

*Monday,
11th September, 1911*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. L

April 1911 - March 1912

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

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

April 1911 - March 1912

VOL. L



Published by Authority of the Governor General.



CALCUTTA :
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.

1912



GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

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 TO 1909 (24 & 25 VICT., c. 87, 55 & 56 VICT., c. 14, AND 9 EDW. VII, c. 4).

The Council met at Viceregal Lodge, Simla, on Monday, the 11th September, 1911.

PRESENT:

His Excellency **BARON HARDINGE OF PENSHURST**, P.C., G.C.B., G.C.M.G., G.C.V.O., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

and 34 Members, of whom 26 were Additional Members.

OATH OF OFFICE.

The following Additional Members, before taking their seats, made the prescribed oath of their allegiance to the Crown:—

The Hon'ble Mr. A. Meredith.

The Hon'ble Mr. W. B. Gordon, C.I.E.

The Hon'ble Mr. Jenkins laid on the table statements* :—

- (1) showing for each Province, year by year, the strength of the Criminal Investigation Department—officers and men—and the cost since the Department was constituted, which were asked for by the Hon'ble Mr. Gokhale at the meeting held on the 21st January last;
- (2) showing the expenditure in political trials, civil and criminal, in the Provinces of Bengal, Assam, Bombay and the Punjab, which was asked for by the Hon'ble Babu Bhupendranath Basu at the meeting held on the 16th March 1911.

QUESTION AND ANSWER.

The Hon'ble Mr. Madge asked :—

“ Will the Government be pleased to say whether, when the number of administrative appointments in the Postal Department was last raised from

* *Vide Appendix A.*

[Mr. Madge; Mr. Clark; Mr. Butler; Mr. Jenkins; Mr. Maclagan.] [11TH SEPTEMBER 1911.]

eight to twelve, the number of such appointments for which departmental officers were eligible was also proportionately raised, and whether departmental officers of good character with efficient service records and seniority claims have received promotion to administrative rank in preference to outsiders?"

The Hon'ble Mr. Clark replied :—

"It was decided in 1801, on the recommendation of the Public Service Commission, that three of the administrative appointments in the Post Office of India should ordinarily be filled by departmental officers. The total number of such appointments was then seven and is now eleven—the Director General and 10 Postmasters General (including two Deputy Directors General).

"No change has been made in the minimum number of appointments to be held by suitable departmental officers. The number, however, is not limited to three, and in practice this minimum has nearly always been exceeded. At the present time four out of the eleven appointments mentioned above are held by departmental officers."

INDIAN CHRISTIAN MARRIAGE (AMENDMENT) BILL.

The Hon'ble Mr. Butler : "I beg leave to introduce the Bill further to amend the Indian Christian Marriage Act, 1873. The Bill is entirely formal in character, and provides for facilitating the transmission and disposal of statistics under the present Indian Christian Marriage Act. It has already been published, and I propose, with Your Lordship's permission, to ask Council at the next meeting to take it into consideration and pass it into law."

The motion was put and agreed to.

COURT-FEES (AMENDMENT) BILL.

The Hon'ble Mr. Jenkins : "My Lord, I introduce the Bill further to amend the Court-fees Act, 1870. The purport of the Bill may be explained in a very few words. At present, when parties to litigation desire to obtain copies of documents from Civil Courts which are to be sent to them by post, the exact cost of the postage has to be calculated, and that leads to some correspondence, delay and, also to a certain amount of trouble in keeping accounts of small and broken sums. It is now proposed that in all such cases a uniform fee of twelve annas shall be charged. This fee has been calculated on the average cost which has been incurred in a great number of cases. The result will be that some people will pay an anna or two more than the actual cost of the postage; others will pay a few annas less; but the general result will be that less trouble will be caused, and there will be, upon the whole, a great increase of convenience to the parties."

The motion was put and agreed to.

INDIAN FOREST (AMENDMENT) BILL.

The Hon'ble Mr. Maclagan : "My Lord, I beg to introduce a Bill for the amendment of the Indian Forest Act, 1878. The main object of the Bill is to allow Local Governments to carry out certain functions under the Act without having to obtain the previous sanction of the Government of India. The Bill is in general accord with the ascertained wishes of Local Governments, and it was published last month in the Gazette of India. I propose to bring it forward again at a later meeting, so that it may be taken into consideration and passed by the Council."

The motion was put and agreed to.

[11TH SEPTEMBER 1911.] [Mr. Jenkins.]

BENGAL, AGRA AND ASSAM CIVIL COURTS (AMENDMENT)
BILL.

The Hon'ble Mr. Jenkins: "My Lord, I introduce the Bill to amend the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887. The purpose of the Bill has been so clearly stated in the Statement of Objects and Reasons that it appears to me to require no further elucidation."

The motion was put and agreed to.

INDIAN AIRSHIPS BILL.

The Hon'ble Mr. Jenkins: "My Lord, I introduce the Bill to control the manufacture, possession, use, sale, import and export of airships. This Bill has already been published, and, as far as I am aware, the one criticism of any importance which has been directed against it is that we are in a great hurry to deal with the prospective dangers of airships, while we are slow to deal with the more pressing dangers of ill-regulated insurance societies. There may perhaps be some sort of analogy between certain classes of airships and certain kinds of insurance societies; but that reproach will at any rate be presently removed; and I think that this Bill may be considered upon its merits, without regard to the prior claims of pending legislation. As to the Bill being premature, I doubt whether at the present moment there is a single airship in India. At the same time, it would not be safe to assume that this condition of affairs will continue. Already there are complaints in England of the nuisance caused by airships flying low over inhabited localities; and we hear of a postal service between Windsor and London. Those who have watched the astonishing progress made during the last few years towards the conquest of the air would be slow to set any limits to possible future developments. At any time some discovery may be made, or some invention may be perfected, which will enable airships to be used as ordinary means of locomotion; and it is quite within the bounds of possibility that within the next few years the more adventurous Members of this Council may be winging their way to Simla in aeroplanes instead of coming up in a corkscrew railway. And in any case there is a certain advantage in taking our measures beforehand instead of waiting until vested interests have been established. It must, however, be admitted that the sole practical utility of airships at the present time consists in their use as instruments of warfare, and it is principally with regard to the possibility of their employment as such that this Bill has been framed, although I think that this side of the question has possibly received undue prominence in the Statement of Objects and Reasons. The provisions of the Bill have been borrowed from the corresponding provisions of the Indian Arms Act and from the English Act, which was lately passed upon the occasion of the Coronation in London. The only provision of the Bill which is in any way novel is that contained in clause 5, which empowers the Government, in certain cases, to take possession of airships and to pay compensation for those which may be used for Government purposes. Now, it is a well-recognized rule that in times of great emergency the whole resources of a country are absolutely at the disposal of the Government, upon the principle that the safety of the State overrides all other considerations. The object of this clause is therefore to give legal effect to this principle in the case of machines the principal, if not the sole, utility of which at the present time is use for warlike purposes. In these circumstances, I think that no reasonable objection can be taken to this clause. I now move that the Bill be referred to a Select Committee consisting of His Excellency the Commander-in-Chief, the Hon'ble Mr. Syed Ali Imam, the Hon'ble Mr. Mazharul Haque, the Hon'ble the Raja of Dighapatia, the Hon'ble Sardar Partab Singh, the Hon'ble Mr. Sachchidananda Sinha, the Hon'ble Mr. Macpherson, the Hon'ble Major General Grover and myself, with instructions to report at the next meeting of the Council."

The motion was put and agreed to.

[Mr. Syed Ali Imam.] [11TH SEPTEMBER 1911.]

CALCUTTA IMPROVEMENT (APPEALS) BILL.

The Hon'ble Mr. Syed Ali Imam : " My Lord, I beg to move for leave to introduce a Bill to modify certain provisions of the Calcutta Improvement Act of 1911. This Improvement Act of 1911 was taken up by the Legislative Council of the Lieutenant-Governor of Bengal and was passed. As the Bill was originally introduced into that Council, it provided for certain appeals that might be preferred to the High Court from the awards of the Tribunal that would be constituted under that Act. It was at that time considered that, should the Bill be passed as it was introduced, the Legislative Council here would take up a validating Bill and validate the provisions in reference to the appeals contained in that Bill. Later on we thought it necessary that, instead of having a Validation Act, it would be far better to cut out those provisions from the Calcutta Improvement Act and take up a separate Bill here in this Council with a view to modify that Bill. The necessity for this action arose in this way. A similar enactment was taken up in Bombay. The Bombay Improvement Act, as in the case of the Calcutta Improvement Bill, had taken upon itself to introduce similar provisions regarding the appeals. But it was later on found, on the strength of a decision of the Bombay High Court, that there was a necessity to legislate. The Chief Justice held in that case that local Legislative Councils had not the power to confer such jurisdictions upon the High Courts. The Government of India had consequently to take up in this Council a validating Act. It has therefore been considered desirable that instead of asking Local Councils to deliberately take action, knowing that they had not jurisdiction to take such action, the Imperial Legislative Council here should do what is right for them.

" This is a small Bill, my Lord, and I suggest that its discussion may be postponed till the Bill is further taken up for consideration in this Council."

The motion was put and agreed to.

The Hon'ble Mr. Syed Ali Imam introduced the Bill and moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in English in the Gazette of India and the Calcutta Gazette.

The motion was put and agreed to.

The Council adjourned to Monday, the 18th September 1911.

SIMLA :

The 13th September 1911. }

J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.

APPENDIX A.

Statements showing, for each province, year by year, the strength and cost of the Criminal Investigation Department—Officers and Men—since the Department was constituted.

Strength and Cost of the Criminal Investigation Department since its constitution—Madras.

Years.	Deputy Inspector General.	Principal Assistant to Deputy Inspector General.	Deputy Superintendent.	Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	TOTAL.		Total cost.	REMARKS.
								Officers.	Men.		
1905 ...	...	...	..	...	...	...	...	...	...	Rs.	
1906 ...	...	...	...	...	...	...	...	...	...	...
1907 ...	1	1	...	5	5	7	10	12	17	27,061	
1908 ...	1	1	...	9	7	13	15	15	31	57,764	
1909 ...	1	1	...	9	9	16	21	20	37	65,102	
1910 ...	1	1	...	9	9	14	21	20	35	71,292	

Strength and Cost of the Criminal Investigation Department since its constitution—Bombay.

Years	Deputy In- spector General	Assistant to Deputy In- spector General	Deputy Super- intendents	Inspectors	Sub- Inspectors	Head Constables	Constables	Total.		Total cost.	REMARKS.
								Officers.	Men.		
1905	1	1	...	3	...	4	4	5	8	Rs. 22,461	
1906	1	1	...	6	7	15	20	15	35	61,358	
1907	1	1	1 (a)	6	7	15	20	16	35	66,935	
1908	1	2 (b)	...	8	10	15	20	21	35	68,193	
1909	1	b (c)	1 (d)	16 (e)	22 (f)	45 (g)	61	45	106	1,48,605	
1910	1	4 (h)	3 (i)	20 (j)	29 (k)	38	62	57	100	1,98,954	

(e) Temporary.

(f) 1 temporary Superintendent.

(g) 2 temporary and 3 permanent Superintendents.

(h) Temporary.

(i) 2 temporary.

(j) 2 temporary.

(k) 7 temporary.

(l) Includes 3 temporary Superintendents and 1 City Superintendent for Bombay City.

(m) Temporary.

(n) 3 temporary.

(o) 2 temporary.

Strength and Cost of the Criminal Investigation Department since its constitution—Bengal.

Years.	Deputy Inspector General.	Assistant to Deputy Inspectors General.	Deputy Superintendents.	Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	Total.		Total cost.	REMARKS.
								Officers.	Men.		
1905	15	2	...	27	17	27	Rs. 27,020	
1906	...	1	1	19	17	4	27	59	81	1,16,147	
1907	...	1	1	19	18	10	29	40	89	1,12,732	
1908	...	2	2	30	23	12	29	55	61	1,50,323	
1909	...	2	2	29	32	18	74	67	92	2,05,552	
1910	3 (a)	3	2	31	37	18	74	76	92	2,55,637	

a. 1 for six months.

Strength and Cost of the Criminal Investigation Department since its constitution—United Provinces.

Year...	Deputy Inspector General	Assistant to Deputy Inspector General	Deputy Superintendent	Inspectors	Sub-Inspectors	Head Constables	Constables	TOTAL		Total cost	REMARKS.
								Officers	Men		
1905	...	...	...	...	...	...	...	...	...	Rs. ...	
1908	1	1	10	20	16	22	38	38	45,952		The cost includes that of the Finger Print Bureau. The cost of the Bureau as revised at the end of 1908 was approximately Rs. 30,420 a year on account of pay and allowances of police officers employed.
(From 16th July 1906).											
1907	1	1	10	26	10	22	38	38	88,288		
1908	1	1	10	30	10	22	38	42	91,785		
1909	1	1	9	8	10	22	38	19	66,285		Excludes strength and cost of the Finger Print Bureau.
1910	1	2	17	15	9	56	65	36	1,14,522		

(*) Assistant Superintendent of Police.

Strength and Cost of the Criminal Investigation Department since its constitution—Punjab.

Years.	Deputy Inspector General.	Assistant to Deputy Inspector General.	Deputy Superintendents.	Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	TOTAL.		Total cost.	REMARKS.
								Officers.	Men.		
1905 ...	1	...	...	1	2	3	2	4	5	Rs. 3,707	
1906 ...	1	...	...	5	4	8	6	10	14	37,932	
1907 ...	1	...	...	5	6	10	12	12	22	41,220	
1908 ...	1	...	...	8	7	12	15	16	27	53,616	
1909 ...	1	...	...	10	8	12	15	19	27	62,070	
1910 ...	1	1	...	10	8	12	15	20	27	72,870	

Strength and Cost of the Criminal Investigation Department since its constitution—Burma.

Year.	Deputy Inspector General.	Personal Assistant to Deputy Inspector General.	Deputy Superintendent.	Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	TOTAL.		Total cost.	REMARKS.
								Officers.	Men.		
1905 ...	...	...	...	...	...	...	...	...	...	Rs. ...	
1906 ...	1	1	...	8	7	...	2	17	2	9,922	
(From 1st September to 31st December.)											
1907 ...	1	1	...	8	7	11	10	17	21	55,210	
1908 ...	1	1	...	8	7	11	10	17	21	42,471	
1909 ...	1	1	...	8	7	11	10	17	21	56,884	
1910 ...	1	1	...	8	7	11	10	17	21	51,400	

Strength and Cost of the Criminal Investigation Department since its constitution—Eastern Bengal and Assam.

Year.	Deputy Inspector General.	Assistant to Deputy Inspector General.	Deputy Superintendents.	Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	TOTAL.		Total cost.	REMARKS.
								Officers.	Men.		
1905 ...	...	...	...	...	...	...	...	...	...	Rs. ...	
1906 ...	1	1	...	6	6	5	10	14	15	26,571	
1907 ...	1	1	...	16	8	12	20	26	32	66,623	
1908 ...	1	1	...	17	8	12	20	27	32	50,691	
1909 ...	1	2 (e)	1 (e)	21 (e)	30 (e)	13	50 (e)	53	93	1,27,744	
1910 ...	1	2 (e)	2 (e)	21 (e)	30 (e)	13	50 (e)	56	93	1,56,427	

(e) Includes temporary establishment for the Political Branch of the Criminal Investigation Department.

Strength and Cost of the Criminal Investigation Department since its constitution—Central Provinces.

Year.	Deputy Inspector General.	Assistants to Deputy Inspector General.	Deputy Superintendent.	Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	TOTAL.		Total cost.	REMARKS.
								Officers.	Men.		
1905 ...	...	...	...	...	...	...	...	...	...	Rs. ...	
1906 ...	...	1	...	5	9	9	16	15	25	7,671	
(From 1st January to 31st March.)											
1907 ...	1	1	...	5	9	9	16	10	25	48,684	
1908 ...	1	1	...	6	9	9	16	17	25	49,312	
1909 ...	1	1	1	7	9	18	16	19	34	66,108	
1910 ...	1	1	1	7	10	18	16	20	34	70,908	
1911 ...	(a)	2	1	9	22	15	25	34	40	83,652	

(a) Deputy Inspector General has been appointed to a Range.

Statement of Expenditure incurred on Political Trials in the Bombay Presidency, Bengal, the Punjab and Eastern Bengal and Assam during the years 1908-1909, 1909-1910 and 1910-1911.

1908-1909.	1909-1910.	1910-1911.	TOTAL.
<i>Bombay Presidency.</i>			
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
7,294 5 0	94 0 0	82,840 0 0	90,228 14 0
<i>Bengal.</i>			
1,28,052 0 0	3,96,443 3 0	2,72,052 10 0	7,96,547 13 0
<i>Punjab.</i>			
.....	10,306 0 0	5,761 0 0	16,067 0 0
<i>Eastern Bengal and Assam.</i>			
7,114 0 0	11,301 0 0	2,77,576 14 3	2,95,991 14 3
1,42,460 5 0	4,18,144 12 0	6,38,230 8 3	11,98,835 9 8