

*Friday,
14th December, 1906*

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

Vol. XLV

April 1906 - March 1907



ABSTRACT OF PROCEEDINGS

OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

April 1906 - March 1907

VOLUME XLV



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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 14th December, 1906.

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*.
- 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 Sir Denzil Ibbeston, K.C.S.I.
- The Hon'ble Mr. H. Erle Richards, K.C.
- 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 Major-General C. H. Scott, C.B., R.A.
- The Hon'ble Sir Harvey Adamson, K.T., C.S.I.
- The Hon'ble Mr. Gopal Krishna Gokhale, C.I.E.
- The Hon'ble Mr. A. A. Apcar, C.S.I.
- The Hon'ble Mr. S. Ismay, C.S.I.
- The Hon'ble Mr. W. T. Hall, C.S.I.
- The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.
- The Hon'ble Sir Rameshwara Singh, K.C.I.E., Maharaja Bahadur of Darbhanga.
- The Hon'ble Munshi Madho Lal.
- The Hon'ble Mr. Gangadhar Rao Madhav Chitnavis, C.I.E.
- The Hon'ble Sir S. W. Edgerley, K.C.V.O., C.I.E.
- The Hon'ble Mr. F. A. Slacke.
- The Hon'ble Mr. H. A. Sim, C.I.E.
- The Hon'ble Tikka Sahib Ripudaman Singh of Nabha.

NEW MEMBERS.

The Hon'ble MAHARAJA SIR RAMESHWARA SINGH BAHADUR of DARBHANGA, the Hon'ble MUNSHI MADHO LAL, the Hon'ble MR. GANGADHAR RAO MADHAV CHITNAVIS, the Hon'ble SIR S. W. EDGERLEY, the Hon'ble MR. SLACKE, the Hon'ble MR. SIM, and the Hon'ble TIKKA SAHIB RIPUDAMAN SINGH OF NABHA took their seats as Additional Members of Council.

[*Mr. Aparcar; Mr. Hewett; Mr. Richards.*] [14TH DECEMBER, 1900.]

QUESTION AND ANSWER.

The Hon'ble MR. APCAR asked :—

“ In view of the urgent representations which have been made to Government by the mercantile community in favour of the selection of Sara as the site for the proposed railway bridge over the Lower Ganges, and in view also of the fact that the need for the speedy construction of the bridge at Sara has been greatly accentuated during the last few weeks by the serious block of traffic which has occurred at the Sara-Damukdia crossing, will the Government be pleased to give such information as may be available in regard to the present position of the project?”

The Hon'ble MR. HEWETT replied :—

“ In 1903 and again in 1904 the Government of India strongly recommended to the Secretary of State the construction at an early date of a bridge over the Ganges at Sara. The Secretary of State postponed consideration of the project until information could be made available of the effect on the traffic of the new railway from Katihar to Ranaghat which has not yet been opened throughout its entire length. The Secretary of State has now asked the Government of India for their opinion on the proposal of the Bengal and North-Western Railway to construct a bridge at Godagiri, and also for their general views on the question of bridging the Ganges. The matter has been under the consideration of the Railway Board, who have recommended that there should be one bridge at Rampur Boalia to be constructed from State funds; that the Bengal and North-Western and Eastern Bengal Railways should be connected by short metre gauge extensions with this bridge; and that the metre gauge should be given access to Calcutta by means of a new line also to be constructed by the State. The Government of India have decided to appoint a small Committee to investigate the whole question of the site at which the Ganges should be bridged. It will be presided over by the Director of Railway Construction, and the Government of Bengal, the Port Commissioners of Calcutta, the Bengal Chamber of Commerce, and the Bengal National Chamber of Commerce will each have a representative on it.”

INSOLVENCY (PROVINCIAL) BILL.

The Hon'ble MR. RICHARDS moved that the Bill to consolidate and amend the law relating to Insolvency in British India, as administered by Courts having jurisdiction outside the Presidency-towns and the town of Rangoon

[14TH DECEMBER, 1906.] [Mr. Richards; Mr. Baker; Munshi Madho Lal.]

be referred to a Select Committee consisting of the Hon'ble Sir Harvey Adamson, the Hon'ble Mr. Apar, the Hon'ble Mr. Ismay, the Hon'ble Munshi Madho Lal, the Hon'ble Dr. Rashbehari Ghose and the mover. He said that the name of the Hon'ble Dr. Rashbehari Ghose was not on the Notice Paper, but that it had been added with the consent of His Excellency.

The motion was put and agreed to.

PRESIDENCY BANKS (AMENDMENT) BILL.

The Hon'ble MR. BAKER moved that the Bill further to amend the Presidency Banks Act, 1876, be referred to a Select Committee consisting of the Hon'ble Mr. Richards, the Hon'ble Mr. Apar, the Hon'ble Nawab Saiyid Muhammad Sahib Bahadur, the Hon'ble Sir Steyning Edgerley and the mover.

The Hon'ble MUNSHI MADHO LAL said :—" My Lord, with Your Excellency's permission I would like to make a few observations with reference to the Presidency Banks Amendment Bill now before the Council, which is going to be referred to the Select Committee.

" I venture to suggest that the power that it is proposed to confer on the Presidency Banks as regards the advancement of loans to the Court of Wards may be extended a little further so as to empower the Banks to advance money also to solvent landowners on their own credit and on the security of their estates.

" By the term 'solvent landowners' I mean landowners whose management may be as efficient as that of the Court of Wards and whose credit in the estimation of the public may not be inferior to that of the Court.

" It often happens that such solvent landowners are sometimes in want of money and are anxious to have a loan as a temporary accommodation. They have recourse to the assistance of petty bankers who take advantage of their difficulty and charge exorbitant rates of interest on the monies advanced by them.

" I am aware that Presidency Banks are not allowed to lock in their funds in non-liquid investments, such as loans on landed property; but I may be allowed to submit that loans to such landowners may be made on the same principle as the one upon which the Bill proposes to advance loans to the Courts of Wards, viz., upon their credit and on the security of the estates under their superintendence.

[*Munshi Madho Lal; Mr. Baker.*] [14TH DECEMBER, 1906.]

“ I suppose that such loans are proposed to be advanced because they are regarded as liquid investments, *viz.*, the loans can be realized as soon as the Banks want to have their money back. But to all intents and purposes such loans will have to be given on the credit of the Court of Wards and on the security of the estate of the debtor.

“ I have the honour to propose that loans may also be given to large landed proprietors whose credit may be as good as that of the Courts of Wards and whose estates may be as valuable as those that come under their superintendence. I am sanguine that there will be no difficulty in realizing the amounts thus advanced. It is clear that such loans will also be granted under the same restrictions as govern the case of the Courts of Wards, *viz.*—

- (i) sanction of the Local Government,
- (ii) a period not exceeding six months.

“ Strictly speaking, the loans that the Bill proposes to grant to the Courts of Wards are loans granted on their credit. Similarly, the grant of loans to big landholders will also be made on their credit subject to the control of the Local Government.

“ It need hardly be said that the Government does not stand as surety for the loans advanced to the Court of Wards, and that, if it gives anything at all, it gives only moral influence and support to the institution.

“ I have been constrained to make these observations in the interest of big landholders, and I hope that they will be favourably considered by this Hon'ble Council and the Select Committee to which the Bill may be referred.”

The Hon'ble MR. BAKER said:—“ My Lord, I am a little doubtful whether the Hon'ble Member is, strictly speaking, in order in making his observations on the occasion of the present motion. The present motion, which is substantially of a formal character, is merely to refer the Bill to a Select Committee; but inasmuch as the Hon'ble Member was good enough to explain to me yesterday that he intended to make some remarks, I shall, with Your Excellency's permission, state briefly what I consider are the objections to the proposal. The nature of the proposal, briefly, is that Presidency Banks should be empowered to make loans to what the Hon'ble Member describes as 'solvent landlords' on the security of their estates, subject to the same restrictions and in the same way as loans which it is proposed by the Bill that they may be permitted to make to estates under the management of

*PRESIDENCY BANKS; REPEALING AND AMENDING (RATES 17
AND CESSSES).*

[14TH DECEMBER, 1906.] [Mr. Baker; Sir Denzil Ibbeston.]

the Court of Wards. I cannot assent to this proposal. Hitherto the Presidency Banks have had no power to advance money on the security of landed property, and this restriction has been imposed for the sufficient reason that, if they did, their funds might be locked up in what the Hon'ble Member describes as a non-liquid form. The Bill proposes to allow a very restricted exception to this by empowering them to lend money to the Courts of Wards for not more than six months at a time and subject to the sanction of the Local Government. Financial purists might take exception even to this closely safe-guarded concession, and I myself should regard it with considerable doubt if I thought it likely to be made use of very largely. I believe, however, that the limitation of six months will in practice effectively restrict its operation. But the wide extension advocated by the Hon'ble Member seems to me to be wholly indefensible. In the case of the Court of Wards, Government management and the sanction of the Local Government afford a guarantee not only of ultimate solvency, but also that the loan will be liquidated on its maturity. In the case of private estates there will be no such security. The Local Government can possess no information as to whether private estates are solvent or not, or whether the owner, even if solvent, is able to repay the loan within the time prescribed. It seems to me that the extension which the Hon'ble Member proposes is far too dangerous to be permitted, and I should certainly advise the Council and the Members of the Select Committee not to entertain it."

The motion was put and agreed to.

REPEALING AND AMENDING (RATES AND CESSSES) BILL.

The Hon'ble SIR DENZIL IBBESTON moved for leave to introduce a Bill to repeal and amend certain enactments relating to abolished rates and cesses. He said:—"The purport of the Bill is explained in the Statement of Objects and Reasons."

The motion was put and agreed to.

The Hon'ble SIR DENZIL IBBESTON introduced the Bill.

The Hon'ble SIR DENZIL IBBESTON 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 of Madras, Bombay, Bengal, Eastern Bengal and Assam, the Punjab, the Central Provinces and Coorg in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

18 LOCAL AUTHORITIES LOAN; CENTRAL PROVINCES BOILER
INSPECTION.

[Mr. Baker; Mr. Hewett.] [14TH DECEMBER, 1906.]

LOCAL AUTHORITIES LOAN (AMENDMENT) BILL.

The Hon'ble MR. BAKER moved for leave to introduce a Bill further to amend the Local Authorities Loan Act, 1879. He said:—"My Lord, the circumstances which have led us to consider that this amendment is necessary are as follows.

"The present Act empowers a local authority to borrow money 'for the carrying out of any works which it is legally authorised to carry out.' Some time ago, the Howrah Municipality desired to make a survey of that town, and proposed to raise a loan of a lakh of rupees to defray the cost of it. On reference to the law officers, however, it was held by them that a survey was not a 'work' within the meaning of the Act, and that it was therefore not open to the Municipality to raise a loan for such a purpose. Now a survey is a necessary and integral preliminary to many works of municipal improvement, such as drainage, or the clearance of congested areas: and it is desirable that there should be no legal bar to the raising of loans for such an object.

"It is also possible that there may be other objects of public utility which cannot strictly be described as 'works' within the meaning of the Act. We propose, therefore, to amend the law so as to permit of the borrowing of money by a local authority for any purpose to which its funds may legally be applied."

The motion was put and agreed to.

The Hon'ble MR. BAKER introduced the Bill.

The Hon'ble MR. BAKER 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.

CENTRAL PROVINCES BOILER INSPECTION BILL.

The Hon'ble MR. HEWETT moved for leave to introduce a Bill to provide for the inspection of Steam-boilers and Prime-movers and for their management by competent Engineers in the Central Provinces. He said:—"My Lord, there is at present no legal provision for the licensing and inspection by

[14TH DECEMBER, 1906.]

[*Mr. Hewett.*]

competent authority of boilers and prime-movers in the Central Provinces, or for their management by properly qualified engineers. Owing to industrial expansion, there has been a rapid growth in the number of boilers and prime-movers in the Province, and it is now necessary to provide a machinery by means of which the use of unsafe boilers can be guarded against. The Bill, which has been modelled on the lines of the Bombay Boiler Inspection Act, 1891, is intended to provide this. Similar Acts, passed in the Local Legislative Councils, are in force in many Provinces; but, as there is no Legislative Council in the Central Provinces, it is necessary to introduce the Bill in this Council.

“ The Bombay Act has been selected as a model, as it is already in force in Berar. It will eventually be necessary, for the sake of uniformity, to apply the Central Provinces Act to Berar, and the course now adopted will, it is anticipated, enable this to be effected with the minimum of administrative inconvenience.

“ The provisions of the Bill do not differ materially from those of the Bombay Boiler Inspection Act, and none of the clauses call for any special remarks.”

The motion was put and agreed to.

The Hon'ble MR. HEWETT introduced the Bill.

The Hon'ble MR. HEWETT 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 Central Provinces Gazette in English and in such other languages as the Local Government thinks fit.

The motion was put and agreed to.

The Council adjourned to Friday, the 18th January, 1907.

CALCUTTA :	}	J. M. MACPHERSON, <i>Secretary to the Government of India, Legislative Department.</i>
<i>The 15th December, 1906.</i>		