

*Friday,
11th March, 1904*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XLIII

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ABSTRACT OF THE PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA:
ASSEMBLED FOR THE PURPOSE OF MAKING
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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., Cap. 67, and 55 & 56 Vict., Cap. 14).

The Council met at Government House, Calcutta, on Friday, the 11th March, 1904.

PRESENT :

- His Excellency Baron Curzon, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.
His Honour Sir A. H. L. Fraser, K.C.S.I., Lieutenant-Governor of Bengal.
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. T. Raleigh, C.S.I.
The Hon'ble Sir E. F.G. Law, K.C.M.G., C.S.I.
The Hon'ble Major-General Sir E. R. Elles, K.C.B., K.C.I.E.
The Hon'ble Sir A. T. Arundel, K.C.S.I.
The Hon'ble Sir Denzil Ibbetson, K.C.S.I.
The Hon'ble Rai Sri Ram Bahadur.
The Hon'ble Mr. A. W. Cruickshank, C.S.I.
His Highness Raja Sir Surindar Bikram Prakash Bahadur, K.C.S.I., of Sirmur.
His Highness Agha Sir Sultan Muhammad Shah, Agha Khan, G.C.I.E.
The Hon'ble Mr. Gopal Krishna Gokhale, C.I.E.
The Hon'ble Mr. E. Cable.
The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur.
The Hon'ble Mr. F. S. P. Lely, C.S.I.
The Hon'ble Mr. H. Adamson, C.S.I.
The Hon'ble Mr. A. Pedler, C.I.E., F.R.S.
The Hon'ble Mr. T. Morison.
The Hon'ble Dr. Ramkrishna Gopal Bhandarkar.
The Hon'ble Mr. D. M. Hamilton.
The Hon'ble Rai Bahadur B. K. Bose, C.I.E.
The Hon'ble Dr. Asutosh Mukhopadhyaya, D.L., F.R.A.S., F.R.S.E.

MADRAS COAST LIGHTS BILL.

The Hon'ble SIR EDWARD LAW presented the Report of the Select Committee on the Bill to authorize the levy of dues on vessels for the provision

[*Sir Edward Law; Sir Denzil Ibbetson.*] [11TH MARCH, 1904.]

of lights on the coast of the Province of Madras. He said:—"No alterations of any importance have been made in the text of the Bill except such as were necessary in connection with the revision of the Schedule. We have, after careful consideration of the most accurate obtainable estimates of the yield of the dues, decided to fix tentatively the general rate for steam-vessels at 7 pies per ton. The estimates which have been framed are somewhat doubtful as regards certain classes; and it has been found impossible to work out the precise effect of the thirty days' exemption. In these circumstances, we consider that the rates initially fixed should be revised, if necessary, after two years' actual experience has been obtained. Should the rates imposed prove excessive, they will be reduced; should the yield be insufficient to meet the legitimate charges on account of the coast lights, the rates will be enhanced, within the maximum limits prescribed in the Bill.

"During the discussion on the Madras coast lights dues, it has been represented that those at present levied for the upkeep of lights on the coast of Burma are unnecessarily high, and result in the accrual of a considerable annual profit to the Government. A detailed examination of the accounts of the Burma dues during the past twenty-one years shows that this impression is incorrect; the dues levied have, over the whole period, been insufficient to meet the charges legitimately debitable against them. The average annual deficit exceeds Rs. 3,500. The receipts for the past three years have been exceptionally high, however, and the yield will probably increase rapidly in the future.

"In these circumstances, we consider that the rate at which dues are levied should be revised every five years, the first revision being made when the results of the year 1904-05 are known, and being based on the recorded average annual surplus during the quinquennium.

"At each revision, the rate at which the dues are levied will be readjusted, by even pies, so as to yield approximate equilibrium between receipts and expenditure."

TRANSFER OF PROPERTY (AMENDMENT) BILL.

The Hon'ble SIR DENZIL IBBETSON moved that the Report of the Select Committee on the Bill further to amend the Transfer of Property Act, 1882, be taken into consideration. He said:—"When I introduced this Bill I explained its origin and object with some fulness. The reasons for the only

[11TH MARCH, 1904.] [*Sir Denzil Ibbetson ; Rai Sri Ram Bahadur.*]

substantial alteration made in Committee are stated in the Report, and I have nothing further to add."

The motion was put and agreed to.

The Hon'ble SIR DENZIL IBBETSON moved that the Bill, as amended, be passed.

The Hon'ble RAI SRI RAM BAHADUR said:—"My Lord, with Your Excellency's permission I would like to say a few words in connection with the Bill which is going to be passed into law today. The Bill, though very short, is of considerable importance. In actual practice it will have an effect of a very far-reaching character.

"My Lord, this piece of legislation will not be an unmixed blessing to the people at large. No doubt its provisions will serve the purpose of putting an effectual check upon the doings of persons dishonestly inclined, but, on the other hand, in all places where the Transfer of Property Act is in force—and specially in backward tracts of the country where registration offices are situated at distances—its operation will result in putting the poorer classes of rustics to much inconvenience and expense, not at all commensurate with the amounts of the petty loans which such people generally take on the security of immoveables.

"My Lord, we were told that the object of the Government in introducing this Bill was to make alterations and amendments in the law relating to mortgages and leases as specified therein, and no suggestions regarding the amendment of any other portion of the Transfer of Property Act could be entertained in the deliberations on this Bill. My Lord, the policy of piecemeal legislation has not much in its favour, and this Bill is intended to serve only as a patchwork. The Transfer of Property Act was passed in 1882. It was the first attempt by the Indian Legislature to codify the law relating to transfer of property. Its working during the last twenty-two years has disclosed many shortcomings in it. The pages of the Law Reports are full of conflicting decisions by the different Indian tribunals on many of the provisions of this enactment. It is therefore the incumbent duty of the Legislature to remove these uncertainties from such an important branch of the law. The whole Act requires a general and thorough revision. It is therefore hoped that the Government will take up the revision of the law of transfer of property at no distant date."

The motion was put and agreed to,

[*Sir Edward Law; the President.*] [11TH MARCH, 1904.]

INDIAN TARIFF (AMENDMENT) BILL.

The Hon'ble SIR EDWARD LAW moved for leave to introduce a Bill to revive and continue section 8B of the Indian Tariff Act, 1894. He said:— "The Indian Tariff Amendment Act, 1902 (VIII of 1902), was passed with the object of enabling the Government of India to countervail bounties on sugar created by private trade combinations such as *cartels*. This Act expired on the 31st of August, 1903, but the Government of India were empowered by the Indian Tariff Amendment Act, 1903 (XII of 1903), to continue to levy the duties chargeable under the former amending Act until the 31st of March, 1904.

"The object of the present Bill is to enable the Government of India to continue to levy special duties after that date on sugar imported from countries which, by maintaining high protective duties, render possible combinations to manipulate the price of sugar."

The motion was put and agreed to.

The Hon'ble SIR EDWARD LAW introduced the Bill.

The Hon'ble SIR EDWARD LAW 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 local official Gazettes.

The motion was put and agreed to.

ADJOURNMENT OF COUNCIL.

His Excellency THE PRESIDENT:—"The Council will meet again on this day week. We will then take up the Ancient Monuments Bill, which I hope we shall pass into law, and after that we will proceed with the Universities Bill. I believe that there are a considerable number of amendments on that Bill, and the discussion of them will no doubt take some time. I therefore propose to take it continuously until it is finished. We will sit on Friday next week; we will resume our sitting on Saturday, and I hope that we may be able to finish the Bill upon that day. If, however, we cannot do this, I propose to resume again on Monday. The Council therefore stands adjourned until Friday next, the 18th instant."

J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.

CALCUTTA; }
The 12th March, 1904. }