

*Monday,  
18th 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,

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**VOL. L**



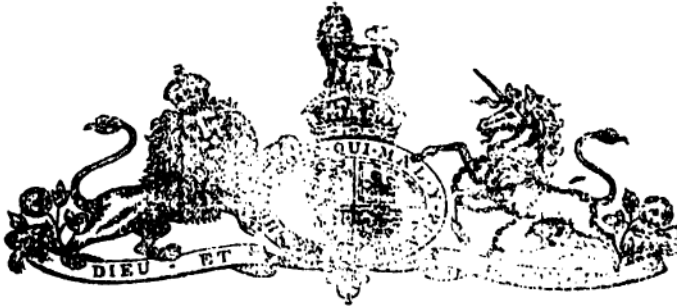
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1912



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, 88 & 89  
VICT., c. 14. AND 9 EDW. VII, c. 4).

The Council met at Viceregal Lodge, Simla, on Monday, the 18th 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 39 Members, of whom 32 were Additional Members.

OATH OF OFFICE.

The Hon'ble Mr. C. H. Armstrong, Additional Member, before taking  
his seat, made the prescribed oath of allegiance to the Crown.

FEES IN COLLEGES AND SCHOOLS.

The Hon'ble Mr. Jenkins laid on the table statements\* containing the  
further information promised in the answer given by him on the 27th March  
1911, to the Hon'ble Pandit Madan Mohan Malaviya's question regarding fees  
levied in colleges and schools in British India.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. Armstrong asked:—

“ Will Government be pleased—

- (1) to issue a statement showing the amount of the cash balances in the Home Treasury at the end of each month during the past ten years;
- (2) to state whether much larger cash balances are now hold in the Home Treasury than formerly and, if so, to state the reason for this, and also as to whether it is the intention of Government to still further increase the cash balances of the Home Treasury;

\* *Vide Appendix A.*

[*Mr. Armstrong; Sir G. Fleetwood Wilson.*] [18TH SEPTEMBER 1911.]

- (3) to state in what form the cash balances in the Home Treasury are lent out at interest, and give the amount, on the most recent date for which the information is available, lent out against the deposit of securities, and the amount lent out without the deposit of securities;
- (4) to state whether Government will lend to the money markets in India against the deposit of securities of approved character when their Treasury Balances are high;
- (5) to state whether it is the intention of Government to further reduce the permanent silver section of the Gold Standard Reserve, and, if so, to state whether it is the intention to discontinue the silver branch of the Reserve when the rupees now held in it are absorbed into the circulation?
- (6) If Government should not be in possession of all the information asked for in the above questions at present, will they furnish such information at a future date?

The Hon'ble Sir G. Fleetwood Wilson replied:—

"My Lord, the last paragraph of the Hon'ble Member's question lapses, inasmuch as I am prepared to give him the information he is asking for.

"The answers to his questions are:—

"1. The statement desired by the Hon'ble Member is laid on the table.\* It excludes sums held in cash on behalf of the Gold Standard Reserve.

"2. (a) The cash balances are much larger than they usually were up to a few years ago.

"(b) The balances have been swollen in recent years by the following causes operating at different times singly or in combination:—

- (i) the raising of loans before the closing of a financial year to finance the railway programme of the following year;
- (ii) the inclusion of sums remitted in 1910-11 from our large opium-receipts for the discharge of debt;
- (iii) heavy sales of Council Bills and Telegraphic Transfers in excess of the requirements of the Home Treasury.

"The Hon'ble gentleman is also no doubt aware that the cash balances now carry sums (not shown however in the statement which I have placed on the table) of approximately £1½ millions on account of the Gold Standard Reserve, in pursuance of the policy of keeping a portion of that Reserve uninvested.

"(c) There is no such intention, subject always to the usual consideration that Bills in excess of the Secretary of State's requirements may have to be sold to meet the legitimate demands of trade.

"3. The form taken by loans from the Home Treasury balances is two-fold—

- (a) to approved borrowers on the security of Indian railway debentures and British Funds; and
- (b) on deposit with approved Banks.

"The amounts so lent on the 31st of last month were—

- (a) £9,850,000; and
- (b) £7,250,000.

"4. The Government of India, as the Hon'ble Member is aware, leave considerable sums, out of their Indian cash balances, on deposit with the Presidency Banks. They do not consider it advisable to make a practice of lending to the money markets in India in any other manner or to any larger extent.

"5. It is not our intention at present to make any further reduction in the silver branch of the Gold Standard Reserve; and it is not our intention to discontinue the silver branch."

[18TH SEPTEMBER 1911.] [*Mr. Madge; Sir G. Fleetwood Wilson; Rao Bahadur R. N. Mudholkar; Mr. Butler.*]

**The Hon'ble Mr. Madge asked :—**

“ With reference to the United Provinces Government statement in the Provincial Legislative Council on the 12th August, regarding transfers of officers holding appointments to be abolished in the Opium Department to other suitable posts, will the Government of India be pleased to state whether, in sanctioning transfers that may be recommended, care will be taken to see that (a) such transfers entail no pecuniary loss, and (b) that no breaks are made in pensionable service, which may destroy claims based on past services ?

“ Does the Government intend stopping fresh appointments in any department to which discharged Opium officers may be transferred, until all such men of the latter as can be retained are provided for ?”

**The Hon'ble Sir G. Fleetwood Wilson replied :—**

“ The transfer of officers from the Opium Department to other Departments will be largely a matter for settlement by the Local Government. But the Government of India is doing and will do all that lies in their power to prevent avoidable hardship in the process.”

**The Hon'ble Rao Bahadur R. N. Mudholkar asked :—**

“ Will Government be pleased to state what effect has been given in the different Provinces to the recommendations of the Educational Conference which sat at Allahabad in February last under the Presidentship of the Hon'ble Mr. Butler ?”

**The Hon'ble Mr. Butler replied :—**

“ The recommendations of the Educational Conference which sat at Allahabad in February last are engaging the attention of the Government of India and have formed the subject of references to Local Governments and Administrations.”

**The Hon'ble Rao Bahadur R. N. Mudholkar asked :—**

“ Will Government be pleased to state the revenue realized and the expenditure incurred in Berar under the several main budget heads during the years 1904 to 1910 ?”

**The Hon'ble Sir G. Fleetwood Wilson replied :—**

“ The information is being collected and will be laid on the table when ready.”

**The Hon'ble Rao Bahadur R. N. Mudholkar asked :—**

“ Do Government intend to consider whether there should not be a properly qualified Inspector of Technical Education under the Education Department of the Government of India ?”

**The Hon'ble Mr. Butler replied :—**

“ Some Local Governments already have qualified inspecting or advising officers. It would be contrary to the general policy of the Government to have a central inspecting officer for India, but it is hoped to secure the results desired by the Hon'ble Member by conferences of local officers.”

**The Hon'ble Rao Bahadur R. N. Mudholkar asked :—**

“ Will Government be pleased to state whether there is uniformity of practice in the different Provinces in regard to the qualifications of persons entrusted with the management and charge of boilers ? If not, do Government intend to take action with a view to requiring for all parts of the country that steam-boilers and all prime-movers, whether driven by steam, electricity, gas or other mechanical power, shall, while under work, be under the supervision and charge of qualified engineers ?”

[*Mr. Clark; Nawab Saiyid Muhammad Sahib Bahadur; Mr. Jenkins; the Raja of Dighapatia; Sir T. R. Wynne.*] [18TH SEPTEMBER 1911.]

**The Hon'ble Mr. Clark replied:—**

"The Boiler Acts in force in the different Provinces prohibit the use of a boiler or prime-mover unless it is in charge of a qualified engineer, and penalties are imposed for the non-observance of this provision. Rules for the examination of, and the grant of certificates of competency to, persons intending to take charge of boilers are framed by Local Governments, with whom the administration of the Boiler Acts rests. These rules are not exactly the same in all the Provinces, and the Government of India do not consider absolute uniformity in the matter to be essential."

**The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur asked:—**

"With reference to the recommendation of the Royal Decentralization Commission proposing an Act of general delegation of authority and powers, will the Government be pleased to state—

- (a) whether the Local Governments were consulted in regard to the proposed measure subsequent to the report of the Commission;
- (b) whether the opinion of the majority of the Local Governments was in favour of the measure; and
- (c) whether the Government will publish the connected papers for general information?"

**The Hon'ble Mr. Jenkins replied:—**

"The answer to part (a) of the question is in the negative. No reply is accordingly required to part (b). With regard to part (c), the Hon'ble Member is informed that it is proposed to introduce a Bill on the subject during the current session of the Council."

**The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur asked:—**

"(a) Is it a fact that the Government of India have under consideration a proposal for the special training of members of the Indian Civil Service for judicial work?"

"(b) If so, will the Government be pleased to publish the proposal and to give the public an opportunity of expressing an opinion on the same?"

**The Hon'ble Mr. Jenkins replied:—**

"The answer to the first part of the question is in the affirmative.

"At the present stage of the discussion no announcement can be made as to whether the proposal will be published."

**The Hon'ble the Raja of Dighapatia asked:—**

"Would the Government be pleased to state if the railway line between Godagari-Rajshahye-Natore has been sanctioned by the Right Hon'ble the Secretary of State for India?"

"If so, when is it going to be taken up?"

**The Hon'ble Sir T. R. Wynne replied:—**

"The Secretary of State has not sanctioned the construction of a railway between Godagari and Natore, and at the present time there is no proposal before Government for the construction of this line."

**The Hon'ble the Raja of Dighapatia asked:—**

"Would the Government be pleased to state what progress has been made in the construction works of the Lower Ganges Bridge at Sara and when the bridge is likely to be completed?"

[18TH SEPTEMBER 1911.] [*Sir T. R. Wynne ; the Raja of Dighapatia ; Mr. Jenkins.*]

**The Hon'ble Sir T. R. Wynne replied:—**

“Satisfactory progress has been made in the construction of the Lower Ganges Bridge. A large proportion of the construction plant has been received and the manufacture of the concrete blocks, of which the walls will be built, has been in hand for some time.

“The sinking of the abutment caissons has been begun and arrangements are in progress for commencing work on the piers.

“With regard to the training works, the two guide bunds have been practically completed.

“It is expected that the Bridge will be completed in the year 1914.”

**The Hon'ble the Raja of Dighapatia asked:—**

“Would the Government be pleased to state if it is in contemplation to extend the broad gauge line of the Eastern Bengal State Railway up to Siliguri from Sara ?

“If so, when will the work commence ?”

**The Hon'ble Sir T. R. Wynne replied:—**

“Proposals are under consideration for converting the metre-gauge line from Sara to Parbatipur to the broad gauge.

“The carrying out of this work depends on the necessary funds being available.”

**The Hon'ble the Raja of Dighapatia asked:—**

“Would the Government be pleased to state if it is intended to extend the railway line up to the Chumbi Valley ?”

**The Hon'ble Sir T. R. Wynne replied:—**

“A concession has been given, under Branch line terms, for the extension of the Darjeeling-Himalayan Railway to Lebong and for the construction of a line from Siliguri to Teesta Bridge.

“No proposals are under consideration for the extension of these lines beyond these places.”

**The Hon'ble the Raja of Dighapatia asked:—**

“Would the Government be pleased to state what steps have been taken to give effect to the suggestions of Rai Sahib Pandit Matadin Sukul, Executive Engineer, Rajshahye, in the matter of the safety of the inter and third class female passengers ?”

**The Hon'ble Sir T. R. Wynne replied:—**

“In answer to his question the Hon'ble Member is invited to refer to the reply given by the President, Railway Board, to a question dealing with robberies in trains asked by the Hon'ble Mr. Bhupendranath Basu on the 5th August 1910. The Indian official referred to in that reply is Rai Sahib Pandit Matadin Sukul.”

**The Hon'ble the Raja of Dighapatia asked:—**

“Would the Government be pleased to state if there is any proposal of a High Court being established at Dacca ?”

**The Hon'ble Mr. Jenkins replied:—**

“No proposal to establish a High Court at Dacca has been received by the Government of India.”

[Mr. Sachchidananda Sinha ; Sir  
T. B. Wynne.]

[16TH SEPTEMBER 1911.]

The Hon'ble Mr. Sachchidananda Sinha asked :—

“ Will the Government be pleased to state—

- (a) How many of the 516 coaching vehicles added to the rolling stock of the railways in 1910, and how many of the 1,427 coaching vehicles under supply, are meant for third-class passengers?
- (b) Are the Government aware that the available supply of third-class vehicles is inadequate and that third-class passengers are carried in goods wagons on occasions of fairs and festivals?
- (c) Is it not a fact that out of a total increase of 146·10 lakhs of rupees in the passenger earnings last year, 126·21 lakhs were derived from third-class traffic?
- (d) If so, do the Government intend to arrange that an adequate increase be made in the number of third-class vehicles?
- (e) Have the Government under consideration a proposal of the Government of the United Provinces that when third-class passengers are carried in goods wagons, they should be charged fare at a lower rate than that of third-class?
- (f) If so, will the Government be pleased to state what decision, if any, has been arrived at, and, if not, when it may be expected.”

The Hon'ble Sir T. B. Wynne replied :—

“ The answer to question (a) is that of the 516 coaching vehicles added to the rolling stock of railways in 1910, there were 210 bogie carriages for 3rd class traffic. The number of bogie 3rd class carriages now under supply is 622. It must be appreciated that coaching stock, besides 1st and 2nd class vehicles, includes brake vans, luggage vans, mail carriages, horse boxes, oil vans, carriage trucks and intermediate class vehicles.

“ With regard to the next question, the Government of India are not prepared to admit that the supply of third class carriages is inadequate to the ordinary demands of traffic.

“ In cases where many thousands of pilgrims have to be carried within a very short time, recourse is had to the use of specially selected goods wagons, so as not to disappoint those anxious to make the pilgrimage. It must be remembered that it would cost a very large sum to provide 3rd class carriage accommodation to meet the demands for transport made on railways during large *melas* and that when the *melas* were over this stock would lie idle. Moreover, in order to recoup themselves for this expenditure on account of which but little return would be received, the railway companies might very probably have to raise their 3rd class fares.

“ In answer to question (c), it is a fact that of the total increase of 146·10 lakhs of rupees in the passenger earnings last year, 126·21 lakhs were derived from 3rd class traffic. This fact, coupled as it is with the yearly steady increase in 3rd class passenger receipts, is very striking evidence of the satisfactory arrangements that railways make for the carriage of third class passengers; since, if the conditions of third-class travelling were not satisfactory to the third-class passenger, the earnings from this class of traffic would not show so remarkable an increase.

“ In light of these remarks, Government do not admit that the steady increase in up-to-date 3rd class carriages which is being made yearly is inadequate and see no reason for pressing the railway companies on this point. At the same time care is being taken that the yearly supply of new 3rd class stock should not fall below what is considered necessary.

“ The proposal to charge a lower fare to passengers travelling in goods wagons has not been adopted for two reasons.



[18TH SEPTEMBER 1911.] [Sir T. R. Wynne; Mr. Sachchidananda Sinha; Mr. Carlyle; Mr. Butler.]

"The first is that with the small carrying capacity fixed for a specially selected wagon when used for passenger traffic, there are very strong reasons for believing that 3rd class passengers like wagons for travelling, inasmuch as there is plenty of room to stow away the things they carry with them and they have more room to lie down and sleep in, than in 3rd class carriages.

"Secondly, pilgrim trains often consist of both carriages and wagons, and it would be impossible to sort the passengers out according to the tickets they held. It would frequently happen that in the rush that ensues at a station when a train arrives, the 3rd class ticket-holder would find himself in a wagon and the wagon ticket-holder in a 3rd class carriage. Difficulties in the latter case would then arise with the ticket collectors."

**The Hon'ble Mr. Sachchidananda Sinha asked :—**

"(a) Are the Government aware that there is dissatisfaction amongst officers of the upper subordinate establishment of the Public Works Department in regard to their pay, allowance, designation and status ?

"(b) Have the Government received any representation from them on the subject ?

"(c) If so, what action, if any, has either been taken by the Government or is proposed to be taken ?"

**The Hon'ble Mr. Carlyle replied :—**

"(a) Yes.

"(b) Yes.

"(c) The matter is under consideration."

**The Hon'ble Mr. Sachchidananda Sinha asked :—**

"(a) Is it a fact that in the rules lately published in regard to appointments in the Indian Forest Service, it is laid down that candidates applying for appointment as probationers must be 'natural-born British subjects' ?

"(b) Is the above expression precisely the same as 'the natural-born subjects of His Majesty' ?

"(c) If not, will the Government be pleased to state whether the expression 'natural-born British subjects' includes or excludes the Indian subjects of the King-Emperor ?

"(d) If the latter, do the Government intend to so amend the rules as to make Indians also eligible for all appointments in this department, equally with other subjects of the Crown ?"

**The Hon'ble Mr. Carlyle replied :—**

"The reply to clauses (a) and (b) is in the affirmative and the expression 'natural-born British subjects' includes Indian subjects of the King-Emperor."

**The Hon'ble Mr. Sachchidananda Sinha asked :—**

"Has the attention of Government been drawn to the following observations in the Annual Report of the Director General of Archaeology for 1908-09, recently published :—

"It is time to ask whether it would not be the better course for the Imperial Government to assume entire responsibility for Archaeological works."

"(b) Do Government propose to take any action in the matter on the lines suggested by the Director General ?

"(c) If not, will Government be pleased to state the reason for the rejection of the proposal."

**The Hon'ble Mr. Butler replied :—**

"The attention of Government has been called to the passage quoted. The Government of India do not propose to take action on the lines indicated. To do so would be contrary to the policy of decentralization which the Government of India are pursuing."

[Mr. Sachchidananda Sinha; the Com- [15TH SEPTEMBER 1911.]  
mander-in-Chief; Mr. Butler; Mr.  
Jenkins; Mr. MacLagan.]

The Hon'ble Mr. Sachchidananda Sinha asked :—

“(a) Are the Government aware that the relations between the owners of bungalows and the military officers occupying them, in the Dinapore Cantonment, are strained at present ?

“(b) Has the attention of the Government been drawn to a petition on the subject, addressed to the Officer Commanding the Station, by the owners of some houses in the cantonment, and published in the *Beharee* of the 8th September, 1911 ?

“(c) Are the Government aware that the present state of affairs has produced great dissatisfaction amongst owners of house-property in that cantonment ?

“(d) Do Government intend to issue such instructions in the matter as will bring about better relations between the officers and the house-owners ? ”

His Excellency the Commander-in-Chief replied :—

“(a) The question implies that strained relations exist between house-owners and military officers occupying houses generally in the cantonment.

The Government of India are not aware that this is the case.

“(b) The Government of India have heard that a petition has been received by the military authorities. Enquiries are in progress.

“(c) The answer is in the negative.

“(d) On the information before them the Government of India do not see the necessity for taking action in the matter.”

#### INDIAN CHRISTIAN MARRIAGE (AMENDMENT) BILL.

The Hon'ble Mr. BUTLER moved that the Bill further to amend the Indian Christian Marriage Act, 1872, be taken into consideration.

The motion was put and agreed to.

The Hon'ble Mr. BUTLER moved that the Bill be passed.

The motion was put and agreed to.

#### COURT-FEES (AMENDMENT) BILL.

The Hon'ble Mr. JENKINS moved that the Bill further to amend the Court-fees Act, 1870, be taken into consideration.

The motion was put and agreed to.

The Hon'ble Mr. JENKINS moved that the Bill be passed.

The motion was put and agreed to.

#### INDIAN FOREST (AMENDMENT) BILL.

The Hon'ble Mr. MACLAGAN moved that the Bill further to amend the Indian Forest Act, 1878, be taken into consideration.

The motion was put and agreed to.

The Hon'ble Mr. MACLAGAN moved that the Bill be passed.

The motion was put and agreed to.

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

The Hon'ble Mr. JENKINS moved that the Bill to amend the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, be taken into consideration.

The motion was put and agreed to.

The Hon'ble Mr. JENKINS moved that the Bill be passed.

The motion was put and agreed to.

[18TH SEPTEMBER 1911.] [Mr. Jenkins; Mr. Syed Ali Imam; Mr. Jenkins.]

### INDIAN AIRSHIPS BILL.

The Hon'ble MR. JENKINS: "My Lord, I present the Report of the Select Committee on the Bill to control the manufacture, possession, use, sale, import and export of airships. There are two small alterations which the Select Committee propose should be made in the Bill. These are fully explained in their Report, and the Committee has recommended that the Bill be passed as it is now amended."

### COWASJEE JEHANGIR BARONETCY BILL.

The Hon'ble MR. SYED ALI IMAM: "My Lord, I beg to move for leave to introduce a Bill for settling an annuity of fifty thousand rupees payable by the Secretary of State in Council of India in perpetuity and being of the value of fifteen lakhs of rupees and securities, being Promissory Notes of the Government of India or Bonds of the Municipal Corporation of the City of Bombay, the Trustees of the Port of Bombay and the Trustees for the Improvement of the City of Bombay, of the nominal value of ten lakhs of rupees and producing a further annual income of about forty thousand rupees, and two Mansion-houses and hereditaments called respectively 'Readymoney House' and 'Fort Mansion' in the Island of Bombay, the property of Sir Cowasjee Jehangir, Baronet, so as to accompany and support the title and dignity of a Baronet lately conferred on him by His late Majesty King Edward VII, to hold to him and heirs male of his body lawfully begotten and to be begotten, and for other purposes connected therewith.

"The object of the Bill has been put forward in the portion that I have read, but I may be allowed to say just one word as to the necessity which has occasioned my introducing this Bill before the Council. The ordinary law of perpetuity would not permit the settlement of the kind that is intended to be made through this Bill, and therefore an Act of Legislature is a necessity in the case. There is precedent for this, inasmuch as two other distinguished countrymen of mine who received similar honours at the hands of the Sovereign, also came to this Council and obtained the same relief which Sir Cowasjee Jehangir in the present instance claims. I could not possibly close my observations when I move for the introduction of this Bill without paying to Sir Cowasjee Jehangir the tribute to which he is entitled as a distinguished Indian. He is one of the great captains of industry in the well known City of Bombay and has been a successful leader of commercial enterprise. His own contributions to public charities and his large-hearted public spirit have all drawn, not only the respect of his countrymen, but have also elicited from his Sovereign the great distinction to which he has been called. I have only one word to add, and that is that this Bill has been framed on the lines of Act VI of 1893, and has been settled in concert with Sir Cowasjee Jehangir's legal advisers and the Government of Bombay."

The motion was put and agreed to.

The Hon'ble MR. SYED ALI IMAM 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.

The motion was put and agreed to.

### INDIAN LUNACY BILL.

The Hon'ble MR. JENKINS: "My Lord, I move for leave to introduce a Bill to consolidate and amend the law relating to Lunacy. The present law on the subject of lunacy is comprised in six special enactments dealing with lunatics and lunatic asylums and in certain provisions of the Code of Criminal Procedure and in one section of the Prisoners Act of 1900. The three earliest of these enactments were passed in 1858 at a time when, I need hardly remind

[Mr. Jenkins; Mr. Clark.]

[18TH SEPTEMBER 1911.]

Hon'ble Members, the High Courts had not received their charters and the Indian Councils Act of 1861 had not been passed. Our law on the subject is therefore not only confused and widespread over several enactments, but is also completely out of date. We propose to consolidate these enactments and to introduce certain amendments, and especially to bring the law in certain important particulars into line with the modern English Act. No question of principle is involved, and the Bill is, I think, one which is more fit for careful examination with regard to all details in Select Committee than for general discussion in Council. The preparation of the Bill has been a work of much painstaking labour, and I think the result is very creditable to the officers of the Legislative Department who have been responsible for it. Great pains have been taken to enable those who have taken an interest in the subject—and I am afraid it is not an inviting one—to see exactly what is proposed to be done. The first annexure to the Bill shows how the enactments which we propose to repeal have been dealt with, whether they have been discarded or whether they have been retained, and, in the latter case, with what modifications. Next comes a statement which shows very clearly the alterations which will be effected in the existing law. Then comes the Statement of Objects and Reasons, which we have endeavoured to make as full and clear as possible. Finally, there are the *Notes on Clauses*, which show, in respect of each clause, exactly what the future law will be if the Bill becomes law, and the reasons for each alteration. I trust these materials, which have been put together with very great care, will be of service to the Hon'ble Members who may wish to study the subject in detail. We propose to publish the Bill and to circulate it as widely as possible, and we shall not proceed with it further until the opinions and suggestions which may be elicited have been very fully considered."

The motion was put and agreed to.

The Hon'ble MR. JENKINS 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.

#### INDIAN POST-OFFICE (AMENDMENT) BILL.

The Hon'ble MR. CLARK: "My Lord, I move for leave to introduce a Bill further to amend the Indian Post-Office Act of 1908. Experience has shown that the powers conferred under this Act on the Post Office have been inadequate in regard to articles posted in contravention of the law. We propose to take such further powers, as are necessary, and at the same time to amend certain minor defects in the law. The principal provision of the Bill is to give the Post-Office authorities power to open newspapers, sample and book packets suspected to contain indecent literature of any kind. Experience has shown that these powers are necessary. There has been a very bad case recently in which the Post Office were entirely powerless to stop the circulation of a publication of the kind. The powers which we now propose to confer on them are practically the same as those possessed by the Post Office in the United Kingdom. Then there will be another provision in regard to search for articles prohibited under notifications issued under the Sea Customs Act of 1878. There is some doubt at present whether the law allows the Post Office to open postal packets in making a search. We propose to define the law, and to empower the Post Office to open newspapers, sample and packets and book packets. On the other hand, there will be no power to open letters and parcels. The Postal authorities will, however, be empowered to hand over parcels and letters suspected to contain prohibited articles to the Customs authorities. Of the other provisions of the Bill, one is aimed at the prevention of frauds which have occurred in connection with value-payable articles, and another has for its object the prevention of the transmission by post of lottery circulars and the regulation of the

[18TH SEPTEMBER 1911.]

[*Mr. Clark.*]

transmission of bullion and coin. The other provisions are of minor importance, and need not be specifically mentioned."

The motion was put and agreed to.

The Hon'ble MR. CLARK 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.

The Council adjourned to Friday, the 22nd September 1911.

J. M. MACPHERSON,

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

SIMLA;

*The 21st September 1911.*