

*Friday,
28th January, 1887*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXVI

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OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS

VOLUME XXVI



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1888.

*Abstract of the Proceedings of the Council of the Governor General of India,
assembled for the purpose of making Laws and Regulations under the pro-
visions of the Act of Parliament 24 & 25 Vic., cap. 67.*

The Council met at Government House on Friday, the 28th January, 1887.

PRESENT :

His Excellency the Viceroy and Governor General of India, K.P., G.C.B.,
G.C.M.G., G.M.S.I., G.M.I.E., P.C., *presiding*.
His Honour the Lieutenant-Governor of Bengal, K.C.S.I., C.I.E.
The Hon'ble Sir T. C. Hope, K.C.S.I., C.I.E.
The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.
The Hon'ble Major-General G. T. Chesney, R.E., C.S.I., C.I.E.
The Hon'ble J. B. Peile, M.A., C.S.I.
The Hon'ble A. R. Scoble, Q.C.
The Hon'ble R. Steel.
The Hon'ble W. W. Hunter, C.S.I., C.I.E., LL.D.
The Hon'ble Rao Saheb Vishvanath Narayan Mandlik, C.S.I.
The Hon'ble Rana Shankar Baksh Singh Bahadur, C.I.E.
The Hon'ble Syud Ameer Hossein.
The Hon'ble Peári Mohan Mukerji.
The Hon'ble W. S. Whiteside.
The Hon'ble G. H. P. Evans.

INDIAN MARINE BILL.

The Hon'ble MAJOR-GENERAL CHESNEY moved that the Bill for the better administration of Her Majesty's India Marine Service be referred to a Select Committee consisting of the Hon'ble Messrs. Peile, Scoble and Whiteside and the Mover, with instructions to report within one month.

The Motion was put and agreed to.

SUITS VALUATION BILL.

The Hon'ble Mr. SCOBLE presented the Report of the Select Committee on the Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto.

The Secretary, with the permission of His Excellency the President, read the following remarks by the Hon'ble RANA SHANKAR BAKSH SINGH, as the Hon'ble Member would not be able to attend the next Meeting of the Council.

“ My Lord,—With your Lordship's permission I beg to offer a few remarks on the Bill now before Your Excellency's Council.

“ There is nothing in the present Bill which is open to objection or which calls for criticism.

“ The main object of the Bill seems to be to obviate difficulties in estimating the value of the subject-matter of suits for the purpose of determining the jurisdiction of Courts with respect thereto. It not unfrequently happens that the lower Court, under-estimating the value of the subject-matter of a suit brought before it, considers that it falls within its jurisdiction, while on appeal the appellate Court holds that the lower Court had no jurisdiction and reverses its decision solely on this ground. The result is that all the proceedings gone through and the evidence produced by the parties concerned are rendered useless, and the case has to be re-tried by a Court of competent jurisdiction. It also happens that the plea of want of jurisdiction, although it was not put forth in the lower Court, is urged in the appellate Court, which—finding from the record of the case that, in trying a suit the value of the subject-matter of which was too high, the lower Court had really exceeded the limits of its jurisdiction—sets aside its decision, and the whole proceeding is quashed.

“ Sometimes the case is remanded by the appellate Court to be re-tried with special reference to the value of the subject-matter, and then, finding that the suit as regards the value of the property in dispute was beyond the jurisdiction of the lower Court, the appellate Court cancels the whole proceeding and directs the case to be re-tried by a Court of competent jurisdiction.

“ These, my Lord, are the most obvious instances in which the law, as it now stands, fails to accomplish its object, and to remedy such defects, legislation on the lines of the present Bill seems to be necessary.

“ The Bill gives Local Governments the power to make rules regarding the mode of estimating the value of the subject-matter of suits. This is necessary, because different rates prevail, not only in different provinces, but in the different parts of the one and the same province, and because no definite provisions could be made in the Bill itself for estimating the value of the subject-matter of suits in different provinces or parganas for the purpose of determining the

jurisdiction of Courts; more especially the value of land is always fluctuating, which makes it all the more necessary to invest Local Governments with the power to make rules after duly considering the different local conditions and the various and constantly varying rates prevailing in different localities, and from time to time to alter or modify the rules thus made, so as to make them applicable to land of different descriptions and capacities and to other property of which the value is always rising and falling.

“The present Bill, as amended by the Select Committee, fairly promises to fulfil the object with which it has been framed and brought before this Hon'ble Council.”

MILITARY COURTS OF REQUESTS ABOLITION BILL.

The Hon'ble MAJOR-GENERAL CHESNEY presented the Report of the Select Committee on the Bill to abolish Military Courts of Requests as established by Indian Military Law.

CRIMINAL PROCEDURE CODE, 1882, AMENDMENT BILL.

The Hon'ble MR. SCOBLE moved that the Bill to amend the Code of Criminal Procedure, 1882, be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. SCOBLE also moved that the Bill be passed. He said :—
“It has not been considered necessary to refer the Bill to Select Committee, as it consists of only two sections which involve no question of principle at all, but merely render the administration of the criminal law more convenient under the existing Act. The first section deals with the definition of ‘Officer in charge of a police-station,’ and the object of the amendment is to enable the business of the police-station, which is very often a considerable area, to be dealt with under all circumstances and at all times whether or not the chief officer in charge happens to be present at the police-station at the time the charge or application is made. The second section of the Bill simply relates to special jury panels in the three Presidency-towns. It has been found in Calcutta that the special jury panel is not as constituted under the Act of 1882 sufficiently large to ensure the attendance of special jurymen without causing inconvenience to the classes from which special jurors are selected, and this Bill substitutes 400 for 200 as the number of gentlemen liable to be summoned as special jurymen. I think both

[*Mr. Scoble.*]

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these amendments will facilitate the administration of justice, and there is no objection whatever raised to them, although the Bill has now been for some time before the public. I, therefore, beg leave to move that the Bill be passed."

The Motion was put and agreed to.

The Council adjourned to Friday, the 11th February, 1887.

S. HARVEY JAMES,

*Offg. Secretary to the Govt. of India,
Legislative Department.*

FORT WILLIAM; }
The 1st February, 1887. }