

*Friday,
25th August, 1899*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXXVIII

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OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA
ASSEMBLED FOR THE PURPOSE OF MAKING
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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 25th August, 1899.

PRESENT:

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 Rai Bahadur Pandit Suraj Kaul, C.I.E.

The Hon'ble Mr. Gangadhar Rao Madhav Chitnavis, C.I.E.

The Hon'ble Rai Bahadur Protul Chandar Chatterjee.

NEW MEMBER.

The Hon'ble RAI BAHADUR PROTUL CHANDAR CHATTERJEE took his seat as an Additional Member of Council.

CENTRAL PROVINCES COURT OF WARDS BILL.

The Hon'ble MR. RIVAZ moved that the Bill to consolidate and amend the law relating to the Court of Wards in the Central Provinces be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Mr. Chitnavis and the mover, with instructions to report after one month.

The motion was put and agreed to.

PUNJAB COURTS BILL.

The Hon'ble MR. RIVAZ moved that the Bill further to amend the Punjab Courts Act, 1834, be referred to a Select Committee consisting of the Hon'ble

[*Mr. Rivaz; Mr. Dawkins.*]

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Mr. Raleigh, the Hon'ble Rai Bahadur Pandit Suraj Kaul, the Hon'ble Rai Bahadur P. C. Chatterjee and the mover, with instructions to report after one month.

The motion was put and agreed to.

PRESIDENCY BANKS BILL.

The Hon'ble MR. DAWKINS moved for leave to introduce a Bill further to amend the Presidency Banks Act, 1876. He said :—“ I think I need add nothing to what is explained in the Statement of Objects and Reasons. As is well known, strict limitations, which perhaps to some extent have survived the times and conditions which rendered them necessary, are placed upon the business which the Presidency Banks are authorized to transact. For instance, as regards Railways and Companies, the Presidency Banks are limited by section 36, sub-section 3, to dealing in the securities of such Railways or other Companies, the interest whereon shall have been guaranteed by the Secretary of State in Council. As regards Municipalities, the Banks are authorized to deal in securities issued by Municipal bodies under the authority of the Legislature. In 1879 there was added to the sub-section authorizing the Bank to deal in Municipal securities the permission to deal in any securities that might be issued by the Commissioners for making improvements in any Port or by the Trustees of any Port. We now propose to add securities which may be issued by the Commissioners for the improvement of the City of Bombay. This addition involves no innovation or change of principle in the Act, for, from one point of view, the securities may be regarded as Municipal securities, while, as they are guaranteed by the Government of India, they also stand in the category of securities of Companies and Railways which are guaranteed by the Government of India. I therefore beg leave to introduce a Bill with this object ”.

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 and in the Fort St. George Gazette, the Bombay Government Gazette and the Calcutta Gazette in English.

The motion was put and agreed to.

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[Mr. Rivaz; Mr. Chitnavis; Mr. Rivaz.]

CENTRAL PROVINCES TENANCY (AMENDMENT) BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill to amend the Central Provinces Tenancy Act, 1898. He said :—"The object of this Bill is to correct a mistake of drafting in the Central Provinces Tenancy Act which was passed last October. Section 45 of that Act has imposed considerable restrictions on transfers of proprietary rights in sir lands, but it was not intended to give retrospective effect to these provisions in respect of past *bona fide* transactions, and a saving clause to this purport was inserted. A representation has, however, been received from the Central Provinces, and has been accepted as correct, that this clause, as at present worded, does not completely fulfil its purpose. It is proposed therefore to re-enact the provision in question in clearer terms".

The Hon'ble MR. CHITNAVIS said :—"I cannot but express my gratitude on behalf of the people for the sense of justice which has impelled Government to introduce the amendment now proposed to be moved. I am partly responsible for the mistake that has crept in. When I supported the amendment moved by Mr. Fuller last year, I thought that the amendment was reasonably conceived in the interests of debtors and that the wording would not take away the force of the promise so generously and justly made by Sir John Woodburn in Council to the effect that retrospective effect would not be given to the provisions of the Tenancy Bill then under discussion. I was, however, subsequently informed by my lawyer friends that the amendment moved by Mr. Fuller would have the effect of annulling the promise made, and it was pointed out to me that it would prejudicially affect 90 per cent. of the old documents and the sufferers would in the main be persons who were ignorant of law and who must have had advanced money in good faith probably in many instances to relieve, in times of famine, families of agriculturists in distress. The matter was thus represented to the Chief Commissioner, who was good enough to move the Legislature to introduce an amendment as now proposed, especially with a view to respect the promise made on behalf of Government and to avoid a sense of insecurity among the people, giving them clearly to understand that anything done on the faith of the old law would not be lightly interfered with. It is well known what great help agriculturists received from their brethren during the last famine under this sense of security and this amendment, which is sure to strengthen the belief that Government is prepared to support all advances legitimately and reasonably made, will go a long way towards enabling people to come forward and help people in future on similar occasions of famine and distress which, in case this present state of weather continues, unfortunately for my Province, seem to be near at hand".

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

[*Mr. Rivaz; Mr. Dawkins.*] [25TH AUGUST, 1899.]

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 Central Provinces Gazette in English and in such other languages as the Local Administration thinks fit.

The motion was put and agreed to.

INDIAN COINAGE AND PAPER CURRENCY BILL.

The Hon'ble MR. DAWKINS said :—" My Lord, I beg to ask permission to postpone the motion for leave to introduce a Bill further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882. The Bill is intended, I may say very shortly, to give effect to the recommendations contained in the report of the Indian Currency Committee, which have been endorsed by the Secretary of State and are generally accepted by the Government of India. Those recommendations include making the sovereign legal tender in India at the rate of Rs. 15 to one sovereign, and will provide for the coinage of gold in India. Any further observations and explanations in connection with this Bill, I think, may be, with propriety, postponed until the Bill itself is circulated and is in the hands of Hon'ble Members. It is with regard to the provision for coining gold in India that delay has now arisen, owing to purely technical considerations. Before the sovereign can be coined in India it is necessary that a Proclamation should be issued under the English Coinage Act of 1870 constituting an Indian Mint a branch of the Royal Mint for the purpose of coining sovereigns, as has been done in the case of the Australian Mints. We have been advised by the Secretary of State that the terms of the Proclamation are being settled in London, and, indeed, we were led to expect that we might have received the draft Proclamation by telegram before this date. In this, however, we have been disappointed, and we do not think it expedient to proceed without the Proclamation by now introducing legislation, because, although we know what the main lines of the Proclamation are, yet, until we actually see the draft, we might, if we legislate without the actual Proclamation before us, fall into some discrepancy with its language, which would involve fresh and ulterior amendments. Therefore, on account of this purely technical reason, which does not in any way modify the decision of the Government of India to give the most expeditious effect possible to the recommendations of the Currency Committee, I ask permission to postpone the motion for leave to introduce the Bill".

Leave was granted.

The Council adjourned to Friday, the 1st September, 1899.

J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.

SIMLA;
The 25th August, 1899. }