

**Friday,
6th February, 1885**

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXIV

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Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS

1885

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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 under the pro-
visions of the Act of Parliament 21 & 25 Vic., cap. 67.*

The Council met at Government House on Friday, the 6th February, 1885.

PRESENT :

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

His Honour the Lieutenant-Governor of Bengal, K.C.S.I., C.I.E.

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

The Hon'ble J. Gibbs, C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. O. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. O. Hope, C.S.I., C.I.E.

The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble Amír Ali.

The Hon'ble W. W. Hunter, LL.D., C.S.I., C.I.E.

The Hon'ble H. J. Reynolds.

The Hon'ble Rao Sahib Vishvanath Narayan Mandlik, C.S.I.

The Hon'ble Peári Mohan Mukerji.

The Hon'ble H. St.A. Goodrich.

INDIAN PORTS ACT, 1875, AMENDMENT BILL.

The Hon'ble MR. ILBERT moved that the Report of the Select Committee on the Bill to amend the Indian Ports Act, 1875, be taken into consideration. He said :—

“ This Bill originally consisted of a single section, the effect of which was to authorise payment to port-officers of pensions out of the port-fund. We have slightly amended this section so as to meet the case of an officer who has earned his pension partly from the port and partly from service elsewhere, and we have added sections amending the Ports Act in one or two other particulars. We have removed a technical difficulty about the publication of certain orders under the Act. We have enabled the port-authorities to dispense with the levy of separate hospital-dues, and, instead of levying them, to contribute

money from the port-fund-account for the support of hospitals for seamen or for providing sanitary superintendence and medical aid for the shipping and seamen belonging to ships in port. This amendment was suggested by the Bombay Government, and has received the approval of Calcutta and Rangoon. I understand that at Madras no separate hospital port-dues are levied, and consequently no change in the law is required there. Lastly, we have raised the maximum which is at present fixed by law for port-dues levied in the Cuttack ports. We have done this at the request of the Bengal Government, who represented that the present port-dues are not sufficient to meet the expenses of the port-establishments. It will be understood that the Bill does not of itself raise the dues leviable in the Cuttack ports, but it enables the Bengal Government to raise them if it finds it necessary to do so."

The Hon'ble MR. REYNOLDS said :—" I wish to say a few words as to section 5 of the Bill, because the Bengal Chamber of Commerce, in a letter addressed in August last to the Local Government, expressed itself as not altogether satisfied with the proposal to increase the port-dues in the Cuttack ports in the manner authorized by the Bill, and any representation from the Bengal Chamber of Commerce always receives the fullest consideration at the hands of His Honour the Lieutenant-Governor. The letter of the Chamber was not altogether opposed to some increase of the port-dues, but it objected to so large an increase as the Bill proposes, and it suggested that it might perhaps be possible to balance the receipts and charges by effecting some reduction in the expenditure. The present rate, which is six annas per hundred maunds, may be taken as about equivalent to one anna and eight pies per ton, and under the Bill it is proposed to give power to raise the rate to four annas per ton. That is, no doubt, a considerable increase, but it is the same rate as is levied at other ports, and I may observe that it is a maximum rate, and it does not follow that the maximum amount will be levied; indeed, I may say that it is not the intention of the Government to use the full power conferred by the Bill unless it is found absolutely necessary to do so. The Government has very carefully considered the possibility of reducing the charges instead of raising the receipts, but enquiry has shown that the present charges will not admit of reduction, and it does not seem reasonable that the provincial revenues should be laid under contribution, year after year, to meet a continually recurring deficit on account of the Balseore ports.

The Motion was put and agreed to.

The Hon'ble Mr. ILBERT moved that the Bill, as amended, be passed.

. The Motion was put and agreed to.

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[Mr. Quinton.]

ACT XXII OF 1881 AMENDMENT BILL.

The Hon'ble MR. QUINTON moved that the Report of the Select Committee on the Bill to amend Act XXII of 1881 be taken into consideration. He said :—

“ The Select Committee has had before it reports from all the Local Governments to whose territories this Bill, if passed into law, will extend, and has duly considered the suggestions received from those different sources.

“ The alterations made, in consequence, in the Bill as introduced, which I shall now briefly explain for the information of Council, are not numerous.

“ In British Burma there is a local collector of revenue styled a Thugyi. These men give much assistance to District-officers in administrative affairs generally, and more especially in all matters connected with the suppression of crime.

“ They can, under the present law, be appointed Excise-officers by the Collector of the district; but as they are not in receipt of the monthly salary prescribed by sections 28 and 29 of Act XXII of 1881 it may be held that they cannot exercise the powers of arrest and search referred to in those sections. Their remuneration is paid in the shape of a percentage on their collections, and these percentages range from Rs. 1,000 to Rs. 2,000 per annum; so that, if the amount of remuneration be accepted as a criterion of respectability, they are much superior in that respect to officers drawing Rs. 10 per mensem.

“ The Chief Commissioner considers it desirable that when appointed Excise-officers they should exercise the powers described in sections 28 and 29 of the Excise Act, and with this object we have altered the wording of the sections as provided in sections 1 and 2 of the Bill.

“ We have also, by section 2 of the Bill, made an addition to section 29 to provide for the case, which it is proposed to legalise, of the Excise-officer who makes the search being a Police-officer. It is obviously superfluous to require that a second Police-officer of the prescribed grade should be present at the search in such cases.

“ Section 8 of the Bill embodies the provisions of the Bill as introduced with the following modifications :—

“ The power of stopping and detaining persons carrying illicit drugs and liquors may, we believe, be safely and with advantage conferred on all

Police-officers. This was the law in force until 1881; it is the view of the existing law which has until lately been acted on in all provinces; and it is in accordance with the powers exercised by constables in all cognisable criminal cases, however petty. We have drawn section 34A so as to effect this object.

"The more important powers of arrest and search described in sections 28 and 29 we have restricted as proposed in the Bill, with the addition of officers in charge of police-stations and sergeants. The former class of officers has been added, at the request of the Burma Administration, to cover cases where first class constables may be left in charge of police-stations, and the latter to make the nomenclature of the Bill correspond with that of the Panjáb police-force. Officers known elsewhere as head-constables are there styled sergeants.

"The Government of the North-Western Provinces and Oudh brought to our notice that the word 'complaint', used in section 47 of the Excise Act, might be held to mean a complaint as technically defined in the Code of Criminal Procedure, and to exclude the report of an Excise-officer such as is prescribed in section 32 of the Act. In order that there may remain no doubt on this point, we have re-drafted section 47 of the Excise Act in the manner provided by section 4 of the Bill."

The Motion was put and agreed to.

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

The Motion was put and agreed to.

The Council adjourned to Friday, the 13th February, 1885.

FORT WILLIAM; }
The 13th February, 1885. }

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India,
Legislative Department.