

*Friday,
22nd July, 1910*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XLIX

April 1910 - March 1911

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

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

April 1910 - March 1911

VOLUME XLIX



Published by Authority of the Governor General.



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

1910



GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

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 Viceregal Lodge, Simla, on Friday, the 22nd July 1910.

PRESENT:

His Excellency THE EARL OF MINTO, P.C., G.O.M.G., G.M.S.I., G.M.I.E., Viceroy
and Governor General of India, *presiding*,

and 26 Members, of whom 20 were Additional Members.

OATH OF OFFICE.

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

The Hon'ble Mr. A. Earle, C.I.E.

The Hon'ble Mr. E. D. Maclagan, C.S.I.

CENSUS BILL.

The Hon'ble Mr. JENKINS:—"My Lord, when Sir Herbert Risley introduced the Census Bill at Calcutta, he gave a clear account both of the objects of the Census and of the means by which it was proposed to carry them out, and I shall therefore only say a word or two. Since it was published some suggestions have been received, of which the only one of importance is one which is connected with the proposal to provide a special schedule for mines, mills and factories. It is hoped that the schedule will yield valuable information as to the progress and condition of Indian industries.

"I beg to move that the Bill to provide for certain matters in connection with the taking of the Census be referred to a Select Committee consisting of the Hon'ble Mr. Sinha, the Hon'ble Mr. Earle, the Hon'ble Khan Zulfikar Ali Khan, the Hon'ble Lieutenant Malik Umar Hyat Khan, the Hon'ble Pandit Madan Mohan Malaviya, the Hon'ble Sardar Partab Singh and the mover. I would add, what is not in the notice, 'with instructions to report at the next meeting of the Council.' I believe it is well understood that the Bill will be passed at the next meeting."

The motion was put and agreed to.

INDIAN EMIGRATION (AMENDMENT) BILL.

The Hon'ble Mr. ROBERTSON:—"My Lord, I fully explained the object of the Bill to amend the Emigration Act when I moved its introduction in this Council on the 23rd March last. It gives power to the Governor General in Council to prohibit emigration to any country for reasons which he may consider

[*Mr. Robertson ; Mr. Jenkins.*] [22ND JULY 1910.]

sufficient. The Bill has met with general support, and in moving that it be now taken into consideration I need only repeat what I said when the Bill was introduced, that the power proposed to be taken will not be lightly exercised and that emigration to any country to which it is at present lawful will not be closed without the fullest discussion of the case with the country concerned.

"I beg to move that the Bill to amend the Indian Emigration Act, 1908, be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. ROBERTSON moved that the Bill be passed.

The motion was put and agreed to.

CRIMINAL TRIBES BILL.

The Hon'ble Mr. JENKINS moved for leave to introduce a Bill to amend the law relating to the registration, surveillance and control of Criminal Tribes. He said:—"My Lord, the Criminal Tribes Act of 1871 has been amended from time to time during the last twenty years. It has never been very satisfactory. The present Bill owes its origin to the Police Commission, who in their report pointed out the inadequacy of the Act in certain respects and made proposals for its improvement. The criminal tribes in India may be divided roughly into three classes. In the first place, we have tribes who, though originally criminal, have now settled down to honest occupations, although some sections of them, and many individuals, still live by crime. Such for instance are Kolis, Bhils and Ramusis. It would be unjust to class them as wholly criminal, yet in some parts of the country, for instance in Poona, if you don't pay a Ramusi watchman you stand a chance of having your house looted. Next, there are tribes who have settled abodes, and generally some ostensible occupation, but who periodically proceed on raids, often at a great distance from their homes, and live solely on their ill-gotten gains. Thirdly, there are the vagrants, gypsy-like classes, who roam over a great extent of country and commit depredations whenever opportunity offers. They are here today and gone tomorrow. In Northern India they are the terror of the countryside. Now, it is obvious that we must have different methods of dealing with these different classes. We hope that this Bill provides a means of dealing with the special circumstances of each case. The first step under the Bill is to notify a tribe, gang or class of persons as a criminal tribe. Thereafter the members of that tribe may be required to register themselves, to allow their finger-prints to be taken and to report absence and changes of residence. Provision for registration exists under the present Act, although at the time the Act was passed the system of finger-prints was unknown. I believe in the case of the more settled tribes this measure of registration alone will be sufficient. Where registration is insufficient, recourse may be had to one of two courses—either to the restriction of the movements of the tribes within certain specified areas—and that provision is a new one—or to the measure, for which provision is made under the existing Act, of settlement of a tribe in a place of residence. Now, the mere restriction of the movements of a tribe within a certain area is in itself an exceedingly strong deterrent, because the people within that area know who these people are and are on their guard against them, and this measure is therefore likely to be efficacious. It is less restrictive than placing a tribe in a settlement. The method of settling tribes has been tried in certain cases, and it has not been found of great value, because first of all it is extremely difficult to provide a means of livelihood, and the measure is very costly. Where it is absolutely necessary for the protection of life and property it will be necessary to have recourse to settlement, but I do not believe that this course is ultimately advantageous. If you intern a tribe in a certain locality, if you keep them there, there is a great risk that you will merely harden them in their habits and perpetuate the tricks of the trade. The second part of the Act will be repealed. The provisions relating to reformatory

22ND JULY 1910.] [*Mr. Jenkins; Mr. Robertson; the Commander-in-Chief.*]

schools have been to some extent elaborated. In other respects the provisions of the Bill are in accordance with the provisions of the existing Act and require no explanation."

The motion was put and agreed to.

The Hon'ble MR. JENKINS introduced the Bill.

The Hon'ble MR. JENKINS 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.

INDIAN TRAMWAYS (AMENDMENT) BILL.

The Hon'ble MR. ROBERTSON:—"My Lord, I move for leave to introduce a Bill further to amend the Indian Tramways Act, 1886. As is explained in the Statement of Objects and Reasons, the Bill is intended to secure the application of the Indian Tramways Act to monorails and to bring electric tramways within the scope of the Act. As regards the first point, doubts have been raised as to whether a monorail would come within the description of a tramway as contemplated by the Tramways Act. None of the provisions of the latter Act favour the contention that it may be applied to a monorail system, while there are provisions which seem to show that the legislature in enacting the Act contemplated a system consisting of two parallel lines of rail and no other. The amendment of the law which is now proposed will remove the doubt which has been raised and will place this means of transport, which may develop largely in the future, on a legal footing. As regards the second point, the present Tramways Act was passed in 1886 before the introduction of electric traction into India, and its provisions are not sufficient to cover this form of traction when applied to a tramway. This defect will be removed if the present Bill is passed into law."

The motion was put and agreed to.

The Hon'ble MR. ROBERTSON introduced the Bill.

The Hon'ble MR. ROBERTSON 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.

CANTONMENTS (AMENDMENT) BILL.

His Excellency THE COMMANDER-IN-CHIEF moved for leave to introduce a Bill further to amend the Cantonments Act, 1889. He said:—"My Lord, the Bill is quite a simple one and is explained in the Statement of Objects and Reasons. Under section 17, sub-section (2), of the Cantonments Act, 1889, we are permitted to adapt in cantonments the Acts in force in municipalities for the assessment and recovery of a tax, but the penalties attached thereto are not permissible without invoking another section of the enactment. So it is proposed to amend this.

"The second part is thought desirable to prevent trespassing over open spaces and gardens and walking into soldiers' lines in cantonments. Under sub-section (17) of section 26, we are permitted to do so, but there is no penalty attached and it is proposed to amend the section so as to cover a penalty."

The motion was put and agreed to.

[*The Commander-in-Chief.*] [22ND JULY 1910.]

His Excellency THE COMMANDER-IN-CHIEF introduced the Bill and moved that it be referred to a Select Committee consisting of the Hon'ble Mr. Sinha, the Hon'ble Major General Sir Robert Scallon, the Hon'ble Mr. Maclagan, the Hon'ble Sardar Partab Singh, the Hon'ble Khan Zulfikar Ali Khan, the Hon'ble Lieutenant Malik Umar Hyat Khan and the mover, with instructions to report at the next meeting of the Council.

The motion was put and agreed to.

The Council adjourned to Friday, the 5th August 1910.

R. SHEEPSHANKS,

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

SIMLA ;
} *The 23rd July 1910.* }