

*Friday,
18th January, 1907*

ABSTRACT OF THE PROCEEDINGS

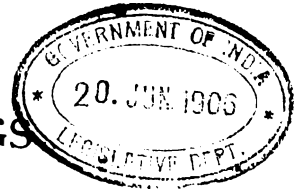
OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XLV

April 1906 - March 1907



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OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING

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1907

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

The Council met at Government House, Calcutta, on Friday, the 18th January 1907.

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*.
 The Hon'ble Sir Denzil Ibbetson, K.C.S.I.
 The Hon'ble Mr. H. Erle Richards, K.C.
 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. J. F. Finlay, 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. W. T. Hall, C.S.I.
 The Hon'ble Nawab Bahadur Khwaja Salimulla of Dacca, C.S.I.
 The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.
 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.
 The Hon'ble Dr. Rashbehari Ghose, C.I.E., D.L.

NEW MEMBER.

The Hon'ble DR. RASHBEHARI GHOSE took his seat as an Additional Member of Council.

QUESTIONS AND ANSWERS.

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked:—

“Will Government be pleased to state what action is to be taken should the total abolishment of the Government opium revenue at the instance of the Anti-Opium party in England be decided upon? Is Government prepared to support

[*Nawab Bahadur Khwaja Salimulla of Dacca*; [18TH JANUARY 1907.]
Mr. Baker; Sir Harvey Adamson.]

the Secretary of State's statement made in the House of Commons as to the desirability of the English Parliament making good to India the loss of revenue which will be brought about if the persistent efforts of the Anti-Opium party in Parliament are successful?"

The Hon'ble MR. BAKER replied :—

"The proposals of the Chinese Government in regard to Indian opium have only recently been received, and are under consideration. The Government of India think that there would be no advantage in anticipating the result of the negotiations. With reference to the second part of the question, it does not appear from the report of Mr. Morley's speech in the House of Commons on the 30th May 1906 that he made any such definite statement as is implied in the question."

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked :—

"Will Government be pleased to state whether it is a fact that the Government of Madras has sanctioned a grant of Rs. 30,000 for the publication of Dr. Pope's Tamil Lexicon? If so, will Government be pleased to move the Government of the United Provinces to give similar encouragement to the compilation and completion of the Urdu Lexicon—*The Amir ul Logat*?"

The Hon'ble SIR HARVEY ADAMSON replied :—

"The Madras Government recently submitted proposals to the Secretary of State for the payment by the Government of £400 a year for five years as a contribution towards the cost of compiling and publishing a Tamil-English lexicon, the materials for which have been collected by Mr. Pope of Oxford University. The Secretary of State has however withheld his sanction pending a further consideration of the scheme and of its probable cost. The Government of India have no information regarding the Urdu lexicon—the *Amir ul Logat*."

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked :—

"Has the attention of the Government been drawn to a recent decision of the High Court of Bombay which has declared railway receipts not negotiable, and, if so, is it the intention of Government to take measures to legalise the negotiability of such receipts?"

[18TH JANUARY 1907.] [*Mr. Finlay; Nawab Bahadur Khwaja Salimulla of Dacca; Sir Harvey Adamson.*]

The Hon'ble MR. FINLAY replied :—

"The Government are aware that railway receipts are not negotiable. The question of making them negotiable instruments has been considered several times and hitherto the Government have refused to propose legislation with that object, one of the main reasons for the decision being the great diversity of opinion among the commercial community. If commercial opinion ever asks for the change in the law with some approach to unanimity, the Government will be willing to consider the question again."

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked :—

"Having regard to the fact that the Bengal Government was unable to reply to a question on the subject asked at the meeting of its Legislative Council on the 10th November last, will Government be pleased to state the exact stage at which the Calcutta Improvement Trust Scheme has arrived, and whether it will be possible to place the official papers regarding this subject on the Council table at an early date?"

The Hon'ble SIR HARVEY ADAMSON replied—

"A summary of the Calcutta Improvement Scheme as provisionally approved by the Government of India was referred in July 1905 for the opinions of the Municipal Corporation and other local bodies concerned, and the papers were then published. It is understood that those opinions have been received and considered by the Government of Bengal and that His Honour the Lieutenant-Governor is about to address the Government of India on the subject. No papers can be placed upon the Council table at present."

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked :—

"Having regard to the objection taken by certain members of the Bengal Legislative Council at its meeting of the 10th November last to the introduction in that Council of the Bill for the amendment of the Bengal Tenancy Act of 1885, on the grounds that the Council is unable now to legislate for the Province of Eastern Bengal and Assam and that it is desirable that the amendments to be made by the Bill should apply to that Province also, will Government be pleased to state whether there is any objection to the withdrawal of the Bill from the local Council and its introduction in the Legislative Council of the Government of India?"

[*Sir Denzil Ibbetson; Nawab Bahadur Khwaja* [18TH JANUARY 1907.]
Salimulla of Dacca; Mr. Baker.]

The Hon'ble SIR DENZIL IBBETSON replied :—

"The question whether the Bill for the amendment of the Bengal Tenancy Act should be introduced in the Local or in the Imperial Council was duly considered by the Government of India when the draft Bill first came before them. They decided that the proposed legislation should be undertaken in the Provincial Council; mainly because the detailed examination of the Bill by the officers of Eastern Bengal and Assam which would have been necessary before the Bill could have been introduced to apply to both provinces would have involved a delay which it was important to avoid; but partly also because the different conditions of the two provinces may render advisable some small variations in the detailed provisions of the Act as it will be passed for Bengal, before it is applied to the sister province. But before sanctioning its introduction in the Bengal Council, the Government of India consulted the Government of Eastern Bengal and Assam, and ascertained that it accepted the principles and main provisions of the Bill, and was prepared to introduce similar legislation as soon as the Bengal Bill had been passed. The present Lieutenant-Governor announced his intention of adopting this course, in the meeting of his Legislative Council of the 18th December 1906.

"On general grounds, it is always advisable that the Imperial Council should be relieved of legislation which a Provincial Council is competent to undertake; and this is especially desirable in the case of Tenancy legislation, where, as the Hon'ble Babu Jogendra Nath Mukharjee pointed out when the Bengal Bill was introduced, it is most important that the Bill should be considered by men who are intimately acquainted with local conditions, and immediately representative of the interests which will be affected."

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked :—

"Has the attention of the Government been drawn to the statement in the *Englishman* of the 10th November last where it is stated that it is proposed to make a rule that in future officiating service will count for pension. Will Government be pleased to state whether it is a fact that a definite conclusion has been arrived at in this matter? And, if so, will Government be pleased to place the papers regarding the same on the Council table?"

The Hon'ble MR. BAKER replied :—

"Certain proposals on this subject were submitted to the Government of India by the Government of Bengal in August last and were referred back to

[18TH JANUARY 1907.] [*Mr. Baker ; Nawab Bahadur Khwaja Salimulla of Dacca ; Sir Harvey Adamson.*]

the Local Government for further information. No decision has yet been arrived at."

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked:—

"Will Government be pleased to lay on the Council table a statement showing—

- (a) the approximate number of men employed in the Subordinate and Ministerial service of the Revenue, Judicial, Educational, Medical, Postal and Telegraph Departments of the various Local Governments ;
- (b) the maximum pay drawn in each grade of the service of such Departments ; and
- (c) the date when the number and pay of the men in such Departments were last increased ?"

The Hon'ble SIR HARVEY ADAMSON replied :—

"A statement showing the number of employés drawing Rs. 75 and upwards in the Departments mentioned was published in the Gazette of India of the 4th June 1904. The fuller information now asked for could not be furnished without an expenditure of time and labour which the Government of India cannot regard as commensurate with its probable utility."

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked :—

"Will Government be pleased to state whether it is a fact that the amounts payable for tentage and travelling allowance (and particularly permanent travelling allowance) to Deputy Collectors and Magistrates, and officers of other Departments of the Provincial Service, are less than those payable to officers who are Civilians or members of the recently organized Police Department, and, if so, will Government be pleased to state the reason for this difference ?"

The Hon'ble MR. BAKER replied :—

"The broad principle on which travelling allowances are fixed is that they should be sufficient, but not more than sufficient, to cover the expenses which an officer of any particular class may reasonably be expected to incur in travelling on the public service. A similar principle applies to tentage, which is confined to the Madras and Bombay Presidencies, and which is intended to

[Mr. Baker; Nawab Bahadur Khwaja Salimulla [18TH JANUARY 1907.]
of Dacca; Mr. Finlay.]

enable officers to provide themselves with the tents they require for their official duties.

"It is the case that officers of the Imperial branches of the service ordinarily receive higher rates of travelling allowance than those of the Provincial branch. The reason for this is that, in the opinion of Government, the reasonable expenses of travelling are greater in the former case than in the latter.

"No change has been made in the rates of travelling allowance admissible to officers of the Police Department under the recent reorganization."

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked :—

"Will Government be pleased to state whether any *ad interim* report has been made to Government by the Hon'ble Mr. K. G. Gupta, I.C.S., on Special Duty on fisheries and fish supply of Bengal? If not, has Government observed that certain comments have been made in the public papers regarding what appears to be derived from Mr. Gupta's investigation?"

The Hon'ble MR. FINLAY replied :—

"No *ad interim* report has been made by Mr. K. G. Gupta on the fisheries of Bengal, but he has submitted one progress report to the Government of Bengal. The Government have not observed any comments in the public newspapers on the subject."

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked :—

"Will Government be pleased to state—

- (a) whether any and what correspondence has taken place between the Government of India and the Secretary of State regarding the disability and hardship suffered by British Indian subjects in the Transvaal and Natal;
- (b) whether the attention of Government has been drawn to the memorial of the British Indian Association of the Transvaal to the Secretary of State for the Colonies with reference to the Vrededopp Stands Ordinance of 1906 published in the *Transvaal Government Gazette* dated 28th September, praying *inter alia* that His Majesty the King-Emperor may disallow the Ordinance?

"Will Government be pleased to place on the Council table any correspondence or papers on this subject?"

[18TH JANUARY 1907.] [*Mr. Finlay; Nawab Bahadur Khwaja Salimulla of Dacca; Sir Harvey Adamson.*]

The Hon'ble MR. FINLAY replied :—

“(a) The Government of India have from time to time communicated with the Secretary of State regarding the treatment of British Indians in the Transvaal and Natal. Full information on the subject in regard to both Colonies up to the beginning of 1905 was given to this Council in Lord Curzon's speech in the Budget Debate on the 29th of March 1905. Lord Curzon then summarised the correspondence and described the action taken by the Government of India up to that time. As that speech is accessible to Hon'ble Members, I need not repeat what Lord Curzon said. The only addition I need make is to lay on the table a copy of the despatch of the 20th of July 1904 from the Secretary of State for the Colonies to the Government of the Transvaal.

“ There has been correspondence with the Secretary of State subsequent to 1904 on the same subject, but it cannot yet be made public.

“ The Government of India have, however, consistently pursued the policy indicated by Lord Curzon, and have lost no opportunity of pleading the cause and doing all in their power to protect the interests of British Indians in South Africa.

“(b) The Government of India have received no information in regard to the memorial of the British Indian Association of the Transvaal referred to by the Hon'ble Member.”

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked :—

“(a) Will Government be pleased to state whether any correspondence has recently taken place between the Government and the Secretary of State regarding the question of separation of the magisterial and executive duties of Revenue-officers ?

“(b) Will Government be pleased, before it finally resolves on such separation, to institute a proper and thorough enquiry by an independent Commission and have up to date evidence recorded of men and officers having personal experience ?

“(c) Will Government be pleased to wait and see the actual result of the experiment of such separation, tried in some of the Native States, before it takes final action in British India ?”

The Hon'ble SIR HARVEY ADAMSON replied :—

“ The Government of India have not yet addressed the Secretary of State regarding the separation of magisterial and executive duties. A large mass of

[*Sir Harvey Adamson; Nawab Bahadur Khwaja* [18TH JANUARY, 1907.]
Salinulla of Dacca; Mr. Baker.]

evidence has been collected, and until this is digested the Government of India are unable to say what action will be taken."

The Hon'ble NAWAB BAHADUR KHWAJA SALIMULLA OF DACCA asked:—

"Has the attention of Government been drawn to an article in the *Pioneer* of the 24th November last concerning the Indian Account Department? Will Government be pleased to appoint a small Commission of Government expert officers and one or two gentlemen of mercantile and business experience with a view to re-organization of the mode and method of keeping Government accounts so as to make them suitable to the present times?"

The Hon'ble MR. BAKER replied:—

"Government have observed the article in question, which does not however appear to them to call for any special notice. They do not consider that any occasion exists for appointing a Committee to enquire into the accounts system, which is under expert supervision, and is adapted to the conditions of the country."

CORONERS (AMENDMENT) BILL.

The Hon'ble SIR HARVEY ADAMSON moved for leave to introduce a Bill further to amend the Coroners Act, 1871, and the Prisoners Act, 1900. He said:—"The grounds of the proposed legislation are fully set forth in the Statement of Objects and Reasons, to which I have nothing to add."

The motion was put and agreed to.

The Hon'ble SIR HARVEY ADAMSON introduced the Bill.

The Hon'ble SIR HARVEY ADAMSON moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in English in the Gazette of India, and in the Bombay Government Gazette, and the Calcutta Gazette.

The motion was put and agreed to.

The Council adjourned to Friday, the 1st February, 1907.

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

CALCUTTA:

The 18th January 1907. }