

*Thursday,
7th January, 1897*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXXVI

Jan.-Dec., 1897

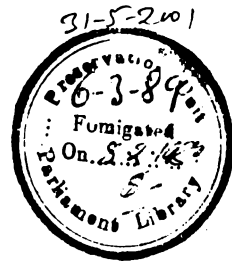
ABSTRACT OF THE PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA
ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS

1897

VOLUME XXXVI



Published by Authority of the Governor General.



CALCUTTA
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
1898

Abstract of the 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 and 1892 (24 & 25 Vict., cap. 67, and 55 & 56 Vict., cap. 14).

The Council met at Government House on Thursday, the 7th January, 1897.

P R E S E N T :

His Excellency the Earl of Elgin, Viceroy and Governor General of India, P.C., G.M.S.I., G.M.I.E., LL.D., *presiding*.

His Honour Sir Alexander Mackenzie, K.C.S.I., Lieutenant-Governor of Bengal.

His Excellency Sir G. S. White, G.C.I.E., K.C.B., V.C., Commander-in-Chief in India.

The Hon'ble Sir J. Westland, K.C.S.I.

The Hon'ble Sir J. Woodburn, K.C.S.I.

The Hon'ble M. D. Chalmers.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E.

The Hon'ble A. C. Trevor, C.S.I.

The Hon'ble C. C. Stevens, C.S.I.

The Hon'ble H. E. M. James.

The Hon'ble Sir A. S. Lethbridge, K.C.S.I., M.D.

The Hon'ble M. R. Ry. P. Ananda Charlu, Rai Bahadur.

The Hon'ble Alan Cadell, C.S.I.

The Hon'ble J. D. Rees, C.I.E.

The Hon'ble G. P. Glendinning.

The Hon'ble P. Playfair, C.I.E.

The Hon'ble Rahimtula Muhammad Sayani, M.A., LL.B.

The Hon'ble Pandit Bishambar Nath.

The Hon'ble Joy Gobind Law.

NEW MEMBER.

The Hon'ble JOY GOBIND LAW took his seat as an Additional Member of Council.

FISHERIES BILL.

The Hon'ble SIR JOHN WOODBURN moved that the Hon'ble Pandit Bishambar Nath be added to the Select Committee on the Bill to provide for certain matters relating to Fisheries in British India.

The motion was put and agreed to.

CRIMINAL TRIBES ACT, 1871, AMENDMENT BILL.

The Hon'ble MR. CADELL presented the Report of the Select Committee on the Bill to amend the Criminal Tribes Act, 1871. He said :—" With Your Excellency's permission I desire to make a few remarks not so much with reference to the changes in the Bill, which are sufficiently explained in the Report of the Select Committee, as with respect to some of the opinions which have from time to time been received and circulated. Hon'ble Members will see from these papers that the Governments consulted are generally in favour of the legislation proposed, and that it has been concurred in by most of the officers consulted by the Local Governments. At the same time there are a good many officers who have been consulted who are strongly opposed to certain of the provisions. This marked divergence of opinion may to some extent be accounted for by the varying experience of the different officers consulted, but it may also be due in some measure to the failure to recognise the very limited scope of the legislation on this subject, and it is with reference to this point that I am anxious to detain the Council for a few minutes.

" Before a criminal tribe can be dealt with under the Criminal Tribes Act, 1871, it is necessary that the Local Government should show, to the satisfaction of the Governor General, that such tribe is addicted to the systematic commission of non-bailable offences. In this way, before the provisions of this Act can be applied to any tribe, it is necessary not only to assume but to prove that its members have been in the habit of preying upon the community. Further, the Bill now before the Council has been modified by the Select Committee to an extent which largely restricts its application. We have changed it so that the severer clauses are restricted to persons registered under this Act and to their children. Now, section 12 of the Criminal Tribes Act lays down that ' Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register, either when the register is first made or subsequently, may complain to the said Magistrate against such entry,' and if he is dissatisfied with the order passed he can appeal to the Commissioner. This provision constitutes a very important protection to those members of the larger tribes who have given up a criminal life, and it may become an equally powerful protection in the case of members of any criminal tribe if they abandon their hereditary career of crime. The provisions which it is now proposed to enact are admittedly severe, but they are directed only against members of tribes who for generations have been addicted to criminal practices, and they do not affect the more orderly members of those tribes, still less any other classes of the community."

3
+ + +

AMENDMENT OF ACT XXXVII OF 1850; PROVIDENT FUNDS; RULES FOR THE CONDUCT OF BUSINESS; AGRICULTURAL PROSPECTS.

[7TH JANUARY, 1897.] [Mr. Chalmers; Sir John Woodburn.]

ACT XXXVII OF 1850 AMENDMENT BILL.

The Hon'ble MR. CHALMERS presented the Report of the Select Committee on the Bill to amend Act XXXVII of 1850 (*for regulating Inquiries into the behaviour of Public Servants*). He said he thought it was unnecessary to say anything about the Report. The amendment simply made it clear that all Local Governments possessed the same powers as to ordering inquiries as were possessed by the Local Governments which existed in 1850.

PROVIDENT FUNDS BILL.

The Hon'ble MR. CHALMERS moved that the Bill to amend the law relating to Government and other Provident Funds be referred to a Select Committee consisting of the Hon'ble Sir James Westland, the Hon'ble Mr. Trevor, the Hon'ble Mr. Rees, the Hon'ble Mr. Sayani, the Hon'ble Joy Gobind Law and the mover.

The motion was put and agreed to.

RULES FOR THE CONDUCT OF BUSINESS.

The Hon'ble MR. CHALMERS presented the Report of the Select Committee appointed to consider certain amendments in the Rules for the Conduct of the Business of the Legislative Council of the Governor General of India. He explained that the amendments were all matters of small detail and he thought the Report would furnish the explanations for them. If, when the Report had been in the hands of Hon'ble Members, they desired any further explanation at the next meeting, he would be happy to give that explanation on behalf of the Committee.

AGRICULTURAL PROSPECTS.

The Hon'ble SIR JOHN WOODBURN said :—" I have to ask Your Excellency's permission to make a brief statement of the present position of the crop prospects in India and of the measures that have been taken for famine relief.

" When the statement of the 15th of October last was made, the information before the Government of India was that there had been a very severe failure of harvest in a large area of the North-Western Provinces and Oudh and a considerable portion of the Punjab, and that severe scarcity was apprehended in considerable areas of the Central Provinces, and two districts of

[*Sir John Woodburn.*]

[7TH JANUARY,

Upper Burma, whilst the Bombay Government were uneasy about the Dekkhan districts.

“ The situation during the next month developed very rapidly and seriously, owing to the continued absence of rain for the October and November sowings, and the prospects became of the very gravest character, when a rain current in the end of November from the south passed up the west of India through Rajputana into the North-Western Provinces as far as Behar. The rain throughout this great area was general, though varying much in amount; it revived the crops that had germinated, and it enabled a considerable additional area to be sown in winter crops. These late sowings are for the most part entirely dependent on winter rains.

“ These winter rains have come last week; again general, but again of very varying amounts. They have, however, done a great deal of good, particularly in the North-Western Provinces and Punjab, and in large tracts of the country have made practically secure the crops now in the ground.

“ More precise intelligence will be received from the provinces within the next few days, and will be published, as all information at the disposal of the Government has been continuously published, for the information of the public and the assistance of the mercantile community.

“ It may interest the Council if I give a very brief summary of the present position in each province.

“ By far the most serious crop failure was in the North-West Provinces. The outturn of the autumn harvest for the provinces as a whole was not more than half the normal. In 8 of the 45 plains districts which are protected by canals the outturn was practically a full one. In the five southern districts the outturn was not more than four to five annas, and this grave failure followed upon failures in the two preceding harvests, which had necessitated the maintenance on relief works of no less than 300,000 people. About seventy per cent. of the normal area under winter crops in the province has been sown, and the seed everywhere has germinated well. The estimate made by the Lieutenant-Governor in the end of November was that, if winter rains did not fall, Government would have to face the provision of relief for a daily average of $2\frac{1}{2}$ millions of people for three months. If the winter rains fell, his opinion was that the numbers on his famine works would not exceed an average for that period of one million, a difference which sufficiently indicates the enormous importance of the winter rains to the prospects of the year. The rainfall of

1897]

[Sir John Woodburn.]

last week is reported to have been sufficient except in the districts of Bundelkhand; and, unless some unforeseen calamity occurs, the harvest, it is anticipated, will suffice for the population till the next autumn crop is reaped. A very anxious period for the rabi harvest in the most gravely affected of the provinces has ended, for the most part auspiciously. The numbers on the relief works and in the poor-houses connected with them amounted at the end of last week to 348,000. These numbers may be expected to increase largely and rapidly in the current month in the interval when there is little employment in the fields for the agricultural labourer. Twelve districts have been formally recognised as affected by famine; and in 22 others that are not protected by canals, test works and poor-houses are open.

"In the Punjab there was also a very short autumn crop; and on the unirrigated lands, which constitute three-fifths of the rabi area, the sowings have been largely restricted. The rains of the end of December, though nowhere so heavy as might be desired, have been fortunately heaviest in the portion of the province which needed them most. Relief works are in progress in five districts, employing upwards of 25,000 labourers, and test-works have been opened in four others. The produce of two-fifths of the rabi area is secure, the portion which is in any event the most productive; the prospects of the harvest in the unirrigated balance have been greatly improved.

"In Rajputana there are only six States in which famine works have been necessary. The numbers employed at the last return were upwards of 36,000, of whom, however, 28,000 are in Bikanir and Bhurtpur alone.

"The condition of affairs in the States of Central India, at any rate in Bundelkhand and Baghelkhand, is very much more serious than in Rajputana, especially in the former, the state of which corresponds more closely with that of the Bundelkhand districts of the North-Western Provinces. It has, however, just received nearly an inch of rain. The numbers on relief were reported to be 7,500 on the 23rd December, but the reports were not complete.

"In the Central Provinces the outturn of the autumn crops did not average more than five annas, and followed upon a succession of three years of bad seasons in some parts of the provinces, one of which amounted in three districts to famine. The rain of November did much good in the Southern and Plateau districts; but almost everywhere the area sown has been largely below the normal. The rain of December has, however, much benefited the standing crops, especially in the north and east of the provinces, and the condition of the spring crops is now reported as generally favourable. Acute distress is present in four

districts; less acute in parts of nine others. Nearly 72,000 are already on relief works or in receipt of gratuitous relief; and, as in other parts of the country, these numbers must certainly increase largely, while no diminution can be expected until at least the rabi crops have been harvested, and, in districts where the rabi area is small, until the reaping of the next autumn crop.

"In the Berars an eight-anna autumn crop was reaped, which has sold well. The anticipations are of an eight-anna winter crop, and rain has recently fallen in the part which needed it most. It is anticipated that some help will be necessary in the districts of East Berar, but West Berar will probably escape any severe failure.

"In Bombay the situation in the middle of November was in some respects more serious than it was in 1877. Thirteen districts were affected instead of nine; the kharif failure, except in Sholapur and Bijapur, had not been so complete; but the prospects of the rabi sowings were as bad as they were in that year, and the prices at the commencement of the season were very greatly higher; in other words, the sources of help from other parts of India were fewer. The rain of November, however irregular as it was, enabled large parts of the drought-stricken area to be sown. Except in Sholapur and Bijapur, about two-thirds of the winter area has been sown; and the rains of last week, if again irregular, have done something to strengthen the standing crops, although more is urgently wanted. Relief works have been opened in nine districts, with a daily average attendance of 139,000 persons. In the remainder of the Presidency the agricultural prospects are favourable.

"In Hyderabad and Mysore the crops and the outlook are on the whole fair.

"In Madras the prolonged failure of the north-east monsoon led by the middle of November to great alarm. Abundant rain, however, then began. Good harvests were reaped throughout the south, but distress has already declared itself in the four Dekkhan districts, where 26,000 people are in receipt of relief, and is anticipated in Ganjam and perhaps Vizagapatam.

"Bengal has also had a very bad season. The early rice yielded a $9\frac{1}{2}$ anna harvest; the winter rice, the other great harvest of the province, is not expected to yield more than $7\frac{1}{2}$ annas. In North Behar the rice-failure was more severe than in the rest of Bengal, and in the three districts of Champaran, Muzafferpore and Darbhanga, in which the winter rice is the principal crop of the year, the outturn was so low as three to five annas. In these districts of

1897.]

[*Sir John Woodburn ; The President.*]

Bengal there is a small area of cereals, about a quarter of the cultivation, a good harvest of which would give some relief; the sowings have not been far short of the normal, and the crops are up to the present doing fairly well, having been greatly benefited by the rain of last week. Nearly 60,000 people are now on relief, and, as in other provinces, the numbers are likely to rapidly increase and to remain at a considerable figure till the next harvest. In several of the rice districts, distress is showing itself, and test-works are being opened.

"In Burma there has been an abundant rice crop in the Lower Province. There is, however, a dry zone in the Upper Province, in three districts of which relief works have been opened employing 32,000 people. The details have not yet been received from the Chief Commissioner as to the extent to which relief may be necessary and the period for which it will be needed.

"Timely rains in November and December have saved India from what threatened in the middle of November to be the greatest calamity of the present century, so widespread and severe was the drought with which the country was afflicted. From a calamity of that extent the country was preserved. Considerable areas were sown with the assistance of the November rain, and the crops then sown have, in the greater portion of the affected area, been greatly benefited by the further rains of last week. Substantial addition to the food stocks may now be confidently expected in April, and the worst of the possible contingencies has been avoided. But, even with this saving help, the situation is very grave. Nearly three-quarters of a million of people are already in receipt of relief, and it is certain that the numbers must very largely increase before any diminution whatever can take place. The task of providing relief for these enormous numbers is gigantic, and will demand the utmost energy and circumspection on the part of the local authorities to make it efficient.

"The Government of India have given and will continue to give to the Local Governments unstinted help in money or men. They grudge no expenditure that is necessary to meet it. On the local officers, however, fall all the real stress and strain of the management of the operations. They have given in the past year gallant response to the call of this great duty, and the Government of India know that they can rely on their civil officers of all ranks throughout India to fulfil that duty to the very utmost limit of human endeavour."

His Excellency THE PRESIDENT said :—"I desire to supplement the statement of the Hon'ble Member on one point only. When I spoke on this subject in this Council at Simla, I ventured to say that the private charity for

which the people of India have ever been distinguished would no doubt be forthcoming to reach distress which Government methods could not deal with so satisfactorily. My expectations have been fulfilled; I have heard of Relief Committees in all parts of the affected provinces, and I know that the Local Governments and their officials have readily co-operated and assisted them in their work.

“A good deal has been said recently of the organization of private charity on a larger scale and of appeals for assistance from a wider field. I do not know if Hon'ble Members are fully aware of the position of Government in this matter. After the Madras Famine of 1877, a correspondence took place between the Government of India and the Secretary of State on this subject, and the Secretary of State (Lord Salisbury) gave his decision in May, 1878, in the following words:—

‘You are of opinion that, in cases of future famine, no appeal should be made by a Local Government to the charity of an English public, excepting with the approval of the Governor General in Council; that the Governor General in Council should, in the first instance, define the objects to which (as distinct from the obligation devolving on the Government) such charity will be devoted; and that, to inspire confidence in the public, as well as to secure the efficient administration of the funds, local Committees should conduct their operations under the control of Government, and with the co-operation of its officers.

‘I entirely concur in the soundness of these principles.’

“This declaration of principles still stands, and, so soon as my attention was directed to them, I put myself into communication with the Heads of Local Governments, and as I was on tour I had the advantage of conferring personally with many of them. I was thus enabled to bring the matter before my colleagues immediately the Government re-assembled in Calcutta, and at our first Council we, in obedience to the orders of 1878, drew up the definition of the objects to which private charity might be usefully devoted. These papers accordingly are now in the hands of Local Governments; they have also been forwarded to the Secretary of State. The Despatch will reach him on Monday; but, with Lord George Hamilton's permission, we shall publish it and its enclosures in the Gazette on Saturday. I venture to think that Hon'ble Members will agree that in these proceedings we have wasted no time, and that we may hope to have attained the object which no doubt underlies the orders, *i.e.*, that, as a consequence of what we have done, this movement can be prosecuted here, in England, or elsewhere, for a common purpose which all can understand, as a common cause in which all can co-operate.

1897.]

[The President.]

“ I have said enough, I think, to prove that the duty we have had to perform was one that called for care and caution and some knowledge of the circumstances. And yet there has been some criticism of the advice which before Christmas we offered to the Secretary of State to abstain from any encouragement of subscriptions at that particular moment. I am not going to argue the point now for two reasons—(1) that Hon'ble Members will on Saturday have before them a full statement, and not merely a telegraphic summary of our case ; and (2) that, if I desire to add anything, I shall have another opportunity in the near future. But I will merely say that the event has justified our action. The statement which has just been made by the Hon'ble Member is exactly that for which we were waiting. He has been able to make it somewhat earlier than we had expected, because the rain has come earlier. But his statement enables us to give to our proposals the clearness and definition which we desired to give them. We know now that, over a large part of the country where a rabi crop is of primary importance, we can look forward with a fair amount of confidence. That means (as the Hon'ble Member has said) that we have reason to believe that we have escaped what has been described as likely to be the greatest calamity of the century. But, on the other hand, the statement of the Hon'ble Member has also shown that there must be over wide districts, in several provinces, a distress affecting thousands, perhaps millions, of persons for a period that must be measured by months, and a statement of that kind justifies us in saying that private charity can usefully intervene in the manner and for the purposes which we have ourselves defined.

“ I have accordingly to inform the Council that having received an invitation from the citizens of Calcutta, headed by the Bengal Chamber of Commerce, to attend a public meeting on the question, I propose with the utmost readiness to do so. I have reason to believe that this meeting in India will be closely followed by a meeting in London, and I can only say that as we have paved the way, so we shall do all in our power to make these meetings and the movements they initiate in every way a success.

“ There is, however, one word of caution which I must not omit. I desire to say most emphatically that as a Government, and for the purposes of Government, the Government of India has had, and will have, nothing whatever to do with an appeal to private subscriptions. As a Government we have undertaken certain obligations: those obligations we are perfectly able to perform, and we shall accept no help. There are objects to which the money of the charitable may be devoted. We have endeavoured to set them forth ; but, in the words of Lord Salisbury, they must be ‘ distinct from the

[*The President.*] [7TH JANUARY, 1897.]

obligation devolving upon Government.' Our means are ample; our determination to use them is absolute. I speak in this matter for the whole of my colleagues, and for none of them more than for my hon'ble friend in charge of the Finance Department. I can say from personal knowledge that Local Governments gratefully recognise that in this connection they are being met with the utmost consideration and liberality, and I feel the most complete confidence that, whatever the criticism of our action in this emergency may be, in one respect, at all events, we shall not fail to secure the verdict of the historian, *i.e.*, in our making available for the saving of life the full resources of the Empire."

The Council adjourned to Thursday, the 14th January, 1897.

CALCUTTA; }
The 8th January, 1897. }

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