

Thursday, December 15, 1881

COUNCIL OF GOVERNOR GENERAL
OF
INDIA

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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.

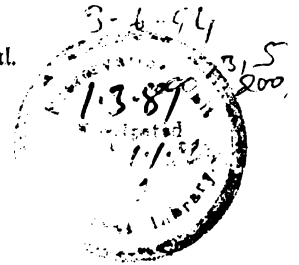
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WITH INDEX.

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OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.

1882.

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 Government House, on Thursday, the 15th December, 1881.

PRESENT :

- His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I., G.M.I.E., *presiding*.
His Honour the Lieutenant-Governor of Bengal, K.C.S.I.
His Excellency the Commander-in-Chief, G.C.B., C.I.E.
The Hon'ble Whitley Stokes, C.S.I., C.I.E.
The Hon'ble Rivers Thompson, C.S.I., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.
Major-General the Hon'ble T. F. Wilson, C.B., C.I.E.
The Hon'ble H. J. Reynolds.
The Hon'ble Mahárájá Jotíndra Mohan Tagore, C.S.I.
The Hon'ble L. Forbes.
The Hon'ble C. H. T. Crosthwaite.
The Hon'ble A. B. Inglis.

INLAND EMIGRATION BILL.

The Hon'ble RIVERS THOMPSON said that he understood that his hon'ble friend Mahárájá Jotíndra Mohan Tagore had a statement to make regarding the Bill to amend the law relating to Emigration to the Labour-districts of Bengal and Assam, and he would, therefore, reserve any observations he might have to make until he had heard what the hon'ble Member had to say.

The Hon'ble MAHÁRÁJÁ JOTÍNDRA MOHAN TAGORE said he deemed it his duty to submit to the Council the fact that native opinion was strong in thinking that the present Bill was extremely one-sided, and that many of its provisions would operate with great harshness on the poor labouring classes of their countrymen. If this conviction gained ground and the idea of the extreme severity of the law got abroad among the masses, he was afraid it would be injurious to the tea-planters themselves, at whose instance he believed the present Bill was introduced; for the poor and ignorant classes of the people would fight shy of all connection with tea-gardens, under an exaggerated apprehension of mischief, and contractors and garden-sardárs would find it difficult to get recruits

unless they practised upon the people the grossest deception, which could not possibly be the object of the legislature to countenance even in the remotest manner. But such, he feared, would be the result if this Bill were passed into law in its present form. Some of the principal provisions of the Bill, which it was apprehended would operate harshly towards the labourer, had been noticed in the memorial of the British Indian Association, and he would take the liberty, with His Lordship's permission, to move that the Bill might be referred back to the Select Committee for a short time for reconsideration, with special reference to that memorial; for it was but fair that the other side should also have a fair hearing. He was aware that the Tea-planters Association had submitted a representation stating that their interests would suffer materially if the Bill was not passed into law by the end of this month, but he submitted that, if the Select Committee were to report in a week's time, he did not think there could be any objection to his suggestion being accepted.

The Hon'ble RIVERS THOMPSON said the memorial of the British Indian Association to which his hon'ble friend had referred was placed in his hands yesterday evening at 5 o'clock. It referred in detail to many provisions of the Bill, but he was obliged to say that it contained many misconceptions and mistakes, due no doubt to the hurry with which the memorial had been prepared. However, as the hon'ble Member (the Mahárájá) represented that the subject had not been considered from the point of view which the British Indian Association deemed worthy of consideration, and as the Hon'ble Mr. Inglis had also called attention to a desirable amendment in one of the sections, he was quite willing, after having communicated with His Excellency the President, to accept the suggestion that the Bill should be referred back to the Select Committee, on the understanding that it should be brought up again in Council at the first meeting after the return of His Excellency from Burma, and be ready then for consideration and passing into law. He moved that the Bill be returned to the Select Committee, and that the Hon'ble Mahárájá Jotindra Mohan Tagore and the Hon'ble Mr. Inglis be added to the Committee.

His Excellency THE PRESIDENT said it seemed to him that the course suggested by his hon'ble friend who had just spoken was the right one in this case. The question had been carefully considered by the Government of India, and it was a mistake to suppose that they had not given consideration to the interests of both the parties who were concerned in this legislation. But, on the other hand, HIS EXCELLENCY did think it would be undesirable that any portion of the public should labour under the impression that the interests of those who were least able to represent their views in this matter

had not been fully considered; and, under these circumstances and in order especially to meet the views of the British Indian Association, he concurred with his friend Mahárájá Jotindra Mohan Tagore that the Bill should be referred back to the Select Committee, with the addition of the hon'ble Members proposed, but on the distinct understanding that the Committee's final report on the Bill should be taken into consideration on the first day on which the Council would sit after HIS EXCELLENCY'S return from Burma, which would probably be the 5th of January.

The Motion was put and agreed to.

SEDITIONOUS PUBLICATIONS BILL.

The Hon'ble MR. GIBBS introduced the Bill to amend the law relating to Seditious Publications, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Stokes, Thompson and Forbes, the Hon'ble Mahárájá Jotindra Mohan Tagore and the Mover.

The Motion was put and agreed to.

The Hon'ble MR. GIBBS also moved that the Bill and Statement of Objects and Reasons be published in the local official Gazettes in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

NORTH-WESTERN PROVINCES LAND-REVENUE BILL.

The Hon'ble MR. CROSTHWAITE moved for leave to introduce a Bill to consolidate and amend the law relating to Land-revenue and the jurisdiction of Revenue-officers in the North-Western Provinces. He said that the object of this Bill was briefly this, that section 29 of the present Land-revenue Law of the North-Western Provinces, Act XIX of 1873, enabled the Government to impose a rate upon land "for the purpose of defraying the salaries of patwáris and other charges incurred for the proper supervision, maintenance and correction of patwáris' records." The Government of the North-Western Provinces had undertaken to correct the village-records in the permanently-settled districts of those provinces; and Settlement-officers had to be appointed to supervise the work. They considered that, as the sole object of this work was to correct and frame the records, and as the Government had no pecuniary interest whatever in the matter, they were justified in defraying the salaries of the supervising officers from the fund which was formed from the proceeds of the rate imposed by section 29. But it had been held under legal advice that the practice was incorrect and not justified by the law; it was, therefore, proposed

to introduce a Bill to amend the law so far as to enable the salaries of these officers to be charged to the Patwari Fund, and it was proposed at the same time, as there were two Acts, XIX of 1873 and VIII of 1879, which contained the present law, to consolidate the law in one enactment—a process which would be purely mechanical.

The Motion was put and agreed to.

SUNDRY BILLS.

The Hon'ble MR. STOKES moved that the Hon'ble Mr. Crosthwaite be added to the Select Committees on the following Bills:—

To define and amend the law relating to the Transfer of Property.

To provide for the Relief of Encumbered Estates in the Jhansi Division of the North-Western Provinces.

To consolidate and amend the law relating to agricultural tenancies in the Central Provinces.

To consolidate and amend the law relating to Criminal Procedure.

To amend the Indian Penal Code.

To define and amend the law relating to Private Trusts and Trustees.

To define and amend the law relating to Easements and Licenses.

To amend the law relating to Court-fees.

To amend the law relating to the Civil Courts in Bengal, the North-Western Provinces and Assam.

The Motion was put and agreed to.

INDIAN PENAL CODE AND COURT FEES BILLS.

The Hon'ble MR. STOKES also moved that the Hon'ble Mr. Forbes be added to the Select Committees on the following Bills:—

To amend the Indian Penal Code.

To amend the law relating to Court-fees.

The Motion was put and agreed to.

TRADING COMPANIES AND STOWAWAYS BILLS.

The Hon'ble MR. STOKES then moved that the Hon'ble Mr. Inglis be added to the Select Committees on the following Bills:—

For the incorporation, regulation and winding-up of Trading Companies and other Associations.

To prohibit the landing of certain Stowaways, and to provide for the recovery of expenses incurred by Government in respect of such persons.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 5th January, 1882.

R. J. CROSTHWAITE,
Offy. Secy to the Govt. of India,
Legislative Department.

CALCUTTA ;
The 15th December, 1881. }