

*Thursday,  
15th October, 1896*

**ABSTRACT OF THE PROCEEDINGS**

**OF THE**

**Council of the Governor General of India,**

**LAWS AND REGULATIONS**

**Vol. XXXV**

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ABSTRACT OF THE PROCEEDINGS  
OF  
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,  
ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS,

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VOLUME XXXV



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*Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., cap. 67, and 55 & 56 Vict., cap. 14).*

The Council met at the Viceregal Lodge, Simla, on Thursday, the 15th October, 1896.

P R E S E N T :

His Excellency the Earl of Elgin, Viceroy and Governor General of India,  
P.C., G.M.S.I., G.M.I.E., LL.D., *presiding.*

His Excellency General Sir G. S. White, G.C.I.E., K.C.B., V.C., Com-  
mander-in-Chief in India.

The Hon'ble Sir J. Westland, K.C.S.I.

The Hon'ble J. Woodburn, C.S.I.

The Hon'ble M. D. Chalmers.

The Hon'ble Major-General Sir F. H. H. Collen, K.C.I.E.

The Hon'ble A. C. Trevor, C.S.I.

The Hon'ble Sir A. S. Lethbridge, K.C.S.I., M.D.

The Hon'ble C. M. Rivaz, C.S.I.

SINDH INCUMBERED ESTATES BILL.

The Hon'ble Mr. WOODBURN moved that the Bill to amend the law providing for the relief of Jágírdárs and Zámíndárs in Sindh be taken into consideration. He said :—“Since the Bill was introduced only one comment upon it has been received. It was referred to the Government of Bombay for opinion, and they have expressed their earnest desire that the Bill should be passed into law without delay. They apprehend that any delay may lead to foreclosures of mortgages in Sindh which they are very anxious to avoid. It is unnecessary that I should recapitulate the reasons for this measure which I gave in Council the other day. The course of events since has shown the great necessity of Government husbanding its imperial resources and of calling into play all those local aids which it may be presumed are available in Sindh. I have little doubt, as I said on the previous occasion, that in Sindh, as in other parts of the country, abundant opportunities will be given to the Collectors of getting local loans at reasonable rates of interest as is done in other parts of the country.”

The motion was put and agreed to.

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

The motion was put and agreed to.

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## GOVERNMENT BUILDINGS BILL.

The Hon'ble MR. WOODBURN moved for leave to introduce a Bill to provide for the exemption from the operation of municipal laws of certain buildings and lands which are the property, or in the occupation, of Government and situate within the limits of a municipality. He said:—"In a case which occurred some little time ago the municipal authorities claimed the right of inspecting and pronouncing upon the propriety of the alteration of the plans of certain buildings within a defensive work which happened to be situated inside the municipal area. The plans were shown as the buildings were unimportant, but very strong representations were made to the Government of India that the precedent was inconvenient, and that the Military Department should have the right of refusing to submit to public inspection and criticism the plans of works which, from the very nature of the case, are ordinarily confidential. In another case the Local Government took exception to the claim made by a Municipal Committee to examine and modify plans of State buildings which it had been proposed to erect within municipal limits. They represented that these plans had been prepared and matured by the best Engineers that were available in the Province, and that it was inconsistent that plans so prepared should be modified at the instance of other professional advisers who certainly had not equal experience and reputation. Municipal Committees, like all other administrative bodies and functionaries, are under the control and guidance of the Executive Government, and it was urged that it is right that the supreme authority and the final decision in respect to the character and form of State buildings within municipal limits should be, not with the Municipal Committee, but with the Government itself. These arguments appear to the Government of India to be reasonable, and the Bill which I have to ask leave to introduce to-day provides that the supreme authority in such matters shall rest with the Government. At the same time it is right and reasonable that Municipal Committees should have the fullest knowledge of the intention to construct buildings within their jurisdiction, whether these buildings are private or State buildings. They have large responsibilities and they have very important interests to consider and protect. The comfort and convenience of the citizens may be affected by these buildings, and sanitary conditions have to be maintained. It is, therefore, as I have said, only right that Municipal Committees should have the fullest opportunity of ascertaining and of objecting to any details of such plans which may interfere with the general scheme of municipal administration. The Bill accordingly provides that ample notice shall be given to Municipal Committees of the intention of Government to erect any State buildings, or public edifices, within municipal areas. It provides, except in

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those special cases where, for military reasons, it is impossible to disclose plans, that the plans shall be shown to the Municipal Committee. It provides that Committees shall have an opportunity of stating to the Government any objections they entertain to those plans, and it provides that, if those objections are overuled, the reasons for overuling them shall be explained to the Committees. The Bill does take power to reserve to the Government a supreme authority in the decision of matters of the kind, but the Municipal Committee may rest assured that the fullest weight will be given to any representations they may have to make."

The motion was put and agreed to.

The Hon'ble MR. WOODBURN introduced the Bill.

The Hon'ble MR. WOODBURN moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

#### FISHERIES BILL.

The Hon'ble MR. WOODBURN said:—"I have to ask Your Excellency's permission to make a statement in regard to the Fisheries Bill which has been on the books of the Legislative Council since 1893. The Bill as it was then introduced consisted of two parts. The first had the object of preventing, or at least restraining, wanton or wasteful methods of fish capture, and the other had the object of protecting the owners' rights in private fisheries. The Government of India have come to the conclusion that the second part of that Bill should not be proceeded with, and I wish to take this opportunity of explaining very briefly the reasons which have led to that conclusion.

"Legislation which affects the daily and domestic life of the poorer classes is always difficult and doubtful, because one can never be very certain of the precise effect of that legislation. In this present matter it has been represented to the Government of India that, in large tracts of the country, the poorer classes are in the habit of fishing, without let or hindrance, in waters which certainly cannot be legally described as public waters. It is difficult to say how far this custom of the people is a right exercised by the permission of the proprietors, but it is apparently the fact that in very large areas it is the practice

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of the people to fish freely in those waters, and in the exercise of this custom, whether it is a right or a privilege, multitudes of poor people have the opportunity of adding very largely to their food resources and of adding a very welcome and wholesome change to their ordinary diet. It might be possible to frame a measure in such terms as to secure to the people where this practice is the outcome of ancient habit the continuance of their privilege in the matter, but it would be difficult to do so, and a law which increased the protection of private owners in their fisheries might suggest the prohibition of a practice which otherwise it would not have occurred to the owners to refuse.

“It has also been represented to the Government of India that there has been no special claim made on the part of the owners for this new and additional protection. In Bengal, in 1889 a law was passed of a somewhat similar tenor to the second portion of the present Bill, but that law has since remained practically inoperative, and in other parts of the country there has been no claim set forward by the owners that they require and ask for an extension of similar terms in their own provinces. Further, it does not appear from the papers that there has been any very noticeable diminution in the supply of fish, in the lower parts of the country at least, and the case does not appear to the Government of India a very strong one for carrying out this portion of the Bill.

“Lastly, there is the consideration that to enforce effectively the provisions of the Bill as introduced would require the entertainment of a preventive establishment which would be quite outside our financial resources. The enforcement of these provisions would, therefore, lie with the ordinary police of the country, to whose functions it is not desirable to make any addition, and in a matter so indefinite as the rights and privileges of the people in fishing there is danger that the action of the police would become, if not oppressive, at least extremely harrassing to them. It is for these reasons that the Government of India have come to the conclusion that the second part of the Bill should not be proceeded with, and when a Select Committee is appointed in Calcutta, as I hope it shortly will be, they will be invited to confine themselves to the consideration of those provisions which have been devised for the prevention of wasteful or wanton methods of fish capture, especially in the spawning season and in spawning places.”

#### AGRICULTURAL PROSPECTS.

The Hon'ble MR. WOODBURN said :—“ I have also to ask Your Excellency's permission to make a statement in regard to the failure of the crops which has occurred this season, and the measures that are being taken by the Imperial Government and the Local Governments.

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“In view of the fact that this year’s monsoon, like that of last year, has ceased prematurely, the Government of India have been in communication with Local Governments regarding the probability of approaching distress. The autumn crop-inspections are only just over, and no detailed forecast can be prepared till the end of the month. But the Governor General in Council has thought it well that the public should be informed without delay of the general aspect of affairs, so far as it can be gathered from the information at present available.

“Broadly speaking it may be said that, if no rain falls in time for the sowing of the spring crops, severe distress may not improbably be felt in most of the Oudh districts, in those parts of the Agra and Allahabad divisions which are not protected by irrigation, in parts of the Benares, Gorakhpur and Rohilkhand divisions, in a great part of the *Cis-Sutlej* portion of the Punjab and in the tract lying immediately north-west of Lahore.

“In the Central Provinces, prospects are less discouraging; but it is apprehended that, in the absence of further rain, relief may be required in Saugor, Jubbulpur, Narsinghpur and Hoshangabad, in the four plateau districts and in a part of Raipur. In two districts of Upper Burma, also, distress is apprehended unless an early fall of rain brings relief; while the state of the crops in parts of the Bombay Presidency is such as to cause anxiety.

“Even where the local crops have not failed, the high prices which already prevail may, if they continue to rise, render necessary in some cases measures for the assistance and relief of the poorer classes.

“It will be seen that the portion of India over which the possibility of severe scarcity is to be apprehended corresponds closely with the famine area of 1877-78. But during the twenty years that have elapsed since then, much has been done to strengthen the hands of Government in combating distress. Since 1877 the mileage of completed perennial canals has increased in the Punjab from 500 to 1,850 for main channels and from 1,650 to 8,500 for distributaries; while the irrigating capacity of all canals has risen from  $1\frac{1}{2}$  to  $3\frac{1}{2}$  millions of acres, and will reach 4 millions within the next six months. In the North-Western Provinces, the length of main channels has increased from 950 to 1,400 and of distributaries from 4,650 to 6,900 miles, while the irrigating capacity has risen from  $1\frac{1}{2}$  to 2 millions of acres. There are now over ten millions of acres irrigated from various sources in the North-Western Provinces and Oudh; while in the Punjab the total irrigated area has risen since 1877 from 5 to  $7\frac{1}{2}$  millions of acres. During

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the same interval, the open miles of rail have increased from 505 to 1,143 in the Central Provinces, from 618 to 2,296 in the Punjab and from 1,337 to 2,795 in the North-Western Provinces and Oudh, or in all from 2,460 to 6,234; while the cost of carriage by rail has been greatly reduced. I might mention in this connection incidentally that, last night, I was informed that the Bombay railways have voluntarily reduced their freights on all up-country imports.

“The famine of 1877-78 in the north had been immediately preceded by one of intensity in the south of the country, which had depleted the food-stocks throughout India—an element of difficulty which is now happily absent. Indeed, apart from the supply of grain which will flow to the distressed districts from other and more favoured parts of India, we find on the present occasion that, for the first time in the history of Indian famines, our resources are about to be supplemented by supplies from abroad, as indeed the Famine Commission foretold would be the case—India receiving in her need as she gives in her abundance. It is understood that wheat has already been imported into India from California, and that further supplies may be expected from the same source. It has been calculated that, at present prices, Californian wheat can be landed at Calcutta at about 10 seers per rupee, which would represent a rate of  $8\frac{3}{4}$  seers at Allahabad. The surplus supplies upon which we are thus about to draw are enormous. In a single year within the last few years, the United States (in which California is included) have exported as much as 18 crores, Argentina  $3\frac{1}{2}$  crores and Canada  $1\frac{1}{2}$  crores, or in all 23 crores, of maunds of wheat; in addition to which Russia and the Balkan States have exported 13 and Australia  $13\frac{1}{2}$  crores more. If, as seems probable, a steady supply from abroad pours into India, it is impossible that prices should ever approach such rates as have ruled in previous famines, when, even so late as 1865, coarse rice has been known to reach 5 seers per rupee.

“The Famine Commission estimated that under the most unfavourable circumstances that need be apprehended, and providing for relief on almost double the scale of 1877-78, the greatest number that was ever likely to be in receipt of relief from Government in any one famine would be  $2\frac{1}{2}$  millions of people for an average period of one year, for whose support about one crore of maunds of grain would suffice.

“The Government of India and the Local Governments concerned are alike alive to the possibility of scarcity on a considerable scale, and to the importance of making timely preparation to meet it. The Supreme Government have recently indicated to the Governments of the North-Western Provinces and the

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Punjab that there are nine schemes of railway construction where the line of the alignment is tolerably certain, upon which they are prepared to sanction the immediate commencement by the Local Government of earthworks as relief-works should necessity arise, quite apart from any consideration of the final completion of the railway lines, and have made preparations for the rapid completion of the surveys where these are not already complete. The Local Governments are preparing canal projects and lists of minor public works which can be utilised for purposes of relief in those districts in which distress is apprehended. Ten lakhs of rupees have just been added to the already large grant at the disposal of the Government of the North-Western Provinces and Oudh, to be spent in advances for the construction of temporary wells, which can in many parts of the country be dug with great expedition and a small expense. Meanwhile, test relief-works and poor-houses have already been opened wherever they seemed to be required.

“It is unfortunately certain, unless good rain comes very shortly, that scarcity in the coming winter will be spread over a wide area of Upper India; but active measures have already been concerted for giving work and relief wherever necessary, and there are circumstances on the present occasion which will, we may confidently hope, prevent distress from reaching the proportions it attained in 1877.”

His Excellency THE PRESIDENT said :—“The statement of the Hon’ble Member will, I hope, be an assurance, if assurance be needed, that the Government of India are fully alive to their responsibilities in a matter so serious as any threatening of the approach of famine. Famine which is the result of a sudden failure of our accustomed rainfall is a foe the approach of which no Government can foretell and no prescience can altogether avert; but at the same time it is a foe which can be faced and overcome by prudence and foresight. This is a case in which the Government is fighting the people’s battle, and that is the spirit which has animated the Hon’ble Member’s statement, which has set forth for the information of all, frankly and without reserve, both the apprehensions we entertain and the reasons for our confident hope that the difficulties will be surmounted.

“I desire to endorse what the Hon’ble Member has said, and to add one more reason for the hope which I share with him. He has pointed out the great advantages of our position as contrasted with that of the Government in 1877-78. But, though we have been so fortunate as to escape for nearly twenty years from the severer form of distress, we shall not, if we have now to face it, enter the combat wholly unready or untried. In the first place, we have at hand the results of former experience, in the plans carefully thought

out and elaborated when the necessities were still fresh in the minds of men. But, besides, the approach of an enemy is often heralded by a skirmish at the outposts, and our skirmish with famine this summer was sharp and decisive. The distress which prevailed in the North-West Provinces this summer assumed dimensions which in other times would infallibly have had disastrous consequences. But the Government of the North-West Provinces unaided, without any dislocation of business, provided for a population so large that the numbers on relief-works for a considerable time exceeded 300,000, in so complete a manner that I think their achievement has never obtained the applause it merited, simply because so few realised what had been done.

“This great work was rendered possible by the very circumstances which, as the Hon’ble Member has said, have so much strengthened the hands of Government since 1877, more especially by the increased means of communication. It is to be remembered that in our reliance on our improved means of communication we are enunciating no new opinion. It was the opinion deliberately formed, with the experience of the great famine of 1877 fresh upon them, by the Government of Lord Lytton, who laid it down in the most precise terms that in increase of railways and canals, but especially of railways, lay the only means open to the Government of meeting attacks of famine on more favourable conditions. I draw attention to it now, both because I am desirous not to let this my first opportunity pass of alluding publicly to what Sir A. MacDennell and his officers have done, but because it cannot be denied that what they have done can be done again and on a larger scale if necessary. It is upon the Local Government that, whatever happens, we must rely to carry out the measures that may become necessary, and knowing, as we do, that we can look to the Governments of the Punjab and the Central Provinces with the same confidence that the North-West Government have taught us to expect, we are justified I think in our belief that the work will be done, and will be done well.

“And as to the share of Government of India, it is not for us ourselves to enter into the arena and to take charge of the operations. We should hamper the proper authorities, and not assist them. Our duty is to devise means for helping the Local Governments with the wider knowledge of the whole circumstances available to us, and to supply the sinews of war where required. The Hon’ble Member has stated how we are already doing all we can in this direction, and I am certain that the North-West Government from their recent experience will bear me out if I engage on the part of the Government of India that, if this is our share of the work, it will be done ungrudgingly and without hesitation.

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“ One word I should like to add as to non-official co-operation. I have seen with such satisfaction that in Delhi, and I think elsewhere, those who possess means have taken steps to combine for the alleviation of the distress of their poorer neighbours. I shall not be suspected of any desire of shirking official responsibility if I welcome most cordially efforts of this kind. In this country the Government must undertake the relief of the people as a whole, and the rules under which it works have been framed so as to reach the really necessitous, both the able-bodied poor and those unable to share in the ordinary forms of active employment by reason of infirmities of body, of sex, or even of social custom ; but still, here, as in every country; private benevolence has a long arm which can reach further than the official one, and I rejoice to think that, if need be, it will be outstretched on this occasion. It will be an example of the neighbourly kindness for which the people of India are distinguished.

“ If, therefore, the worst comes to the worst, I hope we shall have no difficulty in bringing every influence to bear in the common cause. If I may speak from my own feeling in the matter, there is not a man who would not strain his utmost to prevent the loss of a single life. But, just because I feel this so strongly, I also feel that at this present moment our first duty is to keep cool, and not to excite unnecessary fears. The Government, I must repeat, have fearlessly and frankly taken the public into their confidence, and I hope that this confidence will be reciprocated, and all who have a share in controlling public opinion, or in distributing information, will avoid exaggeration, and rather lead the people to believe that everything that can be done will be done both to warn and relieve them.”

The Council adjourned to Thursday, the 29th October, 1896.

SIMLA ;	}	S. HARVEY JAMES,
<i>The 16th October, 1896.</i>		<i>Secretary to the Government of India, Legislative Department.</i>