

*Wednesday,  
31st August, 1887*

**ABSTRACT OF THE PROCEEDINGS**

**OF THE**

**Council of the Governor General of India,**

**LAWS AND REGULATIONS**

**Vol. XXVI**

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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

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 provisions of the Act of Parliament 24 & 25 Vic., cap. 67.*

The Council met at Viceregal Lodge, Simla, on Wednesday, the 31st August, 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 Excellency the Commander-in-Chief, Bart., R.A., V.C., G.C.B., G.C.I.E.  
 The Hon'ble Sir T. C. Hope, K.C.S.I., C.I.E.  
 The Hon'ble Lieutenant-General G. T. Chesney, R.E., C.B., C.S.I., C.I.E.  
 The Hon'ble A. R. Scoble, Q.C.  
 The Hon'ble J. B. Peile, M.A., C.S.I.  
 The Hon'ble J. Westland.  
 The Hon'ble J. W. Quinton, C.S.I.  
 The Hon'ble Colonel E. G. Wace.  
 The Hon'ble Nawáb Nawazish Ali Khan, C.I.E.

REVENUE RECOVERY BILL.

The Hon'ble MR. QUINTON moved that the Bill to make better provision for recovering certain public demands be referred to a Select Committee consisting of the Hon'ble Messrs. Scoble, Peile and Westland, the Hon'ble Colonel Wace and the Mover. He said:—

“In introducing the Bill last week I explained that its object was to facilitate and legalize the action of Revenue-officers throughout British India in realizing arrears of the Government demand from defaulters who were or possessed property in districts other than that in which the arrear had accrued.

“The means by which the Bill proposes to effect this object are simple. It adopts to a certain extent the procedure already established by a local law in the Lower Provinces of Bengal, and directs the Collector of the district in which the arrear has accrued, when he finds it necessary, to draw up a certificate showing the name and other particulars necessary for the identification of the defaulter, the amount of the arrear and the account on which it is due, and to send this certificate to the Collector of the district in which the defaulter at the

[ *Mr. Quinlan ; Colonel Wace.* ]

[ 31ST AUGUST,

time is or possesses property. The Collector of that district will on receipt of the certificate proceed to realize the same interest in it from the defaulter as if it were an arrear of revenue which had accrued in his own district.

“ To guard against the possibility of wrong arising from substantial errors in the certificate, we have, following provisions which exist in the Land-revenue Codes of nearly all provinces, empowered a person denying his liability who has paid the sum demanded under protest to sue Government for a refund of the amount so paid or any part of it notwithstanding anything contained in the certificate. Such suit must be brought in the district from which the certificate issued.

“ To prevent fraudulent transfers made to defeat the claim of Government, we have authorized the Collector on receipt of the certificate to issue a proclamation prohibiting any transfer of immoveable property in the district belonging to the defaulter, and have declared to be void all transfers of such property made after the issue of the proclamation so long as it remains in force.

“ As I stated when introducing the Bill, we have enabled public officers or local authorities charged with the collection of public moneys recoverable as arrears of land-revenue to call on the Collector of the district in which such sums are payable to recover arrears due to them, and empowered the Collector to act on the requisition; and finally we have specially saved all securities provided by any other enactment for the time being in force for the recovery of land-revenue or sums recoverable as land-revenue.”

The Motion was put and agreed to.

#### PUNJAB TENANCY BILL.

The Hon'ble COLONEL WACE moved that the Bill to amend the Law relating to the Tenancy of Land in the Punjab be referred back for further consideration to the Select Committee who before reported thereon, omitting from the Committee the Hon'ble Sir Auckland Colvin, who is temporarily absent from the Council, and that the Committee be instructed to present a further Report on the Bill a week hence. He said :—

“ During the month which has elapsed since the Select Committee presented their first Report the provisions of the Bill have been again examined, with the result that we find it necessary to make a few additions, and also more numerous verbal corrections, than it would be convenient to introduce by motion when the Bill is finally considered in this Council.”

The Motion was put and agreed to.

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[ *Colonel Wacc.* ]

## PUNJAB LAND-REVENUE BILL.

The Hon'ble COLONEL WACE also moved that the Bill to amend and declare the Land-revenue Law of the Punjab be referred back for further consideration to the Select Committee who before reported thereon, omitting from the Committee the Hon'ble Sir Auckland Colvin, who is temporarily absent from the Council, and that the Committee be instructed to present a further Report on the Bill a week hence. He said :—

“ The reasons for this motion are similar to those stated in respect of the Tenancy Bill. Though fewer corrections appear to be required in this Bill than in the Tenancy Bill, the two enactments are so closely connected that it will be convenient to treat both in the same manner. I may add that I propose to move the passing both of this Bill and of the Punjab Tenancy Bill before the close of the month of September.”

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 7th September, 1887.

SIMLA ;	}	S. HARVEY JAMES,
<i>The 2nd September, 1887.</i>		<i>Offg. Secretary to the Govt. of India, Legislative Department.</i>

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*Note.*—On the 24th August, 1887, the Council was adjourned to the 7th September, 1887, but the date was subsequently changed, by the order of His Excellency the President, to the 31st August, 1887.