

*Thursday,
30th July, 1896*

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,

1896

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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 the Viceregal Lodge, Simla, on Thursday, the 30th July, 1896.

P R E S E N T :

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

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

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

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

The Hon'ble M. D. Chalmers.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E.

The Hon'ble A. C. Trevor, C.S.I.

The Hon'ble C. M. Rivaz, C.S.I.

NEW MEMBER.

The Hon'ble MR. RIVAZ took his seat as an Additional Member of Council.

FISHERIES BILL.

The Hon'ble MR. WOODBURN moved for leave to postpone his motion that the Bill to provide for certain matters relating to Fisheries in British India be referred to a Select Committee consisting of the Hon'ble Mr. Chalmers, the Hon'ble Mr. Trevor, the Hon'ble Nawab Amir-ud-Din Ahmad Khan Bahadur and the Mover.

Leave was granted.

GLANDERS AND FARCY ACT, 1879, AMENDMENT BILL.

The Hon'ble MR. WOODBURN moved for leave to postpone his motion that the Bill to amend the Glanders and Farcy Act, 1879, be taken into consideration. He explained that within the last few days a reference had been received from the Bombay Government which necessitated the postponement of the motion.

Leave was granted.

BURMA MUNICIPAL BILL.

The Hon'ble MR. WOODBURN moved for leave to introduce a Bill to amend the law relating to Municipalities in Burma. He said :—" This Bill has been prepared at the instance of the Chief Commissioner of Burma to carry out the various amendments which the experience of the past twelve years has rendered desirable. The amendments are none of them of a fundamental character, but they are so exceedingly numerous that the Legislative Department has considered it expedient, instead of passing a Bill of amendments, to prepare a new Bill altogether recasting and revising the Act of 1884. I had the curiosity this morning to count the amendments proposed, and I found that they numbered over 80 ; so the Council will probably not expect me to go into much detail in regard to the Bill which contains these 80 proposals. A detail has been prepared by the Legislative Department explaining each of them, which is being printed and will presently be distributed to Members of Council. It will, I think, sufficiently explain the object with which these several proposals have been made. Of these there are a few of special importance which I may mention as illustrative of the kind of proposals which the Chief Commissioner has submitted for our consideration.

" In clause 7 of the new Bill, as drafted by the Legislative Department, authority is given to the Chief Commissioner to delegate his powers in certain matters to the Commissioner of a division. That is a power which has proved useful in other Provinces and will certainly be useful in Burma.

" In clause 17 municipalities are authorised to elect an *ex officio* president. As matters stand in Burma, most of the presidents of municipalities are official presidents, and it has proved to be inconvenient in practice that from time to time the official president should be nominated by name, and it is proposed to give power to municipal committees, if they so desire, to elect a president *ex officio* to avoid this difficulty.

" In clause 20 the validation of certain elections and appointments which were held to be obscure has been made clear.

" In clause 29 committees are empowered—as they are empowered in the Punjab and other Provinces in India—to delegate certain of their powers to their president, and a very important provision is introduced by which the bye-laws of municipal committees shall be subject to approval by the Chief Commissioner—a provision which will bring about a certain uniformity in the bye-laws of municipal committees that is very desirable.

1896.]

[*Mr. Woodburn.*]

“ In clause 33 authority is given to make rules as to the appointment and dismissal of municipal servants. This is also a very expedient measure, as it is desirable to ensure that municipal servants shall not be dismissed in any capricious way.

“ Clause 45, perhaps the most important of all the proposals of the Chief Commissioner, provides that a maximum should be inserted in the Municipal Act as to the amount of taxation. At the present moment the maximum of taxation in Burma on immoveable property is 5 per cent. on its value ; in other Provinces of India the maximum is $7\frac{1}{2}$ per cent., but the Chief Commissioner thinks this is too low a maximum, and wishes to have the maximum raised to 10 per cent. Without local knowledge, it is difficult to say whether a maximum of 10 per cent. is or is not too high, but the Bill contains the provision which the Chief Commissioner has himself desired, and the matter will be one for discussion in Select Committee.

“ In clause 48 power is taken to impose a scavenging-tax. This does not occur in the same form in other provinces, but the Chief Commissioner recommends the provision as desirable in Burma.

“ In clause 50 the procedure in respect of taxation is simplified in accordance with the Chief Commissioner's wishes.

“ In clause 62 a new provision has been introduced in regard to appeals from persons upon whom taxes have been imposed. The Rangoon Municipal Committee resolved some time ago that a new system of deciding appeals against municipal assessments would be desirable. In the municipalities to which the Bill will apply, the need of providing an appeal to some outside person has not been made very manifest, but on general grounds it appears proper to provide for such an appeal. Accordingly the Commissioner, or Deputy Commissioner, has been made the appellate authority. It is obvious that a municipal committee assembled in general meeting is not capable of hearing objections, and it has been provided that a small sub-committee shall dispose of objections in the first instance. The Punjab Act, from which much assistance has been derived in the framing of this Bill, and the law in force in the City of Madras have furnished precedents for these proposals.

“ In clause 74 a useful provision is introduced, permitting the members of a municipal committee when assembled in committee for the supervision of schools and hospitals to associate outsiders with themselves. This is a provision which

has proved extremely useful in the Central Provinces, and I am glad to see its proposed extension to Burma.

“ In clause 88 provision is taken to remove after due warning inflammable roofs in towns, such as those of Burma, which are largely composed of wooden buildings. This is a very necessary provision.

“ In clause 97 regulations are adopted from the Pubjab Act for the slaughter of animals. This is also a necessary provision which will recommend itself to the sense of the Council.

“ In clauses 114 and 115 certain provisions have been adopted from the Calcutta and Bombay Acts for the construction of sewerage and water-connections between houses.

“ In clause 133 provisions are made for the regulation of fire-brigades, and in clause 204 provision is taken for extending to other municipalities so far as may be appropriate the rules in force in the Rangoon Municipality for the construction and supervision of water-works.

“ These are the principal changes made in the municipal law. They are very numerous and some of them are important. The Bill has been the subject of very minute attention on the part of the Chief Commissioner, and I hope the result will be an Act that will last for a term of at least twice the duration of that of its predecessor.”

His Excellency THE PRESIDENT :—“ I understand that the intention of the Hon’ble Member is that the Bill should now only be introduced and published, and should not be taken into consideration till the Council meets in Calcutta.”

The Hon’ble MR. WOODBURN replied in the affirmative.

The motion was put and agreed to.

The Hon’ble MR. WOODBURN introduced the Bill.

The Hon’ble MR. WOODBURN 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.

1896.]

[Mr. Woodburn.]

LEPERS BILL.

The Hon'ble MR. WOODBURN moved for leave to introduce a Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings. He said :—"In 1890-91 a Leprosy Commission visited India, and a couple of years later submitted a Report to the Government of India pressing upon it very earnestly two questions—the segregation of lepers and the restraint of lepers in certain callings in which they were brought into immediate contact with the food or the clothing of their neighbours. The Government of Bombay had already taken action in that direction with the help of a very munificent donation from Sir Dinshaw Petit. They constructed in 1890 a leper asylum in Bombay. That asylum, I believe, contains accommodation for about 300 lepers, and the result has been to free the City of Bombay from the beggars who extorted alms by the exhibition of their sores. The unfortunate creatures subjected to this dreadful malady have now been removed to a hospital in which that comfort and attention are given to them to which their pitiable condition gives them a just claim. The Government of Bengal followed that example last year and passed through their local Council a Bill for the two purposes I have mentioned—the segregation of lepers and their prohibition from certain callings ; but the Act in its application was very carefully restricted. In the first place, the Act could not be introduced at all except into an area in which a leper asylum had been previously constructed ; in the second place, as far as the segregation of lepers is concerned, it was confined to pauper lepers, that is, lepers who were beggars and had no ostensible means of subsistence ; in the third place, no leper could be removed to an asylum except on the certificate of a medical authority, and the leper was provided with means for making an appeal from the order for his removal to an asylum ; and last of all a very careful definition was made in regard to the callings from which the lepers in that area were expressly precluded, such as the sale of food and the washing of clothes. The Bill as is usual was circulated to a very large number of officials and non-officials in the Province and to Associations interested in the matter, and it was eventually passed through the Bengal Council, where it met with general approval and support. The Chief Commissioner of Burma has since applied to have the provisions of that Bill extended to Burma, and it is understood that several other Local Governments are also desirous of having the provisions of the Bengal Act applied to their Provinces. It has been considered more desirable, however, that, instead of having a separate Bill for each Province, a general measure should be framed upon the lines of the Bengal Act which each Government in turn may apply or not as the circumstances render

The motion was put and agreed to.

1896.]

[*Mr. Rivaz.*]

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Punjab Government Gazette in English and in such other languages as the Local Government thinks fit.

The motion was put and agreed to.

The Council adjourned to Thursday, the 20th August, 1896.

S. HARVEY JAMES,

Secretary to the Government of India,

Legislative Department.

SIMLA ; }
The 31st July, 1896. }