

*Thursday,
20th September, 1888*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXVII

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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 XXVII



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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 20th September, 1888.

P R E S E N T :

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., V.C., G.C.B., G.C.I.E., R.A.

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

The Hon'ble A. R. Scoble, Q.C.

The Hon'ble Sir C. U. Aitchison, K.C.S.I., C.I.E., LL.D., D.O.L.

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

The Hon'ble J. Westland, C.S.I.

The Hon'ble G. R. Elsmie.

BILL TO SUPPLEMENT BOMBAY AND CALCUTTA MUNICIPAL ACTS.

The Hon'ble MR. SCOBLE moved for leave to introduce a Bill to supplement certain provisions of the City of Bombay Municipal Act, 1888, and of the Calcutta Municipal Consolidation Act, 1889. He said :—

“The Councils of His Excellency the Governor of Bombay and His Honour the Lieutenant-Governor of Bengal have recently passed Bills to consolidate and amend the law relating to the municipal affairs of the presidency-towns within their respective jurisdictions. They are Bills of great magnitude and importance,—one containing 461, and the other 528, sections,—and were adopted after very full discussion not only in the Councils themselves, but in the Press and by the municipal bodies which they more immediately concern.

“As might be expected, they have given rise to considerable diversity of opinion among the communities most directly affected by their provisions. With these matters of controversy the Bill which I ask leave to introduce has no concern. The questions raised were within the competence of the local legislatures to determine; and the Government of India has no reason to doubt that they have exercised the discretion which they admittedly possess, wisely and with a due regard to local interests and requirements.

[*Mr. Scoble.*]

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“ But there is another matter, happily not in controversy, in regard to which it has been considered necessary to give effect to the proposals of these Bills by legislation in this Council. In both Bills it is proposed to confer jurisdiction in certain municipal matters—claims to vote, objections to valuations or assessments, compensation for damage, and the like—upon Appellate Benches of Municipal authorities, Presidency and other Magistrates, and Small Cause Courts; and to make the decisions of these tribunals final in certain classes of cases. It is obviously desirable that there should be a cheap and summary way of disposing of such questions: but the local Councils have no power to pass laws which affect the jurisdiction of the High Courts as established by Acts of Parliament, or which repeal or amend Acts passed by this Council subsequently to the year 1861. The provisions of the two Bills appear to be open to question on both these grounds.

“ Following the precedent of Act XXII of 1870, the Bill which I ask leave to introduce cures this defect by enacting that the provisions of the City of Bombay Municipal Act and the Calcutta Municipal Consolidation Act shall, so far as they confer jurisdiction in these municipal matters on the tribunals I have mentioned, and, as regards the decisions, orders and other proceedings of these tribunals, be as valid as if they had been passed by this Council. Other sections define the jurisdiction of the High Court at Bombay as a Court of Reference and Appeal in such cases.

“ I may add that the Bill is introduced with the concurrence of the Local Governments concerned.”

The Motion was put and agreed to.

The Hon'ble MR. SCOBLE also introduced the Bill.

The Hon'ble MR. SCOBLE also moved that the Bill and Statement of Objects and Reasons be published in English in the Gazette of India, the Bombay Government Gazette and the Calcutta Gazette.

The Motion was put and agreed to.

CIVIL PROCEDURE CODE, &c., AMENDMENT BILL.

The Hon'ble MR. SCOBLE also moved that the Bill to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882, be taken into consideration. He said :—

“ As I stated when introducing this Bill, it is merely subsidiary to recent legislation amending the Code of Civil Procedure, and is intended to make

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[*Mr. Scoble.*]

absolutely clear, first, what sections of the Code apply to Presidency and Provincial Small Cause Courts, respectively ; and, secondly, by what Courts appeals in insolvency-matters under the Code are to be heard and determined.”

The Motion was put and agreed to.

The Hon'ble MR. SCOBLE also moved that the Bill be passed.

The Motion was put and agreed to.

The Council adjourned to Tuesday, the 2nd October, 1888.

SIMLA ;	}	S. HARVEY JAMES,
<i>The 21st September, 1888.</i>		<i>Secretary to the Government of India,</i> <i>Legislative Department.</i>

Note.—The Meeting fixed for the 12th September, 1888, was subsequently postponed to the 20th idem.