

*Friday,*  
*17th December, 1886*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXV

Jan.-Dec., 1886

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

1886

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1887.

*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.*

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The Council met at Government House, on Friday, the 17th December 1886.

**PRESENT :**

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

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

**The Hon'ble Sir T. C. Hope, K.C.S.I., C.I.E.**

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

**The Hon'ble Major-General G. T. Chesney, B.E., C.S.I., C.I.E.**

**The Hon'ble J. B. Peile, M.A., C.S.I.**

**The Hon'ble A. R. Scoble, Q.C.**

**The Hon'ble R. Steel.**

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

**The Hon'ble Syud Ameer Hossein.**

**The Hon'ble Peári Mohan Mukerji.**

**The Hon'ble W. S. Whiteside.**

**NEW MEMBERS.**

The Hon'ble **SYUD AMEER HOSSEIN** and the Hon'ble **MR. WHITESIDE** took their seats as Additional Members.

**SELECT COMMITTEES.**

The Hon'ble **MR. SCOBLE** moved that he be substituted for the Hon'ble **Mr. Ilbert** as a Member of the Select Committee on the Bill to amend the law relating to the Civil Courts in Bengal, the North-Western Provinces and Assam.

The Motion was put and agreed to.

The Hon'ble **MR. SCOBLE** also moved that he be substituted for the Hon'ble **Mr. Ilbert** and the Hon'ble **Mr. Peile** be substituted for the Hon'ble **Sir S. Bayley** as Members of the Select Committee on the Bill to consolidate and amend the law relating to Court of Small Causes established beyond the Presidency-towns.

The Motion was put and agreed to.

## SELECT COMMITTEES.

[*Mr. Scoble; Mr. Peile; Sir A. Colvin.*] [17TH DECEMBER,

The Hon'ble MR. SCOBLE also moved that he be substituted for the Hon'ble Mr. Ilbert and the Hon'ble Mr. Peile be substituted for the Hon'ble Sir S. Bayley as Members of the Select Committee on the Bill to consolidate and amend the law relating to Guardian and Ward, and that the Hon'ble Mr. Whiteside be added to the Committee.

The Motion was put and agree to.

The Hon'ble MR. SCOBLE also moved that he be substituted for the Hon'ble Mr. Ilbert and the Hon'ble Mr. Peile be substituted for the Hon'ble Sir S. Bayley as Members of the Select Committee on the Bill to amend and consolidate the law of Bankruptcy and Insolvency in British India.

The Motion was put and agreed to.

The Hon'ble MR. PEILE moved that he be substituted for the Hon'ble Sir S. Bayley and the Hon'ble Mr. Scoble be substituted for the Hon'ble Mr. Ilbert as Members of the Select Committee on the Bill to alter the constitution of the Body Corporate known as the Trustees of the Indian Museum and to confer certain additional powers on that Body.

The Motion was put and agreed to.

The Hon'ble MR. SCOBLE moved that he be substituted for the Hon'ble Mr. Ilbert and that the Hon'ble Mr. Peile be substituted for the Hon'ble Sir S. Bayley as Members of the Select Committee on the Bill to amend the law relating to Imprisonment for Debt, and that the Hon'ble Sir Theodore Hope, the Hon'ble Mr. Steel and the Hon'ble Syud Ameer Hossein be added to the Committee.

The Motion was put and agreed to.

The Hon'ble SIR A. COLVIN moved that the Hon'ble Mr. Scoble be substituted for the Hon'ble Mr. Ilbert as a Member of the Select Committee on the Bill to amend the Indian Ports Act, 1875, and that the Hon'ble Messrs. Steel and Whiteside be added to the Committee.

The Motion was put and agreed to.

The Hon'ble MR. SCOBLE moved that he be substituted for the Hon'ble Mr. Ilbert and the Hon'ble Mr. Peile be substituted for the Hon'ble Sir S. Bayley as Members of the Select Committee on the Bill to amend the Indian Companies Act, 1882.

The Motion was put and agreed to.

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[*Mr. Scoble ; Sir A. Colvin.*]

The Hon'ble MR. SCOBLE also moved that he be substituted for the Hon'ble Mr. Ilbert as a Member of the Select Committee on the Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto, and that the Hon'ble Rao Saheb Vishvanath Narayan Mandlik and the Hon'ble Mr. Whiteside be added to the Committee.

The Motion was put and agreed to.

The Hon'ble MR. SCOBLE also moved that he be substituted for the Hon'ble Mr. Ilbert and the Hon'ble Mr. Peile be substituted for the Hon'ble Sir S. Bayley as Members of the Select Committee on the Bill to amend the Indian Evidence Act, 1872, and that the Hon'ble Mr. Whiteside be added to the Committee.

The Motion was put and agreed to.

The Hon'ble SIR A. COLVIN moved that the Hon'ble Mr. Scoble be substituted for the Hon'ble Mr. Ilbert and the Hon'ble Mr. Peile be substituted for the Hon'ble Sir S. Bayley as Members of the Select Committee on the Bill to consolidate and amend the law relating to Native Passenger Ships, and that the Hon'ble Syud Ameer Hossein and the Hon'ble Mr. Steel be added to the Committee.

The Motion was put and agreed to.

The Hon'ble MR. SCOBLE moved that he be substituted for the Hon'ble Mr. Ilbert and the Hon'ble Mr. Peile be substituted for the Hon'ble Sir S. Bayley as Members of the Select Committee on the Bill to amend the Code of Civil Procedure and the Indian Limitation Act, 1877, and that the Hon'ble Rao Saheb Vishvanath Narayan Mandlik and the Hon'ble Peári Mohan Mukerji be added to the Committee.

The Motion was put and agreed to.

The Hon'ble MR. SCOBLE also moved that he be substituted for the Hon'ble Mr. Ilbert and the Hon'ble Mr. Peile be substituted for the Hon'ble Sir S. Bayley as Members of the Select Committee on the Bill for further shortening the language used in Acts of the Governor General in Council, and for other purposes, and the Hon'ble Mr. Hunter be added to the Committee.

The Motion was put and agreed to.

360 SELECT COMMITTEE CRIMINAL PROCEDURE CODE  
AMENDMENT.

[*Mr. Scoble ; Major-General Chesney ; Sir Theodore Hope.*] [17TH DECEMBER,

The Hon'ble MR. SCOBLE also moved that he be substituted for the Hon'ble Mr. Ilbert as a Member of the Select Committee on the Bill to provide for the protection of Indigenous Tribes in Burma, and that the Hon'ble Mr. Whiteside be added to the Committee.

The Motion was put and agreed to.

The Hon'ble MAJOR-GENERAL CHESNEY moved that the Hon'ble Mr. Scoble be substituted for the Hon'ble Mr. Ilbert as a Member of the Select Committee on the Bill to abolish Military Courts of Requests as established by Indian Military Law, and that the Hon'ble Mr. Whiteside be added to the Committee.

The Motion was put and agreed to.

The Hon'ble SIR THEODORE HOPE moved that the Bill to regulate the supply of electricity for lighting and other purposes be referred to a Select Committee consisting of the Hon'ble Messrs. Peile, Scoble and Steel, the Hon'ble Pearl Mohan Mukerji and the Mover.

The Motion was put and agreed to.

CRIMINAL PROCEDURE CODE AMENDMENT BILL.

The Hon'ble MR. SCOBLE moved for leave to introduce a Bill to amend the Code of Criminal Procedure, 1882. He said :—

“ This is a Bill which owes its origin to representations made by the Chief Justice and the Judges of the High Court of Calcutta that the present constitution of the special jurors list occasions considerable inconvenience to the gentlemen who are liable to be called upon to serve as special jurors at the criminal sessions here. As the law now stands, under section 312, the names of not more than two hundred persons shall at any one time be inserted in the special jury list. It has been found in consequence of the fluctuating character of a portion of the population of Calcutta who are entitled to be entered in the special jury list, that the operation of this section presses very heavily upon many classes ; and it is proposed that instead of only two hundred persons being eligible to be entered in the special jury list, not more than four hundred shall be eligible for entry in that list. The Judges state that this will enable the special jurors to be empanelled from time to time without causing any inconvenience to any class, and that the addition of a possible two hundred more to

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this list of those already liable to serve as special jurors will not in any way interfere with the efficiency of the common jury list. The main clause of this Bill provides therefore for the substitution of 'four hundred' for 'two hundred' in section 312 of the Criminal Procedure Code.

"It having been considered desirable to introduce a Bill for the purpose of thus enlarging the special jury list in Calcutta, a reference was made to the High Courts in Madras and Bombay, and they intimated that, although they considered the working of the present law for those Presidency-towns was satisfactory, they saw no inconvenience whatever in the proposed alteration, as it would give them, if occasion should arise, an opportunity for a similar enlargement of the special jury list in Madras and Bombay.

"The second point to which the Bill refers is a small matter, which has nevertheless, created some practical inconvenience. It arises on a definition in the interpretation-clause, section 4, of the Criminal Procedure Code. In that section 'police-station' is defined to mean 'any post declared, generally or specially, by the Local Government to be a police-station for the purposes of this Code, and includes any local area specified by the Local Government in this behalf.'

"I understand that as a matter of fact the local area included under the definition of 'police-station' very often includes the whole of a taluq, and in some cases extends over a considerable district of many square miles in extent. That in itself would not be a reason for altering the definition of 'police-station' were it not that in the latter part of the clause the definition of 'officer in charge of a police-station' provides that only when the officer in charge of the police station is absent therefrom or unable from illness to perform his duties, the police-officer present at the police-station who is next in rank to such officer and is above the rank of constable, or, when the Local Government so directs, any other police-officer so present shall perform those duties. When the officer in charge of a police-station, as frequently happens, is going round his district, within the local area included under the term 'station,' it frequently happens that applications are made at the station-house which require immediate attention, and which cannot be attended to by the officer next in rank, who is technically not in charge of the station according to the strict construction of the clause. It is clear, therefore, that it is desirable that the definition should be so altered as to provide that when the head officer in charge is travelling within the limits of his local area on duties connected with the police, the police-officer next in rank present at the police-station should be

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able to act for him. The second section of this Bill will have the effect of removing that difficulty, by so altering this definition in the interpretation clause that the chief police officer actually present at the station house will be able to perform the duties of the officer in charge of the police-station when that officer is absent from the station-house within the limits of his own jurisdiction on duty."

The Motion was put and agreed to.

The Hon'ble MR. SCOBLE also introduced the Bill.

The Hon'ble MR. SCOBLE also 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 7th January, 1887.

S. HARVEY JAMES,  
*Offg. Secy. to the Govt. of India,*  
*Legislative Department.*

FORT WILLIAM ;  
The 20th December, 1886. }