

*Thursday,  
21st February, 1895*

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

**Vol. XXXIV**

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

1895

VOLUME XXXIV



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*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 21st February, 1895.

**PRESENT :**

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

His Excellency the Commander-in-Chief, K.C.B., G.C.I.E., V.C.

The Hon'ble Sir A. E. Miller, K.T., Q.C.

The Hon'ble Lieutenant-General Sir H. Brackenbury, K.C.B., R.A.

The Hon'ble Sir C. B. Pritchard, K.C.I.E., C.S.I.

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

The Hon'ble Sir A. P. MacDonnell, K.C.S.I.

The Hon'ble Baba Khem Singh Bedi, C.I.E.

The Hon'ble P. M. Mehta, M.A., C.I.E.

The Hon'ble Gangadhar Rao Madhav Chitnavis.

The Hon'ble H. F. Clogstoun, C.S.I.

The Hon'ble P. Playfair.

The Hon'ble Mahārājā Partab Narayan Singh of Ajudhiā.

The Hon'ble Prince Sir Jahan Kadr Meerza Muhammad Wahid Ali Bahádur, K.C.I.E.

The Hon'ble Mohiny Mohun Roy.

The Hon'ble Sir G. H. P. Evans, K.C.I.E.

The Hon'ble Sir F. W. R. Fryer, K.C.S.I.

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

**QUESTIONS AND ANSWERS.**

The Hon'ble GANGADHAR RAO MADHAV CHITNAVIS asked :—

“ Will the Government be pleased to publish a statement shewing—

(a) the receipts from the rate imposed under the Central Provinces Additional Rates Act, 1878, ‘in order to defray the expenditure incurred and to be incurred for the relief and prevention of famine;’

(b) expenditure, if any, hitherto incurred for the relief and prevention of famine out of the above receipts;

[*Gangadhar Rao Madhav Chitnavis; Sir James* [21ST FEBRUARY, 1895.  
*Westland; Mr. Mehta.*]

- (c) the balance at the end of the official year 1893-94 to the credit of the fund from the above receipts."

The Hon'ble SIR JAMES WESTLAND replied :—

"The receipts in the Central Provinces from the rate referred to, amount, for the sixteen years ending 1893-94, to Rx. 212,840, and they amount at present to a little less than Rx. 15,000 a year.

"Questions (b) and (c) appear to be based on a misunderstanding. The Act does not direct any sums to be appropriated out of these receipts for expenditure on the relief and prevention of famine. It merely ordains that such sums as the Governor General in Council may direct be appropriated for the purpose of increasing the revenues available for defraying such expenditure, and the remainder is to be applied to local works of certain kinds. As a matter of fact, the receipts in question, and a great deal more, have been swallowed up in meeting a single item of charge, namely, the guarantee of interest on the Bengal-Nagpur Railway, which was specifically charged upon the Famine Assurance grant. The payments in respect of this guarantee, up to 1893-94 inclusive, amount to Rx. 1,017,270."

The Hon'ble PHEROZSHAH M. MEHTA asked :—

"Will Government be pleased to state—

- (a) the actual amount paid for exchange compensation allowance for the year 1893-94;
- (b) the approximate amount of the said allowance for the closing year 1894-95; and
- (c) the total amount of the salaries for each of the above two years of the officers who drew the allowance."

The Hon'ble SIR JAMES WESTLAND replied :—

"The amount paid on account of exchange compensation allowance in 1893-94 was Rx. 624,411. This figure includes the payments taken to capital account, i.e., Heads 48 and 49.

"The amount for 1894-95 was taken in the Budget Estimates at Rx. 1,122,100. Its approximate actual amount I shall be pleased to state to the Hon'ble Member on March 21st.

*QUESTIONS AND ANSWERS; AMENDMENT OF CODE OF* 183  
*CIVIL PROCEDURE AND PUNJAB LAWS ACT, 1872;*  
*AMENDMENT OF INDIAN PORTS ACT, 1889.*  
21ST FEBRUARY, 1895.] [*Sir James Westland; Sir Alexander Miller.*]

"The total amount of salaries on which it is paid must be somewhere about eight crores, but to state the amount accurately would involve a very laborious compilation."

CODE OF CIVIL PROCEDURE AND PUNJAB LAWS ACT, 1872,  
AMENDMENT BILL.

The Hon'ble SIR ALEXANDER MILLER presented the further Report of the Select Committee on the Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872.

INDIAN PORTS ACT, 1889, AMENDMENT BILL.

The Hon'ble SIR JAMES WESTLAND moved for leave to introduce a Bill to amend the Indian Ports Act, 1889. He said:—"The circumstances out of which the occasion for this Bill arises have been under the consideration of the Government for some years. I propose to read extracts from two reports which will show the evil which the Bill is intended to provide the means of meeting. The first is an extract from the Annual Report of the Health Officer for the Port of Calcutta for 1888. It runs:—

'In 1881 my predecessor, Dr. Lynch, brought to notice that in several of the steamers coming to this port the accommodation provided for the crew is unsuitable for them in sojourning in tropical waters. He further furnished, by request, a list of such steamers as he considered to be so deficient, and pointed out that in the Red Sea and the Indian waters the thermometer at night in the cabins stood as high as 107° F. There can be little doubt that there is a growing tendency in the construction of a certain class of iron-built steamers, known technically as "tramps," to sacrifice everything to cargo-carrying capacity of the vessel, and to ignore entirely the comfort of the crew. In some of these vessels the lower fore-castle is little better than an oven. The sides and roof are of iron quite unsheathed, the gangway is made as small as possible to prevent the ingress of the sea, and the ventilators scarcely deserve the name, being much too small.'

"In 1892 the Government of India was addressed by the Government of Bengal in a letter which commences with an extract from a similar Health Officer's Report:—

'There is still much room for improvement in fore-castle comfort, and especially in that of cargo steamers. In these the fore-castle is merely an iron box with three or four

small ports in the two sides and probably two ventilating tubes in the roof. In the hot weather, when these ships are in port, it is scarcely possible to go into them. An awning is usually stretched over the deck, and in some cases this is not even supplied, and it certainly is not sufficient to prevent the iron deck being heated to a temperature almost unbearable.'

"It will be observed from these extracts that the complaint made of the fore-castle accommodation in the steamers is not a general one, and I believe I may say that if the larger steamers alone had to be dealt with it would not have been necessary to legislate on this subject. It is, however, necessary in regard to some of the cargo steamers that the Government should take powers to enforce upon the owners of the vessels the simple necessities of common humanity for the protection of the seamen. It is with that object that it is proposed to introduce a Bill conferring upon the Government powers to prescribe rules for the provision of such protection. It will be seen from the Bill itself that the principle followed is that of requiring no sort of alteration in the structure of the vessel. It merely provides for some temporary protections, such as double awnings and curtains for screening the quarters occupied by the officers and crew from the sun's rays; ventilation by wind sails and the like; and that, when the deck is made of iron and not wood-sheathed, it should be covered with wooden planks. The form which the Bill takes is that of adding a clause to the Indian Ports Act, namely, to that section of it which permits Government to frame rules. I desire to point out that these rules can only be issued after previous publication. The meaning of that, according to the General Clauses Act of 1887, is that the Local Government is to publish a draft of the rule which it proposes to issue, and to notify the date on which that rule will be taken into consideration; so that during that period any person interested has an opportunity of representing to the Local Government any matter in which he takes objection to the intended rules. On the required date, the Local Government takes up the subject, and if it thinks proper publishes the rules that are necessary. I think that the Bill will commend itself to the Council and I hope also to the commercial interests. As I have explained, it does not go beyond the absolute necessities of the case, and it does not require anything but mere temporary provisions so far as relates to the vessels themselves."

The Motion was put and agreed to.

The Hon'ble SIR JAMES WESTLAND also introduced the Bill.

1895.]

[Sir James Westland.]

The Hon'ble SIR JAMES WESTLAND also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Fort St. George Gazette, the Bombay Government Gazette, the Calcutta Gazette and the Burma Gazette in English and in such other languages as the Local Maritime Governments think fit.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 28th February, 1895.

CALCUTTA ;  
The 22nd February, 1895. }

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