

Friday, December 31, 1869

ABSTRACT OF PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

VOL 8

1869

P L

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 Act of Parliament 24 & 25 Vic., cap. 67.

The Council met at Government House on Friday, the 31st December 1869.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K. P., G. C. S. I.,
presiding.

His Excellency the Commander-in-Chief, K. C. B., G. C. S. I.

The Hon'ble G. Noble Taylor.

Major General the Hon'ble Sir H. M. Durand, C. B., K. C. S. I.

The Hon'ble John Strachey.

The Hon'ble J. Fitzjames Stephen, Q. C.

The Hon'ble F. R. Cockerell.

The Hon'ble Gordon S. Forbes.

The Hon'ble D. Cowie.

Colonel the Hon'ble R. Strachey, C. S. I.

The Hon'ble Francis Steuart Chapman.

The Hon'ble J. R. Bullen Smith.

His Highness Sarámade Rájáháe Hindústán Ráj Rájendra Srí Mahárájá
Dhiráj Sivái Rám Singh Bahádur, of Jaypúr, G. C. S. I.

SUBORDINATE JUDGES AND MUNSIFS' BILL.

The Hon'ble MR. COCKERELL introduced the Bill to provide for the appointment of additional Subordinate Judges and Munsifs in the Presidency of Fort William, and moved that it be referred to a Select Committee with instructions to report in a fortnight. He said that the effect of the Bill becoming law would be to remove the restriction which, as had been explained when the subject was last before the Council, now attached to the power of appointing any person to the office of Subordinate Judge or Munsif under Act XVI of 1868.

The provisions of that Act, in regard to the manner in which persons were to be appointed to either of those offices, the qualifications to be possessed by, and the duties and obligations of, the persons so appointed, were extended to all appointments made under the power conferred by this Bill on the Local Governments of the Lower Provinces and the North-West Provinces of the Presidency of Fort William.

Further, whilst it accorded free scope to the action of the two Local Governments in the determination of the persons to be appointed to the office of Subordinate Judge or Munsif, the Bill, on financial grounds, provided for the reservation to the Governor General in Council of full control as to the number of such offices to be established under either Local Government.

The Motion was put and agreed to.

KULLU SUB-DIVISION (PANJAB) BILL.

The Hon'ble MR. STEPHEN, in moving for leave to introduce a Bill to invest the Assistant Commissioner of the Kullu Sub-division in the Panjáb with certain appellate powers, said that the annual snowfall in the Babbu Pass rendered the hilly parganas of Kullu, Seoráj, Lahoul and Spiti completely inaccessible during some months of the year. The consequence was that appeals from decisions passed in those districts, which, as the law stood, lay to the Deputy Commissioner of Kangra, could not be instituted during the winter, and in summer the appellant had to take a journey varying from ten to twenty days. The right of appeal was thus practically denied to the bulk of the inhabitants. It was proposed to remedy this state of things by investing the Assistant Commissioner of the Kullu Sub-division with the power of hearing such appeals.

The Motion was put and agreed to.

ACT VIII OF 1863 AMENDMENT BILL.

The Hon'ble MR. CHAPMAN introduced the Bill to correct a clerical error in Act No. VIII of 1863. He said, the error which it was the object of this Bill to correct was in the accidental insertion of two 'nots' instead of one. There could be no question of the expediency of expunging one of those unfortunate monosyllables.

The Hon'ble MR. CHAPMAN having applied to His Excellency the President to suspend the Rules for the Conduct of Business,

The President declared the Rules suspended.

The Hon'ble MR. CHAPMAN then moved that the Bill be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. CHAPMAN then moved that the Bill be passed.

The Motion was put and agreed to.

AGROR VALLEY BILL.

The Hon'ble MR. STEPHEN, in moving for leave to introduce a Bill to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, said that His Excellency the President would recollect that, some months since, by an Ordinance passed under the authority conferred by the Indian Councils' Act, the Agror Valley was removed from the jurisdiction of the ordinary tribunals and subjected to special powers vested in the Lieutenant Governor of the Panjáb. The reasons for doing so were fully considered at the time, and there was no doubt that the peculiar circumstances of the place fully justified the adoption of such a measure. The effect of this Bill would be to convert the Ordinance into an Act. Legislation was needed, because, under a provision in the Indian Councils' Act, an Ordinance would expire six months after the date of its promulgation.

The Motion was put and agreed to.

JAIL DISCIPLINE, NON-REGULATION PROVINCES' BILL.

The Hon'ble MR. STEPHEN, in moving for leave to introduce a Bill to provide for the maintenance of jail discipline in the Non-Regulation Provinces, said that the law regarding jail discipline in the Non-Regulation Provinces (other than those under the government of His Honour the Lieutenant Governor of Bengal) was at present in an unsettled state; this had occasioned inconvenience in the Panjáb. The object of the Bill was to provide for the maintenance of jail discipline in the Non-Regulation Provinces to which he had referred.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill to provide for the appointment of additional Subordinate Judges and Munsifs in the Presidency of Fort William,—The Hon'ble Messrs. Stephen, Gordon Forbes and Chapman and the Mover.

The Council adjourned to Friday, the 7th January 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.

for making Laws and Regulations.

CALCUTTA,

The 31st December 1869. }