

*Friday,  
18th February, 1910*

**ABSTRACT OF THE PROCEEDINGS**

**OF THE**

**Council of the Governor General of India,**

**LAWS AND REGULATIONS**

**Vol. XLVIII**

**April 1909 - March 1910**

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

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

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**VOLUME XLVIII**



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The Council met at Government House on Friday, the 18th February 1910.

PRESENT :

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

and 53 Members, of whom 47 were Additional Members.

OATH OF OFFICE.

The following Additional Member, before taking his seat, made the prescribed affirmation of his allegiance to the Crown :—

The Hon'ble Mir Allah Bakhsh Khan of Talpur.

QUESTIONS AND ANSWERS.

The Hon'ble MR. DADABHOY asked :—

" 1. Anent my question of 15th January 1909, on the subject of the abnormal rise in the prices of food-stuffs, and the appointment since of an officer to conduct the inquiry, will Government be pleased to state their intentions about the composition of the Commission, and the scope of the inquiry ?

" 2. Is it the intention of Government to place a few non-officials on the Committee as suggested by the Hon'ble Mr. Chitnavis in 1908 ?

" 3. With a view to ensure thorough investigation of the question, will Government be further pleased to order an open inquiry at important centres ?

" 4. For a clear comprehension of the official action by the public, will Government be pleased to place on the table the correspondence on the subject between them and the Secretary of State ?"

The Hon'ble SIR GUY FLEETWOOD WILSON replied :—

" In answer to questions (1) and (2) put by the Hon'ble gentleman, I have to point out that there are two separate and distinct stages in regard to this inquiry.

[*Sir Guy Flectwood Wilson.*] [18TH FEBRUARY 1910.]

The first stage is to collect and analyse the facts, to examine the local conditions by which they are influenced, and to estimate their effect. The second stage is to investigate the reasons underlying the facts and to decide what remedy, if remedy is necessary, lies within the power of the Government. In other words, it is necessary to diagnose the disease before going into the question of treatment. For the first stage of the inquiry a Committee would appear to be the least suitable machinery. The collection and compilation of facts and figures can better be effected by a single official of special experience and training in statistical work, assisted by an adequate staff. For this first stage, therefore, we do not think it advisable to appoint a Committee. We propose to entrust this part of the inquiry to Mr. K. L. Dutta, an experienced officer of the Finance Department. I am however able, without further delay, to give the Hon'ble Member the terms of reference upon which he will be asked to report :—

- (1) What has been the actual rise in prices in India during the past fifteen years? Has this rise affected all commodities alike or is it specially marked in the case of food-grains? Are there marked differences in respect to enhancement of prices as between different areas?
- (2) To what extent is the rise in the prices due to what may be styled 'world factors', and how far may it be ascribed to local conditions?
- (3) Does it appear that the rise is a permanent feature, or is it temporary only?
- (4) If it be more or less permanent, what are its probable economic effects on the country as a whole and on the different sections of the community?

"In reply to questions (3) and (4) put by the Hon'ble Member, I have to say that adequate steps will be taken, and full provision will be made, to enable Mr. K. L. Dutta to obtain the best and most reliable information available at important centres throughout India.

"It is not considered either necessary or advisable to lay on the table the correspondence which has passed between the Government of India and the Secretary of State."

[18TH FEBRUARY 1910.] [*Mr. Dadabhoy; Sir Guy Fleetwood Wilson; Sir Harvey Adamson.*]

The Hon'ble MR. DADABHOY asked :—

“Is the Government aware that assessment of the Indian income-tax is not uniform, generally without data and unpopular?”

“With a view to secure smoothness in the working of the Act and to inspire confidence among the people, will the Government be pleased to give to the Civil Courts jurisdiction to hear appeals against the assessment, or, in the alternative, to join non-officials with the Revenue-officers in the assessment and the hearing of objections?”

The Hon'ble SIR GUY FLEETWOOD WILSON replied :—

“I am afraid I do not quite understand in what sense the Hon'ble gentleman suggests that the assessment of the income-tax is not uniform. The rates are the same for all India; and the procedure of assessment, though it is prescribed by rules framed for each province by its own Local Government, follows the same lines everywhere. We are aware that the data for assessment are of somewhat unequal value; but the assessing officers employ whatever reliable data are obtainable. I do not contend that the tax is a popular one; but I should hesitate to apply that term to any tax, so far at least as the taxpayer is concerned.

“The Government of India are not prepared to give the Civil Courts jurisdiction in the assessment of taxes. The experiment of associating non-officials in the assessment is in operation in certain provinces; but it would be impracticable to employ non-official assessors in the hearing of objections.”

The Hon'ble MR. DADABHOY asked :—

“Does the Government propose to introduce into schools a regular course of ethical education? If so, will such education be purely secular? With a view to disarm hostile criticism and to secure public support and co-operation, will Government be pleased to settle the details with the help of a Committee of Educationists, official and non-official?”

The Hon'ble SIR HARVEY ADAMSON replied :—

“No proposal to introduce into schools a regular course of ethical education has as yet been deliberated on by the Government of India. It is a matter to which the Government of India attach considerable importance.”

[*Mr. Dadabhoj ; Sir Harvey Adamson ; Mr. [18TH FEBRUARY 1910.]  
Miller.*]

The Hon'ble MR. DADABHOJ asked :—

“Is there any truth in the newspaper report that the Secretary of State for India in Council has approved of a scheme, involving an increased annual expenditure of five lakhs of rupees, for the improvement in the pay and prospects of the ministerial officers of the Judicial and Revenue Courts and offices of Bengal? If it be a fact, will the Government be pleased to extend to the other provinces the same kindness, and to place ministerial officers of all parts of India on the same footing in respect of pay and prospects?”

The Hon'ble SIR HARVEY ADAMSON replied :—

“A scheme for the revision of the pay of ministerial officers attached to Judicial Courts, to the offices of Commissioners of Divisions and to district and sub-divisional offices in Bengal was sanctioned by the Secretary of State in May 1909. The cost of the scheme was nearly 5½ lakhs. The last general revision of the pay of ministerial officers in the province was made in 1868.

“Questions affecting the pay of ministerial establishments are primarily for consideration by the Local Governments concerned, and the Government of India have no reason to believe that uniform rates of pay for such establishments throughout India are either necessary or desirable.”

The Hon'ble MR. DADABHOJ : “Will the Government be pleased to inform us if any demand for increased pay has been made by Local Governments.”

The Hon'ble SIR HARVEY ADAMSON : “I am afraid I require notice of that question.”

The Hon'ble MR. DADABHOJ asked :—

“Is the Government in a position to state the total area of pasture lands in the country, and further, whether there has been a decrease in it during the past fifty years? Is it aware that the present area is insufficient for the support of cattle, and that lands that should be left as village commons are included in reserved forests? Will the Government be pleased to revise, with the help of a Committee on which non-officials should be adequately represented, the rules framed under the Indian Forest Act so as to have in every village a sufficient quantity of land for pasture?”

The Hon'ble MR. MILLER replied :—

“I am unable to give the Hon'ble Member definite information as to the total area of pasture lands in India, as such lands are not separately classified in the

[18TH FEBRUARY 1916.] [Mr. Miller ; Mr. Chitnavis.]

Agricultural Statistics. They are included in the figures relating to fallow and waste land, and to forests which the Hon'ble Member will find in Table No. 2 at page 50 of the printed volume of Agricultural Statistics. No definite comparison is therefore possible with the conditions of fifty years ago, but there can be no doubt that owing, chiefly, to the great increase in cultivation, and in some places owing to the spread of irrigation, the area available for pasture has largely decreased during that period. It is impossible to say whether over the whole of India the grazing area is insufficient for the cattle; this must be matter of opinion, but there is no doubt that in many parts of the country grazing grounds have been seriously curtailed. The Government of India are not aware that lands that should be left as village commons are included in reserved forests, but have no doubt that any cases of the kind in which there may be room for reasonable doubt will be carefully considered if brought to the notice of the Local Government. The subject of the maintenance or of the further provision of pasture land involves much wider considerations than the question indicates. Local Governments are fully alive to its importance. No action under the Forest Act could possibly secure the provision of a sufficient quantity of such land in every village. This could only be done by interfering with the land-owner's freedom of action in devoting to cultivation land hitherto used for pasture. As regards grazing in the forests, the rules under the Indian Forest Act are framed for each province by the Local Governments concerned, and Local Governments are fully aware of the importance of providing grazing facilities in forests and also of utilising forests for the provision of fodder as far as this can be done with due regard to the maintenance of the forests themselves. The Government of India, therefore, are of opinion that the Committee proposed by the Hon'ble Member could not serve any useful purpose, and they are not prepared to appoint it."

The Hon'ble MR. CHITNAVIS asked :—

"Is Government aware that official tours, notwithstanding the good intentions of the officers, cause great inconvenience in small villages to villagers and landholders who have to arrange the camp and supply provisions ?

"In view of the obvious desirability of reducing the inconveniences incidental to the tours to a minimum, while maintaining necessary supervision by officers, will Government be pleased to consider if convenient centres cannot be fixed in the interior for official camps, and, if they can be, to advise Local Governments to fix such centres in consultation with gentlemen interested in the matter ?"

182 *QUESTIONS AND ANSWERS; COMPANIES; DOURINE;  
PAPER CURRENCY.*

[*Sir Harvey Adamson; Mr. Maxwell; Mr. Miller; [18TH FEBRUARY 1910.]*,  
*Sir G. Fleetwood Wilson.*]

The Hon'ble SIR HARVEY ADAMSON replied :—

“The question raised by the Hon'ble Member is discussed at length in paragraphs 670 and 671 of the Report of the Royal Commission on Decentralization in India. The Commission suggest that tours should be carefully planned, so as to afford a reasonable length of stay at selected centres, from which visits can be made to outlying parts. Such halting places should be in large villages at which supplies are easily procurable and where lodging is available for persons who have business with the touring official. The Commission do not suggest that halting places in the interior should be fixed by the Local Government nor in view of the varying conditions of different provinces and the nature of the work that has to be done in camp would this plan be practicable. The opinions of Local Governments have been invited on the proposals of the Commission, and copies of the Hon'ble Member's question and my answer will also be forwarded to them.”

INDIAN COMPANIES (AMENDMENT) BILL.

The Hon'ble MR. MAXWELL presented the Report of the Select Committee on the Bill further to amend the Indian Companies Act, 1882, and said he proposed to move that the Report be taken into consideration at the next meeting of the Council.

DOURINE BILL.

The Hon'ble MR. MILLER presented the Report of the Select Committee on the Bill to provide for the prevention of the spread of Dourine and gave notice that on a subsequent occasion he would move that the Bill be taken into consideration.

INDIAN PAPER CURRENCY BILL.

The Hon'ble SIR G. FLEETWOOD WILSON moved that the Report of the Select Committee on the Bill to consolidate and amend the law relating to the Government Paper Currency be taken into consideration.

The motion was put and agreed to.



[18TH FEBRUARY 1910.] [Sir G. Fleetwood Wilson; Mr. Maxwell; Sir Harvey Adamson.]

The Hon'ble SIR G. FLEETWOOD WILSON moved that the Bill be passed.

The motion was put and agreed to.

#### INDIAN MUSEUM BILL.

The Hon'ble MR. MAXWELL : " I beg to move that the Bill to consolidate and amend the law relating to the Indian Museum be referred to a Select Committee. A few amendments in the Bill have been suggested by the Asiatic Society of Bengal and the British Indian Association, but they do not affect the main principles involved in the measure, and refer only to matters of detail. We have, however, thought it advisable that the Bill should be referred to a Select Committee in order that the various points with which it deals may receive adequate consideration.

" I therefore move, my Lord, that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Harvey, the Hon'ble Mr. S. P. Sinha, the Hon'ble Mr. Macpherson, the Hon'ble Colonel Longe, the Hon'ble Babu Bhupendra Nath Basu, the Hon'ble Maharajadhiraja Bahadur of Burdwan, the Hon'ble Mr. Graham, the Hon'ble Mr. Madge, and myself."

The motion was put and agreed to.

#### CENTRAL PROVINCES COURTS (AMENDMENT) BILL.

The Hon'ble SIR HARVEY ADAMSON moved that the Bill to amend the Central Provinces Courts Act, 1904, be referred to a Select Committee consisting of the Hon'ble Mr. S. P. Sinha, the Hon'ble Mr. Phillips, the Hon'ble Mr. Macpherson, the Hon'ble Mr. Dadabhoy, the Hon'ble Mr. Chitnavis, the Hon'ble Rao Bahadur R. N. Mudholkar and the mover.

The motion was put and agreed to.

#### INDIAN PENAL CODE AMENDMENT BILL.

The Hon'ble SIR HARVEY ADAMSON moved that the Bill further to amend the Indian Penal Code be taken into consideration.

The motion was put and agreed to.

[*Sir Harvey Adamson.*] [18TH FEBRUARY 1910.]

The Hon'ble SIR HARVEY ADAMSON moved that the Bill be passed.

The motion was put and agreed to.

The Council adjourned to Friday, the 25th February 1910.

J. M. MACPHERSON,  
*Secy. to the Govt. of India,*  
*Legislative Department.*

CALCUTTA;  
*The 21st February 1910.* }