

*Thursday,
25th February, 1897*

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

Vol. XXXVI

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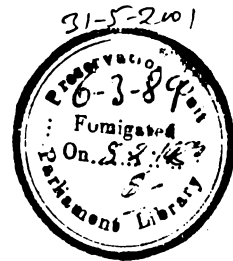
ABSTRACT OF THE PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA
ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS

1897

VOLUME XXXVI



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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 Government House on Thursday, the 25th February, 1897.

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 Alexander Mackenzie, K.C.S.I., Lieutenant-Governor of Bengal.

His Excellency 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 Sir J. Woodburn, K.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 M. R. Ry. P. Ananda Charlu, Rai Bahadur.

The Hon'ble Alan Cadell, C.S.I.

The Hon'ble J. D. Rees, C.I.E.

The Hon'ble G. P. Glendinning.

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

The Hon'ble Rao Sahib Balwant Rao Bhuskute.

The Hon'ble P. Playfair, C.I.E.

The Hon'ble Rahimtula Muhammad Sayani, M.A., LL.B.

The Hon'ble Pandit Bishambar Nath.

The Hon'ble Joy Gobind Law.

The Hon'ble C. C. Stevens, C.S.I.

The Hon'ble Sir H. T. Prinsep, Kt.

The Hon'ble H. E. M. James.

NEW MEMBER.

The Hon'ble MR. JAMES took his seat as an additional Member of Council.

[*Rai Bahadur Ananda Charlu ; Sir John Woodburn.*] [25TH FEBRUARY,

QUESTIONS AND ANSWERS.

The Hon'ble RAI BAHADUR P. ANANDA CHARLU asked :—

“ 1. Will the Government be pleased to lay on the table the orders of the Government of Madras, Nos. 975 and 976, dated 13th August, 1883, forwarded to the Secretary of State for India, together with its own letter dated 6th November, 1883 ?

“ 2. Will the Government be pleased to state whether, in disposing of the matter to which the said orders of the Madras Government related, the Secretary of State expressed himself in any way in disapproval of previous declarations and pledges on the part of the Madras Government on the subject of the settlement of land-revenue in that Presidency ?

“ 3. Will the Government be pleased to place on the table the despatch of the Secretary of State for India, No. 4 (Revenue), dated 8th January, 1885 ?

“ 4. Will the Government be pleased to state whether any order was issued by the Secretary of State for India to communicate a copy of the despatch referred to in question 3 to the Madras Government ?

“ 5. If so, will the Government be pleased to lay such order on the table ?”

The Hon'ble SIR JOHN WOODBURN replied :—

“ *Questions 1 and 3.*—The papers referred to by the Hon'ble Member form a part only of a lengthy correspondence between the Government of India, the principal Local Governments and Her Majesty's Secretary of State, regarding certain matters connected with the assessment of land-revenue. In the course of this correspondence, various proposals were put forward by the several Governments that took part in it, some of which were finally approved, while others were condemned. The Government of India do not think it advisable to publish any portion of the correspondence.

“ *Question 2.*—In disposing of the matter in question, the Secretary of State did not in any way express his disapproval of previous declarations and pledges on the part of the Madras Government on the subject of settlement of land-revenue in that Presidency, since he did not discuss any such declarations or pledges.

“ *Questions 4 and 5.*—No order was issued by the Secretary of State to communicate his despatch of 8th January, 1885, to the Madras Government.”

REFORMATORY SCHOOLS BILL.

The Hon'ble SIR JOHN WOODBURN presented the Report of the Select Committee on the Bill to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders. He said :—“ The reasons for the changes made by the Select Committee are explained very fully in the Report, and I think it is unnecessary at this stage to explain them further. When the Bill comes under consideration later on, I shall take the opportunity of explaining them more fully.”

REPEALING AND AMENDING BILL.

The Hon'ble MR. CHALMERS moved that the Bill to repeal certain obsolete enactments and to amend and facilitate the citation of certain other enactments be taken into consideration. He said :—“ That is an Assam Repealing and Amending Bill, and it has been brought forward for the purpose of allowing the Legislative Department to publish the Assam Code as it is called.”

The Hon'ble SIR HENRY PRINSEP said :—“ I have no objections to take to the course proposed, but I wish to make a few observations in relation to repealing Acts and codification under the present system in the Legislative Department which seem to me to be capable of improvement. The practice which has been adopted since the time of Mr. Whitley Stokes has caused some difficulty and has been the means occasionally of misleading judicial officers in applying the law. The general result of legislation is from time to time published in Codes by the Department, and no doubt these publications are very useful. Still they are not authoritative. At present at least they have not the force of law. They can at most be regarded only as text-books to enable those who have to administer the law to ascertain what the state of the law is in the view of the Legislative Department, but it becomes the duty of the judicial-officers afterwards to test this information in the same way as they would test information given by the text-books bearing on any particular part of the law. The Codes as they are published are supposed to represent the present state of the law by embodying in an Act any amendments that may have been passed, but the original Act does not appear, and it sometimes happens that those who have to administer the law on reference to the Act itself, find that the references are not altogether accurate.

“ There is another difficulty which may be repeated if the usual course is adopted in regard to the present Bill when it becomes law. The law which it is now proposed to pass is a law repealing many obsolete enactments. In the course of time—since 1862—there have been at least nine Acts of this

[*Sir Henry Prinsep ; Sir James Westland.*] [25TH FEBRUARY,

description passed, but, if you refer to the Codes as they are published, not one of these Acts appear in them. Therefore when the judicial-officer wishes to refer to any particular Act he may find in the book that there is a note against it that it has been repealed by some other Act. He then tries to test this by turning to the repealing Act. He does not find it because it is not published in these Codes. What does he find? He finds that the repealing Act has been repealed by another Act, and even that Act is not published. So that until he refers to the original Acts as passed and published under authority by the Legislature he cannot satisfy himself as to the actual repeal or the extent of the repeal. He has accordingly to work with two sets of books. This is inconvenient and detracts considerably from the usefulness of the published Codes. I will give instances of this. In regard to two of these large repealing Acts of 1868 and 1881, they are entered in the index as having been repealed by other Acts. This entry is repeated over and over again, in one instance five times; and then when you come to the end, when you suppose you have got some information, you find an entry against the Act that it is 'Spent.'

"It appears to me that such a course of publication is, to say the least, inconvenient, and that when an Act is repealed, the repealing Act should be included in the Code, so that the Code should be a complete guide to those who have to administer the law.

"In connection with this matter, I hope that I am not out of order in drawing attention to the consolidation which the Hon'ble Legal Member proposes to effect by means of this repealing Act. So far as that end can be attained legislation must always be welcome. In 1891 I find that 21 Acts were passed, of which no less than 17 were amending Acts, and out of 21 Acts which were passed in 1896, 18 were amending Acts. I believe I am correct in saying that it is the intention of the Legal Member during his tenure of office to consolidate these Acts, and therefore I hail the announcement he has made to-day as a movement in that direction."

The Hon'ble SIR JAMES WESTLAND said:—"After the observations of the Hon'ble Sir Henry Prinsep upon the general procedure which has been adopted by the Legislative Department, I desire to say a word on behalf of the poor layman who has also some interest in understanding what the law is. The principle upon which legislation has been conducted for some time by the Legislative Department is one which was twenty years ago thoroughly thought out, discussed and laid down. It was intended to clear the Statute-book of a very large number

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of ancient, repealed and obsolete laws, and to bring the main portions of the existing law of the country into an accessible form, so that people who were not judicial-officers and not able to spend time in finding out whether the Codes of the Legislative Department were perfectly correct or not might at least have some knowledge of the law under which they dwell. I think that the Government of India is not the only Government in the world which has been guilty of this particular offence. There are a large number of repealing, amending and consolidating Acts in other countries besides this country; and, if I remember rightly, in publishing the Statute Law of England it is not customary in making collections of Statutes, to introduce all the repealing ones in order to show that the publication is perfectly correct. We reach the end of a Statute when a Statute is repealed, and we do not consider it necessary to shew the whole history of the repealing legislation in order to make it clear that the repealing legislation has been carried out. The amending Acts to which the Hon'ble Sir Henry Prinsep has made reference are for the most part amending Acts in the very sense in which he considers amendments should be made, namely, that they should take the form of consolidation. The principle on which for the last twenty years these amendments on general subjects have been made is this: a consolidating Act, the Penal Code, for example, is passed; afterwards instead of passing new laws and trusting to lawyers and judicial-officers to reconcile the new laws and the old ones, the Legislative Department prepare their Bills in the form of introducing or substituting certain words and certain clauses in the consolidated Act as it stands. The result is that the principle of consolidation is not departed from. The law is continually being reproduced on its current condition by the Legislative Department by reprinting these Acts in their consolidated form, and the amendment is practically carried out by the issue of the old law with the amendments. I quite admit that the Legislative Department cannot claim the authority of law for its reprints. It cannot say: Here is a law which has been passed, and which, as it now stands, has the force of law. That we cannot do. If any person is interested in the subject, he can do what Sir Henry Prinsep is obliged to do—he can look back to the laws bearing on the subject to see if this consolidating reprint is correct or not. But as I say, the poor layman is far better off when he has the assistance of the Legislative Department in preparing a reprint which will enable him to understand what the law is, without the elaborate process which may be necessary on the part of those who have to administer it."

The Hon'ble MR. CHALMERS said:—"My hon'ble friend Sir Henry Prinsep.

[*Mr. Chalmers.*] [25TH FEBRUARY, 1897.]

has raised some points on this Bill which to some extent are not closely connected together. First of all he has referred to the so-called Codes published by the Legislative Department, and he has pointed out what I have always felt myself that, though these Codes are convenient rough guides for daily practice, they are not, as on the face of them they appear to be, actual positive law, and that when a point has to be argued before a Court of Justice occasionally their form may be actually misleading. For instance, take this case : the case referred to by Sir James Westland. In amending the Penal Code we have referred to the specific section of the Penal Code to be amended, and we have indicated in the amending Act the words to be substituted. The Legislative Department, in publishing the Penal Code, puts in the substituted words, but that is misleading in this way : These words, although they appear as part of the Penal Code, are not an integral part of the Code. They speak from a different time. You have an enactment of 1890 amending an Act of 1860. As published by us it looks as if the whole was an Act of 1860, but it is not. If a question arises as to time you must look up the date when this Act was passed and the object with which it was passed, and you must go outside the Code. The so-called Code is not complete and self-contained. Another illustration which occurs to me is this : Suppose this year we amend a section of the Indian Penal Code. That Code contains its own definitions and interpretations, but any Act published this year might be held to incorporate tacitly the definitions given by the General Clauses Acts of 1868 and 1887. Any amendment of the Penal Code passed between the Acts of 1868 and 1887 would in like manner incorporate one General Clauses Act, but not the other ; so that although we apparently have one uniform Act speaking for one and the same time, it is not so in fact. To some extent, of course, the foot-notes supply what is wanted ; but the foot-note is not authoritative, and when the case comes to be argued in Court the whole of the Statutes, including those repealed, must be looked up. Nevertheless these Codes are exceedingly convenient. In ninety-nine cases out of one hundred they answer the purpose ; but I fully admit that they do not supply the place of consolidation. They are make-shifts and substitutes for real consolidation, and I hope that we shall pay more attention to consolidation, and that we shall, with the assistance of members of Council, be able to consolidate a great many of our Acts, so that the old Acts may really be swept away from the Statute-book. But there again there is a difficulty. Consolidation can only be carried out if it is helped forward by members of the Legislative Council. In England to some extent an agreement has been come to that consolidation Bills should not be treated as party measures. A joint committee of both Houses meets and goes through them, and

*REPEALING AND AMENDING; AMENDMENT OF INDIAN 65
EMIGRATION ACT.*

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the terms of the reference are that the Committee shall simply see whether they are pure consolidation or not, and if they are, no amendments can be moved in the House itself. Of course, with the help of members of the Legislative Council we can do a great deal in the way of consolidating and we can substitute real Codes for the apparent Codes which we are at present publishing. There is one other point which was referred to by Sir Henry Prinsep. In this particular Repealing and Amending Bill there is no doubt that we do repeal certain sections, and then we repeal afterwards the Act by which we repealed them, and the reason is that a repealing Act, when it is so repealed, does not cause a revival of the old law. The same objection has been taken in England, and there has been a good deal of discussion about it there, but the principle of our repealing Bills is the same principle as is followed by the Statute Law Committee, of which I am a member. We had a great deal of discussion about it, and originally the matter was very carefully considered by Lord Cairns and Lord Westbury. I am not sure that the decision arrived at is a very convenient one for lawyers, but for reducing the bulk of the Statute-book it certainly is a convenient one, and I think that in India in these repealing Bills we ought, as far as we can, to proceed upon lines uniform with English legislation."

The motion was put and agreed to.

The Hon'ble MR. CHALMERS moved that the Bill as amended be passed. He said:—"I may mention that the fourth column of the first and second schedules will be omitted. That is an explanatory column explaining the reason of each repeal or amendment. That again follows the English practice."

The motion was put and agreed to.

INDIAN EMIGRATION ACT AMENDMENT BILL.

The Hon'ble SIR JOHN WOODBURN moved for leave to introduce a Bill to amend the Indian Emigration Act, 1883. He said:—"I fear that I am about to give occasion to my hon'ble friend Sir Henry Prinsep to make some further complaint, for I have to ask the leave of the Council to introduce an amending Bill, but the Bill is such a small one that I hope my hon'ble friend will overlook it.

"The occasion and object of this amending Bill is to extend to Sarawak certain provisions for emigration into it which are engaged at the present time by the Straits Settlements. Raja Brooke, the ruler of Sarawak, draws his supplies of labour from British India through the agency of the Straits Settle-

66 AMENDMENT OF INDIAN EMIGRATION ACT; LOCAL
AUTHORITIES (EMERGENCY) LOANS.

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ments Immigration Department, and the Straits Settlements have for a certain time enjoyed certain privileges which the Government of India propose to extend to Sarawak itself."

The motion was put and agreed to.

The Hon'ble SIR JOHN WOODBURN introduced the Bill.

The Hon'ble SIR JOHN WOODBURN moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India and in the local official Gazettes in English.

The motion was put and agreed to.

LOCAL AUTHORITIES (EMERGENCY) LOANS BILL.

The Hon'ble SIR JAMES WESTLAND moved for leave to introduce a Bill to enable local authorities to borrow money for temporary emergencies. He said:—"The occasion for this Bill has arisen out of the present circumstances in connection with measures taken for the suppression of plague and for relief from famine. These measures have the effect of throwing upon municipalities and local bodies a heavy burden, and in some cases of putting them to very considerable expenditure. And although it may be true that all municipalities and local bodies ought to find themselves with funds in hand for expenditure of the kind, yet, as a matter of fact, in some cases they have not, and they are unable to carry out some of these necessary measures out of the means they actually possess. They are, under these circumstances, driven to borrow money, but the borrowing of money by local authorities is limited very strictly by law. By an Act of 1879 borrowing is restricted in its purpose and can only be applied for the carrying out of works of a certain character; and, moreover, the local authorities are forbidden by one section of this Loans Act to pledge their funds for borrowed money otherwise than for money borrowed under the Act, that is to say, for the purposes specified in the Act. Within these purposes the relief of famine and prevention of plague do not find a place; the consequence is that at present when a municipality desires to raise money for these ends it has no legal power to do so. It is to give that power that I ask the authority of the Legislative Council to introduce this Bill. We have had some discussion upon the point to which allusion has been made to-day as to whether we should not introduce this Bill in the form of an amending Act of the description to which my hon'ble friend Sir Henry Prinsep has taken exception. He will be glad, however, to hear that the conclusion the Government came to

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was that we should introduce a separate Bill for the present purpose, and make it altogether independent of the former Act. There are two reasons for this. In the first place, we want to draw a sharp distinction* between the intended borrowing which is practically for a purely temporary purpose and the borrowing for a permanent purpose which is permissible under the Act of 1879. We hope it will be recognised that it is proper that borrowing for such a purpose as we intend ought to be borrowing on terms which provide for repayment within a limited time. Expenditure connected with plague and famine is practically a part of current municipal expenditure, and although it may be legitimate to spread this expenditure over two or three years, yet it would not be legitimate to class it with borrowing for water-works or drainage, etc., in which it is only fair that the next generation should bear part of the burden. With these remarks I beg to ask for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble SIR JAMES WESTLAND introduced the Bill.

The Hon'ble SIR JAMES WESTLAND 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. He said :—" I have one remark to make in addition to what I have already stated, namely, that Hon'ble Members will see on perusal of the Bill that, in addition to giving authority for temporary borrowing, a clause is inserted making the Bill applicable to a loan which the Government has already made. The loan was made to the Karachi Municipality, which found itself without funds to carry on the work of cleansing the city which had been imposed upon it by the outbreak of bubonic plague. At the instance of the Government of Bombay we made an advance to the Municipality; that advance and possibly some other similar advances which may have to be made before the Bill becomes law will all be brought under the provisions of this Bill. To that extent it is proposed that this Bill shall have retrospective effect."

The motion was put and agreed to.

BHOPAL COINAGE BILL.

The Hon'ble SIR JAMES WESTLAND moved for leave to introduce a Bill to facilitate the introduction, as legal tender in Bhopal, of current silver coin of the Government of India. He said :—" There is at present an Act upon the Statute-book, namely, Act IX of 1876, the object of which was to provide for the ultimate extension, not of the British Indian rupee, but of a rupee exactly of the

same kind, and only slightly differing from it, into Native States. Of that Act, only two Native States up to date have taken advantage so far as silver coinage is concerned, namely, the State of Alwar and the State of Bikanir. A short time after our currency measures of 1893 Her Highness the Begum of Bhopal found that her local rupee, known as the Bhopali rupee, which was minted under the authority of that State and is almost exclusively current in that State, was depreciating very largely with reference to the British Indian rupee. She made application to take advantage of the Native Coinage Act of 1876, and proposed that we should coin rupees for her under the arrangements sanctioned in that Act. We were unable to meet her wishes in this respect, and that for reasons which will be found to arise out of the currency measures which were adopted in 1893. So long as we were coining rupees for any person who presented to us silver for the purpose, it was, of course, only part of that operation to coin rupees for a Native State, the Native State, so far as any effect on existing circulation was concerned, only stepped into the place of the person who otherwise might present the silver for coinage. But we have closed the mints for the reception of silver under those terms, and we could not now receive silver from a Native State on conditions which would in any way conflict with our currency policy of 1893. Now, Act IX of 1876, if we were to use it for the purpose of coinage of Native States, would distinctly so conflict. In the first place, if we entered into an agreement such as is contemplated by the Act of 1876, we have no authority under it to provide for our rupees obtaining exclusive currency in the Native State concerned; that is to say, the Native State may keep its own rupees still current, or may permit other Native coinage to remain current within its borders. The result would be, or might be, that after a time the coin which we made for circulation in the Native State, and which we intended should take the place of the currency of the Native State, would find its way back to our own borders and would increase the quantity of legal tender coin which is in circulation. For a Native State which has an agreement with us under the terms of the Act of 1876, although it binds itself not to coin any rupees of its own mintage within a fixed period, which, according to that Act, must be at least thirty years, yet after that period is passed may revert to the old system of coinage, may coin its own rupees and drive back into British India all the coin which we had coined for it. It is obvious, therefore, that consistently with our existing currency system in which our mints are closed to the public with the object of preventing the introduction of further rupees into circulation, we cannot coin rupees under the terms of the Act of 1876.

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“ We communicated with Her Highness the Begum of Bhopal on this subject, but Her Highness was extremely anxious to get over all difficulties, and there has been a settlement of new conditions with her. The result of our negotiation is that Her Highness undertakes practically to give up Native coinage within her own dominions. She undertakes also that the British Indian rupee as it stands and without any modification of device such as was permitted in the case of rupees, coined under the Act of 1876, shall be current and exclusively current within her own dominions, and on our part we intend to receive back through her the Bhopali rupees which are current within that territory, and to issue new coinage of British Indian rupees to take their place. We are quite satisfied that, although it is not always the case in Native States, still it is the case in Bhopal, that the Government of the State can effectively introduce the British Indian rupee under these conditions, and can effectively suppress the use of the native rupee.

“ Her Highness has also undertaken that during a certain time after the arrangements begin to be carried out she shall at all her treasuries issue the British Indian rupee, which we shall supply, at a certain fixed rate of exchange to her own subjects, so as to withdraw the Bhopali rupee altogether from circulation without loss to them. I need not mention the precise terms of this exchange; as a matter of fact it is based upon the actual current exchange of last July. The exchange is now somewhat more adverse to the Bhopali rupee than it was at that time, so that Her Highness and her subjects may obtain a certain advantage in this respect. That advantage, however, comes at nobody's cost. Circumstances might considerably have arisen under which we would not have been able out of the Bhopal coin received to produce a sufficient quantity of British Indian rupees to hand back, but inasmuch as the British Indian rupee has appreciated more than the Bhopali rupee, we calculate that we shall be saved from any expense of this kind, and that Her Highness will also, so far as the Bhopal coinage is concerned, preserve the appreciation of the Bhopali rupee as it stood last July. Now the total amount of the Bhopal coinage which is current in Bhopal is, of course, a question on which there may be some doubt. We are informed by the Durbar that 130 lakhs of that coin have been issued since 1868, and we calculate that we may have to buy up in this way, through the Bhopal State, about 130 to 150 lakhs of Bhopal coin at the very outside. Now, it is necessary, in order to carry out this object, that the British Indian Government should advance the rupees to the Bhopal State which the Bhopal State intends to issue for the purpose of exchange. We should have to begin by sending a very large remittance to Bhopal, possibly

30, 40 or 50 lakhs, and it is not convenient to lock up for any length of time so large a portion of our cash balances. Under these circumstances, seeing the very great advantages which we hope will arise from the unification of coinage, not alone between Bhopal and our own territory, but possibly, now that a beginning has been made from the unification of coinage, afterwards with other States, we have determined to apply to the Legislative Council for authority to use a certain portion of the currency reserve for the purpose. It will be remembered that when coinage of silver used to be carried out under the old conditions, those clauses of the Currency Act which provided that part of the currency reserve could be held in bullion were made use of to prevent this locking-up of the Treasury balances pending the coinage of bullion into rupees. When the silver import was very active I have seen as much as three crores of the currency reserve locked up in the form of bullion awaiting coinage, simply because the import had been so very large that the mintage could not overtake it. The use of the currency reserve therefore for facilitating operations of coinage and for preventing the locking-up of Treasury money has long been an acknowledged function of the currency reserve. There is no risk whatever so far as the currency reserve is concerned, because the currency reserve exists in actual touchable shape, and there is actual touchable bullion to represent the value of our notes. It will in this particular case be for a short time out of our possession, but we are thoroughly convinced that the Bhopal State will manage this operation as conveniently to us as possible, and that, although during the short time for which our rupees are advanced to it and the Bhopal rupees received in exchange not yet returned to us, we shall be out of actual personal possession of a small portion of our currency reserve, that portion is still perfectly safe in the possession of the officials of the Durbar.

“We have more than one special reason, however, for bringing this matter before the Council. In the first place we consider it desirable that a measure of this sort should have as much publicity as possible. It substitutes a new plan of unification of coinage in Native States for that which was intended by the legislative provisions of the Act of 1876. That is one reason why it should be brought before the Council, and in order that the Council might endorse the plan on which we now propose to carry out the policy in question. The second reason for giving it publicity is that the ultimate result will be that British Indian rupees will be issued which bear the date of 1897. Now, if a rupee were to be at present found bearing the date of 1897, it might be considered as evidence that the Government of India was doing something which it had put itself under an obligation not to do, that is to say, that it was coining silver. We have for some

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time back been quietly withdrawing from actual circulation the pre-Victorian coinage, that is to say, a single issue of 1835. There is not very much of it, but for some months past orders have been sent out to our Treasuries that, although they are to receive this coinage of 1835, they are not to re-issue it. We intend to recall it, and of course so far as it is not usable for issues of small coin (of which a very large number is being at present coined) it will be necessary to recoin it. This also would be another reason for coinage of 1897 appearing in actual circulation, but, if the public find a coin of 1897 coming into their hands, they may rest perfectly assured that the coin is not made out of any new silver, but is either a coin to be coined under the provisions of the Bill now to be introduced, and thus taking the place in actual circulation which has hitherto been taken by Bhopal rupees, or that it is the coin which has been coined out of actual current rupees called in by us under the orders which have been in force for some time past with reference to the coinage of 1835.

“The Bill therefore which I ask for leave to introduce is a Bill authorising the Head Commissioner of Currency to supply rupees out of his reserve for the purpose of facilitating the exchange of the current Bhopal rupees within Bhopal for British Indian rupees, and thus establishing in the State of Bhopal, in lieu of the existing Bhopal currency, a regular part of our British Indian currency.

“I would add here, on my own part, a word of commendation of the action of the Bhopal Government in this matter. All members of this Council are well aware how tenacious the Native Governments of this country are of their privileges of coinage. Her Highness the Begum of Bhopal has, as it will be seen, abandoned these prejudices and is proposing of her own accord to suppress her own right of coinage in order that a commercial advantage may accrue to her State. That that advantage will accrue out of her action I have no doubt, but at the same time I think it is most commendable on her part that she should have thrown aside what to our Western ideas are mere prejudices though to Eastern ideas they are valuable privileges, and I hope that her action will at the same time prove a strong incentive to other Native Durbars to enter on a similar reform of their system of Native coinage.”

The motion was put and agreed to.

The Hon'ble SIR JAMES WESTLAND introduced the Bill.

The Hon'ble SIR JAMES WESTLAND moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English. He said:—“With reference to this I should like to draw the attention of Members

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of Council to the fact that the Bill contains two limitations. One is the limitation of the amount. The Head Commissioner is authorised to issue not more than 150 lakhs of rupees in all. The second is the limitation of time. The Bill is operative for six months only, and by the time the six months are over, we shall, we hope, have cleared the whole of the operation so far as the currency reserve is concerned, and shall have replaced our currency reserve in its existing form of rupees and nothing else."

The motion was put and agreed to.

The Council adjourned to Thursday, the 4th March, 1897.

J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.

CALCUTTA; }
The 25th February, 1897. }