

*Thursday,
18th October, 1894*

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,

1894

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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 Viceregal Lodge, Simla, on Thursday, the 18th October, 1894.

PRESENT:

His Excellency the Viceroy and Governor General of India, P.C., LL.D., 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, K.C.B., G.C.I.E., V.C.

The Hon'ble Sir A. E. Miller, K.T., Q.C.

The Hon'ble Lieutenant-General H. Brackenbury, K.C.B., R.A.

The Hon'ble Sir C. B. Pritchard, K.C.I.E., C.S.I.

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

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

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

CODE OF CIVIL PROCEDURE AND PUNJAB LAWS ACT, 1872,
AMENDMENT BILL.

The Hon'ble SIR ALEXANDER MILLER presented the Preliminary Report of the Select Committee on the Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872. He said:—"It is not usual in presenting a Report of a Committee to make any observations, but I think that under the circumstances of this case it is necessary for me to explain that when the Committee met they thought there was so much in the Bill that it was desirable it should come before a Committee more numerous than we were, and more strongly constituted than it could be constituted here, and, therefore, with the single exception of introducing a clause which has been introduced at the instance of the Bombay Government for future consideration by the enlarged Committee, we have practically done nothing with the Bill, and we now propose to postpone it till the Council reassembles in Calcutta."

ENGINEERS' CERTIFICATES VALIDATION BILL.

The Hon'ble MR. WESTLAND moved that the Bill to validate certain certificates granted to engineers of steam-ships be taken into consideration.

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He said :—" I explained the object of this Bill at the time I introduced it as being that of removing a disability under which certain persons who held engineers' certificates in Bombay and the steam-vessels in which they were employed had been placed by certain action inadvertently taken by the Government of Bombay.

" The Bill was referred in due course to the Government of Bombay, and has been accepted, after consideration, by that Government. They merely make a suggestion for a verbal correction, intended to meet an objection which has been raised to the original wording of the Bill; but, as my hon'ble colleague Sir Alexander Miller agrees with me in thinking that the Bill as originally drawn is clear enough upon the point in question, I have no amendment to propose to the Council."

The Motion was put and agreed to.

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

The Motion was put and agreed to.

ACT V OF 1861 (POLICE) AMENDMENT BILL.

The Hon'ble SIR ANTONY MACDONNELL moved for leave to introduce a Bill to amend Act V of 1861 (*an Act for the Regulation of Police*). He said :—" The Bill which I wish to introduce deals, to some extent, with the internal discipline of the police-force; and to that extent it is not likely, perhaps, to give rise to any public criticism. But there are three provisions of the Bill which touch the general public more closely, and these provisions will doubtless be more fully canvassed.

" The first of these provisions is an amendment of section 15 of the existing Act. That section provides for the quartering of additional police in any tract which is declared to be in a disturbed or dangerous condition, and the charging the inhabitants thereof with the cost of such additional police-force. As the law stands, the cost must be apportioned among, and levied from, the entire population of the tract: and the amendment which I wish to propose empowers the Government to include in the assessment non-resident owners of property if, in the circumstances of the particular case, that be fair and just, and to exclude from assessment those people or classes who have not contributed to the disturbances, the cost of maintaining the additional police being levied only from the persons or classes who have caused such disturbances.

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[*Sir Antony MacDonnell.*]

“The second important provision, which is an alternative course to the provision just noticed, will enable the Government to levy compensation from a disturbed locality for serious outrages committed therein, and pay it away to the persons who have been injured or to their families.

“The third provision to which I wish to call attention is the grant of licenses for processions when there is any reason to apprehend a breach of the peace if the procession were allowed to be conducted without conditions or control.

“These are important additions to the existing law, and I think that the public should have full opportunity of examining and criticising them before we proceed further to legislation. In accordance, then, with rule 20 of the Rules for the conduct of Legislative Business, I wish, with Your Lordship's permission, to postpone the discussion on the principle of the amendments until the full Council assembles in Calcutta. My object now is to have the Bill published for general information, in order that, when the time arrives for referring it to a Select Committee, I shall have, as it were, felt the pulse of public opinion, and be in a position to explain away doubts and justify the proposals, with even fuller knowledge of that opinion than I now possess.”

The Motion was put and agreed to.

The Hon'ble SIR ANTONY MACDONNELL also introduced the Bill.

The Hon'ble SIR ANTONY MACDONNELL 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.

BURMA BOUNDARIES ACT, 1880, AMENDMENT BILL.

The Hon'ble SIR ANTONY MACDONNELL also moved for leave to introduce a Bill to amend the Burma Boundaries Act, 1880. He said :—“The Bill is a very simple, and I think non-contentious, Bill in all respects. Under the existing Burma Boundaries Act, No. V of 1880, the only marks which a survey-officer is competent to erect are marks on the exterior boundary of the village-area or other parcel of land under survey. But the revenue-surveyors in Burma have often to deal with very large blocks of land, to the efficient measurement of which

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survey-marks on interior lines are essential. In regard to these interior or sub-traverse marks, as they are technically called, it is necessary that we should have the same powers of construction and maintenance as we have regarding the exterior or traverse marks.

“Another provision of the Bill is this. At present the duty of safeguarding boundary-marks rests on the village-headman and the thugyi. It is desirable that this duty should be extended so as to cover the interior as well as the boundary marks, and it is desirable that, in regard to both classes of marks, the owner or occupier of the land on which they are erected should be placed under an obligation to maintain them in good condition. This is a mere extension to Burma of the rule which prevails generally in India.

“The only other point I need notice is that the Bill contains a definition of ‘survey-mark’ which was wanting in Act V of 1880.”

The Motion was put and agreed to.

The Hon'ble SIR ANTONY MACDONNELL also introduced the Bill.

The Hon'ble SIR ANTONY MACDONNELL also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the Burma Gazette in English and in such other languages as the Local Administration thinks fit.

The Motion was put and agreed to.

The Council adjourned *sine die*.

SIMLA; The 19th October, 1894.	}	J. M. MACPHERSON, Deputy Secretary to the Government of India, Legislative Department.
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