

Thursday, October 8, 1868

**COUNCIL OF THE GOVERNOR GENERAL
OF INDIA**

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1868

Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 24 & 25 Vic., Cap. 67.

The Council met at Simla on Thursday, the 8th October 1868.

PRESENT :

His Excellency the Viceroy and Governor General of India, *presiding*.

His Excellency the Commander-in-Chief, G.C.S.I., K.C.B.

The Hon'ble G. N. Taylor.

The Hon'ble H. S. Maine.

The Hon'ble John Strachey.

The Hon'ble Sir Richard Temple, K.C.S.I.

The Hon'ble Colonel H. W. Norman, C.B.

The Hon'ble F. R. Cockerell.

The Hon'ble Sir George Couper, Bart., C.B.

COORG COURTS BILL.

The Hon'ble Mr. TAYLOR moved that the Report of the Select Committee on the Bill to define the jurisdiction of the Courts in Coorg be taken into consideration. He said that since the Bill was introduced he had had the advantage of consulting the present local authorities on its provisions, and the Committee had adopted several useful suggestions made by the Officiating Judicial Commissioner, in which the Commissioner also had expressed his concurrence. In the Bill, as introduced, certain sections were inserted, providing for the criminal powers to be exercised by the several grades of Courts, and that their proceedings generally should be regulated by the Code of Criminal Procedure. On the understanding that this Code, which was already *de facto* in force in Coorg, was about to be formally extended to the Province by an executive order, the Committee considered that the sections referred to, namely, 21, 22, 26 and 28, were unnecessary, and had accordingly struck them out of the Bill. Since coming to the Council, however, certain papers had been placed in his (Mr. TAYLOR'S) hands which showed that the non-extension of the Criminal Procedure Code to the Province of Coorg, in the Notification of 1862, which extended its provisions to the territory of Mysore, was an accidental omission; that its extension to Coorg was, indeed, approved by the Government of India though the sanction was not communicated to the Commissioner, and that the local

officers had for the last six years exercised the powers conferred by the Code. Under these circumstances, it seemed desirable to add a section to the present Bill, the adoption of which would be presently moved by Mr. Maine, which would meet the object as effectually as the usual Notification in the *Gazette*, and would have the additional advantage of legalizing the proceedings of the officers of Government for past years.

The Committee had also struck out the clause in Section 4 requiring the previous sanction of the Governor General in Council to the investment of Párbatiyagár and Náib Súbahdárs, officers who resembled Tahsildárs in this part of India, with power to try suits of a small amount. This would save delay and correspondence.

Section 24 of the Bill as introduced, specially provided for the exercise in Coorg of sessional jurisdiction by the Superintendent of the Ashtagram Division in the Province of Mysore. The Officiating Judicial Commissioner remarked, and the Commissioner of Coorg agreed with him, that this provision was objectionable as amounting in point of fact to a recognition as a permanent arrangement of the accidental connection now subsisting between Mysore and Coorg. The Committee had, therefore, substituted a clause empowering the Governor General in Council to appoint any subject of the Queen to be Sessions Judge of Coorg, declaring that such Judge should, as often as might be necessary, hold sessions within that Province, and providing that he and the Judicial Commissioner respectively might hear appeals beyond its limits.

There was no other material alteration or amendment in the Bill to which he need call the attention of the Council.

The Hon'ble Mr. MAINE moved that the following section be added to the Bill :—

“ 25. The Code of Criminal Procedure shall extend to the said Province, and shall be deemed to have been in force therein from the ninth day of December 1862.”

And that Section 1 be altered thus,—

“ 1. This Act may be called “ The Coorg Courts Act.”

“ Section 25 shall take effect at once, and the rest of this Act shall come into operation on the first day of December 1868.”

The Motion was put and agreed to.

The Hon'ble Mr. TAYLOR then moved that the Bill as amended be passed.

The Motion was put and agreed to.

LOCK-HOSPITALS BILL.

The Hon'ble Mr. MAINE presented the Report of the Select Committee on the Bill to enable Municipalities to provide for Lock-Hospitals.

PANJAB TENANCY BILL.

The Hon'ble Sir R. TEMPLE presented the Report of the Select Committee on the Bill to define and amend the Law relating to the tenancy of land in the Panjáb.

The Council then adjourned to the 15th October 1868.

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,
Home Department (Legislative).*

SIMLA,
The 8th October 1868. }