

*Friday,
15th January, 1909*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,
LAW AND REGULATIONS

Vol. XLVII

April 1908 - March 1909

ABSTRACT OF PROCEEDING
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

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VOLUME XLVII



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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., c. 67, and 55 & 56 Vict., c. 14).

The Council met at Government House, Calcutta, on Friday, the 15th January 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 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. 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 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 Mr. W. R. H. Merk, C.S.I.

The Hon'ble Raja Sir Muhammad 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 Dadabhoj.

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

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

NEW MEMBER.

The Hon'ble Mr. Holms took his seat as an Additional Member of Council.

QUESTIONS AND ANSWERS.

The Hon'ble MR. DADABHOY asked :—

“ In answer to a question put by Mr. G. M. Chitnavis in this Council on the 13th March last regarding an inquiry into the causes of the abnormal

[*Mr. Dadabhoy ; Sir Guy Fleetwood Wilson ; Sir Harvey Adamson.*] [15TH JANUARY 1909.]

and general rise in prices of food-grains during the past few years, Government was pleased to give an assurance that the subject was under consideration, and that, in case an inquiry was found necessary, it would gladly consider his suggestion.

Will Government be pleased now to state if it has come to any final decision, and, if so, does it propose to make a full investigation into this most important subject ?”

The Hon'ble SIR GUY FLEETWOOD WILSON replied :—

“ The Government fully recognise the high importance of the rise in prices, and it is engaging their most careful attention. It is, however, a question of much complexity, involving a number of other issues of much moment ; and the Government are not yet in a position to announce their final decision regarding the suggested enquiry. They trust that it will shortly be possible to give the Hon'ble Member further information on the subject.”

The Hon'ble MR. DADABHOY asked :—

“ In view of the doubts expressed in certain quarters about the introduction *en bloc* of the reforms sketched out in the Secretary of State's despatch to this Government of 27th November last, will Government be pleased to state approximately the time when they will be carried out, and, further, for the satisfaction of the people, to use all possible expedition in their introduction ? ”

The Hon'ble SIR HARVEY ADAMSON replied :—

“ The Government of India understand that a Bill legalising the reforms in question will be introduced in the next Session of Parliament. There can be no enlargement of the Legislative Councils until the Bill has passed into law. There is obviously a considerable amount of work yet to be done before the reforms can take practical effect, but the Government of India are anxious to lose no time, and they have already taken action to secure all possible expedition in the matter.”

The Hon'ble MR. DADABHOY asked :—

“ Will Government be pleased to consider the desirability of appointing trained lawyers as Judicial Commissioners and Additional Judicial Commissioners wherever such offices exist or may be created in future ?”

[15TH JANUARY 1909.] [*Sir Harvey Adamson ; Mr. Dadabhoj ; Sir Guy Fleetwood Wilson.*]

The Hon'ble SIR HARVEY ADAMSON replied :—

“ There is no obstacle to the appointment of trained lawyers as Judicial Commissioners and Additional Judicial Commissioners. Three such appointments have already been made, and the Governor General in Council will be prepared to make others as occasion may arise.”

The Hon'ble MR. DADABHOY asked :—

“ Is the Government aware that the imposition upon India of an additional burden of Rs. 45,00,000 in consequence of the decision of the Romer Committee, notwithstanding a vigorous protest from this Government, has caused widespread dissatisfaction in the country ? ”

The Hon'ble SIR GUY FLEETWOOD WILSON replied :—

“ The Government of India have observed the comments of the Indian Press on the subject.”

The Hon'ble MR. DADABHOY asked :—

“ Will Government be pleased to state the grounds upon which this burden has been imposed, and to lay upon the table all papers relating thereto ? ”

The Hon'ble SIR GUY FLEETWOOD WILSON replied :—

“ The capitation rate laid down by the Welby Commission was liable to revision at a subsequent date. The grounds upon which the extra charge was accepted by the Secretary of State were the increase since the calculation and introduction of the £7-10-0 capitation rate in :—first, the training period required ; secondly, the annual cost per man of recruits under training ; and thirdly, the percentage of annual drafts and reliefs to total establishment. As the Secretary of State has decided that it would not be in the public interest to present the papers to the House of Commons, they cannot be presented to this Council.”

The Hon'ble MR. DADABHOY asked :—

“ Has the Secretary of State for India finally sanctioned the additional expenditure in consultation with this Government ? ”

The Hon'ble SIR GUY FLEETWOOD WILSON replied :—

“ The Secretary of State has agreed to the extra charge being paid from the 1st May 1908. He is in possession of the views of the Government of India.”

[*Mr. Dadabhoy ; Sir Guy Fleetwood Wilson.*] [15TH JANUARY 1909.]

The Hon'ble MR. DADABHOY asked :—

“ Was the Report of the Romer Committee published either in India or in England before the sanction ? If not, why not ? Has it since been published ? ”

The Hon'ble SIR GUY FLEETWOOD WILSON replied :—

“ The report of the Romer Committee has not been published, the Secretary of State having decided that its publication would not be in the public interest.”

The Hon'ble MR. DADABHOY asked :—

“ In sanctioning the extra contribution from India, were the recommendations of the Welby Commission taken into account and considered ? ”

The Hon'ble SIR GUY FLEETWOOD WILSON replied :—

“ The Welby Commission Report was before the Romer Committee. ”

The Hon'ble MR. DADABHOY asked :—

“ Has a similar contribution been exacted from any of the British Colonies ? If not, why this difference in treatment of different parts of the same Empire ? ”

The Hon'ble SIR GUY FLEETWOOD WILSON replied :—

“ The Crown Colonies of Mauritius, Ceylon, Singapore and Hong-Kong contribute fixed percentages of their revenues towards the cost of their garrisons. All the most important Colonies, except those in South Africa, provide their own defence forces. Since the passing of the Statute 21 George III, c. 65, in 1781, India has been required to meet all charges for raising, transporting and maintaining the European troops which she employs.”

The Hon'ble MR. DADABHOY asked :—

“ Has the attention of Government been drawn to the remarks made by Mr. Saradacharan Mitra, late Judge of the Calcutta High Court, on the occasion of his retirement from the Bench, about the enormous growth of business of late years in the Calcutta High Court, the gross insufficiency in the number of Judges, and the consequent failure of justice ?

“ If so, does Government propose to increase the number of Judges, with due regard to the claims of both branches of the legal profession and the Indian Civil Service ?

“ Will Government be pleased to ascertain if similar unsatisfactory conditions prevail in any of the other High Courts ? ”

[15TH JANUARY 1909.] [*Sir Harvey Adamson; Mr. Harvey.*]

The Hon'ble SIR HARVEY ADAMSON replied :—

“ The Government of India have seen in the newspapers a report of the reply made by the Hon'ble Mr. Justice Mitra to the farewell address presented to him by the Vakils of the Calcutta High Court on the occasion of his retirement from the Bench of that Court.

“ The Government of India have at present under their consideration the question of the strength of the Calcutta High Court.

“ The Government of India have also under consideration a proposal recently made by the Government of Madras for the temporary strengthening of the Bench of the Madras High Court, with particular reference to the reduction of arrears of work in that Court. They have no reason to believe that any further additions to the strength of the Bench in the Bombay and Allahabad High Courts are necessary at present. In the year 1907 an additional Judge was appointed temporarily to the former Court, to deal with the extra work involved by the institution of a number of cases under the Land Acquisition Act. Early in 1908 the fifth Puisne Judgeship in the Allahabad High Court, which had hitherto been sanctioned as a temporary arrangement, was made permanent : and a sixth Puisne Judge was also appointed to the Court, on the understanding that the appointment should be absorbed on the occurrence of the first vacancy in the Court at the end of eight years.”

INDIAN STEAMSHIPS LAW AMENDMENT BILL.

The Hon'ble MR. HARVEY moved that the Bill further to amend the Inland Steam-vessels Act, 1884, and the Indian Steamships Act, 1884, be taken into consideration. He said :—“The provisions of this Bill have met with general approval and, as the Statement of Objects and Reasons fully explains the purpose which we had in view in framing the Bill, I need now only explain the two small amendments which I am proposing. The first amendment is intended to make it perfectly clear that clause 2 of the Bill will apply to motor-driven craft plying ordinarily on inland waters. Secondly, in the second sub-section of the new section 23 which, when clause 4 of the Bill becomes law, will be substituted for the existing section in the Indian Steamships Act, it is proposed to substitute the word 'substantially' for the word 'sufficiently,' this amendment being necessary to bring sub-section (2) of section 23 into line with sub-section (1) of the same section.”

The motion was put and agreed to.

[*Mr. Harvey; Sir Guy Fleetwood Wilson.*] [15TH JANUARY 1909.]

The Hon'ble MR. HARVEY moved that after the word "vessels" in the new section 68A of the Inland Steam-vessels Act, 1884, proposed to be inserted by clause 2 of the Bill, the words "which ordinarily ply on inland waters and are" be inserted.

The motion was put and agreed to.

The Hon'ble MR. HARVEY moved that for the word "sufficiently" in subsection (2) of the new section 23 of the Indian Steamships Act, 1884, proposed to be substituted by clause 4 of the Bill, the word "substantially" be substituted.

The motion was put and agreed to.

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

The motion was put and agreed to.

INDIAN PAPER CURRENCY (AMENDMENT) BILL.

The Hon'ble SIR GUY FLEETWOOD WILSON moved for leave to introduce a Bill to amend the Indian Paper Currency Act, 1905. He said:— "Hon'ble Members are in possession of the Bill itself, which cannot be held to be of a controversial character. I may explain that in 1903, when the present five-rupee currency note was introduced, it was made legal tender throughout British India with the exception of Burma. The measure which I now submit to Your Excellency's Council is intended to remove that exception. The reason why the great province of Burma was left outside the scope of the so-called 'universal' note in 1903 was purely a question of ways and means. The experiment of universal notes was a novel one; and we anticipated that they would, in the beginning at any rate, be used to a considerable extent as a means of private remittance, thus throwing upon Government a large potential liability to encash them at the different offices of issue throughout India. It was feared that this liability would be particularly heavy in Burma, owing to the great volume of the seasonal movement of trade between that province and Bengal. It was determined therefore to defer the extension of the universal five-rupee note to Burma until experience had been gained of the working of the change in India.

"Five years have passed since then, and we now feel that Burma should no longer be left out of the scheme. We have more information than we had in 1903 regarding the use of the five-rupee note for remittance purposes; and we are

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prepared, by certain financial dispositions with which I need not trouble the Council, to minimise whatever danger there is in that direction. We believe that the extension of the note to Burma will be welcomed by the business community of that province, and that it will tend to increase the popularity and usefulness of our note circulation.

“ If the measure which I now submit becomes law, a new pattern of universal five-rupee note will be issued, bearing its denomination on the face of it in Burmese as well as in the other leading vernaculars of India; the issue of the present Burma note being discontinued.”

The motion was put and agreed to.

The Hon'ble SIR GUY FLEETWOOD WILSON introduced the Bill.

The Hon'ble SIR GUY FLEETWOOD WILSON moved that the Bill, together with the Statement of Objects and Reasons relating thereto, 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.

The Council adjourned to Friday, the 5th February 1909.

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

CALCUTTA ;
The 15th January 1909. }