

*Thursday,  
20th September, 1894*

ABSTRACT OF THE PROCEEDINGS  
OF THE  
Council of the Governor General of India,  
  
**LAWS AND REGULATIONS**

**Vol. XXXIII**

**Jan.-Dec., 1894**

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

1894

VOLUME XXXIII



Published by Authority of the Governor General.



CALCUTTA  
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,  
1895

*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 20th September, 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.

CODE OF CIVIL PROCEDURE AND PUNJAB LAWS ACT, 1872,  
AMENDMENT BILL.

The Hon'ble SIR ALEXANDER MILLER moved that the Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872, be referred to a Select Committee consisting of the Hon'ble Sir Antony MacDonnell, the Hon'ble Baba Khem Singh Bedi and the Mover, with instructions to report within one month. He said :—" The Bill is practically one of procedure merely. It mainly affects the Punjab. I cannot say that there is absolutely nothing in it controversial, because there is one section which has given rise to a good deal of criticism both favourable and the contrary. But there is nothing in the least of a commercial nature in the Bill, or such as is required to be reserved for discussion in Calcutta, and I think it will be convenient to have it settled here, although I do not think there will be time to pass it. It will probably have to be passed in Calcutta, but I think we can conveniently get it through the Select Committee stage in Simla."

The Motion was put and agreed to.

BURMA MUNICIPAL ACT, 1884, AMENDMENT BILL.

The Hon'ble SIR ALEXANDER MILLER also moved that the Bill to amend the Burma Municipal Act, 1884, be referred to a Select Committee consisting

356      *AMENDMENT OF BURMA MUNICIPAL ACT, 1884;  
REPEALING AND AMENDING (ARMY) BILL; AMENDMENT  
OF LOWER BURMA VILLAGE ACT, 1889.*

[ *Sir Alexander Miller; Lieutenant-General Brackenbury;  
Sir Antony MacDonnell.* ]      [ 20TH SEPTEMBER, 1894. ]

of the Hon'ble Sir Antony MacDonnell, the Hon'ble Mr. Westland and the Mover, with instructions to report at the next meeting of the Council. He said :—" It will be remembered that this is a small Bill of a single section, and the only question for the Select Committee is to what extent the powers of the Rangoon Municipality to raise additional taxation are to be increased."

The Motion was put and agreed to.

REPEALING AND AMENDING (ARMY) BILL.

The Hon'ble LIEUTENANT-GENERAL BRACKENBURY moved that the Bill to amend certain enactments relating to the Army be referred to a Select Committee consisting of His Excellency the Commander-in-Chief, the Hon'ble Sir Alexander Miller, the Hon'ble Sir Antony MacDonnell and the Mover, with instructions to present its Report with the Report on the Bill to amend the Articles of War for the government of Her Majesty's Indian Forces.

The Motion was put and agreed to.

LOWER BURMA VILLAGE ACT, 1889, AMENDMENT BILL.

The Hon'ble SIR ANTONY MACDONNELL moved for leave to introduce a Bill to amend the Lower Burma Village Act, 1889. He said :—" That Act, as the Council know, established a village-system in Lower Burma, and conferred on the village-headman certain powers, while imposing on him certain duties and responsibilities of an executive and fiscal character. Among these duties are the prevention of public nuisances and the promotion of general sanitation of the village. It has, however, been prominently brought to the notice of the Government of India that very great loss is annually caused to the Burmese people by the ravages of cattle-disease. Burma is an almost purely agricultural country; cattle form a large part of the wealth of the people, and the question of the preservation of cattle is therefore one of great importance in Burma. This question has engaged the special attention of the Local Administration for many years. It was considered seriously so far back as 1879, and has been, from time to time, during the last fifteen years, more or less carefully discussed. Sir Charles Bernard, than whom Burma has had no sincerer friend, was, after careful enquiry, brought to accept the desirability of legislation

20TH SEPTEMBER, 1894.] [ *Sir Antony MacDonnell.* ]

in 1885; but the time was not opportune. The disturbances in Burma broke out in the end of that year, and it was not till 1889 that the matter was again considered in connexion with the establishment of the village-system in Burma, with which Sir Charles Crosthwaite's name is so honourably associated. Sir Charles Crosthwaite was disposed to include measures for the prevention of cattle-disease among the duties of the village-headman; but the idea was not then carried into effect, possibly through fear of overweighting the newly created village-officials with responsibilities and duties.

"Afterwards the question was taken up by Sir Alexander Mackenzie, who was compelled to go on leave before his plans had been matured. But they were prosecuted by his successor, Mr. Fryer, who, backed by a great weight of official and non-official opinion, submitted a Bill for the consideration of the Government of India; and this Bill was endorsed by Sir Alexander Mackenzie on his return to duty this year.

"Thus, my Lord, the proposal to legislate on this subject comes before this Council backed up by the authority of four successive Chief Commissioners, and supported by a very important and weighty body of official and non-official opinion. Indeed, such dissentient voices as are heard object not so much to the substance of legislation as to the form which it was proposed the legislation should take. The question then which in this connexion the Government of India was called on to decide was whether the legislation should be by a special Act providing a special procedure and a special organization for giving effect to it, or whether it should be by an enlargement of the functions of the village-headman, as was proposed in 1889. We had in the Madras Cattle-diseases Act of 1866 a precedent for a special Act. After the fullest deliberation, the Government of India has come to the conclusion that it is better to proceed cautiously and tentatively, and without special compulsion to keep behind rather than abreast of advanced opinion in Burma on this matter; not to take any step which, if wrong, cannot be at once retraced; and, above all, not to take the matter out of the hands of the people themselves, or impose conditions which are not in harmony with their wishes and customs. This policy can be better carried out by an amendment of the Village Act in the way now proposed than by a special enactment. Ultimately, when through practice we see our way more clearly, and, if the people demand it, a special law of a more comprehensive nature may be required; but for the present we think it better to proceed on a system which can, without difficulty, be adjusted to the wishes of the people and the requirements of time and place.

[ *Sir Antony MacDonnell.* ]      [ 20TH SEPTEMBER, 1894. ]

"The Chief Commissioner, Sir Alexander Mackenzie, accepts this procedure; and the short Bill which I ask for leave to introduce will be presented to the Council with his concurrence. Practically it consists only of one clause, as it re-enacts or reproduces two other clauses which already exist in the law. The new clause merely imposes upon the village-headman the duty of taking precautions, subject to rules made by the Local Government, to secure the cure or prevention of cattle-disease. The Act will apply to Lower Burma only; a similar change will be introduced into the Upper Burma Village Regulation under the powers conferred on the Governor General in Council by the Statute 33 Vict., c. 3."

The Motion was put and agreed to.

The Hon'ble SIR ANTONY MACDONNELL also introduced the Bill.

The Hon'ble SIR ANTONY MACDONNELL 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 4th October, 1894.

J. M. MACPHERSON,

SIMLA;	}	<i>Offg. Secretary to the Government of India,</i>
<i>The 21st September, 1894.</i>		<i>Legislative Department.</i>