

*Tuesday,
12th January, 1915*

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

Vol. LIII

April 1914 - March 1915

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

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

From April 1914 to March 1915 .

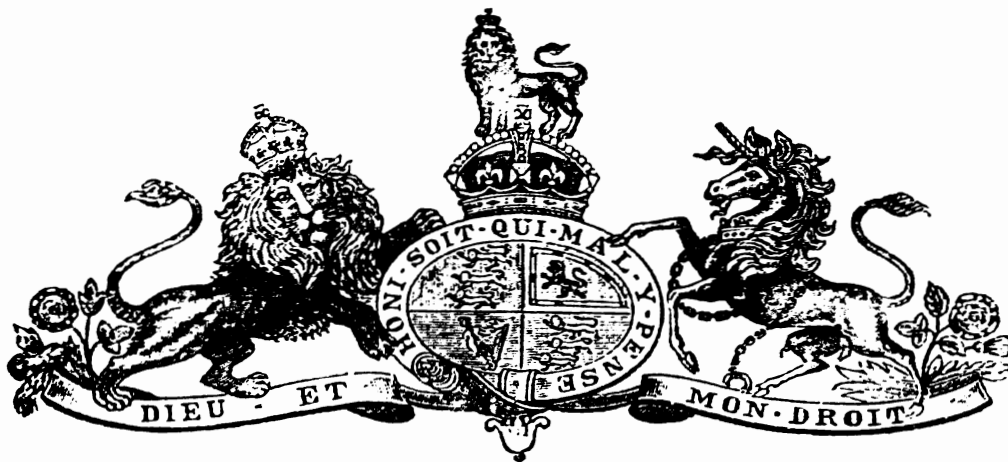
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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

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 the Council Chamber, Imperial Secretariat, Delhi, on
Tuesday, the 12th January, 1915.

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., I.S.O., Viceroy and Governor General, *presiding*,
and 56 Members, of whom 48 were Additional Members.

**OATH OR AFFIRMATION OF ALLEGIANCE TO THE
CROWN.**

The following Additional Members made the prescribed oath or affirmation
of allegiance to the Crown :—

The Hon'ble Mr. Marshall Frederick Reid, C.I.E.
" " **Mr. James McNeill.**
" " **Pandit Bishan Narayan Dar.**
" " **Mr. Herbert John Maynard.**
" " **Mr. Robert Edward Vaughan Arbuthnot.**
" " **Lt.-Col. Philip Richard Thornhagh
Gurdon, C.S.I.**
" " **Colonel Benjamin Holloway.**
" " **Mr. Reginald Childers Culling Carr.**
" " **Mr. Walter Maude, C.S.I.**

HIS EXCELLENCY THE VICEROY'S SPEECH.

-His Excellency the President :—“ Since I last addressed you in September the British Empire, much to our general regret, has, through the intrigues and pressure of Germany and Austria, been plunged into a needless and useless war against Turkey. I believe that I am not wrong in saying that this is the first occasion in history that the British Empire has been at war with Turkey. As you are all aware, in the Crimean war England expended freely her blood and treasure to maintain the integrity of Turkey, while nearly 25 years later the disastrous Treaty of San Stefano, which would have destroyed Turkish power in Europe, was annulled solely by the threatened intervention of Great Britain. Since those days the policy of the British Government, as I am personally able to bear witness, has been to endeavour to strengthen the position of Turkey, and to induce her to seek safety from internal danger and external menace by the introduction of much-needed reforms into her administration. The advice of England, though frequently unpalatable, was at least disinterested.

“ New evidence almost daily brought to light tends to prove the present war to have been a long premeditated and prepared aggression on the part of Germany and Austria, of which the infamous assassination of the Archduke Franz Ferdinand and his consort was merely the pretext but not the cause. When it broke out England had no quarrel of any kind with Turkey, and the British Government simply expected of the Turkish Government their observance of the ordinary principles of international law and the elementary duties of a neutral Power. I need not repeat here the breaches of neutrality committed and the provocations given by Turkey culminating in the unprovoked attack upon Russian harbours in the Black Sea, the hostile infringement of Egyptian territory by armed Turkish forces and the sinking of a British merchant vessel while lying in a friendly port. From these incidents it was clear that our patience was misunderstood, that a powerful party in Turkey, dominated by German influence, was bent on war, and that they meant to go on from outrage to outrage till war was provoked. These incidents finally led up to a declaration of war ; but although they occurred on the 28th October, Sir Edward Grey, with that exceptional patience which has characterised the attitude of the Foreign Office in its relations with Turkey, informed Tewfik Pasha on the 4th November, when the British Ambassador had already three days earlier been recalled from Constantinople that, if his Government wished hostilities between the two countries to cease, the only chance was to dismiss the German naval and military missions and especially the officers of the *Goeben* and *Breslau*. It is clear from events that have since taken place in Constantinople, that the Turkish Government as a whole were not at all anxious for war, but according to information recently published in an official White Book, Enver Pasha told the Austrian Ambassador on the 22nd October that he was determined to have war whatever his colleagues might desire, that the Turkish fleet would be sent into the Black Sea, and that he could easily arrange with the German Admiral in command of the Turkish fleet to provoke hostilities. This cynical forecast is what actually took place six days later.

“ I am well aware that many of the leading Moslem bodies in India have most loyally done their utmost to avert war with Turkey, and that the authorities in Constantinople have turned a deaf ear to their repeated representations. The fact remains that there is absolutely no reason for Turkish intervention in the war. The Allies have more than once given solemn assurances to respect the independence and integrity of Turkey and there is no menace to Islam. On the contrary the Allies have made a declaration of the immunity of the holy places of Arabia and Mesopotamia from attack, while the British Government have even declared that they are prepared, if any such need should arise, to defend them against all foreign invaders and to maintain them inviolate. The most striking commentary on the unnatural combination of

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[*The President.*]

Germany and Turkey is the fact that, while there are many thousands of Moslems fighting in the ranks of the British, French and Russian armies against Germany, not a single Moslem is to be found in the German ranks. It is no exaggeration to say that the military clique of Enver Pasha, under Germany's compulsion, has betrayed the interests of Islam, and that the Turkish Government, in submitting to it, has abdicated its sovereignty and delivered the independence of a Mahomedan Empire into the hands of Germany. It will now rest with Turkey to face the consequences of those actions for which she is responsible; but however the tide of events may shape its course, there can be no doubt that the holy places will remain inviolate, and that Islam will still be one of the great world forces.

“From the very moment that the intervention of Turkey in the war appeared probable, it was clear that it was not to be expected that amongst Indian Moslems there would not be a natural sentiment of sympathy with a great Mahomedan Power. But when the character and motives of this war became fully known to, and realised by, the Moslems of India, whatever might have been the sympathy with which their religious instincts might under other circumstances have inspired them, any such sentiment was absolutely swept aside by their feeling of unswerving loyalty to the King-Emperor and to the British Empire, whose cause in this war they recognised to be that of freedom, honour and justice. The other great Indian communities have not been behind-hand in their demonstrations of attachment to the Throne and Empire, and a towering wave of patriotism and loyalty has swept over India from shore to shore. It has been a source of gratification to me, but not of surprise, to witness the universal demonstrations of loyalty of all classes and creeds of the people of India. This has been yet one more of Germany's miscalculations which will bring about her ruin.

“As to the progress of the war I know no more than you. I give all the information that I receive to the press. It is clear, however, that German strategy has failed, and that the Allies are holding their own and gradually gaining ground, while German shipping and commerce have disappeared from the seas and the main German fleet has not dared to appear outside its harbours. What is particularly satisfactory to us all has been the splendid behaviour of the Indian troops at the front. No troops could have behaved more gallantly. This is recognised by all. We knew it could not be otherwise. It has also been a source of pride to us all that, in accordance with the boon announced at the King-Emperor's Durbar, two Victoria Crosses have already been awarded to our brave Indian soldiers, this much-coveted decoration having, in one case, been bestowed by the hand of the King-Emperor himself.

“In my speech to this Council on the 8th September, I mentioned that it was a source of legitimate pride and satisfaction to India as a whole that we had been in a position to send a military force of over 70,000 combatants to fight for the Empire across the seas. Since I used those words we have done much more than that; thanks to the energy and powers of organisation of His Excellency the Commander-in-Chief and the military authorities. British and Indian troops have been fighting side by side in no less than five theatres of war, in France, Egypt, East Africa, the Persian Gulf and in China. We have despatched or are despatching nearly 200,000 men overseas to fight for the Empire of which we are proud to be a living and virile unit. These have been relieved by a certain number of fresh troops from England. At the same time we have maintained our military forces on the frontier unimpaired to protect our line and to be ready, as a defensive force, to meet any emergency that may arise in that direction. We are all proud of our military forces and of their gallantry in the field, and I can only repeat what I have said before, namely, that the fact that the Government of India are in a position to help the mother country by the despatch of such a large proportion of our armed forces is a supreme mark of my absolute confidence in the fidelity and gallantry of our troops and in the loyalty of the Indian people. That confidence is being every day more and more justified.

[*The President.*]

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“ We may have days of depression and even reverses before us in the future, but we need feel no doubt as to the ultimate triumph of right over might and of civilisation over mediæval barbarism, and let us take to heart in such circumstances as these the noblest statement ever made of a nation's duty which English-speaking peoples owe to Abraham Lincoln, the great President of the United States. These are his words—

‘ With malice towards none; with charity to all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in * * * to do all which may achieve and cherish a just and lasting peace.’

“ Amongst the many drawbacks to which war on such a large scale must necessarily give rise the upward trend in the price of wheat has given me cause for anxiety. There seemed reason to believe that stocks were being held up in the expectation of a further rise in prices either in the foreign or the Indian market, and in view of the hardship involved to the consuming classes, I have issued an ordinance giving power to Government and to Local Governments to investigate the existence and amount of stocks, and if necessary to take over such as in their opinion are being unreasonably withheld. The question of further remedial measures has also been thoroughly examined at a Conference in Delhi with representatives of the wheat trade, who have co-operated readily with my Government in this matter. We were reluctant in the interests of agriculture and of commerce to prohibit altogether the export of wheat and flour from this country, and the information before us did not appear to indicate that there was sufficient actual shortage to justify this step. It has been decided therefore to restrict to a definite quantity, exports up to the end of the cold weather, by which time the new crop will be beginning to come in. The measures which have been taken have already checked any further rise in prices, and in view of the excellent promise of the new harvest, I hope that the situation may improve.

“ The cotton situation also, as you are aware, has been a matter of some anxiety, though I am glad to learn that it has recently shown some signs of improvement. The announcement which we made the other day has already informed you of the steps which we are prepared to take. We propose to advise a general restriction of cotton cultivation next season, and I hope that the expectation of such restriction will do something to assist the disposal of existing stocks. We are also prepared, by loans through the Presidency Banks, to help in securing the continuance of reasonable financial facilities not only for the cotton trade but also for other special trade interests which may be somewhat similarly affected. We have been very glad to intervene in this manner and so give evidence of our real desire to assist agriculture, trade and credit when we can legitimately and expediently do so. You will readily recognise, however, as the Conference of provincial and banking authorities which advised us in the matter also recognised, that we cannot embark on speculative and indefinite commitments. Our resources are very limited in comparison, for example, with those at the command of His Majesty's Government, and in these difficult times and with a most uncertain future ahead of us, we have to tread very warily.

“ I should like to take this opportunity of paying a tribute to the manner in which the Press, both Indian and Anglo-Indian, has been conducted in the face of considerable difficulties during the past few months. It is common knowledge that in England and I may add in America, there has been a good deal of recrimination about the vagaries of the censorship, and I have reason to know that in India too there has been some irritation against that much abused person, the Censor. But the Press has to a large extent recognised that his task is a hard one and have exercised moderation and patience. Similarly these months have been a time when rumour has been busy with every kind of false report, and when it would have been easy to have done great mischief by giving wide publicity to idle tales in the columns of the daily papers. With a very few exceptions, to which I need not refer in detail, the Press of India has exercised wisdom, restraint and moderation, and I feel that we all owe to it an expression of gratitude.

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[*The President.*]

“ It has been suggested that the exceptions to which I have referred are sufficiently serious to demand a more drastic Press Law during this time of war, for at present no action can be taken against an offending paper until the mischief has been done ; we are, however, opposed to taking any further powers in this direction unless the necessity is absolutely forced upon us, for the exceptions in the good conduct of the Press as a whole have not so far been sufficient to justify anything of the nature of a pre-censorship, and I for one should regard it as a grave misfortune if the errors of a few should bring a stigma upon the Press of India, which speaking generally has been wisely and loyally conducted during these difficult times.

“ I now desire to invite the attention of Members of this Council to a matter of importance which immediately concerns the business of the present session. It is the desire of the Government of India that, so far as may be possible, the discussion of all controversial questions should be avoided during the continuance of the war. The present emergency necessitates the enactment of a particular measure to which I will refer later, and for obvious reasons the introduction of this Bill cannot be postponed. In regard, however, to legislation not immediately necessary to meet the requirements of the present situation, I and my Government consider that it would be most inadvisable at this juncture, when the minds of all are concentrated on one object, the protection of the Empire against a ruthless and powerful enemy, to undertake any legislation which might provoke anything approaching controversy and friction. The one feeling now prominent in the mind of every loyal citizen is the necessity for united action to vanquish the common enemy, and no part of the Empire has come forward more readily and enthusiastically than India to render assistance to His Majesty's Government. We may have different points of view as to methods of administration and as to details of domestic legislation, but in a time of common danger we should present an united front and it is clearly our duty to sink all minor differences and to seek and pursue but one object, the successful conduct of the war against the enemies of the British Empire. It is not that I think that the differences to which I have alluded are likely to be of a serious character, but I feel, and I hope you will agree with me, that this is a time when all appearance of division should be avoided, as such differences might be misconstrued by those who are strangers to Indian conditions. In this view we have decided to defer the consideration of a number of measures already introduced in Council, and to postpone the introduction of other Bills. Amongst these I may mention the Criminal Procedure Code Amendment Bill, the Bill for the further protection of Minors, the Bill dealing with Contempts of Courts, and the Universities Bill. We recognise the fact that, important as these Bills are, they are necessarily to some extent controversial, and in view of the present position, we have decided that it would be better not to proceed further with them during this session.

“ I feel confident that the Council will approve of this decision, and I hope that you will support us in attaining the object in view by abstaining from moving any resolutions which might provoke controversy or bitterness, or embarrass the Government. In adopting this course, you will be following the example of the British Parliament where all political controversy has been suspended during the war, and where the leaders of the Opposition have refrained from any action which might embarrass the Government or add to the labours of Ministers already overburdened with work and responsibility. It has been felt in England, to use the words of Mr. Bonar Law in a speech delivered on 10th August, that controversial debate at such a time would be a national calamity. Although the position of Members of this Council is not in many ways analogous to that of Members of Parliament, yet I hope that, in this respect, they will treat the Government with like consideration. My Council has on various occasions been congratulated on the excellent traditions that it is building up for the future, and I hope and believe that this opportunity of adding to those traditions will not be lost.

[*The President; Sir Reginald Craddock; Mr. Banerji.*] [12TH JANUARY, 1915.]

“In connection with this question I think that I ought to mention one legislative measure which will come up for consideration to-day. This is the measure to which I referred in an earlier passage of my speech and is a Bill for prolonging the period of emergent provisions of the law now contained in certain ordinances recently passed. The Council is aware of the authority vested in the Governor-General personally to promulgate in times of emergency ordinances which have for a period of six months the force of laws passed in this Council. These powers have been infrequently exercised in the past. Indeed, I believe I am correct in saying that in all only seven ordinances were promulgated between the years 1861 and 1913, but the present emergency has shown how valuable these powers are, and since the outbreak of war, I have found it necessary to utilise them in respect of various matters of the gravest urgency. You will to-day be asked to co-operate with me by enacting a law which will render the provisions of these ordinances effective so long as the war lasts and for a certain period thereafter, as the cessation of conditions created by war will not synchronise with the declaration of peace. I trust that I shall receive the full and unanimous support of this Council in the enactment of this measure. Military and political considerations make it imperative that these emergent measures should continue to be in force and it is impossible for the Government to publish or discuss in detail the reasons underlying them without divulging facts of a confidential nature, the publication of which would not only embarrass the authorities in this country, but might also assist our enemies. In these circumstances I ask the Council to give practical proof of their loyalty and of their confidence in the Government by accepting the Bill as it stands without entering into a prolonged discussion of its merits.”

STATEMENT LAID ON THE TABLE.

The Hon'ble Sir Reginald Craddock :—“My Lord, I beg to lay on the table a statement* showing province by province, for the years 1912 and 1913, the number of persons charged with murder, the number of capital sentences passed, the number of persons acquitted of the charge of murder, the number of appeals by Local Governments against such acquittals and the number of persons sentenced to death as a result of such appeals, which was promised in the reply given by me to the Hon'ble Mr. Dadabhoj's question on the subject asked at the meeting of the Legislative Council held on the 16th September, 1914.”

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Banerji asked :—

1. “(a) Has any memorial been addressed to the Government of India by Maulvi Muharram Ali Chishti, a legal practitioner in the Punjab, on the subject of the rejection of his application to the Punjab Chief Court to be admitted as a pleader of the second grade?”

Memorial by Maulvi Muharram Ali Chishti on rejection of his application to the Punjab Chief Court for admission as a pleader.

(b) Will the Government be pleased to say whether they propose to make an inquiry into the statements made in that memorial and, if so, to lay on the table the result of such inquiry together with the papers in the case?”

* Vide Appendix A, page 249 post.

[12TH JANUARY, 1915.] [Sir Reginald Craddock; Mr. Banerji; Mr. Clark; Sir Harcourt Butler.]

The Hon'ble Sir Reginald Craddock replied:—

“(a) The reply is in the affirmative.

(b) The matter is entirely within the discretion of the Judges of the Chief Court and the memorialist has been informed that the Government of India are unable to interfere on his behalf.”

The Hon'ble Mr. Banerji asked:—

2. “(a) Has the attention of the Government been drawn to a report which has appeared in the newspapers to the effect that the Government at home have offered to guarantee interest on £1,500,000 debenture Capital for the manufacture of synthetic dyes? Pecuniary help from Government for industrial undertakings.

(b) Is it a fact that the Government at home have offered substantial pecuniary help to some other industrial enterprises?

(c) Will the Government be pleased to state if they are prepared to follow the example of the Home Government in regard to selected industrial undertakings in this country? If so, will the Government be pleased to state what they propose to do?

The Hon'ble Mr. Clark replied:—

“The answer to the first part of the question is in the affirmative. An official statement recently issued by the Board of Trade indicates that His Majesty's Government have taken action firstly, in order to make good the immediate shortage of dyes which, owing to the cessation of supplies from Germany, has been causing great apprehension in the textile trades and in other important British industries, and secondly, in order to guard against any recurrence of the same difficulty in future.

As regards the second part of the question, Government are not aware that the British Government have offered financial assistance for other industrial enterprises.

As regards the third part of the question, the Government of India have received no information which would suggest that His Majesty's Government have adopted a policy of affording financial assistance to industries, except in the special case and for the special reasons referred to above, and I have to point out that a similar situation has not arisen in India.”

Supplementary question.

The Hon'ble Mr. Banerji asked:—

“Will the Hon'ble Member be good enough to obtain the information which he says is not available in certain matters?”

The Hon'ble Mr. Clark replied:—

“I said,—‘The Government of India have received no information which would suggest that His Majesty's Government have adopted a policy of affording financial assistance to industries.’ I think no further inquiry would produce that information.”

The Hon'ble Mr. Banerji asked:—

3. “Will the Government be pleased to state when they will issue their promised Resolution on Local Self-Government? Local Self-Government Resolution.

The Hon'ble Sir Harcourt Butler replied:—

“The Government of India hope that the Resolution may shortly be published.”

[*Mr. Banerji; Sir Harcourt Butler; Mr. Malaviya; Sir Reginald Craddock; Raja Kushalpal Singh.*] [12TH JANUARY, 1915.]

The Hon'ble Mr. Banerji asked :—

Appoint-
ments, to
Indian Edu-
cational
Service.

4. "(a) Will the Government be pleased to state if it is the case that fourteen appointments have been made to the Indian Educational Service in nine months of 1914?

(b) If so, will the Government be pleased to state the reasons for making so many appointments?"

The Hon'ble Sir Harcourt Butler replied :—

"(a) The names of 14 officers who have been appointed to the Indian Educational Service during 1914 are shown in the Civil Lists. As a matter of fact a larger number of officers has been appointed to this service during the year. The names of those who have recently joined have not yet been included in the Civil Lists.

(b) The reasons for making these appointments are educational expansion and the occurrence of vacancies in previously sanctioned posts."

The Hon'ble Mr. Malaviya asked :—

Memorial by
Maulvi
Muharram
Ali Chishti
rejection
of his
application
by the
Punjab
Chief Court
for
admission as
a pleader.

5. "Will the Government be pleased to state :—

(a) If a memorial has been submitted to the Government of India by Maulvi Muharram Ali Chishti, a legal practitioner of Lahore, complaining of the rejection of his applications to the Punjab Chief Court to be admitted as a pleader of the second grade?

(b) If it is a fact that between the years 1900 and 1908 the Punjab Chief Court encouraged Mr. Chishti to qualify himself as a pleader?

(c) If it is a fact that since the beginning of 1909, when Mr. Chishti had qualified himself for it, the Chief Court has rejected repeated applications made by him to be admitted as a pleader of the second grade?

(d) If it is also a fact that Mr. Chishti's licence to practise as a mukhtar has, at the same time, been renewed year after year without any objection?"

The Hon'ble Sir Reginald Craddock replied :—

"The Hon'ble Member is referred to the answer given to-day to a similar question by the Hon'ble Mr. Surendra Nath Banerji.

It appears from the papers attached to Mr. Muharram Ali Chishti's memorial that he was given certain concessions in connection with his law examinations and that his applications to be recognised as a pleader of the second grade were rejected on more than one occasion.

The Government of India have no information as regards the renewal of his licence as a mukhtar."

The Hon'ble Raja Kushalpal Singh asked :—

More practi-
cal educa-
tion.

6. "Has the attention of Government been drawn to the article headed "More practical education," which is published on page 10 of the *Pioneer* of the 8th October, 1914? Will the Government be pleased to state what sums have been allotted by the Governments of various major provinces for experimenting with school gardens and with the organizations of excursions?"

The Hon'ble Sir Harcourt Butler replied :—

"The Government of India have observed the article mentioned. Reports and statistics do not ordinarily show the amounts allotted by Governments of various major provinces for experimenting with school gardens and for the

[12TH JANUARY, 1915.] [Sir Harcourt Butler; Raja Kushalpal Singh; Sir Reginald Craddock.]

organization of excursions. The following facts, however, may prove of interest to the Hon'ble Member :—

(i) The Government of India are anxious to encourage practical and visual instruction. Attention is invited to the Government of India Resolution No. 301-C. D., dated the 21st February, 1913, paragraphs 8 (2), 11 (iv), 22 (e) and 34.

(ii) The Government of India have at various times addressed Local Governments regarding the provision of lanterns and slides, and in 1907 they provided sets of slides. A reference may be made to paragraph 234 of No. 1 of the Occasional Reports published by the office of the Director-General of Education in India, called *Rural Schools in the Central Provinces*. It is understood that there is now considerable activity in provinces in this matter. Attention is invited to paragraph 688 of the Sixth Quinquennial Review of the Progress of Education in India, to paragraphs 31, 44 and 49 of the report of Director of Public Instruction in Bombay for 1913-14, and to paragraph 28 of the report for Bengal.

“In some provinces, schools are provided with gardens wherever possible. An account of the nature and intention of such gardens is to be found in section X of *Rural Schools in the Central Provinces*. Attention is also invited to paragraphs 55 and 28 and page 12 of the reports of the Directors for 1913-14 in Bombay, Bengal and the United Provinces, respectively. Gardens were included as one of the objects for which the Government of India recently gave a non-recurring grant of Rs. 25,00,000.

“There are numerous allusions to excursions made by schools in the report of the Director of Public Instruction in Bombay for 1913-14. Paragraph 38 of the report speaks of grants of Rs. 500 each to high schools for this purpose. The Indian Museum in Calcutta is being used for educational purposes.

“The Government of India made in 1913 grants for manual training totalling 7 lakhs of rupees capital and 1 lakh recurring. Attention is invited to the following passages in the reports of Directors of Public Instruction for 1913-14, in various provinces :—Madras, paragraph 2 of the report; Bombay, paragraph 129; Bengal, paragraph 32; United Provinces, page 8; and Burma, page 24.”

The Hon'ble Raja Kushalpal Singh asked :—

7. “Will the Government be pleased to lay on the table a statement giving the salaries of munsifs and subordinate judges in all major provinces of India?”

Salaries of munsifs and sub-judges in all major provinces of India.

The Hon'ble Sir Reginald Craddock replied :—

“A statement* giving the desired information is laid on the table.”

The Hon'ble Raja Kushalpal Singh asked :—

8. “Has the attention of Government been drawn to letter which Mr. Abdulla *ibn* Yusuf Ali has written on the subject of “Indian Soldiers and Indian Usurers,” and which is published in the *Pioneer* of the 9th November, 1914? Will the Government be pleased to consider the desirability of making the concessions suggested therein?”

Indian soldiers and Indian usurers.

The Hon'ble Sir Reginald Craddock replied :—

“The whole question is at present under the consideration of the Government of India who hope to be in a position to take action shortly.”

[*Raja Kushalpal Singh; Mr. Clark; Sir [12TH JANUARY, 1915.]
Harcourt Butler; Sir Reginald Craddock;
Maharaja Ranajit Sinha of Nashipur.*]

The Hon'ble Raja Kushalpal Singh asked :—

Proceedings
of Cotton
and Wheat
Conferences
held at
Delhi.

9. "Will the Government be pleased to say whether they propose to place on the table a copy of the proceedings of the Cotton and Wheat Conferences held at Delhi?"

The Hon'ble Mr. Clark replied :—

"Government regret that they are unable to lay reports of these Conferences on the table, as the proceedings were of a confidential nature. The decision arrived at by Government as a result of the discussion at the Wheat Conference formed the subject of a press communiqué issued on the 28th December last. As regards the Cotton Conference, a communiqué was also issued to the Press a few days ago indicating broadly the views in regard to the cotton question which were elicited at the Conference and publishing the decisions at which the Government of India have arrived."

The Hon'ble Raja Kushalpal Singh asked :—

Study of
vernacular
languages
into colleges.

10. "(a) Has the attention of Government been drawn to the Resolution No. IV passed at the meeting of the fifth Hindi Literary Conference held at Lucknow?"

(b) Will the Government be pleased to say whether they propose to draw the attention of the Universities of Allahabad and the Punjab to the desirability of introducing the study of the vernacular languages into colleges as soon as practicable?"

The Hon'ble Sir Harcourt Butler replied :—

"(a) The Government of India have not seen the Resolution referred to.

(b) The matter would be more appropriately referred to the Local Governments concerned than to the Government of India."

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

Modification
of the Elec-
tion Rules
in regard to
date of
general
election.

11. "Is it a fact that some inconvenience might result from holding a general election for the return of members to the Local and the Imperial Councils in the middle of the winter sessions? If so, do Government propose to change the rules so as to provide that the date fixed for general election shall be after the close of the sessions?"

The Hon'ble Sir Reginald Craddock replied :—

"The Government of India are aware that the present date for the expiry of the three-years' term of the elected members of the Imperial and Provincial Legislative Councils may cause inconvenience, and are at present considering, in consultation with Local Governments and Administrations, how the difficulty can best be met."

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

Payment of
travelling
and halting
expenses to
members of
Municipal
and Local
Boards at-
tending
meetings to
vote for
their repre-
sentatives
on local
councils.

12. "Is it a fact that the Government invited the opinion of the Local Governments as to the desirability of prohibiting the payment of travelling and halting expenses of members of Municipalities and Local and District Boards attending meetings of voters for the purpose of electing their representatives on the Local Legislative Councils? If so, will the Government be pleased to state their final decision in the matter?"

[12TH JANUARY, 1915.] [Sir Reginald Craddock; Maharaja Ranajit Sinha; Sir Robert Carlyle.]

The Hon'ble Sir Reginald Craddock replied:—

“The Government of India addressed the Local Governments and Administrations concerned on the question whether the payment or offer of payment of the travelling expenses of voters by candidates for election to the various Provincial Legislative Councils should be definitely prohibited. Their replies have been received and the matter is under the consideration of the Government of India.”

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

13. “Is it a fact that the river Jumna does not remain navigable throughout the year? If so, do Government propose to dredge it so as to keep it navigable from Delhi to Allahabad all the year round?” Dredging of the river Jumna.

The Hon'ble Sir Robert Carlyle replied:—

“(a) The answer to the first part of the question is in the affirmative.

(b) In regard to the second part of the question, Government do not propose to undertake dredging operations in order to maintain a navigable channel in the river Jumna throughout the year between Delhi and Allahabad. Dredging alone would be ineffective for the purpose and the extensive works which would be necessary would involve expenditure out of all proportion to the resulting benefits.”

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

14. “(a) Have the Government of India received information that cattle in British India have deteriorated in recent years?” Grazing grounds for cattle in each village.

(b) If so, is it a fact that want of grazing grounds is one of the causes of the deterioration of cattle?

(c) If so, do the Government propose to arrange for common grazing grounds in each village?”

The Hon'ble Sir Robert Carlyle replied:—

“On the reports received from Local Governments, it is impossible to decide whether taken as a whole Indian cattle have deteriorated of recent years. In some localities deterioration is believed to have taken place and one of the causes to which this has been attributed is the want of sufficient pasturage. On the other hand, in one province at least, it is stated that with any system of communal grazing the quality of the stock cannot be maintained.

“The improvement of the fodder supply whether by the provision of additional grazing grounds or in any other manner is a matter for Local Governments; but I may mention that the whole question was considered by the Board of Agriculture at its last meeting. Stress was laid on the fact that as the problems to be attacked were essentially of a local character which must be worked out from the point of view of particular localities, nothing more than very general recommendations could be made. Among the recommendations it was suggested that in each province investigations should be made regarding the existing sources of fodder supply and their utilization to the best advantage. Local Governments have accordingly been requested by the Government of India to institute such inquiries in order that the subject may further be considered by the Board of Agriculture at its next meeting. When the final recommendations of the Board are received they will receive careful attention as the Government of India are fully alive to the great importance of this question. It must, however, be realized that the provision of additional pasturage is only one aspect of a problem which is essentially local in character and which each Local Government must endeavour to solve with due regard to local conditions.”

[*Raja Abu Jafar; Sir Harcourt Butler; Sir Reginald Craddock; Mr. Clark; Mr. Asad Ali.*] [12TH JANUARY, 1915.]

The Hon'ble Raja Abu Jafar asked :—

Appoint-
ment of
moderators
by Univer-
sities.

15. "Would the Government be pleased—

- (a) to state which of the Indian Universities appoint moderators for the examination papers, and
(b) to state whether they propose to recommend the adoption of a similar system to such Universities as have no moderators?"

The Hon'ble Sir Harcourt Butler replied :—

"(a) The Regulations of all the Indian Universities except the University of Madras make provision for the appointment of Moderators.

(b) The reply is in the negative."

The Hon'ble Raja Abu Jafar asked :—

Agra
Estates
and Agra
Settled
Estates
Bills.

16. "Has the Government finally allowed the Agra Estates Bill and the Agra Settled Estates Bill to be laid before the United Provinces Legislative Council? Are these Bills to be consolidated? When are they likely to be introduced in the United Provinces Legislative Council?"

The Hon'ble Sir Reginald Craddock replied :—

"Correspondence relative to the Agra Estates and the Agra Settled Estates Bills has passed between the Government of India and the Local Government, and an expression of the final views of the latter is awaited. Pending the consideration of it no more definite statement can be made."

The Hon'ble Raja Abu Jafar asked :—

Prohibition
of rise in
price of
edibles.

17. "Have the Home Government and other European States strictly prohibited any abnormal rise in the price of edibles, and, if so, what steps have been taken by such countries to enforce such prohibition?"

The Hon'ble Mr. Clark replied :—

"So far as the Government of India are aware His Majesty's Government have not prohibited increase of prices of foodstuffs but they have taken powers by Act of Parliament enabling the Board of Trade to take possession, subject to compensation, of such articles of commerce as they consider to be unreasonably withheld from the market. It is not known whether any action has been taken in pursuance of these powers.

"The Government of India have no official information regarding action taken by other European States with a view to prevent an abnormal rise in the price of food-stuffs. It has, however, been stated in the Press that the German Government have fixed maximum prices in respect of certain articles of consumption."

The Hon'ble Mr. Asad Ali asked :—

Free ele-
mentary
education
amongst
poorer
classes.

18. "Will Government be pleased to state what steps have been taken during the last two years in each of the Indian provinces to promote free elementary education amongst the poorer classes in general and Mussalmans in particular?"

The Hon'ble Sir Harcourt Butler replied :—

"The Hon'ble Member is referred to the Provincial reports on Public Instruction. With a view to supplementing the information contained in these reports, inquiries will be made from Local Governments and the result will be laid on the table."

[12TH JANUARY, 1915.] [Mr. Asad Ali; Sir Harcourt Butler; Raja Kushalpal Singh; Mr. Clark; Raja Abu Jafar; Sir Robert Carlyle]

The Hon'ble Mr. Asad Ali asked :—

19. "With reference to my question (8-9-14) regarding the provincial educational grants to Muhammadan education, have the Government obtained information on the subject, and, if so, will they please lay it on the table?"

Provincial educational grants to Muhammadan education.

The Hon'ble Sir Harcourt Butler replied :—

"The Government of India have not yet received replies from all Local Governments."

The Hon'ble Raja Kushalpal Singh asked :—

20. "Has the attention of Government been drawn to the letter headed "The Case of Indian Cotton," which is published on page 9 of the *Pioneer* of the 1st October, 1914? Will the Government be pleased to state what action, if any, they propose to take in the matter?"

Indian cotton.

The Hon'ble Mr. Clark replied :—

"The attention of Government has been drawn to the letter referred to. The action which Government propose to take with reference to the cotton situation is summarised in the Press Communiqué * of the 5th instant, a copy of which is laid on the table."

The Hon'ble Raja Abu Jafar asked :—

21. "Will the Government be pleased to state how much (if any) grain has, since the promulgation of the recent Articles of Commerce Ordinance, 1914, been brought into the open market as the result of the exercise of powers conferred on Government by the Ordinance?"

Purchase of grains since the promulgation of Articles of Commerce Ordinance.

The Hon'ble Mr. Clark replied :—

"So far as the Government of India are aware, no grain has as yet been brought into the open market as a result of the exercise of powers conferred by the Articles of Commerce Ordinance. Local Governments are, however, fully aware of their powers under the Ordinance and will doubtless exercise them should necessity arise. It is understood that returns under the Ordinance have already been called for in certain districts."

The Hon'ble Raja Abu Jafar asked :—

22. "(a) Is it a fact that the indigo industry in India has been nearly destroyed by the free importation of German chemical dyes?"

Indigo industry.

(b) Would the Government be pleased to state whether they propose to afford some protection or encouragement to the indigo industry?"

The Hon'ble Sir Robert Carlyle replied :—

"Natural indigo has undoubtedly suffered severely from competition with the synthetic product and the Government of India are at present considering to what extent and in what manner assistance can be rendered to growers of indigo. To enable them to come to a decision it has been arranged to hold a conference shortly in Delhi."

The Hon'ble Raja Abu Jafar asked :—

23. "(a) Is it a fact that the present war or false rumours connected with the war have caused an abnormal rise in the price of grains?"

Steps to be taken in connection with the rise in price of grains.

(b) If so, what steps (if any) do the Government propose to take with respect to such abnormal rise?"

* Not published.

[*Mr. Clark; Raja Abu Jafar; Sir Reginald Craddock.*] [12TH JANUARY, 1915.]

The Hon'ble Mr. Clark replied :—

“(a) The price of grains has risen in parts of India as a result of tendencies connected with the outbreak of war.

“(b) On the analogy of measures taken in the United Kingdom, the Governor-General promulgated the Articles of Commerce Ordinance, IX of 1914, on the 30th of November last. The Ordinance empowers the Governor-General in Council, for the whole or any part of British India, and each Local Government for the whole or any part of the Province, to require any owner or owners of any article of commerce to give full information regarding stocks in his or their possession. The Governor General in Council and Local Governments are further empowered to notify any article of commerce which appears to be unreasonably withheld from the market and to take possession, on payment of compensation, of stocks of any article unreasonably withheld. The Government of India have not yet exercised their powers under the Articles of Commerce Ordinance. Local Governments will doubtless exercise their powers under the Ordinance should necessity arise, and it is understood that action has already been taken in certain districts.

“A supplementary measure calculated to prevent an abnormal rise in the price of wheat has been the issue of a statutory notification restricting the export of wheat and wheat flour from British India before 1st April to a total amount of 78,000 tons. By this means it is hoped to ensure an approximation of the Indian supply to the Indian demand, and to guard against the danger of any reduction in the local price of wheat merely leading to increased exports.”

The Hon'ble Raja Abu Jafar asked :—

Exports since August 1914 to December 1914.

24. “Will the Government be pleased to state whether the exports since August 1914 to the end of December 1914 have increased or decreased in comparison with the corresponding five months of 1913, and with the five months preceding the present war, i.e., from March 1914 to the end of July 1914?”

The Hon'ble Mr. Clark replied :—

“A statement* giving the information desired by the Hon'ble Member is laid on the table. It will be observed that the value of exports during the five months, August to December 1914, is less than that recorded for the corresponding months of 1913 and less also than that of exports during the five months, March to July 1914.”

The Hon'ble Raja Abu Jafar asked :—

Appointments in the Executive Departments for land-owning classes.

25. “Have any of the different local administrations reserved for the land-owning class any specified number of appointments in the executive departments, and if so, will the Government be pleased to state which Local Governments have reserved such posts and in what proportion?”

The Hon'ble Sir Reginald Craddock replied :—

“The rules current in the United Provinces for the selection of members of the Provincial Executive Service make mention, among other qualifications, of that of being connected with the important land-owning classes, and it is understood that ordinarily a certain proportion of the appointments made are of candidates of this description. A similar reservation does not appear to be made elsewhere in the cases of other Provincial Executive Services.”

[12TH JANUARY, 1915.] [Sir Reginald Craddock; Sir Ali Imam.]

THE FOREIGNERS (AMENDMENT) BILL, 1914.

The Hon'ble Sir Reginald Craddock :—“ My Lord, I beg to move that the Bill to amend the Foreigners Act, 1861, be referred to a Select Committee consisting of the Hon'ble Sir Ali Imam, the Hon'ble Sir William Vincent, the Hon'ble Mr. Wheeler, the Hon'ble Sir Ibrahim Rahimtoola, the Hon'ble Mr. Rayaningar, the Hon'ble Mr. Dadabhoy and myself.”

The motion was put and agreed to.

THE SIR SASSOON DAVID BARONETCY BILL.

The Hon'ble Sir Ali Imam :—“ My Lord, the object of the Bill I move for leave to introduce is to settle the endowment of the Baronetcy conferred on Sir Sassoon Jacob David. To maintain the dignity of a hereditary title like this, the creation of a trust of the character conveyed in the Bill is necessary. It has been framed on the lines of previous enactments of a similar kind and has been settled in concert with Sir Sassoon David and the Government of Bombay. Consistent with the object of the Bill, care has been taken to trench as little as possible on the ordinary law of perpetuity. It is a private Bill and has no element of contention. I feel confident that the Council will give its support to it. The Baronet is a distinguished citizen of India, who has rendered valuable services to the country generally and to the City of Bombay in particular. Not many years ago he served as a Member of this Council, in which he has many personal friends. I am sure it will be a source of pleasure to my colleagues, as it is to me, to be associated with this Bill, which is intended to uphold the dignity of a title which has been earned with so much credit.

“ My Lord, I move for leave to introduce the Bill.”

The motion was put and agreed to.

The Hon'ble Sir Ali Imam :—“ My Lord, I beg to introduce the Bill and also move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in English in the *Gazette of India* and in the *Bombay Government Gazette*.”

The motion was put and agreed to.

THE SIR JAMSETJEE JEEJEEBHOY BARONETCY BILL.

The Hon'ble Sir Ali Imam :—“ My Lord, I move for leave to introduce a Bill to repeal Act XX of 1860 and to re-enact it with certain modifications. This is also a private Bill which has been settled by the legal advisers of Sir Jamsetjee Jeejeebhoy in consultation with the Government of Bombay. Act XX of 1860, which was passed to endow the Baronetcy conferred on the first Sir Jamsetjee Jeejeebhoy, has been found to be too rigid for certain purposes which may legitimately improve the control and management of the Trust. The Bill is intended to secure in the main two objects. One is to empower the Baronet for the time being to sell, with the approval and the Trustees, Mazagon Castle and purchase a new residence in a more healthy and convenient locality in Bombay. The other is to confer on the Trustees and the Baronet for the time being jointly more extensive powers to invest the endowment funds on the lines of section 20 of the Indian Trusts Act of 1882.

[*Sir Ali Imam.*] [12TH JANUARY, 1915.]

“These provisions being unobjectionable, I have reason to believe that the Council will treat the Bill as a non-contentious measure.

“My Lord, I move for leave to introduce the Bill.”

The motion was put and agreed to.

The Hon'ble Sir Ali Imam :—“My Lord, I beg to introduce the Bill and also to move that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in English in the *Gazette of India* and in the *Bombay Government Gazette*.”

The motion was put and agreed to.

THE EMERGENCY LEGISLATION CONTINUANCE BILL, 1915.

The Hon'ble Sir Ali Imam :—“My Lord, I beg to move for leave to introduce the Emergency Legislation Continuance Bill. I do not propose to take up the time of the Council for any considerable period in explaining its provisions, which are very brief. Your Excellency has already informed the Council that since the outbreak of the war you have found it necessary to exercise the powers conferred on you by section 23 of the Indian Councils Act of 1861 and to issue Ordinances conferring the necessary powers on the Government to deal with an emergency which is almost unparalleled in the history of the Empire. For the first time for a hundred years the great British Empire is involved in a war of world magnitude and it is obvious that the provisions of our ordinary legislation must necessarily require to be supplemented in order to meet such a situation. That situation still continues, and with it the necessity for special emergency legislation. We have, therefore, to find means for prolonging the duration of the provisions of that legislation. As the Council is aware, ordinances promulgated under section 23 of the Indian Councils Act of 1861, although they have the same force as Acts of this Council, are limited in point of time to a duration of six months. The question, therefore, came before me in what way this duration should be extended. It is possible that it might be done in several ways, but in my judgment, and I hope Council will agree with me, it has been rightly thought better on this occasion to proceed by inviting the co-operation of the Council in securing that end. This it is sought to secure by the Bill for which I am asking leave to introduce. It is very short and merely gives the effect of a law made by this Council to the provisions of the ordinances specified in the Schedule. We have limited its duration to the period of the present war and six months thereafter. It is clear that on the actual termination of hostilities it will be necessary to review our legal position, and subsidiary action may in several instances be necessary before we terminate the condition of affairs created by this emergency legislation. Apart from legal questions, some prolongation will also be necessary on administrative grounds. We have, however, taken power in the Bill for the Governor General in Council to withdraw at any earlier date any of the provisions which the changing fortunes of war may render possible. The provisions I am asking Council to continue in our law are far less drastic than those conferred on the authorities in England who have obtained the most extensive and wide reaching powers from Parliament, powers which have been granted with a free hand and without a murmur. Regard being had to the grave emergency with which the Government of India were confronted on the 4th of August, 1914, it is to me a great satisfaction, speaking purely as a lawyer, that so far it has been found possible to protect the peace and tranquillity of this great country with so little disturbance to the rights and liberties of individual citizens. When war was raging at our very door (for the German Navy brought it there on

[12TH JANUARY, 1915.] [*Sir Ali Imam ; The President.*]

one occasion, happily not likely to occur again) the maxim *inter arma leges silent* might well have been applied, and I must congratulate my colleagues of the Executive Council in that under the wise, beneficent and statesmanlike guidance of Your Excellency they have found it possible to carry on the great burden of responsibility which rested on them with the addition of comparatively little to our statute-book to show the magnitude of the crisis. I must also congratulate my countrymen on their whole-hearted co-operation in making this course possible, and I hope and trust that we may reach the end of a victorious war with no deviation from the same course. I do not propose to deal with the provisions of the ordinances themselves. They have been published in the Gazettes and are well known in the country. It is not for me to speak of the policy which lies behind them, but a Government which in war time has been able to carry on its normal administration with the addition of a few regulations as to military censorship, impressment of vessels, control of foreigners, restriction on alien enemies, control and supervision of persons entering India after the outbreak of the war, financial dealings with aliens, and powers as to stocks of articles of commerce cannot be criticised as having selected its weapons from the ample armoury of possible enactments either rashly or unnecessarily. My Lord, I now beg to move for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Sir Ali Imam :—"I beg to introduce the Bill to continue in force the provisions of certain Ordinances.

"I also pray that Your Excellency be pleased to suspend the Rules of Business to admit of the Bill being taken into consideration."

The President :—"I declare the Rules suspended."

The Hon'ble Sir Ali Imam :—"I move that the Bill to continue in force the provisions of certain Ordinances be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir Ali Imam :—"I move that the Bill to continue in force the provisions of certain Ordinances be passed."

The motion was put and agreed to.

The Council adjourned to Tuesday, the 23rd February, 1915.

W. H. VINCENT,

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

DELHI :

The 21st January, 1915.