

*Friday,
16th March, 1900*

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

LAWS AND REGULATIONS

Vol. XXXIX

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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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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 & 1892 (24 & 25 Vict., c. 67, and 55 & 56 Vict., c. 14).

The Council met at Government House, Calcutta, on Friday, the 16th March, 1900.

PRESENT :

His Excellency Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

His Honour Sir John Woodburn, K.C.S.I., Lieutenant-Governor of Bengal.

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

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

The Hon'ble Mr. C. E. Dawkins.

The Hon'ble Mr. T. Raleigh.

The Hon'ble Mr. Denzil Ibbetson, C.S.I.

The Hon'ble Mr. P. M. Mehta, C.I.E.

The Hon'ble Nawab Mumtaz-ud-daula Muhammad Faiyaz Ali Khan.

The Hon'ble Mr. J. K. Spence, C.S.I.

The Hon'ble Mr. G. Toynbee.

The Hon'ble Mr. D. M. Smeaton, C.S.I.

The Hon'ble Mr. J. D. Rees, C.I.E.

The Hon'ble Maharaja Rameshwara Singh Bahadur of Darbhanga.

The Hon'ble M. R. Ry. Panappakkam Ananda Charlu, Vidia Vinodha, Avargal, Rai Bahadur, C.I.E.

The Hon'ble Kunwar Sir Harnam Singh Ahluwalia, K.C.I.E., of Kapurthala.

The Hon'ble Mr. J. T. Woodroffe.

The Hon'ble Mr. H. F. Evans, C.S.I.

The Hon'ble Rai Bahadur B. K. Bose, C.I.E.

The Hon'ble Mr. Allan Arthur.

INDIAN REGISTRATION OF SHIPS BILL.

The Hon'ble MR. RALEIGH presented a preliminary Report of the Select Committee on the Bill to make better provision for the Registration of British Ships in British India. He said:—"Your Lordship will observe that it is merely a preliminary Report. In the course of our deliberations we discovered that by making the ships which are registered at British Indian ports British ships within

[*Mr. Raleigh; The President.*] [16TH MARCH, 1900.]

the meaning of the Imperial Act we had to face the large question of the application of the Imperial Act to ships manned chiefly by lascars, and plying in Eastern waters. It appeared to us that some of the provisions of the Imperial Act were unsuitable for ships of that class, and we could not be sure that the proposals in this matter, which appeared to us to be reasonable, would be approved by the authorities in England. We therefore thought it better to ask that the consideration of the Bill might be postponed. I am much afraid, my Lord, that the law of Merchant Shipping will become distasteful to the Council by reason of the long time occupied in dealing with it. Successive Committees have devoted a great deal of labour to the subject, and for that labour we have as yet no result to show; but it is better to endure a little further delay if by doing so we can come to a better understanding with the authorities in England and secure those rules which we think are suitable for application to our own ships."

TELEGRAPHIC PRESS MESSAGES BILL.

His Excellency THE PRESIDENT said :—

"The Government of India have decided to withdraw this Bill during the present Session and to postpone its consideration until a later date. The reasons which have impelled us to take this step are as follows :—

"The groundwork of the proposed legislation was, firstly, a desire to protect a large number of newspapers in this country from the theft of their foreign telegrams by those who had not paid for them, but who, in respect of local publication, were enabled not merely to pirate, but even, when at a distance from the place of issue, to anticipate the original purveyor of the news; and, secondly, to lend a desirable stimulus to the expansion of the foreign news service provided in India.

"Now, the first condition in such legislation, if it is to attain its object, should clearly be the unanimity of those in whose legitimate interest the protection is offered and the Bill introduced. The correspondence which has been published with Local Governments and other parties, shows that even at an earlier stage dissentient voices of no small weight were raised. These objections it was hoped by my hon'ble friend, who has been in charge of the Bill, to minimise, if not to remove, by the changes which he persuaded the Select Committee to introduce into the Bill. But it would appear that these changes, though satisfactory to some, have alienated the support, or, at any rate, not excited the approval, of the majority; while the state of the Agenda paper reveals

a considerable and contradictory variety of opinion on the part of the various sections and interests represented in this Council, that leads me to doubt whether, in the present condition of affairs, there is a sufficient consensus of authority and approval behind the Bill to justify the Government of India in passing it at the present moment into law. There are circumstances in which the Government, convinced of the urgency of a case, or of the indispensable necessity of a proposed remedy, is justified in overriding opposition, and in using its full powers to place a measure upon the Statute Book. But this case scarcely appears to fall within that category. I am about the last person to use previous delay in settling a matter as a plea for further procrastination. At the same time, a case cannot truthfully be represented as urgent, which has been continuously discussed and invariably postponed for a period of 30 years; whilst even the advocates of this Bill will, I think, admit that, strong as, in their opinion, is the case for reform, the case would be much stronger if they were all agreed as to the particular shape which that reform should take, and if it could be said with truth that the protection of legitimate interests was not likely to be attended with some injury to the interests of others. That we have not succeeded in reaching a stage of even general or substantial concurrence is demonstrated by the fact that, whereas the original Bill, and those Local Governments and parties who advocated it, contemplated a protection of 36 hours all round, the Select Committee was so much impressed by the arguments directed against that position, that they substituted a double period of protection, 36 hours in one case, and 18 in another; whereupon a large number of papers which had supported the original Bill withdrew their adherence, denounced the compromise effected by the Select Committee, and appealed for a single term of 24 hours, with the remarkable reservation in one case that the signatory party would prefer to substitute 18 hours, and in another that he would prefer to substitute 36. Meanwhile, the Native Press have, as we all know, maintained an attitude of uncompromising, and not unintelligible, hostility from the start. In these circumstances, I fail to find any sufficient cohesion of opinion, or argument, to justify the Government of India in pressing through the Bill. If the supporters of the measure had been able to present a united front, I think that they would have been in a better position. As it is, their individual disagreements have weakened their collective force.

“ But there are two other reasons that induce me to think that postponement is desirable. The first of these, to which I attach minor importance, is this. I am revealing no secret when I say that the main ground which has hitherto dissuaded the Government of India from undertaking legislation of this description

[16TH MARCH, 1900.]

[*The President.*]

has been the desire to have the benefit of English experience and guidance in the matter. I am far from laying down the general proposition that we should, in all cases, or even in the majority of cases, take our cue from the Imperial Parliament at Westminster. But where legislation of a somewhat experimental character is involved, entailing the acceptance of principles not hitherto universally accepted, and affecting a form of enterprise which, so far from being Indian in character or conception, is of Western origin, and was introduced in the first place into India from England, then I think that the example of the British Parliament is of value, and may with advantage be followed; whilst an English precedent is manifestly of superior value and authority to a Colonial precedent, upon which alone we can at present rely. Whether legislation for the protection of copyright in foreign telegrams is likely to be undertaken at an early date in England I have no means of knowing. But at least we do know that since this Bill was introduced here, a Committee of the House of Lords which was examining into the subject has reported, and has recommended legislation upon definite lines. Now I do not say that we are bound to sit still here and twiddle our thumbs until some Government at home acts upon the recommendation of that Committee; but at least there seems to be good ground for suspending action here for a while in order to see what view is taken of the matter by the British Government and the British Parliament, which, on the whole, are better able to set an example to us than we are to them. Should they fail to do so, it will, at any time, be possible for us to exercise our own initiative and to resume the discussion of the matter without waiting for their lead.

"The second reason, to which I attach even greater weight, is the following. One of the main grounds for which this Bill has been advocated is the stimulus that its passing into law will give to newspaper enterprise in this country. I am not sure that I attach to this argument the full value that its supporters do; for I am a little sceptical of the extent to which newspapers in India are at present retarded from extending their foreign telegraphic correspondence, because the telegrams are liable to be filched as soon as they arrive. The same drawback in England does not appear to crush enterprise or to frighten off competition; and I suspect that in any country the paper which in the long run will secure the best market is the paper that will give the best news and doubtless pay the most for doing so, whether that news is, or is not, liable to be lifted by the predatory energies of rival organs. However that may be, I agree with those who hold that a surer encouragement to journalistic enterprise in India is likely to be found in a substantial diminution in the rates for telegraphic

[The President.]

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transmission from Europe than in the protection of already existing enterprise out here. Nearly a year ago, in the Budget Debate, I indicated the strong opinion that I entertained about the reasonableness, and even necessity, of such a reduction. A despatch was sent home by the Government of India as far back as last May stating our views, and arguing our case with such force as we could command. Since then there has been a good deal of discussion on the matter; and it is likely that before long definite negotiations with the Companies will be undertaken. That they will result in a very material reduction of rates I cannot for a moment doubt; and that such a reduction will throw into entirely different perspective the question of Press telegrams and foreign intelligence in this country seems to me highly probable. Enterprise and expenditure, instead of being confined to a few, will become the characteristic of the many, and I will even go further and anticipate a time at which the number of those requiring protection may be so largely increased that instead of the demand being presented, as now, by one class of paper, and resented by another class, it may come with approximate unanimity from the great majority of high class journals in India, both Native and European.

"I would sooner wait to give legislative protection until the great mass of opinion is united in our favour than I would proceed with public opinion divided as at present, some for and some against, and those who are for and those who are against arguing on different and mutually destructive grounds; and I would sooner pause to see what consequences a reduced telegraphic tariff will produce than legislate under conditions which are doomed at no distant date to disappear.

"These are the reasons for which the Government of India have decided not, at the present moment, to proceed further with this Bill."

The Council adjourned to Wednesday, the 21st March, 1900.

CALCUTTA;	}	J. M. MACPHERSON,
The 16th March, 1900.		Secretary to the Government of India, Legislative Department.