

*Thursday,
10th September, 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,

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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 10th September, 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 Nawab Amir-ud-Din Ahmad Khan, C.I.E., Bahadur, Fakharud-doulah, Chief of Loharu.

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

GLANDERS AND FARCY ACT, 1879, AMENDMENT BILL.

The Hon'ble MR. WOODBURN moved that the Bill to amend the Glanders and Farcy Act, 1879, be taken into consideration. He said :—" At the last meeting of the Legislative Council in Calcutta in March I obtained leave from the Council to introduce this Bill. I explained at that meeting that the Bill was a very short one, the object of which was simply to extend to the Presidency of Madras and the Province of Bengal the provisions of the Act which apply to other parts of India. When the Act of 1879 was passed it was arranged that it should apply only to those Provinces which had not the assistance of a local Legislature. At that time the Madras Presidency had an Act of its own which applied not only to diseases of horses but to diseases of cattle. Subsequently the Bengal Council passed a local Act which, however, is in force only in Calcutta and the suburbs. The Bombay Government preferred to have the Act of 1879 applied in Bombay rather than to pass it separately in a different Act of their own, and what is now proposed is that the Act, which applies to other parts of India, shall also be applied to Bombay,

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Madras and to Bengal, an arrangement in which the Governments concerned have agreed."

The motion was put and agreed to.

The Hon'ble MR. WOODBURN said :—" Since this Bill was under consideration, short and simple as it is, a question has arisen regarding which I have to make a motion for the further amendment of the Act of 1879. That Act recognises two officials in connection with the duties imposed by it. There are Inspectors and there are Veterinary Surgeons. Occasions have arisen in which it has been expedient to appoint a single man to discharge both these duties. For example, a report has reached the Government that glanders has broken out on a line of road on which tonga ponies are used, and eventually an officer—a Veterinary Surgeon—is deputed to inquire and take such action as is necessary. In order to prevent any doubt upon the matter it is proposed to add to section 7 of the Act these words :—

' Provided that when the Inspector is also a Veterinary Practitioner so appointed he may make the examination himself.'

" Our supply of Veterinary Officers is not very large, and, as the real responsibility as to the action to be taken under the Act rests with the Veterinary Officer, it is most expedient that power should be given to the Veterinary Officer to inspect, as well as to pronounce when disease is present, and to take the necessary action in consequence. I accordingly move that the words I have just now read be added to section 7 of the Act."

The motion was put and agreed to.

The Hon'ble MR. WOODBURN said :—" I have also to move that the following clause be added to the Bill :—

XII of 1891.

" ' 3. To the said Act, as amended by the Repealing and Amending Act, 1891, the following section shall be added, namely :—

" ' 15. Any Veterinary Practitioner may be appointed by the Local Government to be both Inspector and Veterinary Practitioner for all or any of the purposes of this Act or of any rule thereunder.' "

Appointment of same person to be both Inspector and Veterinary Practitioner.

The motion was put and agreed to.

The Hon'ble MR. WOODBURN moved that the Bill, as amended, be passed.

The motion was put and agreed to.

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[Sir James Westland ; Mr. Chalmers.]

INDIAN POST-OFFICE ACT, 1866, AMENDMENT BILL.

The Hon'ble SIR JAMES WESTLAND moved that the Bill to amend the Indian Post-office Act, 1866, be taken into consideration. He said :— " This Bill was introduced at the last meeting of the Legislative Council, its object being to give power to the Post-office, by summary means, to realise from the person to whom is delivered a parcel chargeable with customs-duty, and upon which customs-duty has been paid, the amount of customs-duty so paid. It is a very simple matter, and I stated when introducing the Bill that I proposed that at an early meeting of the Council it should be taken into consideration and, if possible, passed. The matter is too unimportant to attract any large amount of public attention, but so far as I have observed it mentioned in the public Press the proposed legislation has been approved as necessary."

The motion was put and agreed to.

The Hon'ble SIR JAMES WESTLAND moved that the Bill be passed.

The motion was put and agreed to.

ACT XXXVII OF 1850 AMENDMENT BILL.

The Hon'ble MR. CHALMERS moved for leave to introduce a Bill to amend Act XXXVII of 1850 (*for regulating Inquiries into the behaviour of Public Servants*). He said :—" These inquiries can be ordered by the Government. The present definition of ' Government ' is contained in section 23 of that Act, and the definition is somewhat obscure. It is not quite clear in certain cases whether the inquiry ought to be ordered by the Supreme Government or by the Local Government, and the present section further contains, not a definition, but a description of Local Governments framed with reference to the state of affairs in 1850. The object of the present Bill is merely to clear up these doubts, and to provide that where a charge is made against a public servant the inquiry into his conduct can be ordered in all cases by the Supreme Government, and where he is removable by the Local Government there also the Local Government should have power to put the Act in force.

" There are one or two verbal amendments introduced with the same object. For instance, where the words ' the East India Company ' occur, the word ' Government ' or ' India ' is substituted, and opportunity has been taken to give a short

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title to the Act in accordance with all modern practice. I think it is not necessary to say anything more about the Bill, which purely effects a formal amendment in the law."

The motion was put and agreed to.

The Hon'ble MR. CHALMERS introduced the Bill.

The Hon'ble MR. CHALMERS 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.

PUNJAB LAND-REVENUE ACT, 1887, AMENDMENT BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill to amend the Punjab Land-revenue Act, 1887. He said :—"The present Punjab Land-Revenue and Tenancy Acts, which were the outcome of prolonged deliberations and discussions, have been in force for nearly nine years. In their main provisions they have worked very satisfactorily and there is no necessity for undertaking any general revision of either Act, at all events at present. A few minor amendments are, however, required in the Land-revenue Act, and the Bill which I now beg leave to introduce is intended to provide for these. The first point relates to the emoluments of zaildárs or village-circle-officers. These officers have hitherto been remunerated in most districts where the zaildārī system is in force by receiving a percentage of the land-revenue of the villages in their circle. By past custom the remuneration thus provided for the zaildār has been deducted from the whole land-revenue of his circle, whether Government or assigned, or redeemed or compounded for, and the contribution thus levied varies from a little under to a little over one per cent. In some districts, however, the system has been introduced of regulating the remuneration of zaildárs by grades according to merit and services rendered, and it may be desirable to extend this system from time to time, for administrative reasons, to districts where the circle system of remuneration is at present in force. But, as sub-section (2) of section 28 of the Act stands at present, the customary contribution from assignees of the land-revenue, or from landowners who have redeemed or compounded for the land-revenue, can only be legally levied when the percentage of land-revenue appropriated in any zaildār's

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circle is devoted to the payment of the zaildár of such circle. Accordingly, the proposed amendment of this sub-section provides for these customary contributions being taken, as heretofore, from jágirdárs and other persons concerned when it is considered desirable to fund the percentages of the land-revenue which are appropriated for the payment of zaildárs, for any district or portion of a district. The maximum to be thus appropriated has been limited to one and a half per cent. and the provision applies to inámdárs as well as to zaildárs. I may mention that, whether the circle or graded system of remuneration is employed, the field of selection as regards a zaildár is identical ; that is, the holder of such office must be a village-headman, or in special cases a landowner or Government tenant other than a headman, in the circle in which he is to be appointed, and in either case the zaildár's remuneration is paid to him in the form of an assignment on the land-revenue of some estate in his circle.

“The second matter dealt with in this Bill is an amendment of section 29 of the Act, so as to enable the patwári-cess, the accounts of which are at present kept separately for each district, to be funded for the whole province. This measure has been carried out in some other parts of India, and was suggested by the Government of India for adoption in the Punjab. The Local Government has accepted the proposal.

“The third and last matter under consideration is in connection with village-cesses. By section 145 of the Act, a list of such cesses which have been approved by the Local Government, or the title to which has been judicially established, has to be prepared for every estate from time to time by the revenue-officer, and especially when a general re-assessment of the land-revenue is undertaken. Sub-section (2) of this section provides that when such lists have been prepared any cess not comprised therein shall not be recoverable by suit in any Court. This provision has lead to difficulties, as experience has shown that it is hardly possible for the revenue-officer to prepare an exhaustive list of village-cesses, and consequently section 145 has up to the present remained a dead-letter. It is therefore proposed to repeal sub-section (2), leaving the rest of the section as it stands at present. The safeguard which it is thus proposed to cancel is not needed in this province, where the village-cess is generally a small due levied by the proprietary body of a village from the non-proprietary residents. Large landowners, who are in a position to levy improper exactions from their tenants in the shape of cesses, are but few in the Punjab. These few large landowners are mostly also grantees of the land-revenue of their estates, and the question of cesses which

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they may levy is generally regulated by Government as part of the arrangements made in settling their estates, as, for instance, in the case of the Khan of Teri in the Kohat District, and of the Jágírdár Rájás in the Kangra District.

“ With these remarks, I beg to ask permission to introduce the Bill in question.”

The motion was put and agreed to.

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.

PUNJAB MUNICIPAL ACT, 1891, AMENDMENT BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill to amend the Punjab Municipal Act, 1891. He said :—“ The object of the second Bill which I have to ask permission to introduce to-day is to make certain amendments in the Punjab Municipal Act, XX of 1891. At the instance of the Simla Municipal Committee, it is proposed to make some additions to section 137 of the Act which will enable municipal committees to regulate more effectively than they can at present the sale of milk and butter within municipal limits, and the importation of milk and butter for sale. A new section has also been added after section 137, closely following section 364 of the Calcutta Municipal Act and similar provisions in other Municipal Acts, which provides a penalty for selling any article of food or drink which is not of the nature, substance or quality of the article demanded by the purchaser. This new section will apply to those municipalities only to which it may be specially extended by the Local Government at the request of the committee.

“ The opportunity has also been taken to revise the wording of sections 69 and 70 of the Act so as to bring it into accord with the declared policy of the Secretary of State and the Government of India against the farming of octroi.

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“ The detailed reasons for these various amendments are given in the Statement of Objects and Reasons.”

The motion was put and agreed to.

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 17th September, 1896.

		S. HARVEY JAMES,
SIMLA ;	}	<i>Secretary to the Government of India,</i>
<i>The 11th September, 1896.</i>		<i>Legislative Department.</i>