

*Tuesday,
10th September, 1912*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. LI

April 1912 - March 1913

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OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING

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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 Tuesday, the 10th September, 1912.

PRESENT:

His Excellency BARON HARDINGE OF PENSHURST, P.C., G.C.B., G.C.M.G., G.C.V.O., G.M.S.I., G.M.I.E., Viceroy and Governor General, *presiding*,

and 39 Members, of whom 33 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. Howard.
The Hon'ble Colonel Holloway.
The Hon'ble Mr. Nethersole. †
The Hon'ble Mr. Michael.
The Hon'ble Mr. Maxwell.
The Hon'ble Mr. Hailey.

The Hon'ble Sir Reginald Craddock laid on the table a *statement giving the information asked for by the Hon'ble Mr. Sachchidananda Sinha on the 26th February last, regarding the promotion of Indian Deputy Superintendents to the post of Superintendent of Police.

The Hon'ble Sir Harcourt Butler laid on the table a †statement giving the information asked for by the Hon'ble Mr. Bhurgri on the 22nd March last, regarding Muhammadan Deputy Inspectors of Schools and special schools for Muhammadans.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Armstrong asked:—

"(1) Is it a fact that since the alteration in the V. & P. system about three years ago a great many complaints have been made by firms using this system with regard to unpaid claims and untraceable articles, and if so, have these complaints been brought to the notice of the Government of India?"

* *Vide* Appendix A. | † *Vide* Appendix B.

[Mr. Armstrong; Mr. Clark; The Raja of Kurupam.] [10TH SEPTEMBER, 1912.]

"(2) Will Government be pleased to issue a statement showing the amount of money, if any, lying with the Post Office for unpaid and untraceable V. P. P. articles for the last ten years, as also what proportion, if any, of the amount of such outstandings has accumulated since the new system was introduced?"

"(3) Will Government be pleased to say whether they will consider the advisability of reverting to the old system?"

The Hon'ble Mr. Clark replied:—

"Complaints have been received both by Government and by the Director General with regard to unpaid claims and untraceable articles. From figures at his disposal, the Director General calculates that during the last three years there has been only one well-grounded complaint for every 6,250 articles carried.

"As regards the second part of the Hon'ble Member's question, I am laying on the table a statement giving the information asked for by my Hon'ble Friend. From this it will be seen that the percentage of unpaid money over the total amount payable was highest in the year 1908-09. The proportion during 1911-12 was only Rs. 7 per lakh.

"The system has recently been improved in consultation with, and on the advice of, the Trades Associations, and no further change seems called for now.

Official Year.				Total amount of money order remitted to senders of Value-payable articles.	Total amount of money not yet paid on 1st April.	Percentage of amount not yet paid (Column 3) over total amount payable to senders (Column 2).
1				2	3	4
1902-03	...	...	...	Rs. 4,07,48,654	Rs. 458	'0011
1903-04	...	...	...	4,54,38,833	1,043	'0023
1904-05	...	...	...	5,10,83,631	884	'0017
1905-06	...	...	...	6,05,52,959	2,004	'0033
1906-07	...	...	...	6,58,49,116	1,292	'0020
1907-08	...	...	...	7,64,28,473	2,700	'0035
1908-09	...	...	...	7,66,63,674	6,667	'0087
1909-10	...	...	...	8,18,35,860	4,684	'0057
1910-11	...	...	...	8,74,75,206	5,864	'0066
1911-12	...	...	...	9,61,19,683	6,753	'0070"

The Hon'ble the Raja of Kurupam asked:—

"(a) Has the attention of the Government been drawn to the correspondence in the "Madras Standard" in its issue of July 10th, 1912, under the heading "Madras and Coorg Amalgamation?"

"(b) Is it a fact that there is a dissatisfaction among the people of Coorg that they have only a Military Judge and not a Civilian or Barrister Judge on their High Court Bench?"

[10TH SEPTEMBER, 1912.] [*The Raja of Kurupam; Sir Reginald Craddock.*]

- "(c) Is it a fact that petitions and memorials submitted by the people of Coorg to the Chief Commissioner, who is also the Resident of Mysore, are referred back for replies and disposal to the Assistant Commissioner, who is the local head of the Province ?
- "(d) Is it a fact that the local Commissioner got Chikkapeta or lower bazar to be demolished recently ? If so, has such demolition rendered the inhabitants of the part homeless ? Is it a fact that he has given notice to the inhabitants of the Goulkari to quit it by October next with a view to remove that part also ? If so, will the Government be pleased to state what reasons actuated the local Commissioner to take such a step ?
- "(e) If all or some of the above allegations are based on facts, will the Government be pleased to say whether they will consider the feasibility of the amalgamation of Coorg with the Madras Presidency, provided that there are no important reasons rendering the continuance of the separation of the Province imperative ?"

The Hon'ble Sir Reginald Craddock replied :—

- "(a) The Government of India have seen an article on the subject in the *Madras Standard*.
- "(b) There is no High Court for Coorg, but the powers of a High Court are exercised by the Judicial Commissioner, and this office is held *ex-officio* by the Chief Commissioner, who is not necessarily a military officer. The Government of India are not aware of the existence of dissatisfaction of the nature implied in the question.
- "(c) The Chief Commissioner reports that petitions and memorials which are received by him direct are either returned for submission through the local authorities, or referred to the Commissioner for report. This is the ordinary procedure followed in such cases.
- "(d) The Chief Commissioner reports that 'Lascar Bazaar' in Mercara was demolished as a sanitary precaution on account of an outbreak of plague in October last: the matter was taken up by the public who subscribed towards the demolition as a Coronation Memorial: the bazaar was acquired for the purpose, and Rs. 10,000 out of the Rs. 16,500 which the acquisition cost was subscribed by the public. Compensation was granted to owners. It is proposed to adopt similar measures with regard to the 'Gowli Bazaar' as an urgent sanitary measure, and the inhabitants are willing to move if granted compensation. The matter is awaiting the provision of funds.
- "(e) There has been no recent discussion of the possibility of the amalgamation of Coorg with the Madras Presidency. The question was examined in 1889, when it was decided to make no change partly on account of the local opposition which it was anticipated that the proposal would evoke, which, it was thought, would outweigh any advantages to be derived from the disturbance of existing arrangements. The Government of India are unaware of any reasons now requiring that the matter should be re-opened."

The Hon'ble the Raja of Kurupam asked :—

- "(a) In reply to my question in this Council on 23rd March, 1910, the Hon'ble Sir T. R. Wynne in the course of his reply said 'The claim of the Vizianagram-Raipur line to a place in the programme of Railway Capital expenditure for 1911-12 will receive careful consideration when the programme is under preparation'."
- "(b) Was the programme prepared ? And, if so, was the line included therein ? And, if it was so included, is it with a view to work it piece-meal or at one stretch ?

[*The Raja of Kurupam; Sir T. R. Wynne; Sir Robert Carlyle; Sir Reginald Craddock.*] [10TH SEPTEMBER, 1912.]

"(c) If it was not included, will the Government be pleased to say whether they will take early steps to complete the line? Is it a fact that the line so far as it has been constructed has been a paying one?"

The Hon'ble Sir T. R. Wynne replied :—

"The programme for 1911-12 was duly prepared, but it was not found possible to include in it provision for the line to which the Hon'ble Member refers. Steps, however, will be taken to complete the line when funds are available for the purpose.

"About 45 miles out of a total mileage of 309 has been built. These 45 miles tap a good country and is doing well, but the country beyond is not so promising."

The Hon'ble the Raja of Kurupam asked :—

"(a) With reference to the answer to my question on 23rd March, 1910, Part (b), will the Government be pleased to state whether the proposals of the Madras Government regarding Vizagapatam Harbour Scheme have been submitted to the Government of India?"

"(b) And if so, will the Government be pleased to state what those proposals are? What decision, if any, have the Government arrived at regarding the proposals?"

"(c) If no decision has been arrived at, will the Government be pleased to say whether they are disposed to take a favourable view of the matter?"

The Hon'ble Sir Robert Carlyle replied :—

"(a) The question of the improvement of the harbour of Vizagapatam has not materially advanced since the reply given to the Hon'ble Member on the 23rd March, 1910. Since that date the Government of Madras reported that they were disposed to advocate a less ambitious scheme than that recommended by the experts consulted by the Secretary of State, and that the necessary investigations were then in progress. Nothing has since been learnt as to the result of these investigations, and the proposals of the Madras Government are still awaited.

"(b) This question does not call for an answer in view of what is said in reply to (a).

"(c) The Government of India regret that, in the absence of any proposals of the Madras Government, they are unable to say whether they will be able to take a favourable view of the matter. They will, however, give the fullest consideration to whatever scheme the Government of Madras may decide to put forward."

The Hon'ble the Raja of Kurupam asked :—

"(a) Will the Government be pleased to say whether they will recommend to the Secretary of State for India the appointment of a few Indian Members on the Public Service Commission to represent the non-official element of the unrepresented Provinces?"

"(b) Will the Government be pleased also to say whether they will favourably consider the appointment as co-optive members of one or two non-official Indians in each of the Provinces which the Royal Commission may visit?"

The Hon'ble Sir Reginald Craddock replied :—

"The Government of India do not propose to recommend to the Secretary of State any additions to the membership of the Public Service Commission. As regards the co-option of Members, they are not in a position to make any statement."

[10TH SEPTEMBER, 1912.] [*Mr. Mudholkar; Sir Harcourt Butler; Sir T. R. Wynne; Sir Reginald Craddock; Babu Bhupendra Nath Basu*]

The Hon'ble Rao Bahadur R. N. Mudholkar asked :—

"With reference to the *ad interim* reply given by the Hon'ble the Education Member to the question asked by me on the 22nd March last, on the subject of the position of the Indian staff of the Government College at Jubbulpore, will the Government be pleased to say whether they are now in a position to supply the information there requested?"

The Hon'ble Sir Harcourt Butler replied :—

"The Government of India are now in a position to give the required information.

"The reply to the questions is in the affirmative. The Administration of the Central Provinces had submitted proposals which included a more satisfactory scale of pay for these posts. In view of the probability of the formation of a Royal Commission on the Public Services in India, the Government of India were unable to forward the recommendations."

The Hon'ble Rao Bahadur R. N. Mudholkar asked :—

"Will Government be pleased to state on which of the sanctioned railway projects construction is proposed to be commenced in 1913-14, and on what existing lines, if any, have new extensions and doubling of tracks received the sanction of Government?"

The Hon'ble Sir T. R. Wynne replied :—

"As the programme for the year 1913-14 has not yet been settled, I regret that it is not possible to supply the information asked for by the Hon'ble Member."

The Hon'ble Rao Bahadur R. N. Mudholkar asked :—

"(a) Is it a fact that there is a general feeling among Indians that the Indian Community and especially the non-official element of it is not adequately represented on the Royal Commission appointed to inquire into the Public Services of this country? If so, are Government aware of it?"

"(b) If so, is it proposed to take any action to meet this demand?"

"(c) Has the suggestion received the attention of Government that the Commission should be empowered to co-opt for each province one or more non-official Indian members?"

The Hon'ble Sir Reginald Craddock replied :—

"The Hon'ble Member is referred to the answer to a similar question put by the Hon'ble Raja of Kurupam."

The Hon'ble Babu Bhupendra Nath Basu asked :—

"(a) Will the Government be pleased to state if it is intended to award any compensation to Mr. L. O. Clarke, I.C.S., the defendant in the case of Brojerdra Kisore Roy Chaudhury *versus* Clarke?"

"(b) Is it not the fact that the defence of Mr. Clarke was conducted by the law officers of the Crown and the entire expense borne by Government?"

"(c) Did Mr. Clarke at any time during the progress of the case suffer any stoppage of pay or promotion?"

The Hon'ble Sir Reginald Craddock replied :—

"With reference to the first portion of the question, Government is not at present in a position to make a statement. The answer to the second part of the question is in the affirmative, and to the third portion in the negative."

[*Babu Bhupendra Nath Basu; Sir Reginald Craddock; Sir Harcourt Butler; Nawab Syed Muhammad.*] [10TH SEPTEMBER, 1912.]

The Hon'ble Babu Bhupendra Nath Basu asked:—

"Will the Government be pleased to state if any decision has been arrived at in the matter of the separation of the executive and judicial functions of a Magistrate?"

The Hon'ble Sir Reginald Craddock replied:—

"The Government of India are not at present in a position to make a statement on the subject."

The Hon'ble Babu Bhupendra Nath Basu asked:—

"Will the Government be pleased to state what effect, if any, will be given to the recommendations of the Decentralization Commission in the matter of Local Self-Government? Do the Government propose to invite non-official public opinion on the subject before coming to a final decision?"

The Hon'ble Sir Harcourt Butler replied:—

"The replies of Local Governments who have been consulted have not been received on all the recommendations of the Royal Commission on Decentralization in regard to local self-government. The matter is therefore still under consideration.

"It is not proposed to take special measures to invite further opinion on the subject—whether official or un-official."

The Hon'ble Babu Bhupendra Nath Basu asked:—

"With reference to the Press *Communique* issued by the Government of India regarding the suicide of Indra Bhusan Roy, a political prisoner in the Andamans:—

- "(a) Will the Government be pleased to state the name of the officer who was entrusted with the inquiry and his official position?"
- "(b) Whether any fellow prisoners of the deceased were examined, and what assurance was given them against any apprehension of ill-treatment in the future?"
- "(c) Was the prisoner Hotilal, who brought the matter to the notice of the Medical Superintendent, punished by the jailor prior or subsequent to the inquiry?"
- "(d) What is the medical testimony as regards the alleged blistering of the hands of the deceased? Is it a fact that he was set to work to make flax out of Rambosh plant?"

The Hon'ble Sir Reginald Craddock replied:—

- "(a) The inquest proceedings in the case of deceased convict Indra Bhusan Roy were held by Mr. D'Oyly, Deputy Superintendent of Port Blair.
- "(b) Fellow prisoners of the deceased were examined. It is not customary in proceedings of this character to give any special assurances to the witnesses.
- "(c) The punishment of the prisoner Hoti Lall was subsequent to the inquest. It was ordered by the Medical Superintendent, and not by the jailor.
- "(d) The deceased was never employed upon Rambosh plant work, and never complained about the state of his hands or asked to show them to the Medical Superintendent."

The Hon'ble Nawab Syed Muhammad asked:—

"Is it a fact that the Government have decided not to build a separate Council House for the Imperial Legislative Council at the new Capital?"

[10TH SEPTEMBER, 1912.] [*Nawab Syed Muhammad ; Sir Reginald Craddock ; Mr. Muaholkar ; Mr. Clark ; Babu Bhupendra Nath Basu ; Sir Cecil Graham ; Sir Robert Carlyle.*]

"If so, will the Government be pleased to state the reasons for such a decision?"

The Hon'ble Sir Reginald Craddock replied :—

"The answer to the first part of the question is Yes.

"The answer to the second part is that the Imperial Council always has been accommodated at Calcutta and Simla under the same roof as Government House, and it is not considered desirable to change this practice."

The Hon'ble Rao Bahadur R. N. Mudholkar asked :—

"Will Government be pleased to state whether any differentiation is made between the European, Anglo-Indian and Indian communities in regard to recruitment of apprentices in the Telegraph Department, and if so, on what principle is differentiation made? Is it a fact that the number of Indian apprentices is so small? If so, why? Will Government be pleased to state what objection there is to recruitment by an open competitive examination?"

The Hon'ble Mr. Clark replied :—

"No differentiation is made between European, Anglo-Indian and Indian communities in recruiting apprentices for the Telegraph Department. There is at present only one apprentice, an Indian named Mr. Batalia Ram, who was appointed in September 1910. Since 1892, when the Provincial Service was introduced, 22 apprentices have been entertained up-to date; of whom 4 were Europeans or Anglo-Indians and 18 were Indians. Paragraph 19 of the Resolution of the 2nd February, 1910, lays down the principle on which the nomination of apprentices is to be conducted. Nominations are not made merely with regard to the Educational qualifications of the applicants, and recruitment by competitive examination is not therefore suitable."

The Hon'ble Babu Bhupendra Nath Basu asked :—

"Has the Government ascertained the views of the Calcutta High Court on the question of establishing a separate High Court at Bankipore? If so, do the Government propose to publish them?"

The Hon'ble Sir Reginald Craddock replied :—

"The Government of India are awaiting an expression of the views of the Local Government of Bihar and Orissa in regard to the question of establishing a High Court in that province, and as stated in a letter to the High Court, Calcutta, dated the 26th July, 1912, which has been published and which the Hon'ble Member has doubtless seen, they propose to avail themselves of the knowledge and experience of the Hon'ble Judges of the Calcutta High Court in examining the whole question."

The Hon'ble Sir Cecil Graham asked :—

"Has the attention of the Government been drawn to the statement reported to have been made by His Majesty's Secretary of State for India, in his speech in the House of Lords during the second Reading debate on the Government of India Bill, when he stated that the Government House at Barrackpore would be retained as an extra residence for His Excellency the Viceroy?"

"If so, will the Government of India be pleased to state what are the real facts of the case?"

The Hon'ble Sir Robert Carlyle replied :—

"The Government of India have noticed in the newspapers the statement referred to by the Hon'ble Member. Shortly before that statement was made,

[*Sir Robert Carlyle ; Sir Reginald Craddock ;* 10TH SEPTEMBER, 1912.]
Babu Bhupendra Nath Basu.]

they had placed the Government House at Barrackpore entirely at the disposal of the Government of Bengal pending the issue of final orders in regard to the disposal of the Imperial properties at Calcutta and Barrackpore."

DELEGATION OF POWERS BILL.

The Hon'ble Sir Reginald Craddock :—" My Lord, I move for leave to withdraw the Bill to provide for the delegation of executive powers and duties in certain cases. The Bill was referred to a Select Committee on the motion of my Hon'ble Colleague Mr. Syed Ali Imam on the 10th January last. It became manifest during the discussion in Select Committee that there were serious difficulties connected with the Bill, the consideration of which has determined the Government not to proceed further with this particular measure. The main points of difficulty were that it seemed almost impossible to arrive at a sufficiently definite distinction between functions which were respectively executive, judicial and legislative, and it was intended that the power of delegation provided by the Bill should relate only to executive powers and duties. But there are various matters lying on the border-land of a quasi-judicial or quasi-legislative nature regarding which controversy might arise. Further, although it was not actually provided in the Bill, yet it was definitely stated in the Objects and Reasons that it was not intended to use the measure for making delegations of a controversial nature. Discussion in the Select Committee made it clear that it might prove difficult in practice to decide how much opposition to a delegation that might hereafter be proposed to be made under the Bill would be deemed to be converted into a measure of controversy. It was found that, in order to safeguard any possible misuse of the Bill so as to affect delegation of power or authority which ought to form the subject of special legislation, it would be necessary to hedge the measure about with so many limitations as to rob it of its chief usefulness. For these reasons, it seemed advisable that this particular measure should be dropped. But this does not mean that Government have in any way abandoned the policy of decentralisation of powers, which the Bill was intended to secure, and in due course a measure for decentralisation will be prepared which will effect the desired object by means of an Act with schedules of delegation attached, and it is not considered that the difficulties and trouble attendant upon preparing these schedules will be any greater than the difficulties and trouble which would have been caused by preparing notifications under the Bill now to be withdrawn.

" Another objection taken was that it is inconvenient to modify Acts on the Statute-book by means of notifications, and that the better method of amending the powers given in particular Acts would be by special legislation. The decentralisation proposed will have to be effected in some cases by legislation in the several Provincial Councils, and in others by legislation in this Council. The Government is satisfied, after due consideration, that the course proposed is the best, and for these reasons, I beg to move that the Bill be withdrawn."

The Hon'ble Babu Bhupendra Nath Basu :—" My Lord, I beg to offer to the Government of India my congratulations for the withdrawal of this Bill. There are certain powers entrusted to the Government of India which require very careful consideration before they are exercised. We have always felt that the Government of India, placed in a more serene atmosphere than the Local Governments, are often times better qualified as Judges as to the exercise of these powers, and there were natural apprehensions in our minds that this Delegation Bill, if passed into law, would remove many of the safeguards which we enjoy under the present system, and therefore to us it is a matter of sincere congratulation that the Hon'ble the Home Member has seen his way to withdraw the Bill as introduced. Probably we shall offer no opposition to a Bill which may be properly framed and which will eliminate from it the delegation of powers which it is absolutely essential should remain in the hands of the Supreme Government."

The motion was put and agreed to.

[10TH SEPTEMBER 1912.] [Sir Reginald Craddock; Babu Bhupendra Nath Basu; Mr. Vincent; Sir Harcourt Butler.]

WILD BIRDS AND ANIMALS PROTECTION BILL.

The Hon'ble Sir Reginald Craddock :—" My Lord, I beg to present the Report of the Select Committee on a Bill to make better provision for the protection and preservation of certain wild birds and animals which I introduced in Council on the 26th of February last. On that occasion I explained briefly the history of the measure, and I need not add anything now to that explanation. The changes proposed by the Select Committee are not important. They provide for the protection of females and the immature young of wild birds and animals as distinct from full-grown males, a distinction which it is frequently necessary to make for the preservation of particular species. They also considered it proper that cases under the Act should not be tried by third class Magistrates, and they struck out that part of clause 5 which authorised the Court to confiscate any arms or other implements used for the commission of any offence under the Act, as it was not considered necessary to go outside the ordinary criminal law in a matter of this kind. A new clause empowering the authorities to grant licenses to kill or capture wild birds or animals in the interests of scientific research has been added, and finally the exemption from liability to punishment of persons who captured or killed wild birds or animals in defence of property has been amplified so as to cover all cases that might arise. At the next meeting of the Council, I will, with Your Lordship's permission, move that the Bill be taken into consideration and passed."

PRESIDENCY SMALL CAUSE COURTS (AMENDMENT) BILL.

INDIAN EXTRADITION (AMENDMENT) BILL.

The Hon'ble Sir Reginald Craddock :—" My Lord, I beg to introduce here two Bills of a formal nature regarding which there is not likely to be any contention or controversy. The first of these Bills is a Bill to amend the Presidency Small Cause Courts Act of 1882. The proposal contained in the Bill, namely, to raise the jurisdiction of Small Cause Courts in respect of immoveable property to an annual value at a rack-rent not exceeding Rs. 2,000 instead of the present limit of Rs. 1,000 has the approval of all the High Courts in the Presidency towns. It is unnecessary in the case of so small a matter to refer the Bill to a Select Committee, and, with Your Lordship's permission, at the next meeting I shall propose that the Bill be passed.

"The second measure, also of a very formal nature, is to amend the Indian Extradition Act of 1903. The reason for this small amendment, namely to give explicitly to Presidency Magistrates in the matter of execution of the warrants of political officers the same powers that District Magistrates already possess, is fully stated in the Objects and Reasons, and I have nothing to add to what is there stated. This Bill also will, with Your Lordship's permission, be brought forward at the next meeting in order that it may be passed."

The Hon'ble Babu Bhupendra Nath Basu :—" My Lord,

The Hon'ble Mr. Vincent :—" My Lord, I rise to a point of order. There is no motion before the Council."

INDIAN DIVORCE (AMENDMENT) BILL.

The Hon'ble Sir Harcourt Butler :—" My Lord, I beg leave to introduce a Bill further to amend the Indian Divorce Act. The nature and scope of the Bill are clearly set out in the Statement of Objects and Reasons, and the legislation has been made necessary by a conflict of judicial decisions between the Calcutta High Court and the Madras High Court. The Bill was published under rule 23 of the Rules for the Conduct of Legislative Business in this Council on the 3rd of August."

[Mr. Gillan; Sir Reginald Craddock; Mr. Madge.] [10TH SEPTEMBER 1912.]

LOCAL AUTHORITIES (EMERGENCY) LOANS (AMENDMENT) BILL.

The Hon'ble Mr. Gillan:—"My Lord, I have to introduce a short Act amending the Local Authorities (Emergency) Loans Act, 1897. It will be seen that the measure is one of delegation. By the Act which I have quoted local authorities are empowered to raise loans to meet certain emergencies such as the occurrence of a famine or the visitation of epidemic disease, but at present their action requires the sanction of the Governor General in Council. The Decentralisation Commission were of opinion that the sanction of Local Governments should be sufficient, and that opinion has been accepted by the Government of India. The Bill has been published, and, with Your Lordship's permission, I shall ask the Council at our next meeting to take it into consideration and to pass it into law."

MOTOR VEHICLE INTERNATIONAL CIRCULATION BILL.

The Hon'ble Sir Reginald Craddock:—"My Lord, with Your Lordship's permission, I beg to introduce a Bill to facilitate the International Circulation of Motor Vehicles. As will be seen from the Statement of Objects and Reasons, the proposed legislation is necessary to enable us to fulfil the obligations incurred by our adhesion to the rules of the Convention on the subject of facilitating international travelling by motor car. Most provinces have legislation to control and regulate motor traffic. But these local Acts are not always framed on the same lines, while in some parts of India no local legislation has yet come into existence. It has, therefore, been found necessary to follow the English precedent, and to pass an Act of general application which will fulfil the objects of the International Convention. Clause 3 of the Bill empowers the Governor General in Council to make the necessary rules, while clause 5 indicates the matters in which local legislation will be superseded. In all other respects the owners and drivers of motor vehicles will be subject to the local rules and regulations having force in the territories through which they are passing. With Your Lordship's permission, at the next meeting, I shall ask the Council to take this Bill into consideration and pass it."

ANGLO-INDIAN REGIMENT.

The Hon'ble Mr. Madge:—"My Lord, the subject of the Resolution to which my name is attached in the published Agenda, namely:—

* That this Council recommends to the Governor General in Council that the Government of India do take up the question of raising from the domiciled Anglo-Indian Community a regiment in which recruits should be engaged on pay and allowances equal to those of British soldiers, and that the Government do recommend local recruiting from the above community into British regiments serving in India, subject to the consent of the Commanding Officers of British Corps.

is one that has formed a sort of battle ground between controversialists for the past fifty years, and I think that we, as a community, are not alone in considering that this is a vital question in its own way, and wondering why some strong general public conviction has not crystalised over it before now. The reason of this state of things I suppose is clear. It is because all the light that can be shed upon it from different sides has not been shed upon it in any Committee or Commission or some such body, in which in a quiet way many questions might be discussed that would take up a good deal of time to discuss publicly, and which perhaps for other reasons it would be wise not to discuss publicly. A Committee has already been formed, My Lord, a Military Committee, to consider this question and if, as I suppose, this

[10TH SEPTEMBER 1912.]

[Mr. Madge.]

Committee has been formed in consequence of the Resolution that I sent in in March last, I shall always be haunted with a kind of regret at the unhappy delay that has taken place in bringing forward this Resolution here; because, if I had been able to bring it forward in March last, it is extremely probable that the usual course pursued with Resolutions brought forward in this assembly would have been followed on that occasion, and some kind of representative Committee would have been formed in which the views of our community would have been fully stated in a way in which they can hardly be stated otherwise. I am not at all ungrateful for what this Committee has done; far from it. And if I regret what has taken place, I am sure I do not resent anything at all. I am really thankful for what this Committee has done. It has put forward certain questions, and we are trying our best to answer these questions, to gather information all over the country, and I hope the answers may prove satisfactory. But the questions of this Committee give no indication of any very clear recognition of certain points that we consider vital to a full consideration of the whole question, and a kind of Scottish instinct in some of us has led us to answer some of the questions by putting some questions of our own; and when we receive answers to these, I hope we shall be able to consider the whole matter in the light of all the information that we receive from all parts of the country.

"I have found, My Lord, that some of the difficulties that have arisen in the consideration of this question have arisen from what I may call over-enthusiasm on the part of some people, whom I may call amateur Antonies who have stamped the ground in some kind of expectation that legions would arise in answer to their enthusiasm. On the other hand, experts, military experts, have shaken their heads and expressed the fear that there were difficulties in the way, and that some of them would prove insuperable. I have tried according to my own humble lights to take the safe middle course, to discount the extravagant hopes of one class of persons with the unfounded fears of the other, and I think that, if we consider this whole matter fully, we may ultimately come to the conclusion, which I have adopted, after thinking over the matter for twenty or thirty years, and that is that there is no real obstacle to the formation of a local regiment. I am quite aware of the old controversy between Lord Lawrence and Lord Clyde about local regiments and all that; but apart from the fact that that is partly ancient history, new conditions have arisen which point to the fact that if certain portions of the domiciled community, who are not turned to the best political and economical use in this country, were turned into a fighting force, they would amply repay all the cost that might be incurred in their recruitment. I know that that fact is doubted by some, but it is only by such a consideration, as I hope will be given to the subject at some time or other before long, that the matter can be made clear. I have not offered any evidence before the Military Committee, because I have felt that I could not state my case fully before any Committee of which I was not myself a member. I think those who have served in some Conferences, at least as I have, will quite understand the force of this remark about which I shall say nothing further. But when answers to all the questions which have been put have been received, I hope we shall put forth a strong, respectful, convincing case which will show the Government that it will amply repay them to enlist the right class of the domiciled community in this country. I know that sneers have been flung at certain sections of our people, but I feel that what man has done in the past man can do in the future; and the story of the Mutiny, although it belongs to past history, belongs for ever to our community. We have rendered services there that have been amply recognised, and Your Lordship must be quite familiar with the evidences upon record of the fighting qualities of those of our race who claim some kind of reversion to the British type of character. While I am on this point I should like just to say in a few words that, as the subject is likely to be discussed outside in the Indian Press, I do hope that I can depend on every Member of this august Council, and especially the Indian Members, to counteract anything like race animosity in this matter.

[*Mr. Madge ; His Excellency the President.*] [10TH SEPTEMBER, 1912.]

" Our Indian fellow-countrymen are stretching forth the tendrils of their hopes towards uncertain privileges and powers. We, for our part, are simply claiming the privilege of laying down our lives for our Empire and our King; and I think I may depend upon the good feeling of the Indian Members of this Council not to add any bitterness to any controversy that may take place on this subject outside. I say so, because I have already seen some remarks that I hardly consider worth notice, which are characteristic of a type of feeling which I hope will never exist in this Council.

" Just one word more, My Lord, and I have done. After the services that have been rendered by the Military Committee, the terms of my Resolution may seem somewhat disrespectful, because they ask Government to sanction what has already been partly done, but I am sure every Member of the Committee realises that that is so, because the terms of this Resolution were fixed before the Committee was appointed. That I think, My Lord, is all that is necessary to say upon this occasion. I have just one word to add. I have been honoured with an interview since I came into this Council this morning by Your Excellency and His Excellency the Commander-in-Chief, and I have received the happy assurance that, although it is impossible for the Government to pledge itself at this stage to any course whatsoever, yet they will give us a sympathetic consideration of all that we have to advance. That is all that we could ever claim. We ask for fair treatment in a country of strange and odd conditions, but we ask for no favour. It is a fair field in a certain sense of the term that we claim, and I feel most thankful for the assurance that I have received this morning. In consideration of what I have just said, I request permission to withdraw my Resolution."

His Excellency the President.—" In view of the Hon'ble Member's request to withdraw the Resolution, the Resolution is withdrawn."

The Council adjourned to Wednesday, the 18th September, 1912.

W. H. VINCENT,

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

SIMLA;

The 13th September, 1912.

APPENDIX A.

STATEMENT

showing the number of Deputy Superintendents of Police who have been promoted temporarily or substantively to the rank of Superintendent of Police.

A.—Permanent promotions :—

Serial No.	Names.	Province.
1	Mr. E. C. Webb	Bengal.
2	Mr. F. W. Phillips	Punjab.
3	Maung Tun Min, T.D.M.	Burma.
4	Maung Shwe Tha, A.T.M., K.S.M.	Burma.

B.—Temporary promotions:—(excluding periods of less than 3 months).

Serial No.	Names.	Period.
	MADRAS.	Years. Months. Days.
1	M. R. Ry Rao Bahadur P. Parankusam Nayudu Garu.	0 6 0 and again from 15th March 1912 to date.
2	Mr. J. McLaughlin	0 3 28 and again from 16th April 1912 to date.
	BENGAL.	
3	Mr. A. J. M. Matthews	1 1 6
4	Maulvi Nadir Hussain (since transferred to Bihar and Orissa).	1 11 15
5	Rai Bechu Narayan Lal Bahadur (since transferred to Bihar and Orissa).	1 2 27
6	Mr. W. E. Rees	1 2 12
7	Mr. Tunji Mitra	1 2 19
8	Rai Dina Bandhu Bhaumick Bahadur	1 6 27
9	Rai Sahib Nanda Kumar Bose ...	3 1 20
10	Maulvi Muhammad Khursid ...	0 5 7
11	Khan Bahadur Muzhir-ul-Haq (since transferred to Bihar and Orissa).	0 11 24
12	Sardar Bahadur Bhimdal Lazarus Diwan Ray.	0 4 19
13	Maulvi Mas'ud-ul Hussain ...	1 1 13
14	Rai Ram Saday Mukharji Bahadur. (Retired.)	1 1 11
	UNITED PROVINCES.	
15	Mr. E. Murphy	0 7 17
16	Babu Lachmi Das Deogan ...	0 5 17
17	Chaudhri Tara Singh	0 4 0
18	Chaudhri Nathan Singh	0 7 2
19	Agha Abul Qasim	From 10th November 1911 up to date.
	PUNJAB.	
20	Agha Ali Raza Khan	0 8 1
21	Khan Bahadur Sayed Bashir Hussain	1 10 9
22	Mr. T. J. Mathews	1 5 4

Serial No.	Names.	Period.		
		Years.	Months.	Days.
	EASTERN BENGAL AND ASSAM.			
23	Babu Tripura Charan Mukarji ...	3	4	19 still continuing.
24	Babu Khetra Mohan Banerji. (Retired)	2	2	22
25	Mr. Ahmad Muhammad ...	0	5	27
26	Babu Triguna Charan Das ...	0	9	12
27	Babu Surjya Kumar Guha I. (Retired)	0	8	7
28	Mr. E. A. L. Kemp. (Retired) ...	1	0	24
29	Babu Bireswar Sen ...	0	10	5
	CENTRAL PROVINCES.			
30	Mr. Amrit Ramchandra Bambawala...	From 22nd January 1910 up to date.		
31	Mr. A. C. Armstrong ...	From 11th February 1910 up to date.		
32	Mr. J. R. James ...	0	3	23
	NORTH-WEST FRONTIER PROVINCE.			
33	Khudadad Khan ...	0	5	3
34	Sheikh Muzaffar Din ...	1	5	1

APPENDIX B.

Statement regarding Muhammadan Deputy Inspectors of Schools referred to in the Hon'ble Sir Harcourt Butler's reply to the Hon'ble Mr. Bhurgri's question.

Madras.—There are special Muhammadan inspecting officers known as Sub-assistant Inspectors of Muhammadan schools.

The Madras Government maintain 58 schools specially intended for Muhammadans. Similar schools are also maintained by municipalities and local Boards.

There are four Sub-assistant Inspectors for Muhammadan schools not including three who are in charge of the Mappila schools in the west coast districts. Their work lies almost entirely in the supervision of Muhammadan elementary education; they inspect all Muhammadan elementary schools and control all the Government Muhammadan elementary schools in their respective ranges and conduct all correspondence relating to them. They select schools for aid and prepare bills for payment of grants to those admitted to aid. They also occasionally assist the circle Inspector in the inspection of Muhammadan secondary schools.

The average number of Muhammadan schools under the charge of each Sub-assistant Inspector is 303.

Bombay.—There is one special Muhammadan Deputy Educational Inspector. No schools are maintained by Government exclusively for the use of Muhammadans, though there is a normal class to which only Muhammadan candidates for teacherships in Urdu schools are admitted.

The duty of the special Muhammadan Deputy Educational Inspector is to inspect the Urdu-teaching schools of the Southern Division and advise regarding them. He has no administrative duties. He is expected to bring to the notice of the Educational Inspector of the Division any measures which, from the experience gained in the course of his inspections, he considers desirable for popularising and improving the teaching in Urdu schools. He is supplied with monthly returns from all Urdu schools, and the transfers and promotions of teachers in these schools are made in consultation with him. He is a member of the vernacular text book committee and his opinion is obtained as to the books to be used in the Urdu schools and the curricula of such schools.

Besides this officer there are two Muhammadan Deputy Inspectors and 24 Muhammadan Assistant Deputy Inspectors. There are 466 Urdu schools and classes maintained by Local Boards and Municipalities in the Presidency proper, besides three Madrassas in Sind, two of which are maintained from Local and Provincial funds, the third being an aided institution. All these institutions are inspected by Muhammadan officers.

Bengal.—There is a special Muhammadan Inspecting Officer in each of the following areas:—

Area.	Rank of officer.
Burhwan Division	Deputy Inspector.
Presidency Division	Assistant Inspector.
Bhagalpur Division	Deputy Inspector.
Patna and Tirhut Divisions	Assistant Inspector.
Orissa Division	Sub-Inspector.
Chota Nagpur Division	Sub-Inspector.

In addition to the special inspecting staff mentioned above there are seven inspecting Moulvies who with the other Muhammadan members of the Subordinate Inspecting agency assist the Special Officers in the inspection of Maktabas. These special officers inspect not only Government Muhammadan schools, but

all classes of institutions for Muhammadans. They also inspect Urdu and Persian Classes of High Schools and First Grade Training Schools where Urdu is taught. They are exclusively employed on this inspecting work in connection with Muhammadan education.

The exclusively Muhammadan Schools maintained by Government are as follows:—

- (1) The Calcutta Madrassa.
- (2) The Hughly Madrassa.
- (3) The Middle English Schools for Muhammadans in Calcutta.
- (4) Eleven *Mianji* Training Schools.
- (5) Seven Model Maktab.

It is proposed to open seven additional Model Maktab very shortly.

The following statement shows the number of schools under the charge of each of the Special Muhammadan Inspecting Officers:—

Division.	MADRASSAS.		MAKTABS.		<i>Mianji.</i>	Government Middle English Schools for Muhammadans.	Koran schools.
	Government.	Private.	Government.	Private.	Training Schools (Government).		
Presidency including Calcutta.	1	4	3	867	2	2	4
Burdwan ...	1	9	2	736	3	...	33
Patna and Tirhut ...	...	5	7	1,135	4	...	598
Bhagalpur...	...	3	2	323	2	...	97
Chota Nagpur ...	...	...	...	104	...	...	25
Orissa ...	...	1	...	153	1	...	6

United Provinces.—There are no special Muhammadan Deputy Educational Inspectors of Schools; there are four Government Model Girls' Schools intended specially for Muhammadans at Benares, Bareilly, Budaon and Unao.

These schools are inspected by the Circle Inspectresses of Girls' Schools concerned.

Punjab.—There are no special Muhammadan Deputy Educational Inspectors of Schools, nor are any special schools for Muhammadans maintained by Government. Out of a district inspecting staff of 57 officers, 21 are Muhammadans, so that the addition of a special Muhammadan inspectorate is not considered necessary.

Burma.—There is one Muhammadan Deputy Inspector of Muhammadan Schools.

There are no special schools for Muhammadans maintained by Government. There are however two District Cess Fund Vernacular schools specially opened for Muhammadans in 1910, in the Akyab district.

The Muhammadan Deputy Inspector of Schools inspects and examines Vernacular Muhammadan Schools and conducts minor correspondence relating to them. He also assists in the inspection and examination of Anglo-Vernacular Muhammadan Schools. Besides the two District Cess Fund schools mentioned above there are 120 aided Vernacular and five aided Anglo-Vernacular Muhammadan Schools.

Eastern Bengal and Assam.—There are no special Muhammadan Deputy Inspectors of schools; but of the total number of 59 Deputy and 149 Sub-Inspectors, 23 and 63 respectively are Muhammadans. There are also five special Muhammadan Sub-Inspectors for the inspection of makhtabs and other Muhammadan institutions for elementary instruction.

Two senior Madrassas at Dacca and Chittagong and a junior Madrassa at Rajshahi are maintained by Government for Muhammadan pupils. A portion of the cost of these institutions is defrayed from the Mohsin Fund. Five senior Madrassas, 116 junior Madrassas and a large number of makhtabs are in receipt of aid from Government or local funds.

Central Provinces.—There is one special Muhammadan Deputy Inspector of schools and one Sub-Deputy Inspector in Berar.

The Government maintains the following special schools for Muhammadans:—

One Muhammadan High School, Amraoti.

Two Anglo-Urdu Middle Schools, Berar.

One Urdu Normal School, Amraoti, with Practising School.

One Urdu Normal class with Practising School attached to Normal School, Khandwa (from the 1st July 1912).

One Urdu Primary School, Kamptee.

Thirty Girls' schools.

The duties of the special Muhammadan Deputy Inspector and Sub-Deputy Inspector are the supervision and inspection of 101 District Board, Municipal and indigenous Muhammadan Schools in Berar. The Deputy Inspector also inspects the two Urdu Middle Schools mentioned above.

North-West Frontier Province.—There are no special Muhammadan Inspectors of schools but all the inspecting officers are Muhammadans, since 97 per cent of the population of the Province is Muhammadan.

There are no special schools for Muhammadans maintained by Government.

Coorg.—There are no Muhammadan Deputy Educational Inspectors nor are there any special schools intended solely for Muhammadans maintained by Government. There are however three such schools one of which is an aided institution while the other two are municipal.