

Wednesday, October 24, 1877

**ABSTRACT OF THE PROCEEDINGS**

**COUNCIL OF THE GOVERNOR GENERAL OF INDIA**

**LAWS AND REGULATIONS.**

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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 24th October 1877.

PRESENT :

His Excellency the Viceroy and Governor General of India, G. M. S. I.,  
*presiding.*

His Honour the Lieutenant-Governor of the Panjáb, C. S. I.

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

The Hon'ble Sir E. C. Bayley, K. C. S. I.

The Hon'ble Sir A. J. Arbuthnot, K. C. S. I.

Colonel the Hon'ble Sir Andrew Clarke, R. E., K. C. M. G., C. B.

Major-General the Hon'ble Sir E. B. Johnson, K. C. B.

The Hon'ble Whitley Stokes, C. S. I.

The Hon'ble F. R. Cockerell.

The Hon'ble T. C. Hope, C. S. I.

PANJÁB LAWS ACT AMENDMENT BILL.

The Hon'ble MR. STOKES introduced the Bill to amend the Panjáb Laws Act, 1872, and moved that it be referred to a Select Committee. He said that he had already described the contents of this Bill, with the exception of section 2. The provisions as to pre-emption contained in the Panjáb Laws Act, sections 9—18, were, he was informed, transcribed from the Panjáb Civil Code—a useful body of principles, but one which was never intended to receive the force of law, or to be exposed to the disintegrating action of a stream of judicial decisions. Section 2 of the Bill would replace these provisions by more accurately drawn clauses, and would at the same time give the Local Government a right of pre-emption in respect of sales of land on which trees belonging to Government were standing. The clause relating to this right had been inserted at the suggestion of His Honour the Lieutenant-Governor, who would explain to the Council more satisfactorily than he (MR. STOKES) could the benefits which would result from this addition to the law.

Section 3 of the Bill would add to the Panjáb law a provision that the Court of Wards might take charge of and administer the property of persons declared by the Local Government, on their own application, to be disqualified

from managing their estates. To what he had said on this subject when moving for leave to introduce the Bill he would now only add the reasons given by the Panjáb Government when applying for the present legislation :

“In the case of estates paying a large amount of revenue to Government, it is important that the State, for its own interests, should have power to assume the management and prevent their ruin by thriftless or improvident proprietors; and it is not less important—indeed it is perhaps more important—that the Government should possess similar powers in the case of political jágírs; for nothing can be more detrimental to the best interests of the British Government than the existence of members of influential families holding perhaps large assignments from the public revenue, but reduced by extravagance or bad management to misery and indebtedness which timely interference by the Government would have effectually prevented.

“It would be possible, indeed, to some extent to provide for the administration of the estates of insolvent jágírdárs and land-owners by having resort to the insolvency sections of the Panjáb Laws Act; but this remedy has been found in practice to be insufficient, because the insolvent is not deprived of the powers to contract fresh debts, and it has happened that, while the estate of the insolvent is being wound up in the Insolvent Court, he has been incurring fresh debts on the security of his reversionary interest in the income of his estate.”

MR. STOKES had already described and (he hoped) justified the amendment which the fourth section of the Bill was intended to make. He would only add that Act IV of 1872 had been already amended by Act XV of 1875, and that the Select Committee to which he hoped the present Bill would be referred, would doubtless consider the propriety of consolidating those Acts with the additions now proposed.

HIS HONOUR THE LIEUTENANT-GOVERNOR said that the new provision in section 2, which gave a right of pre-emption in respect of land on which trees belonging to Government were standing, was introduced on his recommendation. In various parts of the Panjáb it was desirable to reserve such rights for Government; but it often happened that land offered for sale was, for want of a provision like that now proposed to be introduced, acquired by other persons, and rights which the Government would have been glad to acquire went to others, and the land became disforested. Section 3 of the Bill would enable Courts of Wards to take charge of estates of disqualified proprietors on their own application. He considered that this addition to the reasons for disqualifying proprietors would be of much use, and would prevent the ruin of noble, influential and ancient families by the extravagance of the incumbent of the estates.

The Motion was put and agreed to.

The Hon'ble Mr. STOKES also moved that the Bill be published in the *Gazette of India* in English and in the *Panjab Government Gazette* in English and in such other languages as the Local Government should direct.

The Motion was put and agreed to.

DISTRESSED SEAMEN'S EXPENSES RECOVERY BILL.

The Hon'ble Mr. STOKES also introduced the Bill to provide for the recovery in British India of wages due to, and expenses incurred in respect of, certain seamen and apprentices, and moved that it be referred to a Select Committee.

The Motion was put and agreed to.

The Hon'ble Mr. STOKES also moved that the Bill be published in the *Gazette of India* in English and in the local Gazettes in English and in such other languages as the Local Governments should direct.

The Motion was put and agreed to.

CONSOLIDATED CUSTOMS BILL.

The Hon'ble Mr. HOPE presented the preliminary Report of the Select Committee on the Bill to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India, and in doing so observed that, with His Lordship's permission, he would explain in a few words his reason for presenting to the Council, while sitting at Simla, a document relating to matters so important to the mercantile community.

The same occupation with other matters which, as he lately explained, had prevented the progress of the Forest Bill in Select Committee during the past season in Calcutta, had also interfered with this Bill. His late colleague, the Hon'ble Mr. Bullen Smith, had, however, been so good as to go over with him all the more important points raised in the correspondence relating to the Bill and the reports made by the semi-mercantile committees appointed at the three Presidency towns, and had offered opinions and made suggestions which MR. HOPE had carefully noted down. There was, moreover, in a Bill of this sort an immense amount of detailed revision and re-arrangement from a draughtsman's point of view necessary, which would be far better done at leisure at Simla than in the hurry of Calcutta, where so much had to be got through in a short time.

The members of the Committee at Simla consequently thought that it would be better, and more conducive to a good Bill eventually, if they put

forth here a preliminary Report embodying the general revision referred to, and the views checked by those of Mr. Bullen Smith where practicable, and published a revised Bill with it, than if they put the whole aside to be dealt with at Calcutta. Before adopting this course, however, MR. HOPKINS had consulted their colleague in Calcutta, the Hon'ble Mr. Cowie, and was glad to say that he had written that he "cordially concurred" in it.

The following Select Committees were named:—

On the Bill to amend the Panjáb Laws Act, 1872—His Honour the Lieutenant-Governor of the Panjáb, the Hon'ble Mr. Cockerell and the Mover.

On the Bill to provide for the recovery in British India of wages due to, and expenses incurred in respect of, certain seamen and apprentices—The Hon'ble Sir Alexander Arbuthnot, the Hon'ble Mr. Cockerell and the Mover.

The Council adjourned *sine die*.

SIMLA; }  
The 24th October 1877. }

A. PHILLIPS,  
Secy. to the Govt. of India,  
Legislative Department.