

*Friday,
23rd January, 1891*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXX

Jan.-Dec., 1891

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

1891

VOLUME XXX



Published by Authority of the Governor General.



CALCUTTA
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
1892

*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 24 & 25 Vict., Cap. 67.*

The Council met at Government House on Friday, the 23rd January, 1891.

PRESENT :

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

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

His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.

The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.

The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble Sir C. H. T. Crosthwaite, K.C.S.I.

The Hon'ble Khan Bahádur Muhammad Ali Khan.

The Hon'ble Sir Alexander Wilson, Kt.

The Hon'ble F. M. Halliday.

The Hon'ble Rao Bahádur Krishnaji Lakshman Nulkar, C.I.E.

The Hon'ble Nawab Ahsan-Ulla, Khan Bahádur.

The Hon'ble H. W. Bliss, C.I.E.

The Hon'ble Sir Romesh Chunder Mitter, Kt.

The Hon'ble G. H. P. Evans.

The Hon'ble J. Nugent.

INDIAN CHRISTIAN MARRIAGE ACT, 1872, AMENDMENT BILL.

The Hon'ble SIR ANDREW SCOBLE presented the Report of the Select Committee on the Bill to amend the Indian Christian Marriage Act, 1872.

INDIAN MERCHANDISE MARKS ACT, 1889, AND SEA CUSTOMS
ACT, 1878, AMENDMENT BILL.

The Hon'ble SIR ANDREW SCOBLE also moved that the Bill to amend the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878, be referred to a Select Committee consisting of the Hon'ble Mr. Hutchins, the Hon'ble Sir A. Wilson, the Hon'ble Mr. Bliss, the Hon'ble Mr. Nugent and the Mover, with instructions to report within one month.

The Motion was put and agreed to.

[*Sir Andrew Scoble ; Nawab Ahsan-Ulla.*] [23RD JANUARY,

INDIAN PENAL CODE AND CODE OF CRIMINAL PROCEDURE,
1882, AMENDMENT BILL.

The Hon'ble SIR ANDREW SCOBLE also moved that the Bill to amend the Indian Penal Code and the Code of Criminal Procedure, 1882, be referred to a Select Committee consisting of the Hon'ble Mr. Hutchins, the Hon'ble Khan Bahádúr Muhammad Ali Khan, the Hon'ble Rao Bahádúr K. L. Nulkar, the Hon'ble Mr. Bliss, the Hon'ble Sir Romesh Chunder Mitter and the Mover, with instructions to report within five weeks.

The Hon'ble NAWAB AHSAN-ULLA said :—" I wish to say a few words in support of the proposed Bill to amend the Indian Penal Code and the Code of Criminal Procedure, 1882.

" From the enquiries which I have made both at Dacca and Calcutta from the leading and learned members of the Muhammadan community whom I have consulted, I believe that the majority of opinion is in favour of the proposed Bill ; and that the greater portion of the Muhammadans in Eastern Bengal will regard it favourably.

" Without directly violating or interfering with our religious rights and customs the Bill affords protection and relief to child-wives, and this, I do not hesitate to say, is an extremely necessary and desirable measure. According to the doctrines of our religion we are forbidden cohabitation before the age of puberty, and as far as I have been able to enquire this age may generally be taken to be eleven or twelve. There may be of course a few instances where signs of puberty appear before that age, but they are of such rare occurrence that it is doubtful whether they should be considered.

" There are, I must admit, some few amongst us who regard the proposed amendment with some alarm, not so much, as I understand, on account of its interfering in itself with our religious rights and customs as from an apprehension that the change may be followed by further legislation in this direction which may effect more serious alterations in our religious doctrines ; but I am glad to say that this fear has been very greatly allayed by Your Excellency's speech at the last Council meeting ; and under these circumstances I beg to support the Bill."

The Motion was put and agreed to.

AMENDMENT OF INDIAN PORTS ACT, 1889; AMENDMENT
OF INLAND STEAM-VESSELS ACT, 1884.

31

1891.]

[*Sir David Barbour.*]

INDIAN PORTS ACT, 1889, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved that the Bill to amend and supplement the Indian Ports Act, 1889, be referred to a Select Committee consisting of the Hon'ble Sir Andrew Scoble, the Hon'ble Sir A. Wilson, the Hon'ble Mr. Halliday, the Hon'ble Mr. Nugent and the Mover, with instructions to report within one month.

The Motion was put and agreed to.

INLAND STEAM-VESSELS ACT, 1884, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR also moved for leave to introduce a Bill to amend the Inland Steam-vessels Act, 1884. He said:—

"When this Act was being amended last year, certain proposals were brought forward by the Government of Bengal, the proper examination of which by experts and by the persons whose interests they affected would have involved the postponement of the Bill which was then before the Council.

"Postponement was considered undesirable, but when the Bill came before the Council last year I undertook on the part of the Government of India that the proposals of the Local Government should be fully and carefully considered, and that, if it was held to be necessary to make any further change in the law, legislation would be undertaken without delay.

"The proposals made by the Local Government have been duly considered, and it has been decided that in regard to certain matters further legislation is desirable.

"Under the Inland Steam-vessels Act, as it now stands, inland steam-vessels are divided into two classes. The first class comprises steam-vessels having engines of eighty nominal horse-power and upwards. The second class comprises vessels having engines of less than eighty nominal horse-power. The masters and engineers employed on such vessels must hold certain certificates according as they are employed in vessels of the first or second class.

"The division of inland steam-vessels into two classes only has, however, given rise to a serious practical difficulty. The second class is too wide. The certificate which is appropriate in the case of a vessel having engines of (say) seventy-nine nominal horse-power can only be obtained by a person of higher qualifications than are required for the care of a small steam-launch, and the certificate which is appropriate in the case of a small steam-launch is no guarantee of the existence of the qualifications that are required for the charge of a steam-vessel having engines of seventy-nine nominal horse-power.

"It is, therefore, proposed in the present Bill to divide these vessels into three classes, and this will be done by dividing the present second class into two classes, leaving the first class as it now stands. The first class will comprise vessels having engines of eighty nominal horse-power and upwards. The second class will comprise vessels having engines of thirty nominal horse-power and upwards but of less than eighty nominal horse-power. The third class will comprise vessels having engines of less than thirty nominal horse-power. Provision has been made for the issue of appropriate certificates to masters and engineers according as they are deemed competent for service in one or other of these three classes, and in this way we escape from the dilemma of the present law, which compels us either to entrust large vessels to men of whose competence there is no sufficient guarantee, or to enforce the possession of an unnecessarily high certificate in the case of men who are quite competent to manage small vessels.

"Provision has also been made in the Bill to enable Local Governments to satisfy themselves that the holders of certificates for sea-going ships are qualified to act as masters or engineers, as the case may be, of inland steam-vessels. Some such provision is necessary, as under the existing law the holders of certain certificates for sea-going ships are authorized to take charge of inland steam-vessels but cannot be deprived of those certificates in consequence of any failure on their part while in charge of inland steam-vessels."

The Motion was put and agreed to.

The Hon'ble SIR DAVID BARBOUR also introduced the Bill.

The Hon'ble SIR DAVID BARBOUR also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Fort St. George Gazette, the Bombay Government Gazette, the Calcutta Gazette and the Burma Gazette 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 30th January, 1891.

S. HARVEY JAMES,

Secretary to the Government of India,

Legislative Department.

FORT WILLIAM; }
The 23rd January, 1891. }