

*Thursday,
16th August, 1894*

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

LAWS AND REGULATIONS

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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,

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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 Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., cap. 67, and 55 & 56 Vict., cap. 14).

The Council met at Viceregal Lodge, Simla, on Thursday, the 16th August, 1894.

P R E S E N T :

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

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

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

The Hon'ble Sir A. E. Miller, K.T., Q.C.

The Hon'ble Lieutenant-General H. Brackenbury, K.C.B., R.A.

The Hon'ble Sir C. B. Pritchard, K.C.I.E., C.S.I.

The Hon'ble J. Westland, C.S.I.

The Hon'ble Sir A. P. MacDonnell, K.C.S.I.

The Hon'ble Baba Khem Singh Bedi, C.I.E.

Q U E S T I O N A N D A N S W E R .

The Hon'ble BABA KHEM SINGH BEDI asked—"Whether the Government will give some explanation of its procedure in selecting in the Notification of last Monday a portion only of the holders of the loan of 1865 for compulsory conversion."

The Hon'ble MR. WESTLAND replied :—

"We have been following in this matter the procedure indicated by Mr. Goschen in his conversion operations in England in 1888. He began with an optional conversion, and declared his intention to deal with the dissentients by paying them off 'in such order, at such time or times, and in such manner, as Parliament may direct' (51 Vict., c. 2).

"In the optional conversion Mr. Goschen proceeded by special legislation, but, considering that in India there might be objections to this course, we preferred adopting our usual procedure and keeping strictly within the conditions set forth in our promissory notes. We notified one of our principal loans for discharge

[*Mr. Westland; Lieutenant-General Brackenbury.*] [16TH AUGUST, 1894.]

and offered terms of conversion which we declared equally open to the holders of all other loans. Having thus begun by offering equally favourable conditions to all, we consider ourselves free now to deal with those who have not accepted these conditions by paying them off 'in such order, at such time or times, and in such manner,' as may be expedient, and as are within the terms of the contract between the Government and the holders of the notes.

"In proceeding, therefore, to the conversion of other loans we have exercised a liberty which is undoubtedly within our legal rights in notifying for discharge only a portion of one of the loans. If we had selected that portion by the quotation of specific numbers of notes, we believe holders would in many cases have found difficulty in ascertaining whether their notes were within the terms of the notification or not. By describing the portion selected as that on which interest is payable at Calcutta, each holder knows at once to what extent his holding is now notified for discharge. The Calcutta portion of the loan of 1865 was selected as the largest of the five portions into which that loan is divided in the accounts of the Public Debt Office. The holders of that portion of the loan have not, it appears to me, any occasion to complain of their selection, for they cannot imagine they are selected for worse terms than we intend hereafter to offer to other holders.

"We have thought proper to renew for a short period (except to the holders of the balance of the loan of 1842-43, now under discharge,) the terms of optional conversion offered on 30th June. We do this so as to put all holders once more on the same level as to the terms we offer, and by doing so to keep ourselves absolutely free in any future operations to deal as we please with each portion of each loan, without being bound to offer the terms previously offered to others.

"The holders of the portion of the loan of 1865 now notified for discharge can, if they choose, take advantage of this offer. They have also the option given by the new notification of withholding their tender for conversion till September 15th, but in doing so they will receive payment on the less favourable terms of the new notification."

INDIAN ARTICLES OF WAR BILL.

The Hon'ble LIEUTENANT-GENERAL BRACKENBURY moved for leave to introduce a Bill to amend the Articles of War for the Government of Her Majesty's Indian Forces. He said:—

16TH AUGUST, 1894.] [*Lieutenant-General Brackenbury; Sir Alexander Miller.*]

"My Lord, the passing by the Imperial Parliament of the Madras and Bombay Armies Act of 1893 abolishing, from a date to be determined by the Governor General in Council, the presidential army system in India, has made it necessary to make certain alterations in Act V of 1869 of the Indian Legislature, known as the Indian Articles of War, in order to bring this Act into accord with the Madras and Bombay Armies Act.

"Legislation for the amendment of the Indian Articles of War having thus become necessary, it has been decided at the same time to make certain further amendments in these Articles which the experience of the last quarter of a century has shown to be necessary or eminently desirable. I therefore ask for leave to introduce a Bill for the above purpose, the details of which will be found sufficiently fully set forth in the Statement of Objects and Reasons.

"The Bill has been prepared in consultation with the Judge Advocate General and the military authorities."

The Motion was put and agreed to.

The Hon'ble LIEUTENANT-GENERAL BRACKENBURY also introduced the Bill.

The Hon'ble LIEUTENANT-GENERAL BRACKENBURY 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.

BURMA MUNICIPAL ACT, 1884, AMENDMENT BILL.

The Hon'ble SIR ALEXANDER MILLER moved for leave to introduce a Bill to amend the Burma Municipal Act, 1884. He said:—"The Municipality of Rangoon, it appears, has not got an income sufficient to pay its expenses. The expenses have been very heavy in consequence mainly, I think, of the introduction of a system of sewage which they believe to be a great improvement. They could raise the necessary money by increasing the water-rate and the scavenging-tax, which they have the power to increase to any amount necessary for the purpose of paying the expenses of the improvements; but, for some reason best known to themselves, they desire not to do that, and therefore

[*Sir Alexander Miller.*] [16TH AUGUST, 1894.]

they want leave to increase the house-tax, which at present is limited to 5 per cent. on the value of the houses in the municipality. They did propose to amalgamate all the taxes into one general tax, but the Government of India, for reasons with which I need not trouble the Council, thought that proposal premature. It is estimated that if they are permitted to raise the house-tax from a maximum of 5 per cent. to 8 per cent. it will just cover the municipal expenditure without leaving them any margin for improvements, but will enable them to go on until such time as the new Bill which they wish to introduce can be examined and, if necessary, passed. On the other hand, it is proposed that they should be allowed to increase this taxation up to a maximum of 10 per cent., which would leave them a moderate, though not excessive, margin for improvements in the meantime, while the other Bill is being dealt with. The Government of India has expressed no opinion as to whether 10 or 9 or 8 per cent. would be a proper maximum to introduce as a temporary maximum. They agree to the introduction of the Bill which I now ask leave to introduce, in which the maximum is fixed at 10 per cent.; but it must be clearly understood by the Municipality of Rangoon—and I wish it also to be clearly understood in this Council—that in introducing this Bill the Government is in no way bound to the figure 10, and if the Select Committee should think any lower figure sufficient for the present purpose there would be no objection made to its being substituted for the other.”

The Motion was put and agreed to.

The Hon'ble SIR ALEXANDER MILLER also introduced the Bill.

The Hon'ble SIR ALEXANDER MILLER also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Burma Gazette in English and in such other languages as the Local Administration thinks fit.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 6th September, 1894.

J. M. MACPHERSON,

SIMLA;	}	<i>Offg. Secretary to the Government of India,</i>
<i>The 17th August, 1894.</i>	}	<i>Legislative Department.</i>

NOTE.—The Meeting fixed for the 2nd August, 1894, was subsequently postponed to the 16th idem.