

*Friday,  
1st March, 1907*

**ABSTRACT OF THE PROCEEDINGS**

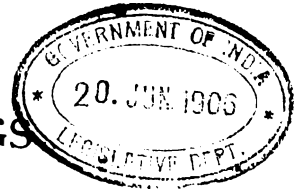
**OF THE**

**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,

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## 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).*

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The Council met at Government House, Calcutta, on Friday, the 1st March, 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*.

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

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. 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 Bahadur Khwaja Salimulla of Dacca, 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. H. W. W. Reynolds.

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.

QUESTIONS AND ANSWERS.

The Hon'ble TIKKA SAHIB RIPUDAMAN SINGH OF NABHA asked —

“ Will the Government be pleased to lay on the table a statement showing (a) the names of the States which maintain Imperial Service Troops, (b) the annual income of each State, (c) the strength of Imperial troops maintained by it, and (d) its annual cost of maintenance of the Imperial Service Troops ?

[*The Commander-in-Chief; Nawab Bahadur Khwaja Salimulla of Dacca; Sir Harvey Adamson.*] [1ST MARCH, 1907.]

His Excellency THE COMMANDER-IN-CHIEF replied :—

“ I am very glad to be able to do so.”\*

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

“ Before publishing its final resolution, will Government be pleased to take the public into its confidence and state what it proposes to do as regards the constitution of the Legislative Councils, the amendment of which has now been for some time under the consideration of Government ?

“ Can Government see its way to place on the Council table any papers regarding this matter ? ”

The Hon'ble Sir HARVEY ADAMSON replied :—

“ The Government is not prepared at present to make any pronouncement in the matter or to lay any papers on the table. ”

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

“ Will Government be pleased to state how many ‘ Councillors of the Empire ’ have been created since the appointment of those on the Proclamation of our late beloved Queen, as Empress of India, and to give the names of those now living holding this high office ? ”

His Excellency THE COMMANDER-IN-CHIEF replied :—

“ No further nominations to the title of ‘ Councillor of the Empress ’ have been made since its creation in 1877. None of the Indian Chiefs and Princes on whom the title was then conferred are now alive. ”

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

“ Has the attention of Government been drawn to the article in the *Moslem Patriot* of Madras, dated the 24th January last, on Mr. A. C. Rafiqi's pamphlet on ‘ Inversion of Time, ’ regarding the neglected state of the graves at Rangoon where lie buried Bahadur Shah, the last of the Delhi Emperors, and his Consort ? ”

“ If so, will Government be pleased to move the Government of Burma to reconsider its decision and see to a suitable tomb being raised where lie interred these distinguished personages. ”

\* *Vide* Appendix B.

[1st MARCH, 1907.] [Sir Harvey Adamson; Mr. Richards.]

The Hon'ble SIR HARVEY ADAMSON replied—

“ The attention of the Government of India has not been drawn to any article in the *Moslem Patriot* regarding the state of the grave at Rangoon of the late Bahadur Shah, the last king of Delhi, but as a matter of fact the question of the desirability of suitably marking for historical purposes his burial-place has been for some time past under the consideration of the Government of India and instructions have been sent to the Government of Burma.”

#### PROVINCIAL INSOLVENCY BILL.

The Hon'ble MR. ERLE RICHARDS presented the Report of the Select Committee on 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. He said :—“ My Lord, I have on a former occasion explained to this Council the object and the scope of the Provincial Insolvency Bill. As the Council are aware, the Bill in the form in which it was introduced was practically taken from the Chapter on Insolvency in the Bill to amend the Civil Procedure Code as revised by the Select Committee which considered that Bill. In that form it had been twice circulated, but enveloped in a mass of other material it had escaped particular attention. In its present form as a separate Bill it has received more consideration and most useful criticisms have been submitted, not only by the High Courts and by Judges in various parts of India, but also by various legal Associations, headed by the Standing Committee of the Bar of Calcutta. These criticisms have been subjected to a careful examination by the Select Committee, and it will, I think, be found that they have been largely met by the amendments that have been introduced into the Bill. In any measure of legal reform we have to face the difficulty that conditions vary greatly in the different parts of India, and it has been pointed out to us by more than one authority that the Bill as circulated was in advance of the requirements of the more backward areas. We have introduced a provision to meet this difficulty which will, we hope, be found satisfactory. I will not, my Lord, at this stage discuss the particular amendments which are submitted for the consideration of this Council: they are fully dealt with in the Report of the Select Committee, and I shall have an opportunity of explaining them before the session closes. I will content myself today with formally presenting the Report.”

[*Mr. Finlay*]

[1ST MARCH, 1907.]

## CENTRAL PROVINCES BOILER INSPECTION BILL.

The Hon'ble MR. FINLAY : " Your Excellency, I have now to ask the Council to take into consideration the Central Provinces Boiler Inspection Bill, which was introduced on December 14. This is a non-contentious Bill, and the comments on the Bill received since its introduction do not indicate the need of any alteration of importance. It is therefore considered unnecessary to refer the Bill to a Select Committee. When the Council accepts the motion I am now about to move, I shall propose three unimportant amendments. I move that the Bill to provide for the inspection of Steam-boilers and Prime-movers and for their management by competent Engineers in the Central Provinces be taken into consideration."

The motion was put and agreed to.

The Hon'ble MR. FINLAY : " The first two amendments that I have to propose are to clause 10, the clause which provides for appeals against a refusal by an inspector to grant a boiler license. These amendments are proposed in consequence of the remarks on the clause made by the Chief Commissioner. They make it clear that the District Magistrate must appoint one or more assessors to aid him in disposing of an appeal, while the Commissioner in hearing an appeal from the order of the District Magistrate may act either with or without the aid of assessors at his discretion. The Commissioner will have before him the views of the expert assessors who sat with the District Magistrate; and it will often not be necessary for him to call in further expert advice. I move that in sub-clause (1) of clause 10 of the Bill, for the word 'may', in line 1, the word 'shall' be substituted."

The motion was put and agreed to.

The Hon'ble MR. FINLAY moved that in sub-clause (3) of the same clause, for the words and figures "in accordance with the provisions of sub-sections (1) and (2)" the words and figure "to inquire into and determine the appeal, with or without the aid of assessors, as he may think fit, in accordance with the provisions of sub-section (2)" be substituted.

The motion was put and agreed to.

The Hon'ble MR. FINLAY : " The third amendment which I propose reduces to Rs. 50 the sum of Rs. 150 which clause 11 allows the appellate Court to require the owner of the boiler to pay as costs in the case of an unfounded or frivolous appeal. I propose this amendment at the instance of my friend Mr. Chitnavis. The Hon'ble Member naturally takes a special interest in a

[1ST MARCH, 1907.]

[*Mr. Finlay.*]

Central Provinces Bill ; and he was good enough to go through the Bill with me a few days ago. We discussed several points and in the end the Hon'ble Member expressed his willingness to accept the Bill as it stands with one exception. The exception was clause 11, which allows a penalty to be inflicted on the owner if the appellate Court is of opinion that an appeal is unfounded or frivolous. Mr. Chitnavis was apprehensive that this clause might have the effect of unduly restricting resort to the right of appeal from the orders of the inspectors, and he at first proposed that the clause should be omitted altogether. I referred him to the similar sections in the corresponding Acts in force in other Provinces, and said that the provision in question would be used only in extreme cases, and that it was desirable to have some means of discouraging unfounded or frivolous appeals. The Hon'ble Member then said that he would be content if the penalty in the clause were reduced from Rs. 150 to Rs. 50. I accepted this suggestion, with Your Excellency's permission. The reduced penalty will be sufficient to secure the object in view. I move that in clause 11, sub-clause (1), fifth line, for the words 'one hundred and fifty,' the word 'fifty' be substituted."

The motion was put and agreed to.

The Hon'ble MR. FINLAY moved that the Bill as amended be passed.

The motion was put and agreed to.

The Council adjourned to Friday, the 15th March, 1907.

J. M. MACPHERSON,

*Secretary to the Government of India,  
Legislative Department.*

CALCUTTA :  
The 1st March, 1907. }