

*Thursday,
22nd July, 1897*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,

LAWS AND REGULATIONS

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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 22nd July, 1897.

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 Honour Sir William Mackworth Young, K.C.S.I., Lieutenant-Governor of the Punjab.

His Excellency Sir G. S. White, G.C.I.E., G.C.B., V.C., Commander-in-Chief in India.

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

The Hon'ble M. D. Chalmers.

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

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

The Hon'ble Sir H. T. Prinsep, Kt.

SHORT TITLES BILL.

The Hon'ble MR. CHALMERS moved that the Bill to facilitate the citation of certain Acts be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. CHALMERS moved that the following amendments be made in the Bill, namely :—

(1) that the entry in the schedule relating to the Probate and Administration Act, 1889 (VI of 1889), be omitted ;

(2) that for the entry in column 4 of the schedule relating to Act XIII of 1875 the following be substituted, namely :—

“ The Probate and Administration Act, 1875 ”;

(3) that for the entry in column 4 of the schedule relating to Act II of 1877 the following be substituted, namely :—

“ The Probate and Administration Act, 1877 ”; and

[*Mr. Chalmers; Sir James Westland; The Lieut.-Governor.*] [22ND JULY,

- (4) that for the entry in column 4 of the schedule relating to Act II of 1890 the following be substituted, namely:—

“The Probate and Administration Act, 1890”.

He said that the amendments were merely formal, and he had explained their purport at the last meeting of the Council.

The motion was put and agreed to.

The Hon'ble MR. CHALMERS moved that the Bill, as amended, be passed.

The Hon'ble SIR JAMES WESTLAND enquired whether column 5 of the schedule to the Bill would be removed.

The Hon'ble MR. CHALMERS said that the column referred to, which only contained explanations, and was always inserted in Bills of this character and in Repealing Bills, would be expunged, and the Bill contained a note to that effect.

The motion was put and agreed to.

CANTONMENTS BILL.

The Hon'ble MR. CHALMERS moved that the Bill to repeal the Cantonments Act Amendment Act, 1895, and to amend the Cantonments Act, 1889, be taken into consideration. He said that he had stated what he thought was necessary when he introduced the Bill. The rules which it was proposed to make were published contemporaneously with the Bill. Personally, he had received no communication either from Local Governments or from any one else with reference to the Bill and rules, and he thought it was unnecessary to say anything further at this stage.

His Honour THE LIEUTENANT-GOVERNOR said:—“My Lord, the Punjab contains nearly twenty thousand British troops, and in sympathy for that twenty thousand and in hearty desire for their welfare, I yield to none. Still if this were a question affecting only the British Army in India, I should have been content to record a silent vote on this occasion; but I cannot but feel that a wider issue is involved; that before I can subscribe to the brief but important Bill before the Council I am bound to satisfy myself that it is not opposed to the interests of morality, and that the fair fame of the British Queen and country will not be tarnished by any operations instituted under its authority. I cannot conceal from myself that the Council is proposing deliberately to

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[*The Lieutenant-Governor.*]

restore to the Executive Government a power, which was withdrawn only two years ago, in consequence of a conviction which found expression in high quarters that that power had been misused. My Lord, I have a distinct recollection of the circumstances under which that conviction forced itself upon the minds of some who were true friends of the British soldier, and I have reason for saying that it was not altogether baseless. As an Hon'ble Member said when the motion for leave to introduce this Bill was under discussion, abuses crept in and practices were introduced which could not and cannot be defended. The accusers of the system have had to bear some obloquy and contempt, but though they were misled in many respects, though they misunderstood the conditions of the problem, and though they have been proved wrong in regard to the measures they advocated, they fought, and not without reason, for the cause of morality and purity, and I for one dare not say they have not done their duty.

“But, as is often the case when public measures are affected by a wave of popular sentiment, the result has been disastrous. That which was good and salutary has been swept away with that which was evil. The detection and treatment of venereal disease is under certain circumstances as necessary as that of any other infectious or contagious disorder, and this was realised by the authors of the Cantonment Rules which, after being in force for twenty-six years, have been in abeyance for the two last years with such fatal results. Those rules are not very pleasant reading, but they dealt with hard facts which had to be faced, and have now to be faced again; and though some of them might have been put differently, I deny that they show a misuse of the rule-making power vested in the Executive Government. The abuses which are admitted to have followed on their working must not be laid to the charge of the men who framed the rules, who knew the classes with which they were dealing, and the terrible nature of the evil which they aimed at combating.

“But the question arises: what is to prevent such abuses from springing up in the future as they have in the past? And the answer to this I conceive to be that it is not in the power of the Legislature to raise the standard of morality. For this it is necessary to look to other influences. I venture to say that, notwithstanding the lamentable results of the suspension of the rules relating to the subject which have been brought to light in recent reports, the arraignment of our system and the exposure of that which was faulty in it will prove to have been of service in this respect. The British conscience is more awake than it has been to the debt we owe to our fellow-countrymen who are serving their Queen and country in this land. That splendid movement which has succeeded

[*Lieutenant-Governor ; Mr. Chalmers.*] [22ND JULY, 1897.]

in enlisting so large a proportion of the British Army in the cause of temperance affords a precedent for what may be done in the cause of purity, and the grand appeal of His Excellency the Commander-in-Chief to the soldier himself, which must have awakened a glow of enthusiasm in many a breast, shows what encouragement may be expected in high quarters for such a movement.

"It is not therefore without a hope that the power which we are now restoring to the Government may be accompanied by the initiation of a new era and a brighter future for the British Army in India that I give my vote for the Bill."

The motion was put and agreed to.

The Hon'ble MR. CHALMERS moved that the Bill be passed.

The motion was put and agreed to.

The Council adjourned to Thursday, the 12th August, 1897.

J. M. MACPHERSON,

SIMLA;
The 23rd July, 1897. }

*Secretary to the Government of India,
Legislative Department.*