

*Friday,
10th March, 1905*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XLIV

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ABSTRACT OF PROCEEDINGS

OF

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ASSEMBLED FOR THE PURPOSE OF MAKING

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FROM 1905 TO MARCH 1906.

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1906.



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., c. 67, and 55 & 56 Vict., c. 14).

The Council met at Government House, Calcutta, on Friday, the 10th March, 1905.

PRESENT :

His Excellency Baron Curzon, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

His Honour Sir A. H. L. Fraser, K.C.S.I., Lieutenant-Governor of Bengal.

His Excellency General Viscount Kitchener of Khartoum, G.C.B., O.M., G.C.M.G., Commander-in-Chief in India.

The Hon'ble Major-General Sir E. R. Elles, K.C.B., K.C.I.E.

The Hon'ble Sir A. T. Arundel, K.C.S.I.

The Hon'ble Sir Denzil Ibbetson, K.C.S.I.

The Hon'ble Mr. H. Erle Richards.

The Hon'ble Mr. J. P. Hewett, C.S.I., C.I.E.

The Hon'ble Mr. E. N. Baker, C.S.I.

The Hon'ble Mr. Gopal Krishna Gokhale, C.I.E.

The Hon'ble Mr. E. Cable.

The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.

The Hon'ble Mr. H. Adamson, C.S.I.

The Hon'ble Rai Bahadur B. K. Bose, C.I.E.

The Hon'ble Sir Rameshwara Singh, K.C.I.E., Maharaja Bahadur of Darbhanga.

The Hon'ble Rai Sri Ram Bahadur.

The Hon'ble Mr. L. A. S. Porter.

The Hon'ble Mr. A. D. Younghusband.

The Hon'ble Mr. L. Hare, C.I.E.

The Hon'ble Mr. H. A. Sim, C.I.E.

The Hon'ble Nawab Fateh Ali Khan, Kazilbash, C.I.E.

QUESTIONS AND ANSWERS.

The Hon'ble MR. GOKHALE asked the following question :—

"I. Will Government be pleased to lay on the table a statement giving a list of all new appointments carrying a salary of Rs. 5,000 and upwards a year, that have been created by Government since 1892—the year of the last Parlia-

[*Mr. Gokhale ; Mr. Baker.*] [10TH MARCH, 1905.]

mentary return on the subject—showing against each appointment (a) the year in which it was created, (b) the present salary attached to it, and (c) the name of the present holder.”

The Hon'ble MR. BAKER replied as follows :—

“The preparation of the return asked for by the Hon'ble Member would require a reference to Account Offices, Civil, Public Works and Military, all over India. It would involve a very large amount of labour and would occupy several months of time. In these circumstances, the Governor General in Council does not feel justified in ordering the return to be prepared.”

The Hon'ble MR. GOKHALE asked the following questions :—

“II. Will Government be pleased to lay on the table the correspondence that has taken place between the Government of India and the Secretary of State for India on Mr. Robertson's Report on the administration and working of Indian Railways ?

“III. Will Government be pleased to furnish information on the following points regarding the administration of Railways in India, as at present existing :—

- (a) What is the total number of the Superior Controlling Officers employed in the Railway Department of the Government of India and in the offices of the several Consulting Engineers for Railways in the Provinces ?
- (b) What is the annual cost to the State on account of the above Controlling Staff ?
- (c) What is the total number of the Superior Auditing Staff employed in the Government of India Secretariat and in the Provinces, and what is their annual cost ?

“IV. Will Government be pleased to state if it is in contemplation to abolish the offices of the several Consulting Engineers for Railways, and, if so, will Government state how many of the existing staff—both Control and Audit—will be retained for employment under the newly constituted Railway Board, and how will the cost of the administration of Railways in India by the Board compare with the cost of the existing machinery ?

“V. Will Government be pleased to lay on the table a statement shewing the number of the clerical staff employed in the Railway Department of the

[10TH MARCH, 1905.] [*Mr. Gokhale ; Mr. Hewett.*]

Government of India and in the offices of the several Consulting Engineers for Railways and Examiners of Accounts in the Provinces, with the amount of salaries drawn by them—showing separately the European, Eurasian and Indian employés and their salaries—also showing the pensionable staff separately from the non-pensionable?

“VI. Will Government be pleased to state what amount of reduction is in contemplation in the existing clerical staff of the Railway Department of the Government of India Secretariat and in the offices of the several Consulting Engineers for Railways, and how it is proposed to provide for those who will be thrown out of employment, when the contemplated reduction, if any, is effected?”

The Hon'ble MR. HEWETT replied as follows :—

“II. The Government of India do not propose to lay the correspondence referred to on the table.

“III. (a) The total number of the Superior Controlling Staff employed in the Railway Department of the Government of India prior to the constitution of the Railway Board was 9 (it has since been reduced by the abolition of the Secretaryship to the Government of India in the Railway Branch), and in the offices of Consulting Engineers for Railways in the Provinces, 22. (b) The annual cost of the above staff, subject to fluctuations owing to the status of the individuals holding the appointments, is 4 $\frac{3}{4}$ lakhs. (c) The total number of the Superior Auditing Staff employed in the Government of India Secretariat is 5, and in the Provinces 13. The annual cost of the former is Rs. 85,800, and of the latter, Rs. 1,35,000. The Superior Auditing Staff under the Government of India are not employed solely on the audit of Railway accounts, but deal also with the accounts of Civil Works, Military Works, Irrigation, and Telegraphs. •

“IV. The Railway Board have only recently assembled in Calcutta, and have not had time to make definite recommendations regarding the future organization of the Railway Department.

“V. The information asked for is not immediately available.

“VI. The reply given to question IV applies to the first portion of this question also. Every effort will be made, in accordance with the practice in such circumstances, to give employment in State Railways, or otherwise, to members of the clerical staff of the offices referred to whose services may have to be dispensed with.”

INDIAN PAPER CURRENCY BILL.

The Hon'ble MR. BAKER presented the Report of the Select Committee on the Bill to consolidate and amend the law relating to the Government Paper Currency.

COURT-FEES (AMENDMENT) BILL.

The Hon'ble SIR ARUNDEL ARUNDEL moved for leave to introduce a Bill further to amend the Court-fees Act, 1870. He said:—"In a suit before the Chief Court of Lower Burma it was held by the full Court that the court-fee payable in suits for the ejectment of a person remaining in possession of immoveable property after the alleged determination of his tenancy must, under clause v of section 7 of the Court-fees Act, 1870, be computed on the value of the property. The effect of the decision is to require the payment of an unduly high fee in suits the object of which is to secure ejectment and in which the title of the property is not in dispute. This was the case in the suit which gave rise to the reference from Burma, and in which the property from which it was sought to eject the tenant was a room in a house.

"The Local Governments and High Courts have been consulted. Some authorities were opposed to giving relief by legislation. The majority, however, were in favour of relief, but differed as to the method in which it should be given. Some were in favour of a fixed court-fee of Rs. 10, but it has been pointed out that this may be insufficient in some cases and excessive in others. The Government of India, after careful consideration, resolved to adopt the suggestion that the court-fee in suits of this nature should be fixed with reference to the yearly rent of the property, and the draft Bill has been framed accordingly.

"To the objection that suits to disprove a right of occupancy might be brought under the amendment to the Act, the Burma Chief Court reply that a right of occupancy is a right well known in Indian land systems and is something beyond a mere tenancy. With regard to agricultural tenants, it has been urged in favour of the proposed amendment that, if the landlord succeeds and gets a decree for ejectment with costs, it is the tenant who has to pay the court-fees, so that in almost all successful ejectment suits the lessening of the court-fee would benefit the tenant."

The motion was put and agreed to.

The Hon'ble SIR ARUNDEL ARUNDEL introduced the Bill.

[10TH MARCH, 1905.] [Sir Arundel Arundel.]

The Hon'ble SIR ARUNDEL ARUNDEL moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit:

The motion was put and agreed to.

The Council adjourned to Wednesday, the 22nd March, 1905.

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

CALCUTTA ;
The 10th March, 1905. }