

*Friday,  
4th February, 1898*

ABSTRACT OF THE PROCEEDINGS  
OF THE  
Council of the Governor General of India,  
LAW 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  
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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).*

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The Council met at Government House, Calcutta, on Friday, the 4th February, 1898.

PRESENT :

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*.

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 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, K.T.

The Hon'ble H. E. M. James, C.S.I.

The Hon'ble M. R. Ry. Pannappakkam Ananda Charlu, Vidia Vinodha Avargal, Rai Bahadur, C.I.E.

The Hon'ble Sir G. H. P. Evans, K.C.I.E.

The Hon'ble J. J. D. LaTouche, C.S.I.

The Hon'ble F. A. Nicholson.

The Hon'ble Rai Bahadur Pandit Suraj Kaul, C.I.E.

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

The Hon'ble Allan Arthur.

QUESTIONS AND ANSWERS.

The Hon'ble GANGADHAR RAO MADHAV CHITNAVIS asked :—

- I. Will Government be pleased to inquire whether many malguzars in the distressed districts in the Central Provinces had to borrow money from professional money-lenders to enable them to meet the land-revenue demand during the last three or four years ?

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- II. Is it not a fact that debts had to be incurred to pay the Government revenue during the last three or four years in the case of several estates managed by Government under the Central Provinces Court of Wards Act?
- III. Will Government be pleased in districts or tracts where remissions or suspensions have not been given to show some consideration by way of ordering partial remission of revenue and rents in arrears or their realization by easy instalments in cases where on enquiry it may be proved to the satisfaction of the Chief Commissioner that the malguzars and tenants in default who were once in easy circumstances have been obliged to borrow money for payment of the Government demand and rents respectively and have in consequence become deeply involved in debt?

The Hon'ble MR. RIVAZ replied:—

" *Question I.*—The Government of India do not think it necessary to make any special enquiry in the distressed tracts of the Central Provinces to show whether malguzars had to borrow from professional money-lenders to enable them to meet the land-revenue demand during the last three or four years. The circumstances of the distressed tracts have already been the subject of careful enquiry by the Chief Commissioner and his officers, and liberal suspensions and remissions of land-revenue have been granted; and the Government of India are satisfied that no malguzar has been called upon to pay a larger demand than the circumstances of the case justify.

" *Question II.*—The latest report on the management of Court of Wards' estates in the Central Provinces received by the Government of India is for the year 1894-95. This shows that several estates were obliged to contract loans, part of which was required for the payment of Government revenue. These estates were already considerably encumbered with debts incurred by the proprietors prior to Government management and were, therefore, not in the favourable condition that they should have been in order to meet the strain of bad seasons. It must be remembered that the settlement made with malguzars is for a period of years in which the surplus from good harvests ought to be available to pay the deficit from bad harvests.

" *Question III.*—The general principles which should govern suspensions and remissions of land-revenue have been laid down by the Government of

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[*Mr. Rivaz.*]

India ; but their application to local conditions is left to the discretion of the Local Government. The Government of India feel assured that the Chief Commissioner will make any concessions in the tracts referred to that may be reasonable and necessary, and they do not propose to interfere with his discretion in the matter."

#### LEPERS BILL.

The Hon'ble MR. RIVAZ moved that the Report of the Select Committee on the Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings be taken into consideration. He said:—"The Bill which is before the Council does not contemplate any action being taken for the control or segregation of lepers generally in this country. It would be extremely difficult to give practical effect to any measures of such wide application, nor, in the opinion of the Government of India, are they called for. The present Bill is of a far more moderate scope and restricted character. It merely enables Local Governments, firstly, to prevent lepers who are suffering from any contagious form of the disease from annoying the public by begging within notified localities, which will usually be municipal or other urban areas ; and, secondly, to prohibit lepers from following certain specified trades or callings within such notified areas, or doing certain acts which would bring them into close contact with the public, such as riding in public conveyances or bathing at public wells or tanks which may be debarred by any municipal or local bye-law from use by lepers. A pauper leper found begging within a notified area may be sent by the Magistrate to a leper asylum, or, instead of being sent to an asylum, may be made over by the Magistrate to any friend or relative who undertakes to take proper care of him and prevent him from further public begging. A leper who engages in a prohibited trade or calling, or does a prohibited act, will be liable to a small fine for his first offence, and if he repeats it will either have to enter into a bond, with sureties, binding him to leave the notified area, or in default of furnishing such bond will be sent to an asylum. Provision is made for the periodical inspection of asylums by a Board of three or more members, and any leper detained in an asylum under the provisions of this Bill can be discharged therefrom by order of such Board or of the District Magistrate.

"The remaining subsidiary clauses require no explanation. The Council will see that ample safeguards have been given in the Bill, as amended by the Select Committee, for working its provisions without harshness, and I think that I may ask for its acceptance as a moderate and useful measure."

[*Mr. Nicholson ; Mr. Rivaz ; Mr. Chalmers.*] - [4TH FEBRUARY,

The Hon'ble MR. NICHOLSON said:—"Having seen something of the lepers and leper asylums in the Madras Presidency, and especially those on the West Coast, Travancore and Cochin, and having in mind the practically unanimous approval with which the general character of the original Bill was met, I am decidedly of opinion that the Bill as amended, and as I believe improved, by the Select Committee, may become law to the advantage of the general public and still more to that of the unfortunates dealt with by the Bill. From what I have seen and heard I believe that the medical and hygienic treatment which lepers will now more continuously receive in the various classes of asylums will result in much benefit to this unhappy class."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ said:—"Before moving that the Bill as amended be passed I beg leave to move two slight amendments in the Bill, namely, that in the first line of clause 8 (r) of the Bill as amended by the Select Committee, between the words 'any' and 'Magistrate', and that in the second line of clause 10 (3) of the Bill, between the words 'a' and 'Magistrate', the words 'Presidency Magistrate or' be inserted." He explained that these words were omitted inadvertently in the Bill as amended by the Select Committee.

The motion was put and agreed to.

The Hon'ble MR. RIVAZ moved that the Bill, as amended, be passed.

The motion was put and agreed to.

#### INDIAN PENAL CODE AMENDMENT BILL.

The Hon'ble MR. CHALMERS presented the Report of the Select Committee on the Bill to amend the Indian Penal Code in relation to Extra-territorial Offences. He said:—"In laying the Report of the Select Committee on the table I will only say a very few words. I would rather reserve any detailed remarks that I may have to make till this day fortnight, when Hon'ble Members will probably be asked to take the Bill into consideration and when they will have had time to study the Report and the text of the Bill as it leaves the hands of the Select Committee. For the moment I will only say that we have inserted in the Bill the clauses of which I gave notice on the 21st December last; but we have inserted those clauses with certain modifications which are detailed and explained in the Report of the Select Committee. We have received a large body of criticism on these provisions, both from official and non-official sources, and I can only repeat what I said on the previous occasion that the Government of India

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[Mr. Chalmers.]

welcome all fair and honest criticism from whatever source it may come. We have considered carefully the numerous objections and the numerous suggestions that have been made to us, and we have gladly adopted any suggestion for amendment that appeared to us as reasonable and consistent with the general lines of the policy which we announced on the previous occasion. I am afraid that on behalf of the Select Committee I cannot acknowledge individually our indebtedness to the various persons from whom we have received useful and helpful suggestions. We were of course assisted in our deliberations on the Bill in the Select Committee—and assisted very materially—by the weighty opinions of the Lieutenant-Governor of Bengal and the Lieutenant-Governor of the North-Western Provinces, but we have also derived considerable assistance from non-official sources. I think, for example, that the Select Committee have been able to give effect almost in their entirety to the suggestions on this Bill made by the Bengal Chamber of Commerce. We have also embodied some suggestions made by the British Indian Association, and I desire also to express the obligations of the Select Committee for a very valuable note which was sent to us by my Hon'ble friend Pandit Bishambar Nath. Of course we have had suggestions from many sources, and in many instances the same suggestion has been made from different sources. It would be impossible to acknowledge our indebtedness individually, but we have given all the suggestions that came before us our best and most careful consideration."

The Council adjourned to Friday, the 18th February, 1898.

CALCUTTA ;  
The 4th February, 1898. }

J. M. MACPHERSON,  
*Secretary to the Government of India,*  
*Legislative Department.*

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