

Friday,
23rd September, 1898

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXXVII

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

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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., c. 67, and 55 & 56 Vict., c. 14).

The Council met at the Viceregal Lodge, Simla, on Friday, the 23rd September, 1898.

P R E S E N T :

- His Excellency the Earl of Elgin, P.C., G.M.S.I., G.M.I.E., LL.D., Viceroy and Governor General of India, *presiding*.
His Excellency General Sir C. E. Nairne, K.C.B., R.A., Provisional Commander-in-Chief in India.
The Hon'ble Sir J. Westland, K.C.S.I.
The Hon'ble M. D. Chalmers.
* The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.
The Hon'ble Sir A. C. Trevor, K.C.S.I.
The Hon'ble C. M. Rivaz, C.S.I.
The Hon'ble Rai Bahadur Pandit Suraj Kaul, C.I.E.
The Hon'ble Gangadhar Rao Madhav Chitnavis, C.I.E.
The Hon'ble J. B. Fuller, C.I.E.

CENTRAL PROVINCES TENANCY BILL.

The Hon'ble MR. RIVAZ presented the Report of the Select Committee on the Bill to consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces. He said :—“ The alterations in the Bill as originally introduced which are proposed by the Committee are fully explained in their Report, and I will defer any remarks I have to make till the time comes to ask the Council to take the Report into consideration. This, with Your Excellency's permission, I propose to do this day four weeks, so as to allow sufficient time for receiving and considering any representations anyone may wish to make in respect of any of the proposed alterations.”

The Hon'ble MR. CHITNAVIS said :—“ My Lord, I would not detain the Council by submitting any observations on the Bill. I beg, however, to thank the members of the Select Committee for the patience and courtesy with which they have listened to my objections, and I feel sure that the Council will give the same patient hearing and consideration to the few amendments that I may have to

[*Mr. Rivaz ; Major-General Sir Edwin Collen.*] [23RD SEPTEMBER,

propose when the Report comes up for discussion. I would take this opportunity of informing the Council that my people gratefully admire the sense of justice which has led the Council and the Select Committee not to give retrospective effect to the Bill. I would, however, be doing injustice to my people if I did not say that a longer time than what has been proposed is necessary for them to consider the alterations now made, and it would be a matter of grace if the amended Bill were considered and passed in the first meeting that may be held in Calcutta before Your Excellency's departure to your native home."

The Hon'ble MR. RIVAZ said :—"The Bill has been pending in this Council for about a year, and I think it is very desirable that it should be passed before Your Excellency leaves Simla. I think that the four weeks we propose to wait before taking the Report into consideration will be ample to receive any representations that have to be made on the Bill."

CENTRAL PROVINCES LAND-REVENUE BILL.

The Hon'ble MR. RIVAZ presented the Report of the Select Committee on the Bill to further amend the Central Provinces Land-revenue Act, 1881. He said :—"The alterations which the Committee propose in this Bill are fewer and less important than those in the Tenancy Bill, but the two Bills hang together, and I think it will be convenient if the Reports on both Bills are considered on the same day, and this, as I have said, will be four weeks hence."

INDIAN MARINE ACT (1887) AMENDMENT BILL.

The Hon'ble MAJOR-GENERAL SIR EDWIN COLLEN moved for leave to introduce a Bill to amend the Indian Marine Act, 1887. He said :—"In 1887 an Act was passed for the better administration of the Indian Marine. Since that date certain changes have been made in the titles of officers and in the definitions of the position of warrant and of petty officers. In 1892 Her Majesty was graciously pleased to confer the title of 'Royal Indian Marine' on the Indian Marine Service. This Bill is merely to give effect to these changes, and as there are some doubts connected with the Act of 1887 respecting the provision made for disciplinary purposes after the destruction or wreck of a ship, we thought it well to take the opportunity to remove these doubts by the insertion of a clause founded on that in the Naval Discipline Act."

The motion was put and agreed to.

1898.] [*Major-General Sir Edwin Colleen; Sir James Westland.*]

The Hon'ble MAJOR-GENERAL SIR EDWIN COLLEN introduced the Bill.

The Hon'ble MAJOR-GENERAL SIR EDWIN COLLEN moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Fort Saint George Gazette, the Bombay Government Gazette, the Calcutta Gazette and the Burma Gazette in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

CURRENCY-NOTES FORGERY BILL.

The Hon'ble SIR JAMES WESTLAND moved for leave to introduce a Bill to amend the law relating to the forgery of currency-notes and bank-notes. He said:—"The Statement of Objects and Reasons, which is attached to this Bill, gives such ample justification for the necessity of making special legislative provision on the subject of currency-notes and bank-notes that it ceases to be necessary for me to give any lengthy explanation on the subject. The fact is that at the time the Indian Penal Code was passed there were no Government currency-notes in existence in India, and the consequence is that in that Code there is no special provision against the forging and counterfeiting of these notes. Any person who makes any preparations whatever for the forging or counterfeiting of a one-anna stamp, if he only goes even to the length of beginning to prepare a plate to engrave upon, commits an offence that in the Penal Code is punishable with seven years' imprisonment; but if a person does the same with respect to a currency-note, he is merely engaged in a pleasant artistic exercise. Most of the offences committed in respect of forging and trying to pass counterfeit currency-notes may, it is true, be brought under one section or another of the Indian Penal Code relating to fraud or to forgery, but the Penal Code, as it stands, is not nearly comprehensive enough for the offences which may be committed in respect of these notes or for enabling offenders to be brought to justice. It is considered necessary therefore to adopt the English law relating to the forgery of currency-notes and bank-notes, and the present Bill is practically the adoption of the English Statute Law relating to that subject. The proposal is to insert two sections in the Indian Penal Code and to make a consequential amendment of the schedule to the Criminal Procedure Code; and the object of the present Bill is to provide for these two sections."

The motion was put and agreed to.

[*Sir James Westland.*] [23RD SEPTEMBER, 1898.]

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.

The motion was put and agreed to.

The Council adjourned to Friday, the 21st October, 1898.

J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.

SIMLA;

The 23rd September, 1898. }