

*Thursday,
22nd October, 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

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

The Council met at the Viceregal Lodge, Simla, on Thursday, the 22nd October, 1885.

P R E S E N T :

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

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

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

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

MADRAS CIVIL COURTS ACT, 1873, AMENDMENT BILL, 1885.

The Hon'ble MR. ILBERT moved that the Report of the Select Committee on the Bill to amend the Madras Civil Courts Act, 1873, be taken into consideration. He said :—

“This is a very small amending Bill, which was prepared in order to give effect to some suggestions of the Madras Government and the High Court. By the Bill as originally introduced the Local Government was empowered to confer Small Cause Court jurisdiction on District Munsifs up to a pecuniary limit of Rs. 500. Considerable objection has been taken to this proposal, and the Select Committee have, on the recommendation of the Madras Government, reduced this pecuniary limit to Rs. 200, and they have further proposed that it shall not be extended beyond the existing limit of Rs. 50 except on the recommendation of the High Court.

“The only other alteration in the Bill to which I need direct the attention of the Council is the introduction of a provision which places the power of suspending and removing ministerial officers of subordinate Courts under the general control of the High Court. Under the existing law this power is vested absolutely and finally in the Judges of the subordinate Courts; and the Select Committee agree with the Madras Government in thinking that, in order to guard against the possibility of the power being exercised in an arbitrary

manner, opportunity should be given to the officers of those Courts to appeal against the decision of the Judges of their Courts to the High Court. Accordingly we have added words to the existing Act which will provide this opportunity.

“The only other amendments of the Bill are amendments of a purely technical character, and do not call for any explanation.”

The Motion was put and agreed to.

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

The Motion was put and agreed to.

MAIMON BILL, 1885.

The Hon'ble MR. ILBERT, on behalf of the Hon'ble Mr. Amīr Alī, also moved that the Bill rendering it permissive to the members of the Maimon Community to declare themselves subject to Muhammadan Law and Statement of Objects and Reasons be published 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.

TRAMWAYS BILL, 1885.

The Hon'ble MR. ILBERT also moved for leave to introduce a Bill to facilitate the construction and to regulate the working of Tramways. He said :—

“The introduction of this Bill has been made necessary by the projected construction of tramways in parts of India beyond the reach of the local legislatures. In 1883 a special Act was passed by this Council to authorise the making and to regulate the working of tramways in Rangoon. Since then applications have been made to the Government of India to sanction the construction of tramways at Lahore and Amritsar, and there is reason to believe that similar applications will be made to us with respect to other large and populous towns. It is obviously desirable to relieve the Legislative Department from the necessity of preparing, and the Council from the necessity of passing, numerous special Acts of this character, and to lay down in general terms the principles by which the construction and working of these tramways should be regulated. Accordingly, a general Bill has been prepared, which enables Local Governments to make orders authorising the construction of tramways, which prescribes the conditions on which those orders may be made, and

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[*Mr. Ilbert.*]

which regulates, in general terms, the mode in which tramways are to be worked and maintained when authorised.

"The Bill is drawn on the lines of the English Tramways Act of 1870 and of the Provisional Orders and Rules made by the Board of Trade under that Statute. It extends, in the first instance, only to those parts of India which have no local legislatures of their own, but it enables the Local Governments of other parts of India to extend the Bill to their Provinces by notification in the Gazette.

"I ought to add that the Bill contains a provision enabling the Local Governments, with the consent of the owner and the local authorities, to extend any part of the Act, with or without modification, to tramways already in existence.

"It might, perhaps, be thought, on glancing at the Bill, that it goes somewhat too much into details, but, if the most elaborate clause of the measure is carefully examined, it will be found that it merely indicates the points for which both English and Indian experience has shown that it is usually desirable to make provision, and thus it assists, instead of hampering, Local Governments in dealing with the various circumstances which arise in different cases and in different localities.

"I do not propose to carry the Bill to-day beyond the stage of introduction, but, in order to give the Local Governments the earliest possible opportunity of making suggestions to the Select Committee, I propose to move that the Bill be published at this stage in the local Gazettes."

The Motion was put and agreed to.

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

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published 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 *sine die*.

SIMLA ;
The 27th October, 1885. }

D. FITZPATRICK,
Secretary to the Government of India,
Legislative Department.