

Friday, May 29, 1867

COUNCIL OF GOVERNOR GENERAL
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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 Wednesday, the 29th May, 1867.

P R E S E N T :

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 H. Sumner Maine.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Major General Sir H. M. Durand, C. B., K. C. S. I.

The Hon'ble Sir George Yule, C. B., K. C. S. I.

RAILWAY SERVANTS' BILL.

The Hon'ble MR. TAYLOR introduced the Bill to render penal certain offences committed by servants of Railway Companies, and moved that it be referred to a Select Committee, with instructions to report in a week. He said that he had little to add to the remarks which he had previously made as to the object of the Bill and the results of its becoming law. The Bill simply declared that persons in the employ of Railway Companies should be deemed to be public servants within the meaning of Sections 161 to 165 of the Indian Penal Code. This would render the taking of a bribe in respect of an official act by a Railway servant a penal offence punishable with imprisonment, with or without hard labour, for a term which might extend to three years, or with fine, or with both. At present, the only punishment to which such offenders were liable was dismissal; but it was obvious that when once a man was in possession of his ill-gotten gains, dismissal was practically no punishment at all. He held in his hand a letter from Mr. Stephenson, the member of the Board of Agency who specially supervised the traffic administration of the East Indian Railway, in which he said that he was absolutely helpless in the matter of bribery and corruption of Station-masters. "I can only dismiss a man," says Mr. Stephenson, "which he cares nothing about after he has made his money." And Mr. Stephenson pressed the enactment of Section 55 of the proposed Railway Act, which was embodied in the present Bill, "as the only means that would enable him to stop this bribery." Of course we could not hope to stop

the practice unless we could bring the law to bear on each of the two parties necessary to every case contemplated by the Bill—unless we punished the giver as well as the receiver. As his Right Hon'ble friend Mr. Massey had observed to him the other day, if there was no briber there could be no bribee; but legislation, in England at least, had hitherto failed to reach the former. Should the present Bill become law, however, the Indian Penal Code would effect this object. The bribery of a Railway servant would be an "offence" under the Penal Code, and whoever abetted any such offence would, under Section 109, be punishable with the punishment provided for the offence. Take for instance the first illustration to that Section: If A offers a bribe to B, a Railway servant, as a reward for showing A some favour—such as giving him an undue preference in the hiring of Railway waggons—and if B accepts the bribe, A has abetted the offence of bribery, and would be liable to the punishment before mentioned. Suppose, too, the bribe was not accepted, the would-be briber would still be punishable, under Section 119 of the Code, with imprisonment for a term which might extend to 18 months, or with fine, or with both. MR. TAYLOR concluded by hoping that, as soon as these provisions were generally known, an effectual check would be placed on the scandalous proceedings in the traffic department of our largest Railways, of which we had lately heard so much, and to which it was unnecessary to refer more particularly.

The Hon'ble MR. MAINE was anxious that the Bill should be referred to a Select Committee, in order that the Council might be sure that, if it became law, no more would be imposed on Railway servants than they might be reasonably expected to bear. He might mention that, when he was passing in 1865 through the Central Provinces, he had been told by Captain Sherard Osborne, one of the highest authorities on the subject, that it would be quite impossible to work the Indian Railway system without some such enactment as the present.

The Motion was put and agreed to.

CURRENCY ACT AMENDMENT BILL.

The Right Hon'ble MR. MASSEY, in moving for leave to introduce a Bill to amend Act No. XIX of 1861 (to provide for a Government Paper Currency), said that the Council were aware that, for the purposes of the Currency Act, India was divided into a number of circles of issue, and that Government promissory notes not issued in the presidency towns were payable only at the place where they were issued, and at the principal town of the presidency within which such place was situated. This arrangement was generally very suitable, but it was found to be inconvenient where the course of trade did not coincide with the

political divisions of the country, in reference to which the system of issue and payment was established. For example, the trade of the Central Provinces was now almost wholly with Bombay; with the rest of India their trade had diminished where it had not altogether disappeared. But notes issued at Nagpore were payable only there, and at Calcutta, the presidency town of the presidency within which Nagpore was situated. Much inconvenience was accordingly caused to the traders of the Central Provinces who desired to make use of currency notes in their transactions with Bombay. MR. MASSEY had communicated on the subject with the Chief Commissioner, who agreed that it was desirable to substitute Bombay for Calcutta as the capital of the political division in which, for the purposes of the Currency Act, Nagpore should be deemed to be situated. He (MR. MASSEY) had accordingly prepared a short Bill by which he proposed to empower the Governor General in Council to transfer, for the purposes of the Currency Act, any place of issue other than a presidency town from one presidency to another. The convenience of the enactment, so far as regarded the commercial relations between the Central Provinces and Bombay would be great; and Railway communication having been established, no difficulty would result to Government from a glut of currency notes at Bombay, for it would now be easy to convey thither from Nagpore the specie necessary to cash the notes. The proposed enactment was merely a matter which might have been settled by an executive order, but for the stringency with which Section 8 of the Currency Act had been framed.

The Motion was put and agreed to.

The following Select Committee was named—

On the Bill to render penal certain offences committed by servants of Railway Companies—The Hon'ble Mr. Maine and the Mover.

The Council adjourned till the 5th June 1867.

SIMLA,
The 29th May 1867.

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