

*Tuesday,
25th January, 1910*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XLVIII

April 1909 - March 1910

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 XLVIII



Published by Authority of the Governor General.



CALCUTTA :
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.

1910

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 to 1909 (24 & 25 Vict., c. 67, 55 & 56 Vict., c. 14, and 9 Edw. VII, c. 4).

The Council met at Government House on Tuesday, the 25th January 1910.

PRESENT:

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*,

and 61 Members, of whom 55 were Additional Members.

OATH OF OFFICE.

The following Additional Members, before taking their seats, made the prescribed oath or affirmation of their allegiance to the Crown:—

- The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.
- The Hon'ble M. R. Ry. Nyapathi Subba Rao Pantulu Garu.
- The Hon'ble Mr. G. K. Gokhale, C.I.E.
- The Hon'ble Sir Vithaldas Damodar Thackersey, Kt.
- The Hon'ble Babu Bhupendra Nath Basu.
- The Hon'ble Mr. Sachchidananda Sinha.
- The Hon'ble Pandit Madan Mohan Malaviya.
- The Hon'ble Mr. Abdul Majid.
- The Hon'ble Sardar Partab Singh, C.S.I.
- The Hon'ble Maulvi Abdul Karim Abu Ahmad Ghaznavi.
- The Hon'ble Maung Bah Too, C.I.E., K.S.M.
- The Hon'ble Mr. M. B. Dadabhoy.
- The Hon'ble Raja Vairicherla Vairabhadra Razu Bahadur, Zamindar of Kurupam.
- The Hon'ble Sir Bijay Chand Mahtab, K.C.I.E., Maharajadhiraja Bahadur of Burdwan.
- The Hon'ble Raja Partab Bahadur Singh, C.I.E., of Partabgarh.
- The Hon'ble Raja Pramada Nath Ray of Dighapatia.
- The Hon'ble Mr. G. M. Chitnavis, C.I.E.
- The Hon'ble Ahmad Muhi-ud-din, Khan Bahadur.
- The Hon'ble Mr. Mahomed Ali Jinnah.
- The Hon'ble Mr. M. Mazharul Haque.

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- The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, K.C.I.E., Khan Bahadur, of Mahmudabad.
- The Hon'ble Maulvi Syed Shamsul Huda.
- The Hon'ble Mr. C. W. N. Graham.
- The Hon'ble Mr. C. H. Armstrong.
- The Hon'ble Mr. J. Andrew.
- The Hon'ble Mr. H. O. Quin.
- The Hon'ble Mr. F. A. Slacke, C.S.I.
- The Hon'ble Mr. J. M. Holms, C.S.I.
- The Hon'ble Mr. M. W. Fenton.
- The Hon'ble Mr. F. C. Gates, C.S.I.
- The Hon'ble Mr. P. C. Lyon, C.S.I.
- The Hon'ble Mr. F. A. T. Phillips.
- The Hon'ble Sir T. R. Wynne, K.C.I.E.
- The Hon'ble Mr. J. M. Macpherson, C.S.I.
- The Hon'ble Mr. L. M. Jacob, C.S.I.
- The Hon'ble Mr. R. W. Carlyle, C.I.E.
- The Hon'ble Sir H. A. Stuart, K.C.V.O., C.S.I.
- The Hon'ble Mr. S. H. Butler, C.S.I., C.I.E.
- The Hon'ble Major-General R. I. Scallon, C.B., C.I.E., D.S.O.
- The Hon'ble Mr. J. S. Meston, C.S.I.
- The Hon'ble Mr. J. B. Brunyate, C.I.E.
- The Hon'ble Mr. W. Maxwell, C.I.E.
- The Hon'ble Surgeon-General C. P. Lukis, M.D.
- The Hon'ble Mr. G. H. B. Kenrick, K.C., LL.D.
- The Hon'ble Colonel F. B. Longe, R.E.
- The Hon'ble Mr. C. Stewart-Wilson.
- The Hon'ble Mr. F. E. Dempster, C.I.E.
- The Hon'ble Mr. H. W. Orange, C.I.E.
- The Hon'ble Mr. C. G. Todhunter.
- The Hon'ble Mr. C. H. Kesteven.
- The Hon'ble Sir Sassoon David, Kt.
- The Hon'ble Zulfikar Ali Khan of Maler Kotla.
- The Hon'ble Malik Umar Hyat Khan, C.I.E., Tiwana.
- The Hon'ble Mr. W. C. Madge.
- The Hon'ble Rao Bahadur Ranganath Narsinh Mudholkar.

REFORMED COUNCIL.

His Excellency THE PRESIDENT said :—"Gentlemen, I welcome the members of this newly-constituted Imperial Council on their first assembly at the capital of the Indian Empire.

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“The occasion is replete with political meaning. It marks the close of a system of administration which, under the guidance of many illustrious statesmen, has contributed much to the prosperity of India and to the glories of her history—it opens a new era with the inauguration of broader principles of government,—and though this Council Room is ill-adapted for the accommodation of our increased numbers and for the convenience of the public, it has seemed best to me that we should first assemble within the walls of the palace which Wellesley founded, and in the Council Chamber hallowed by the legislative traditions of the last hundred years.

“Those years have witnessed the consolidation of the Indian Empire as it exists today—they tell a story of troubles and anxieties, of hard-won successes and many glorious episodes—but they have throughout been years of recurring administrative changes in harmony with social progress and an advance in political thought largely due to the results of an education system introduced into India by British rulers.

“It has been a period of evolution. We have moved in successive stages from Wellesley’s small Supreme Council appointed by the Board of Control—to the days of Lord William Bentinck and the Charter Act of 1833—to the conquering rule of Lord Dalhousie and the Charter Act of 1853—to the Council Acts of 1861 and 1892—great landmarks in Indian history. And each successive stage has witnessed either the grant of larger legislative powers to the Government of India or an increasing recognition of the necessity for broadening the basis of administration upon lines more representative of the general interests of the country. That necessity was first met by the nomination, and subsequently by the *quasi*-election, of additional members of the Governor General’s Council. The first additional member was appointed nearly eighty years ago under the Act of 1833. That member was Lord Macaulay. Since then the machinery affecting their appointment has been gradually adapted to meet varying conditions, whilst their numbers were increased to a possible sixteen by the Act of 1892. That Act, like its predecessors, has been superseded by the adoption of more advanced legislation, and in accordance with the Act of 1909 this newly-constituted Imperial Council is now for the first time assembled.

“I have merely ventured to sketch the progress of British legislation, because I cannot but feel that much of the criticism of the recent policy of the Government of India has been oblivious of past history and has been based upon the assumption that the India of twenty years ago can continue to be the

India of today. That is an impossibility—many influences have combined to make it so—and we have had to follow in the footsteps of the statesmen who have preceded us, and to recognise that British rule must again be re-adapted to novel conditions,—conditions far more novel than any with which our predecessors had to deal, in that political forces unknown to them have come into existence in India which it is no longer possible for British administrators to ignore, whilst the trend of events in the Far East has accentuated the ambitions of Eastern populations. When I took up the reins of government as Viceroy in the late autumn of 1905, all Asia was marvelling at the victories of Japan over a European Power,—their effects were far-reaching—new possibilities seemed to spring into existence—there were indications of popular demands in China, in Persia, in Egypt, and in Turkey, there was an awakening of the Eastern World, and though to outward appearances India was quiet,—in the sense that there was at that moment no visible acute political agitation,—she had not escaped the general infection, and before I had been in the country a year I shared the view of my Colleagues that beneath a seemingly calm surface there existed a mass of smothered political discontent, much of which was thoroughly justifiable, and due to causes which we were called upon to examine. We heartily recognised the loyalty of the masses of the people of India, and we were not prepared to suppress new, but not unnatural, aspirations without examination. You cannot sit forever on a safety valve, no matter how sound the boiler may be. Something had to be done, and we decided to increase the powers and expand the scope of the Act of 1892.

“It is important that my Hon'ble Colleagues and the Indian public should know the history, the early history at any rate, of the reforms which have now been sanctioned by Parliament. They had their genesis in a note of my own addressed to my Colleagues in August 1906—nearly 3½ years ago. It was based entirely on the views I had myself formed of the position of affairs in India. It was due to no suggestions from home—whether it was good or bad I am entirely responsible for it. It dealt with the conditions it appeared to me the Government of India had then to consider, and as it is answerable for much that has followed in its wake, my Hon'ble Colleagues will perhaps allow me to read it to them. This is what I then wrote :—

‘I feel sure my Colleagues will agree with me that Indian affairs and the methods of Indian administration have never attracted more public attention in India and at home than at the present moment. The reasons for their doing so are not far to seek. The growth of education, which British rule has done so much to encourage, is bearing fruit. Important classes of the population are learning to realise their own position, to estimate for themselves their own intellectual capacities, and to compare their claims, for an

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equality of citizenship, with those of a ruling race, whilst the directing influences of political life at home are simultaneously in full accord with the advance of political thought in India.

‘To what extent the people of India as a whole are as yet capable of serving in all branches of administration, to what extent they are individually entitled to a share in the political representation of their country, to what extent it may be possible to weld together the traditional sympathies and antipathies of many different races and different creeds, and to what extent the great hereditary rulers of Native States should assist to direct Imperial policy, are problems which the experience of future years can alone gradually solve.

‘But we, the Government of India, cannot shut our eyes to present conditions. The political atmosphere is full of change, questions are before us which we cannot afford to ignore, and which we must attempt to answer, and to me it would appear all-important that the initiative should emanate from us, that the Government of India should not be put in the position of appearing to have its hands forced by agitation in this country or by pressure from home, that we should be the first to recognise surrounding conditions and to place before His Majesty’s Government the opinions which personal experience and a close touch with the every-day life of India entitle us to hold.

‘This view I feel sure my Colleagues share with me. Mr. Morley cordially approves it, and in pursuance of it announced, on my authority, in his recent Budget speech my intention of appointing a Committee from the Viceroy’s Council to consider the question of possible reforms.

‘Such enquiries have, as you are aware, taken place before. There was the Commission, over which Sir Charles Aitchison presided, to enquire into the employment of Indians in the public services, and we have also the notable report of the Committee appointed by Lord Dufferin to consider proposals for the reconstruction of Legislative Councils on a representative basis (1888), over which Sir George Chesney presided, and of which the present Lord Macdonnell was Secretary. It is curious to see from that report how similar conditions and arguments were then to what they are now; with the one great exception that we have now to deal with a further growth of nearly twenty years of increasing political aspirations.

‘But though increased representation is still the popular cry as it was in 1888, other demands or rather suggestions are shaping themselves out of a foreshadowed metamorphosis. We are told of a Council of Princes, of an Indian Member of the Viceroy’s Executive Council, of an Indian Member on the Secretary of State’s Council, and in addition to the older claims put forward on behalf of increased representation on the Legislative Councils, we are asked to consider new procedure as to presentation of the Budget to the Viceroy’s Legislative Council, a prolongation of the Budget Debate, and further opportunity for financial discussion. As to possibilities such as these, I would be grateful for the opinion of the Committee I hope to appoint, limiting myself for the present to only one opinion that in any proposal for the increase of representation it is absolutely necessary to guard

the important interests existing in the country, as expressed in paragraph 7, page 3, of the Report of Sir Charles Aitchison's Committee, *viz.*,—

- (a) the interests of the hereditary nobility and landed classes who have a great permanent stake in the country ;
- (b) the interests of the trading, professional and agricultural classes ;
- (c) the interests of the planting and commercial European community ; and
- (d) the interests of stable and effective administration.

' The subjects I should propose to refer to the Committee are :—

- (a) A Council of Princes, and if this is not possible might they be represented on the Viceroy's Legislative Council ?
- (b) An Indian Member of the Viceroy's Council.
- (c) Increased representation on the Legislative Council of the Viceroy and of Local Governments.
- (d) Prolongation of the Budget Debate. Procedure as to presentation of the Budget and powers of moving amendments.

' This Minute is circulated for the information of Members of Council, from whom I shall be glad to receive any suggestions or expressions of opinion which they may desire to make, and which will be communicated to the Committee.

' When the Committee has reported, their Report will be laid before Council for full consideration.'

" That note elicited valuable opinions and was fully discussed in Council, and though, as you are aware, its suggestions were not accepted in their entirety by the Government of India, it laid the foundation of the first scheme of reform which they submitted to the Secretary of State.

" Since it was written, Lord Morley has fought India's battles in both Houses of Parliament in many great and memorable speeches, and there has been a constant interchange of correspondence between him and the Government of India. Much of it has not as yet been made public, but as regards the reform of the Legislative Councils I commit no breach of confidence in indicating the lines which the Government of India has endeavoured to follow. We have distinctly maintained that representative government in its Western sense is totally inapplicable to the Indian Empire and would be uncongenial to the traditions of Eastern populations—that Indian conditions do not admit of popular representation—that the safety and welfare of this country must depend on the supremacy of British administration—and that that supremacy can, in no circumstances, be delegated to any kind of representative assembly.

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“ But we have been deeply impressed by the changing political conditions alluded to in my note, and we have endeavoured to meet them by broadening the representation authorised by the Council Act of 1892, by expanding its rules of procedure and facilitating opportunities for debate, by inviting the leaders of Indian public opinion to become fellow-workers with us in British administration, and by securing the representation of those important interests and communities which go to form the real strength of India, whilst at the same time recognising the claims of educational advance. We have borne in mind the hopes held out to the people of India in Queen Victoria's Proclamation of 1858.

“ We have felt that the political atmosphere of a bureaucracy may become close and confined, and that the admittance of outside air is beneficial to its health and strength. We have aimed at the reform and enlargement of our Councils, but not at the creation of Parliaments. I emphasise what I have just said in view of the opinions to which advanced Indian politicians appear not unfrequently to commit themselves.

“ The machinery of our scheme was explained in our Resolution of November 15th. There is no necessity for me to analyse it—it has already been fully discussed by the public. We by no means claim perfection for it, we know that there will be much to learn from experience of its working, and that it may require alteration in the future, but if I have judged Indian public opinion correctly, the verdict has been in our favour in admitting the necessity for administrative changes, and the general soundness of the lines we have followed. Of course we have met with many criticisms. It would have been unfortunate indeed, if a scheme of vast political moment had not elicited discussion and diversity of opinion. But there is one criticism which I refuse to accept—the suggestion that the Councils Act of 1909 is the result of concessions to seditious agitation. There is no foundation for any such assumption—unless the recognition of the political condition of India in 1906, as I have endeavoured to describe it, is to be reckoned as a concession—though it was a recognition, the necessity for which no responsible administrators could disregard. The murders at Mozufferpore were the first of the political crimes which have horrified all India, and they were perpetrated $1\frac{1}{2}$ years after my Councils Committee had commenced to formulate their reform proposals. Then came the Manicktollah Garden discoveries, followed at intervals by a repetition of outrages, mysterious in their origin. Was the Government of India in the face of those outrages, and on account of them, to renounce the conclusions they had deliberately come to, and to throw overboard their schemes for reform? Were they to be frightened by an anarchical plot out of a policy they

had deliberately adopted? I absolutely refuse to admit that the just aspirations of the loyal subjects of the King-Emperor should be jeopardised by traitorous conspirators. That is a concession I will not agree to.

“ But it is unfortunately too true that the progress of the work upon which we have been engaged, and in the completion of which we hoped to confer a welcome boon upon the people of India, has been marred by a succession of abominable crimes which have forced my Government into one repressive measure after another. And yesterday, on the eve of the assembly of this Council, a faithful and gallant public servant was brutally murdered within the precincts of the High Court and in the broad light of day. A spirit hitherto unknown to India has come into existence, a spirit opposed to all the teachings of Indian religion and traditions, a spirit of anarchy and lawlessness which seeks to subvert not only British rule but the governments of Indian Chiefs to whom I am so deeply indebted for their loyal assistance. We are called upon to deal with subterranean machinations, and methods of assassination and robbery, dangerous to the public safety and discreditable to the fair fame of India. We are aware of associations which are doing their best to inveigle into their meshes the youth of the country poisoned by the dissemination of revolutionary literature, which, out of a chivalrous unwillingness to interfere with any form of freedom of speech, British administrations have tolerated for too long. Present dangers we are prepared to meet, and the moral training of the rising generation our duty will no longer allow us to neglect. We can no longer tolerate the preachings of a revolutionary Press. We are determined to bridle literary license. I am glad to believe that the support of an enlarged Council will go far to assure the Indian public of the soundness of any measures we may deem it right to introduce.

“ I had hoped to open this new Council under an unclouded political sky. No one has longed more earnestly than I have to allow bygones to be bygones, and to commence a new administrative era with a clean slate. The course of recent events has cancelled the realisation of those hopes, and I can but assert that the first duty of every Government is to maintain the observance of the law,—to provide for the present, and as far as it can for the future welfare of the populations committed to its charge,—to rule, and, if need be, to rule with a strong hand.

“ But, gentlemen, though I have no wish to disguise from you the anxieties of the moment, I do not for an instant admit that the necessity of ruthlessly eradicating a great evil from our midst should throw more than a passing

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shadow over the general political situation in India. I believe that situation to be better than it was five years ago. We must not allow immediate dangers to blind us to the evidences of future promise. I believe that the broadening of political representation has saved India from far greater troubles than those we have now to face. I am convinced that the enlargement of our administrative machinery has enormously strengthened the hands of the Viceroy and of the Government of India, and has brought factors to our aid which would otherwise have had no sympathy with us. I believe above all that the fellow-service of British and Indian administrators under a supreme British Government is the key to the future political happiness of this country. It is in that belief that I have worked hard for India, and when I see around me today the representatives of the powerful communities and interests for whom I pleaded in my note, I feel convinced that the dignity and good sense of this Council will be worthily maintained, and that the navigation of the Indian ship of state will be loyally and ably assisted.

“ And now that my tenure of my high office is drawing to a close, I hope I may feel that my years of work have borne some fruit, and I am grateful to Providence in that He has spared me to be present on this great historical occasion.”

RULES FOR THE CONDUCT OF LEGISLATIVE BUSINESS.

§ The Hon'ble MR. SINHA said:—“ My Lord, I beg to give notice that at the next meeting of the Council I shall propose certain amendments in the Rules for the conduct of Legislative Business of the Council of the Governor General. A copy of the existing Rules, together with the proposed amendments, and a Statement of Objects and Reasons for those amendments, has been placed on the table before each Hon'ble Member, and today I mean to make only two remarks with regard to these proposed amendments. Firstly, that those Rules for the conduct of Legislative Business are, Hon'ble Members will notice, entirely distinct from the Rules which have been made by the Governor General in Council, that is, the Executive Council, and already published; that is, Rules for the discussion of Resolutions on matters of public interest, Rules for the discussion of the Financial Statement, and Rules for the asking of Questions. Those Rules are made by the Governor General in Council, and the Legislative Council has nothing to do with them. The Rules which we now seek to amend are Rules for the conduct of Legislative Business properly so-called. The second remark which I desire to place before the Council is this:

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that the amendments which we propose are of a purely formal nature, intended merely to adapt the existing Rules to the altered constitution of the present Council ; for example, in the old Council, Members used to make their speeches sitting ; with a Council of 60 Additional Members it would be almost impossible for the Members to hear a speaker if he were to speak while retaining his seat. So that we propose to alter that and to make it a Rule, subject of course to the Legislative Council passing it, that Members henceforth should stand when making their speeches. The other alterations are more or less of the same character. We considered that it was not desirable to make any substantial changes in the Rules before we had a larger and longer experience of the existing Rules, which, if I may venture to say so, seemed to work very well so far as the old Councils were concerned. I hope Hon'ble Members will agree with me that it would be inadvisable and inexpedient to make any changes of substance of the existing Rules before we have gained some practical experience of the working of the Rules which I shall propose at the next meeting of the Council.

“ That is all I have to place before the Council today ; I merely make these observations in order that Hon'ble Members may feel that we are not proposing any drastic changes in the existing Rules of Business.”

The Council adjourned to Friday, the 28th January 1910.

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

CALCUTTA ; }
The 26th January 1910. }