

*Tuesday,
3rd February, 1914*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. LII

April 1913 - March 1914

ABSTRACT OF PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS,

From April 1913 to March 1914.

VOL. LII.

Published by Authority of Governor General.



Gazettes & Debates Section
Parliament Library Building
Room No. FB-025
Block 'G'

DELHI
SUPERINTENDENT GOVERNMENT PRINTING, INDIA.

1914



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 INDIA COUNCILS ACTS, 1901 to 1909
(24 & 25 Viet., a. 67, 55 & 56 Viet., a. 14, AND 9 Edw. VII, a. 4).

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on
Tuesday, the 3rd February, 1914.

PRESENT :

His Excellency BARON HARDINGE OF PENSHURST, P.C., G.C.B., S.C.M.G., G.C.V.O.,
G.M.B.E., G.M.L.E., I.S.O., Viceroy and Governor General, *presiding*,
and 55 Members, of whom 47 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mir Asad Ali asked :—

1. "(a) Will Government be pleased to state whether there is any difference in the scale of pay of Office Assistants between the Legislative Department and other Departments of the Government of India?"

"(b) Do Government propose to consider the advisability of having a uniform scale of pay for all the Departments?"

Scale of pay
of Office
Assistants in
the Legislative
Department.

The Hon'ble Sir Reginald Craddock replied :—

"It is the case that the clerical establishment of the Legislative Department is organized upon a different basis from that of the other Departments of the Imperial Secretariat, the principal difference being that it is not divided into an Upper and a Lower Division. This distinction was deliberately made because clerical work in the Legislative Department is not of the same character as in the rest of the Secretariat and the staff is small. It is not proposed at present to make any change; in other Departments there is already practical uniformity of organisation and scales of pay."

[*Maharaja Manindra Chandra Nandi*; *Sir Robert Carlyle*; *Sir Harcourt Butler*; *Sir Fazulbhoy Currimbhoy*; *Mr. Clark*.] [3RD FEBRUARY, 1914.]

The Hon'ble Maharaja Manindra Chandra Nandi asked:—

Approximate cost of new capital.

2. "Will the Government be pleased to state whether they are now in a position to estimate the approximate cost of the new capital, and if so, what is the amount?"

The Hon'ble Sir Robert Carlyle replied:—

"Government are not yet in a position to state the estimated cost of the new capital."

The Hon'ble Maharaja Manindra Chandra Nandi asked:—

Dacca University Scheme.

3. "(a) Has the sanction of His Majesty's Secretary of State for India to the Dacca University Scheme been received and, if so, will the Government be pleased to lay the papers, if any, on the table?"

"(b) Will the Government be pleased to state whether they have taken any action and, if so, what in regard to the establishment of a College for the well-to-do classes in connection with the Dacca University?"

"(c) Will the Government be pleased to state whether it will be necessary to undertake legislation for the establishment of the Dacca University and, if so, when is such legislation likely to be introduced?"

The Hon'ble Sir Harcourt Butler replied:—

"(a) and (b). The Secretary of State has expressed his general approval of the Dacca University Scheme. His orders regarding detailed features of the scheme have not been received. Hence it would be premature to lay papers on the table or to make any statement regarding the proposed college for the well-to-do or other matters.

"(c). It will be necessary to undertake legislation, but it is impossible to state when such legislation will be introduced."

The Hon'ble Sir Fazulbhoy Currimbhoy asked:—

Inquiry into Indian emigration to the Crown Colonies.

4. "(a) Have Government received the report of Mr. McNeill, I.O.S., and Mr. Chimanlal, the Commissioners, deputed by the Government to inquire into Indian emigration to the Crown Colonies?"

"(b) If not, when is the report expected?"

"(c) Will Government be pleased to state under what circumstances the Commission came to be appointed and the terms of reference?"

The Hon'ble Mr. Clark replied:—

"As regards the first part of the question, the report has not yet been received by the Government of India, but will probably be submitted to them in March.

"As regards the second part of the question, the Committee appointed by His Majesty's Government in 1909 to inquire into emigration from India to Crown Colonies and Protectorates, recommended that an investigating officer should be periodically deputed from India to visit the several Colonies which receive Indian emigrants. The Government of India agreed with the Committee's view that deputations of the kind are desirable from time to time; and in the present instance, it also seemed advisable to supplement the inquiry of the Committee by investigations conducted on the spot in the several countries concerned. A memorandum* of the instructions given to Messrs. McNeill and Chimanlal is placed on the table."

* *Vide Appendix A.*

[3RD FEBRUARY, 1914.] [Sir Fazulbhoy Currimbhoy; Mr. Clark.]

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

5. "Anent the references in the recently published Blue Book on the South African crisis to the correspondence between the Colonial Office, the Secretary of State for India and this Government, will Government be pleased to say whether they propose to lay on the table such correspondence?"

The Hon'ble Mr. Clark replied :—

"The Hon'ble Member is aware that the Government of the Union of South Africa have appointed a Commission to inquire *inter alia* into the causes and circumstances which led to the recent strike and disturbances in Natal, and that Sir Benjamin Robertson, K.C.S.I., has been deputed by the Government of India to appear before the Commission on their behalf. Sir Benjamin Robertson of course holds no position on the Commission, but the Government of India are not altogether without hopes that he may be able to help in bringing about a peaceful settlement of the difficulties which have been a source of grave anxiety to us all during the past few months. In these circumstances, they do not consider it expedient to lay any further papers on the table than those already published."

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

6. "(a) Anent the Hon'ble Mr. Clark's reply in autumn last to the Hon'ble Mr. Banerji's question on the subject of Canadian Indians, as also His Excellency the Viceroy's reply to the Sikh deputation, will Government be pleased to state the result of the correspondence between His Majesty's Secretary of State for the Colonies and the Dominion Government?"

"(b) Will the whole correspondence on the subject between this Government and the Secretary of State for India be laid on the table?"

"(c) Have Government ascertained why steamship companies do not issue through tickets to Indians destined for any of the Canadian ports? If so, will Government be pleased to state the result of the inquiry? If no such inquiry has been made, will Government be pleased to say whether they propose to undertake it at an early date?"

"(d) Is there any likelihood of anti-Asiatic legislation being undertaken in Canada? If so, do the Government propose to take any, and if so, what further steps for the protection of the interests of Indians domiciled in Canada as also of future Indian emigrants to that Colony?"

The Hon'ble Mr. Clark replied :—

"As regards (a) and (b), correspondence is still in progress between His Majesty's Government, the Dominion Government, and the Government of India and papers cannot be laid on the table.

"As regards (c), the Canadian law requires that the immigrant should arrive upon a continuous journey as well as upon a through ticket. As there is no direct line of steamships running from India to Canada, the first condition cannot be fulfilled, and it does not appear that any advantage would accrue to Indian emigrants from the issue of through tickets.

"As regards (d), the Government of India have as yet received no information beyond that already published in the Press and referred to by His Excellency the Viceroy in his reply to the Sikh deputation, as to the likelihood of legislation being undertaken by the Dominion Legislature in the direction indicated by the Hon'ble Member. He may however rest assured that, should any such legislation be introduced, the Government of India will use their best endeavours, as they have always done, to protect the interests of Indians."

The Hon'ble Sir Fazulbhoy Currimbhoy asked :—

7. "(a) Is there any truth in the statements appearing from time to time in newspapers that there is a growing feeling in the English Universities, especially in Cambridge and Oxford, against Indian students and that these students

[*Sir Fazulbhoj Currimbhoj; Sir Harcourt Butler; [3RD FEBRUARY, 1914.]
Mr. Clark.*]

find it increasingly difficult to secure admission into them, especially into their privileges?

"(b) Has the attention of Government been drawn in this connection to the letters from Mr. I. P. Sen, Bar-at-Law, about the grievances of Mr. Bhupatimohan Sen of the King's College, Cambridge, published in the *Bengali* of November 18th, and December 6th, 1913?

"(c) If so, will Government be pleased to state what steps, if any, they propose to take in the matter?"

The Hon'ble Sir Harcourt Butler replied:—

"(a) The Government of India have observed in the newspapers reports about feeling in English Universities against Indian students, but are not aware what amount of truth there is in such reports or whether the alleged feeling is stronger at Oxford and Cambridge than elsewhere. It is understood that certain colleges limit the number of Indians who may be admitted. But the Government of India have no certain information on this matter or on the curtailment of privileges.

"(b) The Government of India have seen the letters alluded to.

"(c) The Government of India have drawn the attention of the Secretary of State to the importance of rendering assistance to Indian students. A report has been published and will soon be generally available in India on the work of the Indian students Department in the India Office and the Advisory Committee. The Government of India have seen in the newspapers an announcement purporting to come from the India Office to the effect that the Advisory Committee has appointed a sub-committee consisting of Sir Manchurjee Bhowagaree, Messrs. Mirza Ali Baig and Abdul Latif and Major Sinha to inquire into the complaints of Indian students in Great Britain with a view to making representations to Lord Crewe for such redress as may be practicable. The Government of India are deeply interested in the matter, but in the circumstances stated above do not consider it necessary to take further action at present."

The Hon'ble Sir Fazulbhoj Currimbhoj asked:—

8. "Will the Government be pleased to state whether Mr. Lionel Abrahams has come to India with any official mission? If so, will they state the nature and scope of such mission, and whether they propose to lay on the table any correspondence on the subject?"

The Hon'ble Mr. Clark replied:—

"Mr. Abrahams has been deputed to India to discuss informally with the Government of India some pending questions relating to railways, in order that in this way the ultimate settlement of those questions by means of formal correspondence between the Government of India and the Secretary of State may be facilitated.

"A copy of the despatch* from the Secretary of State announcing Mr. Abrahams' deputation is laid upon the table."

The Hon'ble Sir Fazulbhoj Currimbhoj asked:—

9. "(a) Will Government be pleased to state whether it is a fact that three years ago Lord Crewe appointed a Committee to inquire into the whole subject of Indian emigration to the West Indies, etc.?"

"(b) If so, will Government be pleased to lay on the table their report, if any?"

* *Vide Appendix B.*

Mr. Lionel
Abrahams'
mission to
India.

Committee
appointed
by Lord
Crewe to
inquire into
Indian
emigration
to West
Indies, etc.

[3RD FEBRUARY, 1914.] [Mr. Clark; Maharaja Ranajit Sinha of Nashipur; Sir T. R. Wynne; Sardar Daljit Singh; Sir William Meyer; Sir Reginald Craddock.]

The Hon'ble Mr. Clark replied :—

"(a) The Committee to which the Hon'ble Member refers was appointed in 1909 by Lord Crewe who was then Secretary of State for the Colonies to inquire into the question of emigration from India to the Crown Colonies and Protectorates.

"(b) A copy of the Committee's Report* is laid on the table."

The Hon'ble Maharaja Ranajit Sinha of Nashipur asked:—

10. "With reference to the reply given by the Hon'ble Sir T. R. Wynne in reply to my question regarding Nalhati-Azingunj branch on 8th January, I beg to inquire when the work in connection with the construction of the new chord standard line from Sainthia to a point on Azingunj-Outwa line situated opposite to Berhampore is likely to be taken up?"

Nalhati-Azingunj Branch.

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

"At the present moment Government is not in a position to state the exact date when the work of constructing the new chord standard line from Sainthia to a point opposite Azingunj is likely to be taken up."

The Hon'ble Sardar Daljit Singh asked :—

11. "Will Government be pleased to state if it has received any memorial, praying for an increment in rate of pay and amelioration of conditions of service, from the 6th grade clerks in the Military Accounts Department, Northern Circle; and if so, what action the Government contemplates taking on it (if any)?"

Memorial from 6th grade clerks of Military Accounts Department, Northern Circle, for revision of pay, etc.

The Hon'ble Sir William Meyer replied :—

"The Government of India have received and considered the memorial referred to. The memorialists have been informed that a revision of rates of pay and allowances of the subordinate establishments of the Military Accounts Department is now under the consideration of the Government of India, and that it is not possible to sanction the other concessions asked for."

The Hon'ble Sardar Daljit Singh asked :—

12. "(a) Is it a fact that the salaries of ministerial officers in Secretariats and the various *Tahsil*, sub-division and district offices and Courts were fixed more than 15 years ago and that these salaries have not been increased since that time?"

Increase of salaries of ministerial officers in various offices.

"(b) Is it a fact that price of all commodities has risen considerably of recent years and that the cost of living has proportionately increased?"

"(c) Is it a fact that the pay of the ministerial officers referred to above is insufficient to provide them with the actual necessities of life?"

"(d) Do the Government propose to take any steps to increase the salaries of the officers and improve the conditions of service?"

The Hon'ble Sir Reginald Craddock replied :—

"The question practically covers the sufficiency of the pay of all ministerial officers of Government, from those employed in the Secretariat to those in *tahsil* staffs. It is not the case that there has been no improvement in the pay of these officer within the last fifteen years. On the contrary, in Madras, Bombay, Bengal, and Eastern Bengal and Assam (using these two latter designations in their meaning prior to the territorial redistribution of

[*Sir Reginald Craddock ; Sardar Daljit Singh ; [3RD FEBRUARY, 1914.]*
Sir T. R. Wynne.]

1912) and in the Central Provinces effect has been given in recent years to various general schemes for the improvement of the pay of ministerial officers, and it is understood that the same subject is occupying the attention of the local Governments of the United Provinces and the Punjab. In respect of individual offices and posts proposals for reorganization are constantly occupying the attention of the Government of India and local Governments, and these usually include enhancements of pay, certainly in the case of the lower posts. The Government of India are aware that the cost of living has increased of recent years and that this has been felt especially by the officers of Government who are in receipt of small salaries, but the requisite adjustments of the prevailing scales of pay do not seem to call for general orders. They are being effected gradually by local Governments according as the circumstances of different cases demand and funds permit."

The Hon'ble Sardar Daljit Singh asked :—

Separate
waiting
rooms for
interme-
diate class
passengers.

13. "Is it a fact that on the majority of Railways Intermediate Class passengers—both male and female—are put to great inconvenience owing to the absence of separate waiting rooms for that class of passengers? Will the Government be pleased to state whether they propose to take steps for the provision of such waiting rooms in all first and second class stations on Indian Railways?"

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

"The Railway Administrations will be invited to express their views on the proposal made by the Hon'ble Member. I would point out that Intermediate class passengers form a very small proportion of the travelling public."

The Hon'ble Sardar Daljit Singh asked :—

Management
of Kathi-
war Rail-
ways.

14. "(a) Is it a fact that the system of managing the Kathiwar Railways has recently been changed?"

"(b) Is it a fact that according to present arrangement the various Kathiwar States manage the portions of those Railways within their own territories?"

"(c) If the answer to part (a) or (b) is in the affirmative, will the Government be pleased to state the circumstances in which, and the conditions subject to which, the present arrangement has been made?"

"(d) Are the present arrangements for the management of these Railways successful and convenient to the travelling public?"

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

"The answer to (a) is that the system of management of the Kathiwar Railways was changed in 1911.

"The answer to (b) is in the affirmative.

"With regard to (c), originally all the lines in Kathiwar were worked as one system, but the development of trade and the increase of the divergent interests of the States owning these Railways brought about a state of affairs when the joint system was no longer workable and the change to the present system was made after due consultation with the States concerned and with the approval of the Government of Bombay.

"With regard to (d), the present arrangement for the management of these Railways is giving good results and the convenience of the travelling public has been provided for by the conditions under which each separate Railway has to be worked."

[8th FEBRUARY, 1914.] [Raja Kushal Pal Singh; Sir Robert Carlyle; Mr. Abbott; Sir Harcourt Butler; Mr. Clark.]

The Hon'ble Raja Kushal Pal Singh asked :—

15. " Will the Government be pleased to lay on the table a statement showing in each major province—

(a) the amount of *takkavi* recovered during the last three years, and

(b) the amount of *takkavi* declared irrecoverable and written off during the last three years ? "

Amount of *takkavi* recovered and written off during last 3 years.

The Hon'ble Sir Robert Carlyle replied :—

" A statement* giving the information for which the Hon'ble Member asks is laid on the table. It gives the figures for the last three years for which data are available."

The Hon'ble Mr. Abbott asked :—

16. " Will the Government be pleased to state whether there exists in any of the provinces any agency consisting of non-official persons for the inspection of Government aided schools with regard to sanitation, food supply and treatment of children, and, if not, whether the Government propose to introduce a system of non-official inspection for the purposes aforesaid ? "

Non-official inspection of Government Aided Schools.

The Hon'ble Sir Harcourt Butler replied :—

" The Government of India have no precise information on the subject. Where there are school committees and those committees include non-official members, the matters referred to by the Hon'ble Member probably receive the attention of the non-official members. The whole question of school hygiene is at present engaging the attention of the Government of India and of Local Governments."

THE INDIAN COMPANIES (AMENDMENT) BILL.

The Hon'ble Mr. Clark introduced the Bill to amend the Indian Companies Act, 1913, and moved that it be referred to a Select Committee consisting of the Hon'ble Sir Ali Imam, the Hon'ble Mr. Monteath, the Hon'ble Sir Charles Armstrong, the Hon'ble Mr. Arthur, the Hon'ble Sir Ibrahim Rahimtoola, the Hon'ble Sir Fazulbhoy Ourrimbhoy, the Hon'ble Mr. Achariar, the Hon'ble Mr. Pandit, the Hon'ble Mr. Enthoven, the Hon'ble Mr. Kenrick, the Hon'ble Mr. Kesteven, the Hon'ble Mr. Meugens, the Hon'ble Rai Sitanath Ray Bahadur, the Hon'ble Mr. Wynch, the Hon'ble Mr. Rice, the Hon'ble Mr. Cobb, the Hon'ble Mr. Donald, and himself. He said :—" My Lord, the Committee, it will be observed, is the same, except for such alterations as have been necessitated by changes in the personnel of Council, as that which considered these clauses last year when they were brought forward in connection with the main Companies Bill which was then under examination and which was passed into law before the close of last Delhi session. It will be remembered that the Select Committee of last year were of opinion that these clauses provided a reasonable measure of disclosure and would not lay any undue restrictions on legitimate transactions, but they recommended that in view of their intrinsic importance and as they had not yet been formally before the country, they should be circulated before being incorporated in the Company law. In accordance with this recommendation the clauses which form the present Bill have been circulated to Local Governments and referred by them to commercial bodies and others likely to be interested. The Bill has received a large measure of support. Criticisms of individual provisions and suggestions for improvements on certain points have also been received, and these will be carefully considered in Committee."

The motion was put and agreed to

* Vide Appendix D.

[Sir Robert Carlyle; Mr. MacKenna.] [3RD FEBRUARY, 1914.]

THE DESTRUCTIVE INSECTS AND PESTS BILL.

The Hon'ble Sir Robert Carlyle moved that the Report of the Select Committee on the Bill to prevent the introduction into British India of any insect, fungus or other pest which is or may be destructive to crops be taken into consideration. He said:—"My Lord, in the Select Committee we have only made one slight verbal change."

The Hon'ble Mr. MacKenna said:—"My Lord, I should like, with your Excellency's permission, to say a few words in support of this Bill.

"In proposing legislation for the prevention of the introduction into India of Destructive Insects or Pests we are embarking on no innovation. We are simply falling into line with the practice of nearly every civilised country which places any value on its agriculture. Such an Act appears on the Statute Book of Great Britain as the Destructive Insects and Pests Acts of 1877 and 1907; similar legislation exists in practically all European countries. We find it in the neighbouring island of Ceylon and in the Straits Settlements, in Natal, the West Indies, Australia, the United States of America, Cape Colony and the South African Union. It may, in fact, be said that India is the only considerable part of the Empire where some sort of legislation of the kind is not in force. Disinfection, fumigation, quarantine, prohibition and destruction are the powers with which the Law is invested.

"That it is time for India to take some protective measures of the kind is indicated by the experience of the past and by the serious damage which has resulted from our inability to prevent by legislation undesirable importations. On the entomological side, we have long lists of new insect pests which have been introduced, affecting pulse seeds, maize, flax, pines and yams; and we have others to fear. Had legislation been in force, we might have been able to keep out of India the green scale and the green bug of coffee, which practically ruined the industry in Ceylon and is doing very great and increasing damage in the coffee plantations of Southern India. Another dangerous import that might have been avoided is the potato moth (*Phthorimæa operculella*) introduced into India within recent years, by seed potatoes imported from Italy. This insect attacks stored tubers, so that in some districts it has been found difficult or even impossible to keep seed potatoes from one season to another and very heavy losses have occurred.

"Amongst fungus diseases I would mention the potato blight introduced into Northern India by the importation of English varieties at Darjeeling in 1883. The losses caused have been very great, the outbreak in the Khasi Hills in 1885 being followed by reduction of exports, in the ten years following, of from 114,789 maunds to 8,296 maunds. In Hughly, the outbreak in 1901 resulted in a drop of 41 per cent in the exports of the following year.

"Again, it is probable that oat rust was introduced into India in 1906; while on two occasions in the past 5 years the 'pineapple' disease of sugarcane has been introduced into India from Java and Mauritius, respectively. Prompt action in destroying the consignments appears to have been effective as no further outbreak of the disease has occurred. The danger of introducing serious diseases of this very important crop such as that already mentioned: *Sereh* from Java, cane-*Gummosis* from Queensland, root diseases from Java and the West Indies, would itself warrant legislation.

"Then there is rubber, the cultivation of which is making such rapid strides in Burma and Southern India. Rubber is probably more subject to fungus diseases than any other recently introduced exotic. Its introduction was a splendid chance of testing the efficacy of measures of protection. The chance was lost and at least two of the serious diseases of the Malay Peninsula and Ceylon have been introduced into Southern India. Fortunately, *Fomes semiostrus*, one of the worst, has not yet appeared; except in the Khasi Hills: let us hope that the legislation we propose will keep it out.

"It may be asked why we should only now be considering the necessity of such legislation. As Hon'ble Members are aware there has, within recent years, been a great awakening of interest in agriculture in India. The increas-

[3RD FEBRUARY, 1914.] [*Mr. MacKenna; Sir Robert Carlyle; Mr. Clark;*
Sir William Meyer; Maharaja Manindra
Chandra Nandi.]

ing demand for new crops or for improved varieties of crops suitable to India, which the introduction of a highly trained expert staff has stimulated, has brought the whole world into touch with Indian agriculture and the area of our inquiry has been largely extended. We may want new crops, but we do not want new diseases; and it is to obviate the risk of such introduction that this Bill has been framed.

"There is much still to be feared. Ceylon and Java have tea diseases not yet known in India; there is the serious disease of rubber I have already quoted; there are countless diseases of crops and fruits, for the importation of which we must be prepared.

"With regard to the penal provisions of this Act, I hardly think it will often be necessary to apply them. I can hardly conceive an intentional evasion of its provisions possible. The Bill is protective rather than aggressive; defensive rather than offensive; and on these grounds I would press its acceptance on this Council."

The motion was put and agreed to.

The Hon'ble Sir Robert Carlyle moved that the Bill, as amended, be passed.

The motion was put and agreed to.

THE INDIAN TELEGRAPH (AMENDMENT) BILL.

The Hon'ble Mr. Clark presented the Report of the Select Committee on the Bill further to amend the Indian Telegraph Act, 1885.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

The Hon'ble Sir William Meyer presented the Report of the Select Committee on the Bill further to amend the Negotiable Instruments Act, 1881. He said:—"My Lord, I may mention that the Select Committee have no amendments to suggest and have recommended that the Bill be passed as introduced."

THE LOCAL AUTHORITIES LOANS BILL.

The Hon'ble Sir William Meyer presented the Report of the Select Committee on the Bill to consolidate and amend the law relating to the grant of loans to Local Authorities. He said:—"My Lord, here the Select Committee have introduced a few slight verbal amendments which do not in any way affect the substance of the Bill."

RESOLUTION FOR PUBLICATION OF THE DECENTRALIZATION COMMISSION'S PAPERS.

The Hon'ble Maharaja Manindra Chandra Nandi said:—"My Lord, the Resolution which stands in my name and which I have now the honour to move is in these terms:—

That this Council recommends to the Governor General in Council that the correspondence, if any, between the Secretary of State for India and the Government of India on the recommendations of the Royal Commission on Decentralization in India on Presidency and *mufassal* municipalities be laid on the table.

[*Maharaja Manindra Chandra Nandi; Raja Kushal Pal Singh.*] [8th FEBRUARY, 1914.]

"The subject of municipalities in India is dealt with in the twentieth chapter of the Report of the Decentralization Commission. It is stated therein that 'the origin and development of municipalities in India is entirely due to British rule' and that regular municipalities were formed in all Provinces between 1864 and 1868. Thus municipal institutions have been in existence in this country for close upon fifty years. A great impetus to the development of Local Self-Government was given by Lord Ripon's famous Resolution of the 18th May, 1882, in pursuance of which fresh Municipal Acts were passed for the various Provinces. The elective system in municipal councils was extended and several municipal councils were permitted to elect non-official Chairmen. Without traversing at any length the ground covered by the Royal Commissioners in their exhaustive Report, it may be briefly stated that the recommendations of the Commission generally tended to invest both Presidency and *mufassal* municipalities with larger powers and take a step forward in the direction indicated in Lord Ripon's celebrated Resolution. The specific recommendations of the Royal Commission will be found in the general summary of conclusions and recommendations appended to the Report.

"The Report of the Royal Decentralization Commission was signed on the 25th February, 1909, that is to say, almost precisely five years ago. Since then the recommendations of the Commission have been the subject of correspondence between Provincial Governments and the Government of India, and the Government of India and the Secretary of State for India. From a recent pronouncement of His Excellency the Viceroy it is to be inferred that a final decision has either been or is about to be arrived at on the recommendations of the Commission in respect of the municipalities in India. Replying to the address presented to him in November last by the Municipal Corporation of Madras His Excellency said:—'The Government of India have accepted the views of the Government of Madras on the recommendations of the Royal Decentralization Commission to which you refer, and these have been approved by the Secretary of State. Your Government will, no doubt, in due course, take measures to give effect to the greater freedom and larger powers of control which will thus be conferred upon you, and which mark a substantial advance in the direction of the Commissioner's proposals.'

"In view of these authoritative remarks made by His Excellency the Viceroy and also bearing in mind the fact that the whole country is vitally interested in the progress and development of municipal administration in India, I venture to hope that the Government will be pleased to accept the recommendation embodied in this Resolution."

The Hon'ble Raja Kushal Pal Singh said:—"My Lord, at Madras, Your Excellency was pleased to observe 'The Government of India have accepted the views of the Government of Madras on the recommendations of the Royal Decentralization Commission to which you refer, and these have been approved by the Secretary of State.'

"This shows that the recommendations of the Royal Decentralization Commission have been considered by the Government of India and the Secretary of State, and that it has been settled what action should be taken thereon. There is no matter in regard to which the confidence of the public and their co-operation is so indispensably necessary as in the matter of the administration of *mufassal* and Presidency municipalities. The thorough co-operation of the public cannot be secured unless the policy which underlies the administration of municipalities is made known to them. If the recommendations of the Royal Decentralization Commission are accepted and given effect to, there can be no doubt that the elective element in municipalities will be considerably enlarged, and that there will be a much larger expansion of their functions and resources—in short, municipal administration will be improved in every way. The acceptance of these recommendations will result in substantial advance in the independence of municipalities inasmuch as control from outside will be substituted for control from inside, which latter has the effect that in many

[3RD FEBRUARY, 1914.] [*Raja Kushal Pal Singh; Rai Sita Nath Ray Bahadur.*]

places non-official members do nothing beyond registering the wishes of the official element. I have no doubt that if the correspondence referred to in the resolution before the Hon'ble Council is laid on the table, the public will have an opportunity of offering their well considered suggestions, and thereby giving material help to Government in the settlement of matters of detail. The result of taking the public into confidence will be that public life as members of municipalities will be made more attractive, and that the best representatives of the upper-class elements of the urban population will join municipalities in larger numbers.

“The administration reports of various provinces clearly indicate that the experiment of Local Self-Government has been a success. If the political education of the people be the main objective, it will receive a great impetus from the publication of the papers which embody the views of the benign Government on this important subject.

“For the above reasons I beg to second the resolution.”

The Hon'ble Rai Sita Nath Ray Bahadur said :—“ My Lord, with Your Excellency's permission, I beg to say a few words in support of the resolution which has just been moved by my friend the Hon'ble the Maharaja of Kasimbazar. We all wish that there should be a further development of the principle and policy of Local Self-Government as laid down by the Government of Lord Ripon. The Royal Commission on Decentralization has made certain recommendations to that effect. Their recommendations 'were carefully considered' by the Madras Corporation 'so far as they affected the administration of municipal affairs in that city', and the results of their deliberations were submitted to the Government of Madras so far back as 1910. Naturally, they were eager to know what action Your Excellency's Government had taken in the matter. In answer to their address Your Excellency is reported to have said thus at Madras :—'The Government of India have accepted the views of the Government of Madras on the recommendations of the Royal Decentralization Commission to which you refer, and these have been approved by the Secretary of State. Your Government will no doubt in due course take measures to give effect to the greater freedom and the larger powers of control which will thus be conferred on you and which mark a substantial advance in the direction of the Commission's proposals' Then, again in answer to the Calcutta Municipal Corporation's address Your Excellency was pleased to observe :—'I may assure you that it is the earnest desire of the Government of India to further the progress of Local Self-Government in India wherever possible.' Taking these two extracts together I may say that the idea underlying the two speeches of Your Excellency is the same; though in the one it refers to a particular locality, and in the other it assumes the form of a general proposition. My Lord, we are grateful to Your Excellency for having laid down this broader policy of Local Self-Government. But at the same time, my Lord, we are quite in the dark as to what direction this 'substantial advance', 'further progress', 'greater freedom' and 'larger powers of control' will tend. There is no definiteness about these expressions. We want to know more definitely and in greater detail the line of policy which Your Excellency's Government means to take with regard to this matter. Specially we are anxious to know this beforehand so that we may give our opinion on it and then it may be settled finally by Your Excellency's Government with the approval of the Secretary of State. The Madras people were wise enough to anticipate this course of action in submitting the results of their deliberations to the Government and I give to them their due meed of praise. But that is no reason why other municipalities should not be given a chance to say what they have to say with regard to this matter before it is finally settled by Your Excellency's Government. It is for this reason chiefly that we want the publication of the correspondence between the Government of India and the Secretary of State regarding this matter. If it is not feasible to publish the

[*Rai Sita Nath Ray Bahadur ; Maharaja Ranajit Sinha of Nashipur ; Sir Harcourt Butler ; Mr. Surendranath Banerjee.*] [3RD FEBRUARY, 1914.]

whole correspondence, at least those portions of it may be published which will give us the necessary information which we want. It is a modest request and I hope no jarring voice will be raised in this matter."

The Hon'ble Maharaja Ranajit Sinha of Nashipur said:—"My Lord, the Decentralization Commission have made important recommendations as regards the expansion and development of municipalities both in the Presidency towns as also in the *mufassal*, and the public is anxiously waiting to know how far the Government of India have accepted those recommendations, and, if so, with what modifications. And Your Excellency has already in Calcutta spoken on the subject. Your Excellency has always encouraged the development of Local Self-Government in this country and so we are confident that the recommendations of the Royal Decentralization Commission will be accepted, if not *in toto* at least with certain modifications. My hon'ble friend on the left has asked for the production of the papers relating to the subject and the correspondence which has passed between Your Excellency's Government and the Secretary of State for India, and as the Government are always anxious to take the people into their confidence, I think there will be no objection on the part of the Government to lay these papers on the table. I am fully alive to the fact that it is not always possible for the Government to lay such papers on the table, as they may contain much confidential correspondence, but I hope that the Hon'ble Member in charge will be able to enlighten the Council at least as to the substance of the recommendations which Your Excellency's Government has made to the Secretary of State on the subject.

With these few observations I beg to support the motion."

The Hon'ble Sir Harcourt Butler said:—"My Lord, I am sorry to meet the Hon'ble Member with a negative on the ground that it is not usual to publish such correspondence, but I can reassure him on an important point. It is our intention, when the correspondence on the sections of the Decentralization Commission's Report which concern self-government is complete, to publish a Resolution dealing with the whole question of Local Self-Government much on the lines of the Resolution which has dealt with Educational policy, and the Resolution which I hope will shortly be issued before many weeks or months have passed on sanitary policy. I think this will be a much more convenient procedure from every point of view, because then the whole question of Local Self-Government can be treated, and it is the usual procedure that is followed in such cases. I am afraid there will be a little delay as the correspondence may not be completed for some time, but the subject is a very large one and it does not admit of rapid treatment or settlement. In the circumstances I hope that the Hon'ble Mover of this Resolution will possess his soul in patience for a little longer."

The Hon'ble Mr. Surendranath Banerjee said:—"My Lord, if I am in order I may be permitted to make an observation or two with reference to the speech which has just been made by the Hon'ble Member in charge of the Local Self-Government Department. I confess, my Lord, to a sense of disappointment at the non-publication of the papers which have been asked for by my hon'ble friend to my left. The Hon'ble Member in charge of the Department has told us that in course of time a Resolution will be published embodying the views of the Government on the subject of Local Self-Government. I think it would be a distinct advantage if previous to the publication of that Resolution the public were placed in possession of all the papers connected with the Decentralization Commission and the papers connected with that Resolution. The publication of the papers would lead to a public discussion on the subject. The Government would thus be placed in possession of a clear expression of public opinion upon the various matters which are likely to be dealt with in the Resolution, and I venture to submit that this would be a great boon to the Government and the public alike.

[3RD FEBRUARY, 1914.] [Mr. Surendranath Banerjee.]

And, my Lord, my friend's Resolution covers only two very minor points. The Decentralization Commission makes many recommendations. My friend confines his application for the publication of papers to the recommendations of the Commission in regard to *mufassal* municipalities and to the Corporations on the Presidency towns. Now, my Lord, the Government has absolutely nothing to conceal as far as its attitude is concerned in regard to *mufassal* municipalities and those of the Presidency towns. The Decentralization Commission recommended that there should be a substantial majority of elected members in the *mufassal* municipalities and that usually *mufassal* municipalities should be permitted to elect their own chairmen. Now, what are the facts? Government have actually anticipated the recommendation of the Commission in regard at least to one of these points. In Bengal, the vast number of *mufassal* municipalities—I may indeed say, all the *mufassal* municipalities—have an elected majority of two-thirds.

In the United Provinces I understand that the elected majority sometimes comes up to $\frac{2}{3}$ ths and I believe that that is the case also in Madras. Therefore, as a matter of fact, the Government has, in the matter of an elected majority, gone beyond the recommendations of the Decentralization Commission. The Government has thus nothing to conceal so far as this particular aspect of the question is concerned. Take again the other point, namely, that the election of chairmen should ordinarily be left to these municipalities. In Bengal I should say 100 out of the 110 municipalities have been permitted to elect their own chairman. I understand that this is not the case in the United Provinces or in other parts of India. But, surely, the Government ought to tell us its reasons for making one law in respect of Bengal and another law in respect of other provinces. The publication of the papers would throw a great deal of light on the subject.

“Then, my Lord, with regard to the other part of my friend's Resolution, namely, his application for the publication of papers in connection with the municipal government of Presidency towns, the Government of Bengal has already issued a resolution suggesting the approximation of the constitution of the Calcutta Corporation to that of Bombay, and I believe the Government of Madras has done the same thing. That being so, I really do not understand why there should be any hesitation on the part of Government to publish these papers, which, I venture to submit, would exalt the Government in the estimation of public opinion.

“My Lord, I may here perhaps be permitted to make a complaint. I do so with great deference, but I am bound to do it with the utmost emphasis. It is that the attitude of the Government is not what it should be in regard to our repeated appeals for the publication of papers. Last year, the Hon'ble Mr. Gokhale appealed to the Hon'ble Member in charge of the Education Department for the publication of some papers affecting the question of primary education. I had the honour of making a similar appeal to my Hon'ble friend in regard to certain matters affecting the University of Calcutta; and now a similar proposal has been made by my Hon'ble friend here. On every occasion the Government meets us with a *non possumus*. My Lord, we are the constituted advisers of your Excellency's Government; we are recognized as such and are honoured as such. But what becomes of our position as constitutional advisers, what are we here for, if we are not permitted to have a look into the papers which are in the possession of your Excellency's Government, so that we may be in a position to advise with intelligence and with effect? It does seem to me, I say so with the utmost respect, but I voice the public sentiment of my countrymen in this matter, and I am bound to say it with the utmost emphasis, it does seem to me that this hesitation on the part of Government in withholding these papers exhibits a lack of confidence in the constituted advisers of the Government, the non-official Members of this Council. Therefore, I must express my deep regret that the Government should have declined the publication of the papers contained in the very modest proposal of my friend.”

[*Sir Harcourt Butler.*] [3RD FEBRUARY, 1914.]

The Hon'ble Sir Harcourt Butler said :—“ My Lord, with your permission, I will make a few observations in reply to the speech to which we have just listened. The first complaint of the Hon'ble Member is that we have not consulted the public, that we are not consulting the public as the public should be consulted in regard to this resolution. But he seems to forget that the public have already been consulted. The report of the Commission has been published ; it has been criticised and written about in the press at great length. The Local Governments have been consulted and they in turn have consulted local bodies and the matter has now reached a stage at which it must be left to the Executive Government to formulate a policy. It is inconceivable to me that any new matter could be introduced after the vast amount of criticism and consideration which this question has received. As regards the second complaint of the Hon'ble Member that the Government do not show confidence in the Members of this Council and the public in not publishing their official correspondence, I can only say that I do not think any Government in the world would accept the proposition that the Executive Government is bound at any time to lay papers before those who are interested in it. It would be a most unusual proceeding to produce such papers, and I must ask the Council to believe that we are acting absolutely *bona fide* in following the ordinary course of official procedure and not publishing the papers which this resolution asks for. As I have said the public have been most fully consulted ; and if any Hon'ble Member has any particular views to offer, he has an opportunity of doing so. Individual suggestions from Hon'ble Members will always be considered by the department, but we cannot possibly publish papers merely because certain Hon'ble Members wish to get up a brief to make up a case, when the ordinary procedure would be to wait and see what Government policy is.

“ For these reasons, my Lord, I oppose the Resolution.”

The Resolution was put and rejected.

The Council adjourned to Wednesday, the 4th February, 1914.

W. H. VINCENT,

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

DELHI :

The 6th February, 1914.