

*Thursday,
1st October, 1896*

ABSTRACT OF THE PROCEEDINGS

OF THE

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,

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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 Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., cap. 67 and 55 & 56 Vict., cap. 14).

The Council met at the Viceregal Lodge, Simla, on Thursday, the 1st October, 1896.

PRESENT :

His Excellency the Earl of Elgin, Viceroy and Governor-General of India, P.C., G.M.S.I., G.M.I.E., LL.D., *presiding*.

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

His Excellency General Sir G. S. White, G.C.I.E., K.C.B., V.C., Commander-in-Chief in India.

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

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

The Hon'ble M. D. Chalmers.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E.

The Hon'ble A. C. Trevor, C.S.I.

The Hon'ble Nawab Amir-ud-Din Ahmad Khan, C.I.E., Bahadur, Fakharuddoulah, Chief of Loharu.

The Hon'ble C. M. Rivaz, C.S.I.

PUNJAB LAND-REVENUE ACT, 1887, AMENDMENT BILL.

The Hon'ble MR. RIVAZ moved that the Bill to amend the Punjab Land-Revenue Act, 1887, be taken into consideration. He said that the amendments made by the Bill were explained by him in introducing it. They were very simple and of a non-controversial nature, and it was not thought necessary to circulate the Bill for opinion.

The motion was put and agreed to.

The Hon'ble Mr. RIVAZ moved that the Bill be passed.

The motion was put and agreed to.

PUNJAB MUNICIPAL ACT, 1891, AMENDMENT BILL.

The Hon'ble MR. RIVAZ moved that the Bill to amend the Punjab Municipal Act, 1891, be taken into consideration.

The motion was put and agreed to.

[*Mr. Rivaz ; Mr. Woodburn ; Sir James Westland.*] [1ST OCTOBER,

The Hon'ble MR. RIVAZ moved that clause 1 of the Bill be omitted and the numbering of the following clauses altered accordingly. He said:—"The clause which it is proposed to omit made certain amendments in sections 69 and 70 of the Punjab Municipal Act, which would have had the effect of prohibiting altogether the farming of octroi-dues. The Punjab Government have, however, represented that hitherto the practice in the Punjab has been to allow the farming of these dues in special cases with the sanction of some controlling authority, who is generally the Commissioner of the Division, and in respect of such articles as milk, fruit, vegetables and the like. This practice was authorised by the Government of India, after correspondence on the subject, and it has been thought desirable to continue it as a convenient arrangement to all concerned. It is therefore now proposed to omit clause 1 of the Bill, which will leave sections 69 and 70 of the Act as they stand at present. The remaining provisions of the Bill have not been altered in any respect."

The Hon'ble MR. WOODBURN said:—"It is perhaps expedient that I should make a single remark on this question. As has been stated in the Statement of Objects and Reasons, it was ruled both by the Government of India and the Secretary of State that the leasing of octroi-dues should not be in any way permitted, and a note was made that when an opportunity came to revise the Punjab Municipal Act the section in that Act which permits the leasing of octroi-dues should be altered. I have had it brought to my notice since this arrangement was made that, in several municipalities in the Punjab, the direct sanction of the Government of India for the leasing of certain forms of octroi-dues, as explained by the Hon'ble Mr. Rivaz, has been given, and the Lieutenant-Governor, although he agrees in the general principle laid down by the Government of India, has asked that the present opportunity should not be taken of bringing this custom to an immediate end. He has promised to take the matter into consideration and to make such other arrangements as will permit the gradual abolition of this custom in municipalities in which it is in force. On this understanding, as far as I am concerned, I consent to the omission of the clause."

The Hon'ble SIR JAMES WESTLAND said that he would not have thought it necessary to make any remark if the clause which it was now proposed to delete had not first been inserted in the Bill and now formally withdrawn. But, before assenting in the Legislature to a proposal which seemed to formally endorse the application of octroi as a means of municipal taxation, he wished to make it clear that he adhered in principle to the view expressed by his predecessors that there were many economic objections to octroi as a form of

AMENDMENT OF PUNJAB MUNICIPAL ACT, 1891; 377
CENTRAL PROVINCES ADDITIONAL JUDICIAL
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1896.] [*Sir James Westland; Mr. Rivaz; Mr. Woodburn; Mr. Chalmers.*]

municipal taxation, although there were strong administrative and political objections to its supersession, especially in Northern India, by other forms of taxation. He wished to make this personal reservation in assenting to a motion which not only sanctioned octroi, but sanctioned, within certain limits, the giving of it in farm.

The motion was put and agreed to.

The Hon'ble MR. RIVAZ moved that the Bill, as amended, be passed.

The motion was put and agreed to.

**CENTRAL PROVINCES ADDITIONAL JUDICIAL COMMISSIONER'S
BILL.**

The Hon'ble MR. WOODBURN moved that the Bill to provide for the temporary appointment from time to time of an Additional Judicial Commissioner for the Central Provinces be taken into consideration. He said that at the last meeting of the Council he had explained the objects of the Bill and the reasons for it, and it was unnecessary now to repeat his remarks on that occasion.

The motion was put and agreed to.

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

The motion was put and agreed to.

PROVIDENT FUNDS BILL.

The Hon'ble MR. CHALMERS moved for leave to introduce a Bill to amend the law relating to Government and other Provident Funds. He said:—
“This is a Bill which requires very few words of explanation. It proposes to apply to Government Provident Funds the rules which already prevail in England as regards friendly societies and Industrial Provident societies. I believe that those societies in English form do not exist in India; but, on the other hand, we have various Provident Funds under the Supreme Government and I believe there are in course of formation other societies of the like kind under Local Governments.

“The main object of the Bill is to provide that, on the death of a subscriber, the Fund which has accumulated, and which, under the rules of his service

[*Mr. Chalmers.*]

[1ST OCTOBER, 1896.]

he is bound to subscribe to, should be distributed among his relatives or nominees without any legal formalities. In the case of these small assets, where there is a small fund accumulated for the benefit of the family of the depositor, it is essential that the distribution should be made as quickly and with as little expense and formality as possible. That has been fully recognised by the English Legislature, and we now propose in the main section of this Bill to provide that on death, the officer whose duty it is to pay out the money may pay it to an executor if there is one, and if not to a nominee, and if not to a nominee why then he will pay it to the person who appears to him to be entitled to receive it.

“There is one other clause which just requires mention. We propose that where the funds are collected compulsorily and where the depositor is bound to pay in the money, that money should be exempt from attachment under civil process. I think that is perfectly right; for it would not be fair that any one creditor should be able to step in and sweep away the whole of the deposits compulsorily made for certain special objects. It is not a case of money in a savings bank, or of money voluntarily put a side, but of compulsory payments to make provision for the family. In this case too we are following, though not going so far as, English law.

“There is also a power to extend the provisions of the Act to any other Provident Fund under any other local authority. That will, no doubt, be a useful power to exercise as these institutions increase, as we hope they will.

“I think there is nothing more in the Bill which requires mentioning.”

The motion was put and agreed to.

The Hon'ble MR. CHALMERS introduced the Bill.

The Hon'ble MR. CHALMERS 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 15th October, 1896.

SIMLA ;
The 2nd October, 1896. }

S. HARVEY JAMES,
Secretary to the Government of India,
Legislative Department.