

*Thursday,
2nd October, 1890*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,
LAW AND REGULATION
LAW 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,

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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 Vict., cap. 67.

The Council met at Viceregal Lodge, Simla, on Thursday, the 2nd October, 1890.

P R E S E N T :

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

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

His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.

The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.

The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.

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

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble R. J. Crosthwaite, C.S.I.

The Hon'ble Bábá Khem Singh Bedi, C.I.E.

CENSUS BILL.

The Hon'ble MR. HUTCHINS presented the Report of the Select Committee on the Bill to provide for certain matters in connection with the taking of the Census. He explained that the changes made in the Select Committee were not material and that it was not considered necessary that the Bill should be republished.

INDIAN EMIGRATION ACT, 1883, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS also presented the Report of the Select Committee on the Bill to amend the Indian Emigration Act, 1883. He said that the Committee had reported in favour of the Bill as originally referred to them, but had introduced new sections amending so much of the Act of 1883 as required each emigrant to execute an agreement in triplicate. He would explain these amendments at length when moving that the Bill be taken into consideration, but it seemed right that he should now draw public attention to it, as it was a new matter. It had, however, been fully discussed two or three years ago, when all the authorities concerned were agreed as to what should be done. In view of this unanimity and of the fact that it was a matter of mere formal procedure, he did not think there was any necessity for republishing the Bill.

208 NORTH-WESTERN PROVINCES AND OUDH; AMENDMENT
OF INDIAN SALT ACT, 1882; AMENDMENT OF CRIMINAL
PROCEDURE CODE, 1882.

[*Mr. Crosthwaite; Sir David Barbour; Sir Andrew Scoble.*] [2ND OCTOBER,

NORTH-WESTERN PROVINCES AND OUDH BILL.

The Hon'ble MR. CROSTHWAITE presented the Report of the Select Committee on the Bill to provide for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh.

INDIAN SALT ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR presented the Report of the Select Committee on the Bill to amend the Indian Salt Act, 1882. He said that the Committee had made only a single verbal alteration in one section and was of opinion that the Bill might now be passed as it stood.

CRIMINAL PROCEDURE CODE, 1882, AMENDMENT BILL.

The Hon'ble SIR ANDREW SCOBLE moved for leave to introduce a Bill to amend the Code of Criminal Procedure, 1882. He said :—

“By section 250 of the Criminal Procedure Code power is given to Magistrates, in certain cases, to award to persons, who have been made the victims of frivolous or vexatious complaints, compensation not exceeding fifty rupees in each case for the trouble and annoyance to which they have been subjected by such accusations. But the section as it stands extends only to summons cases; and the High Court of the North-Western Provinces has suggested that its scope should be extended so as to cover all cases triable summarily under Chapter XXII of the Code.

“The object of the Bill is to give effect to this suggestion, but it is considered that the value of the measure will be greatly impaired if the power to award compensation is limited to those Magistrates only to whom the exercise of summary jurisdiction is entrusted. It is therefore proposed to confer the power on Magistrates generally, in regard to the classes of cases which may be tried summarily, safeguarding its exercise, in the case of Magistrates of the second and third classes, by allowing an appeal against an award of compensation in all cases in which, if the accused had been convicted, an appeal would be admissible against the conviction. It is further provided that in all cases, before making an order for the payment of compensation, the Magistrate shall give the complainant an opportunity of showing cause against it, and shall place on record the objections urged against the order and his own reasons for making it. These precautions, it is believed, will prevent any abuse of the power.

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[*Sir Andrew Scoble.*]

“ Among the officers and authorities consulted about this Bill there is a general agreement that legislation in this direction is necessary and will be useful. Mr. Justice Muttusami Aiyar writes:—

‘ Frivolous complaints in petty cases are more numerous than they ought to be, and it is advisable to compensate the injured party at once, and thereby to check them effectually. In petty cases the injured party seldom considers it worth his while either to proceed under section 211 of the Indian Penal Code or to sue for damages.’

The Bombay Government reports:—

‘ The habit of making frivolous or vexatious complaints in Criminal Courts is common and increasing.’

“ There can, I think, be no doubt that this is the case all over India. The Criminal Courts afford a completer and cheaper means of putting an adversary to shame and trouble than the Civil Courts, and are accordingly resorted to with greater frequency for this purpose. I have not therefore been surprised to find that proposals have been made to allow a summary award of compensation in cases of false charges generally in order to put a stop to this misuse of the criminal law. But the law already provides a more appropriate punishment for flagrant offences of this kind, and the desire to find a summary remedy for a growing evil ought not to lead the Legislature to affix to a serious crime a lower penalty than the law already awards. The operation of the Bill is accordingly limited to charges of the comparatively trivial offences which may be summarily dealt with and as to which it appears that the law has been set in motion for malicious or insufficient reasons.”

The Motion was put and agreed to.

The Hon'ble SIR ANDREW SCOBLE also introduced the Bill.

The Hon'ble SIR ANDREW SCOBLE also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 16th October, 1890.

SIMLA ;	}	S. HARVEY JAMES,
<i>The 3rd October, 1890.</i>		<i>Secretary to the Government of India,</i>
		<i>Legislative Department.</i>

NOTE.—The Meeting fixed for the 25th September, 1890, was subsequently postponed to the 2nd October, 1890.