

*Friday,
18th December, 1908*

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

Vol. XLVII

April 1908 - March 1909

ABSTRACT OF PROCEEDING
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

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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 Act, 1861 and 1892 (24 & 25 Vict., c. 67, and 55 & 56 Vict., c. 14).

The Council met at Government House, Calcutta, on Friday, the 18th December 1908.

P R E S E N T.

- 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 Edward Norman Baker, K.C.S.I., Lieutenant-Governor of Bengal.
The Hon'ble Mr. H. Erle Richards, K.C.
The Hon'ble Major-General C. H. Scott, C.B., R.A.
The Hon'ble Sir Harvey Adamson, Kt., C.S.I.
The Hon'ble Mr. J. O. Miller, C.S.I.
The Hon'ble Mr. W. L. Harvey, C.I.E.
The Hon'ble Sir G. D. F. Wilson, K.C.B., K.C.M.G.
The Hon'ble Mr. A. A. Apcar, C.S.I.
The Hon'ble Nawab Bahadur Khwaja Salimulla of Dacca, C.S.I.
The Hon'ble Maung Bah Too, K.S.M.
The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.
The Hon'ble Mr. W. R. H. Merk, C.S.I.
The Hon'ble Sir Rameshwara Singh, K.C.I.E., Maharaja Bahadur of Darbhanga.
The Hon'ble Raja Mahammad Ali Muhammad Khan, Khan Bahadur.
The Hon'ble Mr. N. C. Macleod.
The Hon'ble Mr. J. Andrew.
The Hon'ble Mr. Maneckjee Byramjee Dadabhoy.
The Hon'ble Mr. F. A. Slacke, C.S.I.

QUESTIONS AND ANSWERS.

The Hon'ble MR. DADABHOY asked:—

“ Will Government be pleased to state what progress has been made throughout the various seats of Governments and Administrations in the matter

[*Mr. Dadabhoy; Sir Harvey Adamson; Mr. Harvey; [18TH DECEMBER 1908.]
Mr. Erle Richards.*]

of granting free primary education in India, an early consideration of which subject was promised by the Government of India in presenting the Financial Statement for 1907-08 ? ”

The Hon'ble SIR HARVEY ADAMSON replied :—

“ The reports of Local Governments have now been received and are under consideration.”

The Hon'ble MR. DADABHOY asked :—

“ (a) Will Government be pleased to state if it was consulted with reference to the decision of the Board of Education and the India Office approving the report of the Committee which recommended the breaking up of the Indian Museum at Kensington into three sections in connection with its removal ?

“ (b) Has the attention of Government been drawn to this matter ; if so, will the Government be pleased to state if any reference to it was made on this subject and if it acquiesced in the decision of the Board of Education and the India Office, and has Government any objection to place on the Council table all correspondence in reference thereto ? ”

The Hon'ble MR. HARVEY replied :—

“ The Government of India have no information on the subject.”

PRESIDENCY-TOWNS INSOLVENCY BILL.

The Hon'ble MR. ERLE RICHARDS moved that the Bill to amend the Law of Insolvency in the Presidency-towns and in the Towns of Rangoon be referred to a Select Committee consisting of the Hon'ble Mr. Apar, the Hon'ble Mr. Macleod, the Hon'ble Mr. Dadabhoy and the mover.

The motion was put and agreed to.

INDIAN PORTS BILL.

The Hon'ble MR. ERLE RICHARDS moved that the Report of the Select Committee on the Bill to consolidate the enactments relating to Ports and Port-charges be taken into consideration. He said :—“ I have explained on a former occasion that this Bill is a purely consolidating measure and I have nothing to add now.”

The motion was put and agreed to.

[18TH DECEMBER 1908.] [*Mr. Erle Richards; Mr. Harvey.*]

The Hon'ble Mr. ERLE RICHARDS moved that the Bill, as amended, be passed.

The motion was put and agreed to.

INDIAN REGISTRATION BILL.

The Hon'ble Mr. ERLE RICHARDS moved that the Report of the Select Committee on the Bill to consolidate the law relating to the Registration of Documents be taken into consideration. He said :—" This, my Lord, is also a consolidating Bill and I have no observations to make beyond saying that on one point to which attention was called in this Council on a former occasion, the Committee have inserted a small amendment to preserve the existing law as it now stands in all the Provinces."

The motion was put and agreed to.

The Hon'ble Mr. ERLE RICHARDS moved that the Bill, as amended, be passed.

The motion was put and agreed to.

INDIAN EMIGRATION BILL.

The Hon'ble Mr. ERLE RICHARDS moved that the Report of the Select Committee on the Bill to consolidate the enactments relating to the Emigration of Natives of India be taken into consideration. He said :—" This is also a purely consolidating measure."

The motion was put and agreed to.

The Hon'ble Mr. ERLE RICHARDS moved that the Bill, as amended, be passed.

The motion was put and agreed to.

INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

The Hon'ble MR. HARVEY moved that the Bill further to amend the Indian Merchant Shipping Act, 1880, be taken into consideration. He said :—" Before I proceed to explain the two small amendments which stand in my name, I will deal briefly with the criticisms which have reached us in regard to the provisions of this Bill. The principle underlying the Bill has met with

general approval, and indeed a suggestion has been made by the Government of Bombay that its scope should be extended so as to provide for the detention of a foreign ship in cases where the condition of her hull, equipment or machinery is defective. While we agree that a provision to this effect would be desirable, we do not consider that it can be included in the present Bill, which deals solely with the marking of deck and load-lines and is intended to put foreign vessels on the same footing in this respect as British ships. Some misconception appears to have arisen in regard to the effect of clause 3, and it has been assumed that this clause will not permit of a vessel loading to the Indian summer draught, which is indicated by a line drawn above the centre of the disc. This assumption, of course, is not correct. The maximum load-line to which a ship is permitted to load varies according to the circumstances and the season of the intended voyage, and is determined by rules framed by Local Governments under section 40 of Act VII of 1880. These rules provide that the provisions of Chapter II of the Act are to have effect as if any line so determined were drawn through the centre of the disc, so that there will be nothing to prevent a ship from loading to the maximum load-line which is applicable to the voyage on which she is intended to proceed. It is not therefore necessary, as has been suggested, to amend this clause. The Bengal Chamber of Commerce have asked that provision may be made for the consumption of coal between the port of survey and the sea. At Calcutta it has been the practice, in determining the load-line, to make an allowance on this account in the case of vessels going down the Hughli, and it is not intended to interfere with this arrangement.

“The two amendments which I have to propose are formal and are only intended to bring the wording of clauses 2 and 3 into conformity with the language used in the existing provisions of the law. We propose to omit from sub-clause (a) of clause 2 of the Bill the word ‘solely’ after the word ‘employed’ and before the words ‘in plying coastwise’: this sub-clause will then correspond with clause (b) of section 3 of Act VII of 1880 as it will read when this Bill becomes law. The insertion of the word ‘perfectly’ before the words ‘smooth salt water’ in clause 3 of the Bill is necessary to bring this clause into conformity with section 34 of Act VII of 1880.”

The motion was put and agreed to.

The Hon'ble Mr. HARVEY moved that the word “solely” in sub-clause (a) of clause 2 of the Bill be omitted. He said :—“I have already explained the reasons for this amendment.”

The motion was put and agreed to.

*MERCHANT SHIPPING; ADMINISTRATIVE REFORMS IN 87
INDIA.*

[18TH DECEMBER 1908.] [*Mr. Harvey; The President.*]

The Hon'ble MR. HARVEY moved that the word "perfectly" be inserted before the word "smooth" in clause 3 of the Bill.

The motion was put and agreed to.

The Hon'ble MR. HARVEY moved that the Bill, as now amended, be passed.

The motion was put and agreed to.

ADMINISTRATIVE REFORMS IN INDIA.

His Excellency THE PRESIDENT said:—"I would like to say a few words before we adjourn. Hon'ble Members are aware that the Secretary of State yesterday laid before Parliament the papers connected with administrative reforms in India. Amongst them are two very memorable documents—the Despatch from the Government of India to the Secretary of State of the 1st October last and the Secretary of State's reply of 27th November—which we have just received. The recommendations we submitted to him had for two years been before us, and I cannot sufficiently express to my colleagues my appreciation of the ability and constant thought they devoted to the great questions with which they had to deal. The Secretary of State has considered our suggestions with the generous statesmanship upon which we well knew we could rely, and it is gratifying to us to recognize that he is in almost entire accord with proposals emanating from India."

"There is no occasion to-day to enter upon any consideration of the details of the correspondence I have referred to—they will undoubtedly be amply discussed, not only officially, but by the public in India, and whatever verdict that public may pass upon them, I hope that we may assume that we are about to enter upon a new administrative era, based upon a recognition of the advance of political thought and the justness of many political ambitions. I hope that with the dawn of this new era, the recollection of the dark days through which we have been passing may disappear. The future is largely in the hands of the people of India and their leaders—it rests with the latter to assist us to dispel the results of anarchical political fanaticism, it rests with the people themselves to welcome an honest attempt to ameliorate the administration of their country. It is to the leaders of Indian political aims and to the people of India

[*The President.*]

[18TH DECEMBER 1908.]

whose aspirations they direct that we must look for that support which can alone secure the success of the reforms we are about to inaugurate."

The Council adjourned to Friday, the 15th January 1909.

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

CALCUTTA ;

} *The 18th December 1908.* }