

*Friday,
26th February, 1909*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XLVII

April 1908 - March 1909

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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 Act, 1861 and 1892 (24 & 25 Vict., c. 67, and 55 & 56 Vict., c. 14).

The Council met at Government House, Calcutta, on Friday, the 26th February 1909.

P R E S E N T :

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

His Excellency General Viscount Kitchener of Khartoum, G.C.B., O.M., G.C.M.G., G.C.I.E., Commander-in-Chief in India.

The Hon'ble Sir H. Erle Richards, K.C.S.I., K.C.

The Hon'ble Major-General C. H. Scott, C.B., R.A.

The Hon'ble Sir Harvey Adamson, Kt., C.S.I.

The Hon'ble Mr. J. O. Miller, C.S.I.

The Hon'ble Mr. W. L. Harvey, C.I.E.

The Hon'ble Sir G. D. F. Wilson, K.C.B., K.C.M.G.

The Hon'ble Mr. Gopal Krishna Gokhale, C.I.E.

The Hon'ble Mr. A. A. Apcar, C.S.I.

The Hon'ble Nawab Bahadur Sir Khwaja Salimulla of Dacca, K.C.S.I.

The Hon'ble Maung Bah Too, C.I.E., K.S.M.

The Hon'ble Mr. W. W. Drew.

The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.

The Hon'ble Raja Sir Mahammad Ali Muhammad Khan, K.C.I.E., Khan Bahadur, of Mahmudabad.

The Hon'ble Mr. N. C. Macleod,

The Hon'ble Mr. J. Andrew.

The Hon'ble Mr. Maneckjee Byramjee Dadabhoy.

The Hon'ble Mr. F. A. Slacke, C.S.I.

The Hon'ble Mr. J. M. Holms, C.S.I.

QUESTIONS AND ANSWERS.

The Hon'ble MR. DADABHOY asked :—

“ IN view of the demand for a local Legislative Council by ‘ advanced public opinion in the Central Provinces’, the need felt by the Hon'ble the Chief Commissioner for the ‘ assistance and support of public expression of views on

[*Mr. Dadabhoj ; Sir Harvey Adamson ; Sir G. F. Wilson.* [26TH FEBRUARY 1909.]

public affairs', as stated in para graph 28 of his note on the Government of India's Reform Proposals, forwarded with his letter No. 1285-1-15-2 of 18th June 1908, and the final abandonment by the Secretary of State of the general proposal for the creation of Advisory Councils and the consequential non-adoption of the special scheme recommended for the Central Provinces by the Hon'ble the Chief Commissioner for securing such 'assistance and support', will the Government, in working out the details of the Reform Scheme, be pleased, in consultation with the Hon'ble the Chief Commissioner, to consider the desirability of creating for the Central Provinces and Berar or for the Central Provinces only a local Legislative Council, without raising the Administration into the status of a Lieutenant-Governorship, in exercise of the extensive powers conferred by section 46 of the Indian Councils Act of 1861?"

The Hon'ble SIR HARVEY ADAMSON replied:—

"In connection with the Reform Scheme now under consideration, the Government of India do not at present contemplate the establishment of a Legislative Council for either the Central Provinces and Berar or the Central Provinces alone."

The Hon'ble MR. DADABHOY asked:—

"Will Government be pleased to state the present amounts of the Gold Standard Reserve and the Paper Currency Reserve? Has either of these Reserves been depleted during the current financial year, and, if so, to what extent, and under what circumstances?"

The Hon'ble SIR G. F. WILSON replied:—

"The amount of the Gold Standard Reserve on the 15th instant was £18,417,833; of which £5,978,899 was held in gold or sterling securities in England, and the balance in rupees in India. Its composition has been altered by the substitution of rupees for gold to the extent of the sterling bills sold on London in 1908, but the Reserve has not been depleted during the current financial year, except to the extent of a temporary loan for general purposes, which it is intended to repay before the 31st of March.

"The amount of the Paper Currency Reserve on the 15th instant was Rs. 41,37,07,315; of which £2,865,970 was held in gold and sterling securities and the balance in rupees, silver bullion and rupee securities. This Reserve has not been depleted during the current financial year. It has been maintained, as required by law, at the equivalent of the amount of currency notes in circulation."

[26TH FEBRUARY 1909.] [*Mr. Dadabhoy; Mr. Harvey; Nawab Saiyad Muhammad; Sir Harvey Adamson; Sir Khwaja Salimulla.*]

The Hon'ble MR. DADABHOY asked :—

“Is it true that imports of sugar from Austria-Hungary have more than doubled during the current year, as compared with the figures of the last year? Is this abnormal increase due to any special advantage enjoyed by the manufacturers of that country?”

The Hon'ble MR. HARVEY replied :—

“Imports of beet sugar into India from Austria-Hungary during the last five calendar years have been as follows :—

	Cwt.
1904	1,384,851
1905	1,122,342
1906	2,623,639
1907	1,001,075
1908	1,437,214

“It appears from these figures that the recent increase in the imports of sugar from Austria-Hungary indicates not a departure from the normal, but a reversion towards it after a year of exceptionally small arrivals. There is no reason to believe that the increase referred to by the Hon'ble Member is due to any special advantages enjoyed by sugar manufacturers in Austria-Hungary.”

The Hon'ble NAWAB SAIYAD MUHAMMAD asked :—

“Will the Government be pleased to lay on the table a list of Muhammadan religious and charitable endowments and trusts which are at present under the management of Government in different Provinces?”

The Hon'ble SIR HARVEY ADAMSON replied :—

“The information asked for by the Hon'ble Member is not immediately available, but the Government of India will ask Local Governments and Administrations to supply it and a list will then be placed on the table.”

The Hon'ble SIR KHWAJA SALIMULLA asked :—

“Has the attention of the Government of India been drawn to the reply sent by Nawab Syed Ameer Hosain Bahadur, C.I.E., to the Circular letter No. 2497-A of 7th July last of the Government of Bengal, on the scheme contemplated by the Government of India as laid down in paragraph 4 of its letter No. 611 of 27th March last, regarding the separation of the judicial and executive functions of district officers?”

[*Sir Khwaja Salimulla; Sir Harvey Adamson.*] [26TH FEBRUARY 1909.]

“Will Government be pleased to cause to be placed on the Council table copies of this reply for the information of the Members?”

“Will Government be pleased to direct that copies of this reply be forwarded to the Government of Eastern Bengal and Assam, to the High Courts, and to such other bodies to whom this question is under reference as mentioned by the Hon’ble Sir Harvey Adamson in his reply to the Hon’ble Mr. Dadabhoy at the meeting of the Council held on the 5th instant?”

The Hon’ble SIR HARVEY ADAMSON replied:—

“The Government of India have received from the Bengal Government a copy of the letter in question. As the matter to which the letter relates is still under discussion, it would be premature to publish the papers, and the Government see no reason for treating this letter exceptionally either by laying it on the table or by communicating it to the authorities mentioned by the Hon’ble Member.”

The Hon’ble SIR KHWAJA SALIMULLA asked:—

“Is it a fact that the experiment of the separation of the two functions, commenced and brought into operation by the Government of Mysore since October 1907, has not given satisfaction and has not proved a success?”

“That the Dewan has, in the Mysore Representative Assembly, declared that the Government was not prepared to further extend the experiment?”

“That the Judges of the Chief Court of Mysore have declared that the experiment of the separation of the two functions has retarded the prompt disposal of Civil Court work?”

The Hon’ble SIR HARVEY ADAMSON replied:—

“In 1907 the Amildars of Kolar, Hassan, Maddagiri, Hole-Narsipur and Sagar in the Mysore State were relieved of their magisterial functions and the Munsifs at those stations were invested with the powers of Magistrates of the second class. The Amildars of Bangalore and Mysore were also instructed not to exercise their magisterial powers, and their magisterial duties were assigned to the respective City Magistrates.

[26TH FEBRUARY 1909.] [*Sir Harvey Adamson ; Sir Khwaja Salimulla.*]

“ In October 1908 the Dewan of Mysore, in addressing the Mysore Representative Assembly, remarked :—‘ The experiment has worked well so far as it has gone, but any further extension of its scope appears likely to entail additional expenditure and has on that account to be deferred for the present.’ The Government of India have no further information regarding the working of the experiment and have no record of any pronouncement on the subject by the Chief Court of Mysore.”

The Hon'ble SIR KHWAJA SALIMULLA asked :—

“ Will Government be pleased to direct the Political Agents of Mysore, Baroda and such other Native States where the experiment has been brought into force, to report whether any appreciable benefit has arisen, or is likely to arise, to the masses from this separation.”

The Hon'ble SIR HARVEY ADAMSON replied :—

“ The Government will ask for reports upon the exact nature of the changes that have been made and upon their effect, including the points mentioned by the Hon'ble Member.”

WHIPPING (AMENDMENT) BILL.

The Hon'ble SIR HARVEY ADAMSON presented the Report of the Select Committee on the Bill further to amend the Whipping Act, 1864, and the Code of Criminal Procedure, 1898. He said :—“ The principal alteration effected by the Select Committee is the consolidating of the laws relating to the punishment of whipping. There is nothing that I need add to the Report except a word of explanation regarding two amendments which have the effect of still further restricting the infliction of whipping on juveniles. These amendments have been inserted in fulfilment of a promise given by the Secretary of State in Parliament. The first excludes juveniles from whipping for certain specified offences against the State and of a seditious nature. It is, I may observe, much in accordance with existing practice, for, so far as I have been able to ascertain, no juvenile offender has ever in the past been whipped for a seditious offence. The second provides that for offences outside the Indian Penal Code punishable with imprisonment, whipping may be inflicted on juveniles only in respect of such offences as may be notified by the Governor General in Council in this behalf. As the law

WHIPPING.

[*Sir Harvey Adamson.*] [26TH FEBRUARY 1909.]

stands at present the Governor General in Council notifies the exclusions. Under the Bill as amended he will notify the inclusions."

The Council adjourned to Friday, the 12th March 1909.

J. M. MACPHERSON,
Secretary to the Government of India,
Legislative Department.

CALCUTTA; }
The 26th February 1909. }