems to be a common agreement, namely, that it is a class of mosquitoes which carry the disease, and that quinine is a prophylactic as well as a curative agent. The Government is doing a great deal for the purpose of distributing quinine. But what about the reclamation of those areas which are the breeding grounds of the malaria-carrying mosquitoes; and here the question of rural sanitation comes to the front. Rural sanitation is

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entrusted to the local bodies. My Lord, I wish to speak of them with the utmost possible respect, because I am myself a member of one of these bodies. But their means are limited The Government has enormous resources, and it has expert knowledge and organisation at its disposal which the local bodies cannot command. I therefore submit with the utmost emphasis that Government should place themselves at the head of the sanitary movement, and initiate and carry out all large sanitary projects, such as drainage, water-supply, etcetera, the local bodies being required to co-operate in the application of the projects to the local areas. My Lord, the Sanitary Commissioner to the Government of the Punjab says that there are barrow pits along both sides of the railway lines. We find the same thing in Bengal and they generate malaria. Then there are the railway embankments which, faultily constructed, produce I would appeal to the I resident of the Railway Board to look to these things and do the needful in the interests of the public health. Then there are the silted-up rivers in Bengal which, according to Dr. Bentley, are a prolific cause of malaria. I submit it is the duty of the Government to look to the great water-courses in Bengal and elsewhere. My Lord, here no political ocnsiderations are involved. In this matter the community and the Government may heartily co-operate in a work than which nothing could be nobler, in the work of saving human life and alleviating human suffering. A Government that will give us the inestimable boon of health will raise for itself a monument more lasting than brass in the gratitude, the affections and the contentment of a happy and prosperous people. My Lord, we hear a great deal about unrest. Give us food, sufficient food, by helping our industries; give us health by eradicating malaria; satisfy the inner man by gratifying our legitimate aspirations, and the spectre of unrest with which the enemies of Indian advancement so often confront us will fade away into thin air like the baseless fabric of a My Lord, in placing this Resolution before this Council, I plead for the millions of my countrymen, for those who earn their bread by the sweat of their brows; I plead for their health and happiness, and I am sure I do not plead in vain before Your Excellency and this Council."

The Hon'ble Sir E. Maclagan:—"My Lord, I may say at once that Government is prepared to accept the Resolution which the Hon'ble Member has brought forward. As he points out, the Resolution has two portions. In the first place, he asks us to instruct Provincial Governments to take measures for the prevention of malaria; and our attitude as regards that is that, if by issuing instructions to Provincial Governments, we can do anything, however small, to alleviate the scourge of malaria, it is our duty to meet his wishes in the matter. Then, his second point is, that he desires us to publish an annual statement showing the progress made by each province. There is already a statement in the reports that are published each year by the Sanitary Commissioners in the various provinces. But it may possibly be a convenience to have an annual report with details for the whole of India on the subject; and we propose to arrange with the Sanitary Commissioner with the Government of India that he should mention in his annual report briefly what has been done in the matter of dealing with malaria.

"There are, however, one or two considerations which I should like to mention in connection with this Resolution. In the first place, when we talk of the prevention of malaria, we must include in that the measures we take for investigating and inquiring into the subject of malaria, its causes and its possible remedies. The inquiry and the prevention of malaria are two portions of the same process, and it is a matter for discretion in each case as to where we are to leave the process of inquiry and proceed to that of actual measures affecting the people. We are, therefore, when urging Local Governments to take vigorous measures for prevention of malaria, at the same time urging them, where necessary, to make further inquiries into what is necessary to be done before the introduction of these measures.

"Another point to which I would invite attention is that the remedies which are applicable to malaria are not the same throughout the whole of India. That is to say, we find that malaria assumes different forms in different parts

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of India, and different remedies are necessary. In some parts of India it is epidemic and in others endemic. In some parts it is due to excess of water; in some parts we are told that it is due to want of water. In some parts of India there are remedies indicated which in others are absolutely impossible. The Government of India in their Resolution of 1914, to which the Hon'ble Member has referred, have indicated the general lines on which they think that the question of malaria should be dealt with. But it rests primarily with the Provincial Governments to decide what particular measures they will take in each case to deal with malaria in the provinces which are under their control.

"Then there is a further matter which must be obvious to most of us at the present time, and that is that Local Governments, like the Government of India, are, at present, hampered in the matter of staff and finance.

"I need not dilate further on this, but Hon'ble Members will understand that the action of Local Governments is at the present moment hampered by the limits placed on the finances at their disposal.

"The Hon'ble Member has given expression to one or two ideas which prevail about malaria, and about which I should like to say a word or two. In the first place, he has given expression to the view that malaria is increasing in India; I do not say he used those words, but he brought forward instances to show that it was increasing in certain provinces. There is no doubt whatever that in certain areas malaria has increased in the terrible way which the Hon'ble Member describes, but there are also fortunately other areas in which it has decreased; and from such data as are available,—and they are not as good as we could wish—from such data as are available we may say that there is nothing to justify us in saying definitely that malaria has increased in India during the last few years.

"He has also expressed the view, which I think prevails among many people, that Government has not done what it should in the matter of dealing with malaria. It is quite true that here and there in one area or another certain measures that should have been taken may not have been taken, but I would demur to any expression of the view that Government has been remiss in dealing with the question generally. I would like to point out a few of the administrative measures which Government has taken in connection with the matter. In the first place, in 1909, a Conference was convened by Lord Minto at which he himself presided on the subject of malaria. There have since been Conferences at Bombay, Madras and Lucknow dealing with the same subject. It is quite true, as the Hon'ble Member said, that these Conferences by themselves do not come to the same thing as active preventive measures, but they are of exceedingly great value, and if they have done nothing else they have served to concentrate the attention of Government on the directions in which we can best attack the trouble with which we are dealing. Then classes have been started for teaching scientific men how to deal with malaria, both in the field and in the laboratory. The Bureau to which the Hon'ble Member refers has been started at Kasauli; it gets together all the information that is available on the subject of malaria. We have also the Association for the Promotion of Indian Research started some years ago; and it has already spent some ten lakhs of rupees in inquiries on the subject of malaria. Then we have grants for sanitary purposes, and of recent years the greater part of these has been spent in dealing with measures against malaria. We also have those cesses which were handed over two years ago to the provinces of Northern India, a pretty considerable sum, and when handing them over the Government of India advised that the District Boards should use a substantial part of them for dealing with malaria and other kindred subjects. The Hon'ble Member asks what have been the results of this expenditure of money. I would merely say in that respect that we must give a little time for the results to be shown The prevalence of malaria varies from time to time, and we must have a little time to see what the ultimate results may be as shown in statistical data. Each province has started a Malaria Committee, that is to say, we have in each province a body whose main duty it is to look into the prevention of malaria. I won't say that in every province it has fulfilled its duties as it should, but in every province there is now a body from whom advice can be got, which can be consulted [Sir E. Maslagan; Mr. Surendra Nath [15th February, 1916.]

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and to whom suggestions may be made as to the means for dealing with These bodies have got an executive officer, in some cases the Chief Malaria Officer, in others officers on special duty who have written reports which are accessible to the public as regards the prevalence of malaria in certain areas. Government, as the Hon'ble Member has mentioned, has taken a considerable amount of trouble in the distribution of quinine and arranged for supplies of the pure drug to be made to the public through the Post Office and by vendors, and by the useful agency of travelling dispensaries. I fancy that what has been done by the Local Governments is not as well known to the public and to Hon'ble Members as perhaps it should be. The Local Governments of certain provinces have issued pamphlets in which they have described the recent improvements in sanitary policy, and these little books, which are very short, give an excellent account of what has been done in sanitary matters, and more especially on the subject of malaria. Hon'ble Members interested in the subject could very well study these books, and if they study them, I think they will feel that Government has been alive to its responsibilities in the matter. This is not however a point that is really of much importance to decide in dealing with this Resolution. If we have hitherto been remiss, then it is incumbent on us to take the vigorous measures now asked for; if we have not been remiss, still we would be quite ready to accept the Resolution and to take these measures. In either case we are quite ready to accept the Resolution as it now stands before Council and as the Hon'ble Member has proposed it."

The Hon'ble Mr. Surendra Nath Banerjee:—"My Lord, I am very grateful to the Government for accepting my Resolution. I quite admit that Conferences and discussions are necessary for proper and systematic effort, but the point that I tried to bring out was, that the amount of talk has been out of all proportion to the amount of work done, and another point which I want to urge is, that though the Government has been in earnest about the matter, their efforts so far have been spasmodic. I quite appreciate the difficulties of the task; difficulties there may be, but surely they are worthy of the humanity and beneficence of a great Government and are not beyond its resources.

"I would venture to recommend for favourable consideration the anti-malarial activities of Japan in Formosa; the formation of definite schemes with reference to a particular area and the prosecution of those schemes in a systematic way. That was the secret of the success of Japan in Formosa, and I would appeal to my Hon'ble Friend to try the experiment in selected areas in India. A definite plan applicable to a particular area and carried out with energy and in a business-like manner that is the real need of the situation.

"This however has never been tried, so far as I know. I hope and trust that the result of the debate will be that the Local Governments will be stimulated into more vigorous action in connection with a work than which nothing could be nobler or more humane. I am grateful to the Government for accepting my Resolution."

The Resolution was put and accepted.

The Council adjourned to Tuesday, the 22nd instant.

A. P. MUDDIMAN,

Secretary to the Government of India,

Legislative Department.

DELHI:

The 23rd February, 1916.