

*Friday,  
23rd June, 1899*

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

**Vol. XXXVIII**

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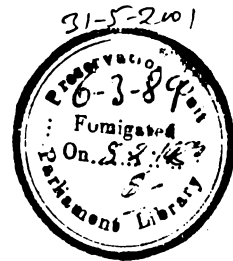
ABSTRACT OF THE PROCEEDINGS  
OF  
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA  
ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS

1899

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The Council met at the Viceregal Lodge, Simla, on Friday, the 23rd June, 1899.

P R E S E N T :

His Excellency Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

His Honour Sir W. Mackworth Young, K.C.S.I., Lieutenant-Governor of the Punjab.

His Excellency General Sir W. S. A. Lockhart, G.C.B., K.C.S.I., Commander-in-Chief in India.

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

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

The Hon'ble Mr. C. E. Dawkins.

The Hon'ble Mr. T. Raleigh.

The Hon'ble Lieutenant-Colonel R. Gardiner, R.E.

The Hon'ble Mr. Allan Arthur.

The Hon'ble Nawab Mumtaz-ud-daula Muhammad Faiyaz Ali Khan.

WHIPPING BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill further to amend the Whipping Act, 1864. He said:—"As the law stands at present, any juvenile offender can be punished with whipping in place of any other punishment for any offence he may commit under the Indian Penal Code which is not punishable with death. There is no such provision, however, in respect of offences which are punishable under special or local laws, and the consequence is that a youthful offender, on conviction for an offence outside the Penal Code, has, sometimes, to be sent to jail when a whipping would be a far more suitable punishment. It is proposed to remedy this defect in the Whipping Act by rendering a juvenile offender who commits any offence which is punishable under any special or local law with imprisonment liable to the punishment of whipping in lieu of imprisonment or fine. A safeguard is, at the same time, provided by empowering the Governor General in Council to notify that certain offences, even though they fall within the category just mentioned, are exempted from

274 *AMENDMENT OF WHIPPING ACT, 1864; VALIDATION OF MARRIAGES (PUDUKKOTTAI AND TRAVANCORE).*

[*Mr. Riva; Mr. Raleigh.*] [23RD JUNE, 1899.]

this liability. It is also proposed to amend the Whipping Act in two other respects—first, as regards juvenile offenders, to render them liable to the punishment of whipping for an attempt to commit an offence, as well as for the offence when actually committed; and, secondly, to add the offence of 'rioting armed with a deadly weapon' to the offences specified in section 2 of the Act which, whether committed by an adult or a juvenile offender, are punishable with whipping."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ 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.

MARRIAGES VALIDATION (PUDUKKOTTAI AND TRAVANCORE)  
BILL.

The Hon'ble MR. RALEIGH moved for leave to introduce a Bill to validate certain marriages solemnized in the Native States of Pudukkottai and Travancore in India. He said:—"Your Lordship is aware that in cases where parties have been married in good faith, but, owing to some mistake in law or the omission of some necessary form, doubts may be cast on the validity of the marriage, it is usual for the Legislature to interfere and to put the validity of these marriages beyond doubt. The mistake which renders necessary the Bill which I now ask leave to introduce is of a very simple kind. The persons whose names and qualifications are set forth in the preamble to the Bill were duly licensed to solemnize marriage, or to grant certificates of marriage within the territories under the Government of Madras. They seemed to suppose that their authority extended to the Native States of Pudukkottai and Travancore, and a number of native Christians residing in these States have been married, and have had certificates granted to them accordingly. The Local Government has made careful enquiry into the facts, and there seems to be no reason to doubt the good faith of the parties. Under these circumstances, I ask leave to introduce a Bill giving validity to these marriages."

The motion was put and agreed to.

*VALIDATION OF MARRIAGES (PUDUKKOTTAI AND TRAVAN- 275  
CORE); AMENDMENT OF NORTHERN INDIA CANAL  
AND DRAINAGE ACT, 1873.*

23RD JUNE, 1899.] [*Mr. Raleigh ; Mr. Rivas.*]

The Hon'ble MR. RALEIGH introduced the Bill.

The Hon'ble MR. RALEIGH moved that the Bill and Statement of Objects and Reasons be published in English in the Gazette of India and in the Fort St. George Gazette.

The motion was put and agreed to.

**NORTHERN INDIA CANAL AND DRAINAGE (AMENDMENT)  
BILL.**

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill further to amend the Northern India Canal and Drainage Act, 1873. He said:—  
“Section 36 of the Northern India Canal Act provides that the rates to be charged for canal water supplied for purposes of irrigation to the occupiers of land shall be determined by rules to be made by the Local Government, and that such occupiers as accept the water shall pay for it accordingly. The section does not, however, as at present worded, enable the Local Government to determine what persons or classes of persons are to be deemed to be occupiers and to be liable for payment of the occupier's rate, and difficulties in this respect have been experienced both in the North-Western Provinces and in the Punjab. The object of the present Bill is to remove these difficulties by amending section 36 so as to give the necessary power of determination to the Local Government.

“A consequential amendment of section 47 of the Act is also proposed, in order to enable the recovery of water rates to be made from sub-tenants by summary process in cases where this class of cultivator has been declared liable for their payment.”

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the North-Western Provinces and Oudh Government Gazette, the Punjab Government Gazette and the Central Provinces Gazette in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

[*Mr. Dawkins ; Mr. Allan Arthur.*]

[23RD JUNE,

## INDIAN COMPANIES (BRANCH REGISTERS) BILL.

The Hon'ble MR. DAWKINS moved for leave to introduce a Bill to authorize certain Companies registered under the Indian Companies Act, 1882, to keep branch registers of their members in the United Kingdom. He said :—" The Bill which I ask leave to introduce originated with the mercantile community. Its object is to authorize certain companies registered under the Indian Companies Act to keep branch registers of their members in the United Kingdom. The first result, it is hoped, will be that it will enlarge the market for shares in Calcutta and in other parts of India. It is also hoped that it will facilitate the investment of English capital and English securities in this country, and if and when the stability of the rupee is assured, I think that we may look forward to the Bill affording very valuable assistance in that direction."

The Hon'ble MR. ALLAN ARTHUR said :—" At the last meeting of this Council, I pointed out that, if British capital were to be attracted to India, one of the first things to be done was to grant facilities to the investor in England, and suggested that legislation should be undertaken on the lines now proposed by the Hon'ble Financial Member.

" That a Bill, such as this is, should be introduced at the very next meeting of the Council seems to me to be clear evidence of the desire and intention of Your Excellency to do everything in your power to encourage the development of the resources of India by the introduction of British capital. I welcome this legislation as one of the means towards the desired end, and shall have much pleasure in supporting the Bill."

The motion was put and agreed to.

The Hon'ble MR. DAWKINS introduced the Bill.

The Hon'ble MR. DAWKINS 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.

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[*Mr. Rivaz.*]

### INDIAN REGISTRATION [AMENDMENT] BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill further to amend the Indian Registration Act, 1877. He said:—"Section 21 of the Registration Act provides that no non-testamentary document relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same; it is further provided that houses outside towns and lands shall be described, whenever it is practicable, by reference to a Government map or survey. By the next section, however, failure to comply with this provision does not disentitle a document to be registered if the description of the property is sufficient for its identification.

"The Madras Government having represented that in that Presidency, at all events, it was desirable to make it obligatory to specify the survey-number in all documents presented for registration which relate to land which has been surveyed, other Local Governments were consulted on the subject. The replies which have been received show that it is not possible to make a general rule for the whole of India to the effect proposed by the Madras Government; at the same time, the Government of India think that the matter is one which may, with advantage, be left to the discretion of the various Local Governments to be provided for by local rule wherever the circumstances warrant the proposed obligatory provision. The object of this Bill is, therefore, to amend section 22 of the Registration Act accordingly."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ 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.

### LAND IMPROVEMENT LOANS [AMENDMENT] BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill to amend the Land Improvement Loans Act, 1883. He said:—"The object of this Bill is merely to remove a defect in the language of section 6 of the Land Improvement

[*Mr. Rivaz.*]

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Loans Act. The law officers in Bengal have advised that, according to the present wording of this section, when the agreement is to advance a loan in instalments, no part of it is repayable till after the last instalment has been actually advanced, and therefore, if the borrower refuses to accept any of the later instalments, the right to recover that already advanced does not accrue. It is proposed to remedy this defect of language and to make it clear that, in such a case, the right of recovery commences from the date of the advance of the last instalment actually taken."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ 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 14th July, 1899.

J. M. MACPHERSON,

*Secretary to the Government of India,*

*Legislative Department.*

SIMLA;  
The 27th June, 1899. }