

*Thursday,  
28th January, 1897*

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

**Vol. XXXVI**

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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 Government House on Thursday, the 28th January, 1897.

PRESENT :

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

His Excellency Sir G. S. White, G.C.I.E., K.C.B., V.C., Commander-in-Chief in India.

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

The Hon'ble Sir J. Woodburn, K.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 H. E. M. James.

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

The Hon'ble M. R. Ry. P. Ananda Charlu, Rai Bahadur.

The Hon'ble Alan Cadell, C.S.I.

The Hon'ble J. D. Rees, C.I.E.

The Hon'ble G. P. Glendinning.

The Hon'ble Sir Lakshmishwar Singh, K.C.I.E., Maharaja Bahadur of Durbhanga.

The Hon'ble Rao Sahib Balwant Rao Bhuskute.

The Hon'ble P. Playfair, C.I.E.

The Hon'ble Rahimtula Muhammad Sayani, M.A., LL.B.

The Hon'ble Pandit Bishambar Nath.

The Hon'ble Joy Gobind Law.

The Hon'ble Sir H. T. Prinsep, KT.

NEW MEMBER.

The Hon'ble SIR HENRY PRINSEP took his seat as an Additional Member of Council.

FISHERIES BILL.

The Hon'ble SIR JOHN WOODBURN presented the Report of the Select Committee on the Bill to provide for certain matters relating to Fisheries in British India.

## CRIMINAL TRIBES' ACT, 1871, AMENDMENT BILL.

The Hon'ble MR. CADELL moved that the Report of the Select Committee on the Bill to amend the Criminal Tribes' Act, 1871, be taken into consideration. He said:—"My Lord, I have now the honour to move that the Criminal Tribes' Act Amendment Bill, as modified by the Select Committee, be taken into consideration.

"Legislation against criminal tribes in Northern India began very long ago, indeed long before the worst of the tribes with which we have now to deal came much into contact with our administration. For, under Regulation XXII of 1793, Magistrates were invested with summary powers, and could put members of certain specified tribes, vagrants and suspected persons to work on the roads, and could imprison them for six months if they absconded.

"When the Indian Penal Code and the Code of Criminal Procedure were enacted, these summary powers came to an end, but as the new law provided very inefficient substitutes for them, further legislation was found to be necessary, and after a long interval the Criminal Tribes' Act, XXVII of 1871, was passed; and in the North-Western Provinces—

The Bowriahs of Bidowli in Muzaffarnagar,

The Sunauriahs in Lalitpur,

The Haburahs and Aheriahs of certain villages in the Etah district, and

The Barwárs of Gorakhpur,

and also a number of criminal tribes in the Punjab were brought under the Act.

"But curiously enough, the worst tribe of all, that of the Sansiahs, was left unmolested, until the dakaitis committed by them in the Punjab attracted special attention, and Mr. Warburton of the Punjab Police was deputed to inquire into their misdeeds. In consequence of these inquiries, 32 Sansiahs were arrested in Aligarh, and of these 25 were convicted of dakaiti or of belonging to a gang of dakaitis.

"Mr. Warburton ascertained from his approvers that during 5 or 6 years over 200 dakaitis had been committed by members of the Sansiah tribe in the North-Western Provinces and about 80 in the Punjab. The character of the tribe is well indicated by the fact that of 186 male Sansiahs in Aligarh 129 had been convicted for 284 offences, and that only 13 male Sansiahs over 15 years of age had escaped conviction.

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"After much delay, the Sansiahs were at last brought under the Act, and the difficulty in dealing with this specially dangerous and mischievous tribe has been a chief cause of the more serious measures of restriction now proposed. The piece of legislation now before the Council is an immediate consequence of the recommendations of the Police Committee appointed by the Government of the North-Western Provinces to inquire into certain questions connected with the Police Administration. These recommendations with respect to criminal tribes, and the experience which the Government of Sir Auckland Colvin had acquired in dealing with the Sansiahs, led to three distinct recommendations being made to the Government of India in the beginning of 1891.

I.—That the preliminary steps for bringing a criminal tribe under the provisions of Act XXVII of 1871 may be simplified, and that any part of a criminal tribe may be proclaimed.

II.—That provision may be made for the more severe punishment, after a first conviction, of an adult member of a criminal tribe.

III.—That greater power be given to Local Governments in disposing of children of criminal tribes brought under the law, with a view to their reformation.

"There was practically a fourth recommendation—that for the amendment of section 401 of the Indian Penal Code suggested in his evidence before the Police Committee by Mr. Justice Straight.

"All these recommendations find a place in the Bill which has been submitted to Council, and as now amended, although some of the provisions at first proposed have undergone material change.

"Section 2 of the Bill provides for the first recommendation of the North-Western Provinces Government, and has been but slightly altered in Committee.

"Section 3, if passed, will add section 17 A to the Act, and will provide for the removal of children to a reformatory. The principal changes made by the Committee in the clause as originally drafted have been, first, to restrict the provisions of the clause to the children of registered members of a criminal tribe. This implies that such members have had an opportunity of complaining against the entry of their names in the register, and that after enquiry their names have been retained. We have also defined the word child, and power has been given to remove the children at an early age, in order to save them from contamination, but the rules on this subject may be varied by the Local Gov-

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ernments, as experience may direct, and they need not be the same for all tribes.

"The necessity for removing the children from the control of the parents has, in the North-Western Provinces, where these tribes are most widely known, been accepted by every officer who has expressed an opinion upon this point, but in the Punjab there is great diversity of opinion, and the opinions alternate in the most striking manner. But the Select Committee has retained in the Bill the power to remove children of both sexes from their parents, notwithstanding the concurrence of the Punjab Government in the view of some of its officers 'that girls should not be removed from their mothers.' But one of these officers lessens the force of his argument by admitting that he had heard that 'in some criminal tribes the women are worse than the men,' and although this would be difficult, the fact that they are as bad, or nearly as bad, renders them entirely unfit for the charge of either girls or boys who are to lead a respectable life. Among the Sansiahs, for example, owing possibly to the frequent absence of the men in jail or in hiding, the headship of the tribe or section of a tribe vests in a woman, who must be as active in the organization of crime, as any of the male members of it are in the commission of crime. Many of the women are most expert thieves, and they are ordinarily people of low morality and of most degraded habits. To leave children to the guidance of such parents would be to deprive them of their only chance of reformation.

"Section 4 of the Bill, as originally framed, very greatly increased the severity of the punishments which could be awarded for the violation of the rules most essential to the control of the proclaimed tribes. We have somewhat moderated the severity at first proposed, but we have increased the possible periods of imprisonment to double and treble what they are under the present law. This greater stringency will, it is believed, materially strengthen the administration in dealing with all criminal tribes, and will not be too severe in the case of the less violent tribes, which may be brought under the Act.

"The clause, which if passed will become section 19A of the Criminal Tribes' Act, was at first drafted on the lines of section 75, Act XLV of 1860, and this accounts for the retention in the clause (as originally printed) of the reference to Chapter XII of the Indian Penal Code. The minimum penalties proposed have now, as suggested by the Government of the North-Western Provinces, been restricted to cases in which a crime of violence has been committed for the second time by a member of a criminal tribe. Minimum punishments are exceptional, but when a man

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belongs to a tribe which is addicted to the systematic commission of crime, and when he has already been found guilty of violent crime, it is most desirable that, for the second offence, he should on conviction be certain of a substantial sentence, and that the public should be protected for a prolonged period from his violence. Many members of the Sansial tribe are so careless of human life, that when they attack wayfarers the chances are about equal whether they kill or stun, and even, if we do nothing more than change these criminals from murderous robbers into thieves, we shall have done something towards the prevention of suffering. And it is to be noted that a vigorous Judge can already, under section 75 of the Indian Penal Code, inflict the punishments enjoined by this section.

" Clause 19B was at first proposed by the Government of the North-Western Provinces as an amendment of section 401 of the Indian Penal Code, and when it was decided at the suggestion of the Punjab Government to deal with the clause as an addition to the Criminal Tribes' Act, the full punishment provided by section 401 was at first retained. But inasmuch as section 401 is always available, when it can be proved that the accused person belongs to a gang of thieves, and section 402 when it can be proved that five or more persons are assembled for the purpose of dakaiti, it was held that a smaller punishment would be sufficient in the case of a registered member of a criminal tribe about to commit theft or robbery. This reduction in the punishment is in the direction suggested by the Punjab Government. The Government of the North-Western Provinces does not now press for this clause, but it seemed to the Select Committee, that, if passed into law, it would strengthen the hands of the Executive, and that the difficulty hitherto experienced in securing convictions under section 401, Indian Penal Code, will not be felt to the same extent under the law as proposed, for the great difficulty hitherto has been to satisfy the Courts that the accused belongs to a gang of persons associated for the purpose of habitually committing theft or robbery. And there will be much less difficulty in proving, where this is possible at all, that the accused is a member of a criminal tribe. As has been pointed out in the report of the Select Committee, the operative portion of the clause has been taken word for word from the English Prevention of Crimes Act, and it was held that a similar provision is as necessary in this country as in England.

" When it is considered at what classes of people this legislation is aimed, and that the original provisions of the Bill have been largely moderated by the Select Committee, there is not, I think, any ground left for the objection that the provisions of the Bill as it now stands are too severe. That they are severe is

unquestionable, but, if severity is ever justifiable, it is justifiable towards those who generation after generation have been living upon the plunder of their neighbours, and who in many cases have no compunction in sacrificing life, in order to secure the most petty gain to themselves. And when looked at from another standpoint there can be no piece of legislation more beneficial to the law-abiding portion of the community, than one such as this, which has for its object to strengthen the hands of the administration in coercing and reclaiming people who have so long been a scourge not only to the localities in which they live, but also to the distant places to which their depredations extend."

The motion was put and agreed to.

The Hon'ble MR. JAMES moved that the following clause be inserted as clause 2 of the Bill, as amended by the Select Committee, and that the numbering of the following clauses be altered accordingly:—

"2. To section 1 of the Criminal Tribes' Act, 1871, the following proviso shall be added, namely:—

'Provided that any Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare all or any of the provisions of this Act, as amended by subsequent legislation, to be in force in the whole or any part of the territories under its government.'

He said:—"My Lord, I should have been glad to give a silent vote for the Bill and to leave to Bengal, the North-Western Provinces and Oudh, and the Punjab the reputation of being the only parts of India which foster criminal tribes. But unfortunately these undesirable elements are not wanting in other provinces also, and I submit therefore to the Council, that, when passing this Bill, the opportunity should not be lost of giving to all other Local Governments, with the prior sanction of the Government of India, the power of regulating such tribes, wherever they are found and when the need for such regulation is proved. In illustration of this view I may mention to the Council that of late in Sind I have had serious reason for regretting that the powers given by the Act could not, as the law stands at present, be extended to part of that province. There exists in Sind a pretty numerous sect or class called Hurs. Their bond of union is devotion to a Pir or spiritual guide, whom they revere, not as a prophet, but as God Almighty Himself. Of course the Pir, like the King of England, can, in the eyes of his followers, do no wrong, but his lieutenants can, and fanatical to a degree and jealous of one another these lieutenants themselves are frequently either the instigators or the victims of murder. Indeed the last Pir but one, who died only a few years ago, on one occasion narrowly escaped the gallows himself for



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the murder of a rival Pir. Murder as the ordinary means of attaining spiritual ends, tends, as the Council will readily admit, to demoralise the general character of a society; in consequence, minor crimes of violence, grievous hurt, dākaiti and robbery are looked upon by the Hurs as venial faults, and indeed those who commit them are deserving of sympathy, and must be protected by all their fellow-Hurs. For nearly three years a band of fourteen Hurs, headed by a man who had murdered a rival lieutenant, openly defied the authorities, with the countenance, in fact with the active aid of the local Hur zamindars, and peace and security were not restored to the country till all but one had been executed or shot down fighting. Had this Act been in force against the Hurs and had rules existed under section 18, I think I am justified in saying that the outlawry might have been stamped out at an earlier stage, various horrible atrocities would have been prevented, the lives of loyal Police-officers and unoffending citizens would have been saved, and the robbery of a great deal of property would not have occurred. Where you have a class of men whose bigotry and freemasonry prevent its members (some of them outwardly well-to-do and respectable persons) from aiding in the prevention of violent crime, but rather stimulate them to protect it, the public safety demands that they be put under special regulations. There is another criminal tribe of my acquaintance, named the Jagaranis, in North Sind. Settled in the dense forests they are habitually addicted to cattle stealing, a crime which in an agricultural country is specially cruel, as it takes away the cultivator's means of livelihood. We have placed special punitive Police posts upon them; we have sent them to jail, when we could get proof, and we have even offered them, without success, employment in our Police. But though I admit that I have not heard very much of them lately, I believe they still prefer a thieving life in the jungles. Under this Act I could move them bodily from their lair in the forests and by giving them waste lands in the great canals which are now under construction, gradually turn them into useful citizens, just as General Jacob did with the lawless Hill-Beluchis 50 years ago, by the construction of the Begari Canal. Outside Sind again in the Bombay Presidency proper, I know of at least one criminal tribe, the Bhamteas, who, when asked their profession in Court, answer complacently 'Theft,' and whose operations are now much facilitated by railways. They are a miserable little tribe I am bound to say, and very likely special measures in regard to them may be thought unnecessary. But the Act would undoubtedly strengthen the hands of the Inspector General of Police in dealing with them or any other tribe or class of the kind. The Council will notice that the Act gives every security against honest members of tribes

becoming subjected to the disabilities of the Act, merely on account of a few evil-behaved individuals. A thoroughly good case must be made out against the community first, and then the Governor General in Council will weigh carefully and decide whether the case is strong enough to justify the Act being introduced. No Local Government can put the Act in force *suo motu*. The amendment, I repeat, is merely permissive, enabling other Local Governments than those of the three northern provinces to apply for such extension when the need arises. I would only add a word more: As Mr. Cadell has said, gentlemen who live at home at ease and in security are apt to forget that the poor labouring cultivator and the struggling trader living in far off villages are also entitled to the protection of the law for their lives and property. And when crime becomes endemic in a certain tribe, whether they be called Thugs or Sansiahs or Hurs, it is not for the mere pleasure of the executive but for the sake of the law-abiding subject that special measures are necessary. I trust therefore that the amendment of which I have given notice and which I beg to move will meet with the approval of this Council."

The Hon'ble MR. REES said:—"The provisions of this Bill though more lenient than those of the original draft are nevertheless of an extremely stringent character. I believe, however, that there is abundant evidence that they do not go beyond the necessities of the case, having in view the protection of society and the reformation of the particular tribes to which the Bill is primarily intended to apply. These are described in the Statement of Objects and Reasons as tribes composed of criminals of the worst type whose only occupation is crime. Such a description at once distinguishes the Sansiahs and kindred tribes from others conventionally known as criminal. For instance, the opinion that this Bill is unduly severe might naturally be formed by one whose experience of criminal tribes was confined to the Maravars, Kallars and others in Southern India. Yet these are conventionally known as criminal. The word Kallan means a thief, and the word Maravan might be translated marauder. Kallars and Maravars were dominant and military tribes in the last century and their turbulent disposition too often finds an outlet at the present day in cattle-lifting and in robbery with violence. Their very sports are mimic representations of these offences. It might at first sight be thought that these tribes are not dissimilar from the criminal tribes to which the Bill specially relates, but in fact they offer in the most important considerations aspects of contrast rather than of similitude. They are exceedingly numerous and amount probably to a million in all; they have fixed and settled residences, and, above all, the masses are more or less peaceful cultivators, though large numbers are hardened habitual

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offenders, to deal with whom the provisions of the existing law are found in some respects to be defective. Yet the application to them of the Criminal Tribes' Act would be unjustifiable. Certain provisions thereof which were considered appropriate to their case it was proposed by Sir Philip Hutchins' Habitual Offenders Bill to incorporate in the Code of Criminal Procedure, and the matter is now, it is understood, under consideration. It is probable that Sir Philip Hutchins was moved to introduce his Bill in consequence of the depredations of the South India criminal tribes of which he had ample experience.

"The Bill as reported upon to-day could not be applied to these tribes, but under the amendment, it would be competent to a Local Government to bring them, or others of a kindred character, under the operation of the Act, after obtaining the sanction of the Governor General in Council. Inasmuch as the provisions of the proposed amendment are purely permissive no objection need be offered to them. It is not likely that any Local Government would ever propose to bring under the Act any tribe other than one which in the language of the Statement of Objects and Reasons is composed of criminals of the worst type, whose only occupation is crime. To such, it will be universally admitted, its application should be jealously restricted."

The Hon'ble RAI BAHADUR ANANDA CHARLU said:—"Like my hon'ble friend Mr. Rees, coming from the same presidency he comes from, I have not the necessary personal knowledge to fully appreciate the severity of this measure, and I should have liked it as it left the hands of the Select Committee. That there should yet be classes under the British rule at this time of day, calling for such drastic provisions is a matter for both surprise and regret. As the Hon'ble Mr. Rees has pointed out, even the class whose name is a synonym for 'thieves' have, in the main, given up their old ways and settled down into peaceable citizens, following one or other of the peaceful walks of life in the Southern Presidency. I hope and trust that the giant's power, taken under this Act, would be used most sparingly and by the soberest men. Too much zeal, actuated by impulsive natures, and a too free resort to the powers conferred by this Act, would only give a longer base to the existing conditions, and defeat the very object had in view. I also hope that the widest publicity would be given to these extended powers, bringing them home to the classes they are meant to be used against, by other means than mere publication in gazettes and newspaper notifications. It seems to me that measures, such as this, would do far more by acting as a deterrent, in a preventive sense, than being put into practice as a punitive provision. I have trespassed on Your

[*Rai Bahadur Ananda Charlu ; Sir John Woodburn.*] [28TH JANUARY,

Lordship's attention thus far, as we are, by this Act, interfering with the most sacred of rights—the right of a parent to the custody and bringing up of his child—the right which all enlightened Governments have respected, even to the extent of handing over irredeemably a non-Christian child to a Christianised father—the right, which we now interfere with, somewhat on the questionable principle of 'the end justifies the means.' I venture to express the hope that the year would soon come round when this Act would no longer require to be retained on the Indian Statute-book."

The Hon'ble SIR JOHN WOODBURN said :—"I have nothing to add to the facts brought before the Council by the Mover of the present motion. But perhaps in regard to the discussion that has taken place it is expedient that I should give a stronger support to my hon'ble friend Mr. Cadell than would be indicated by a mere silent vote. I can endorse all that he has said about the criminal habits and pursuits of these tribes, and I can speak from my personal knowledge of the suffering entailed upon the community by the depredations of these people. Attempts have been made for a long time to reform them—attempts which for the most part have resulted in failure,—but I entertain the hope with my friend Mr. Ananda Charlu that perseverance in this matter, as in other matters, will meet with success. It is not to be expected that habits and pursuits which are ingrained in a race by generations of practice can be eradicated in a few years, and, therefore, it is the duty of the Government to go patiently on with their endeavours to reform and repress the tendencies and practices of these tribes. Our best hopes lie in the children of the tribes. If they can be moulded, there is some chance of influencing favourably the next generation. But experience has shown, to the satisfaction of the Government of the North-Western Provinces, that the arrangements which we made under the Criminal Tribes' Act for instituting and carrying on reforms require to be stringent if those reformatory measures are to succeed. It is with regret that we find that those measures have not been so successful as we had hoped, but the aim and object, which Mr. Ananda Charlu and the rest of us all have, is essentially to strengthen the Local Government in those measures which it has taken for the object we have commonly in view. The proposals now before the Council are specially directed to the accentuation of those Regulations which govern the conduct of Reformatories and which secure the retention of the people in those settlements which are designed with the object of teaching them more wholesome habits of life than those which they now pursue,

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"The other object is the repression of the habits which are common to these tribes. It has been the experience of the Government of the North-Western Provinces—and that is an experience which we must respect—that some increase of these repressive measures is absolutely essential in the interests of the people. There is an occasional humanity, which I venture to think is not a sound humanity, which exhausts all its pity on the criminal and forgets the sufferings of the people upon whom that criminal preys. As I said before I can endorse from my own experience everything that my hon'ble friend Mr. Cadell has said, and that has been said by other speakers, of the serious loss and injury to which innocent people are subjected by the practices of these tribes. I am satisfied from what I saw in the Select Committee and the papers that were put before us that the increased severity which is now proposed in the Bill before the Council is necessary for the protection of that community—a protection to which every community is entitled from a civilized Government ; and it is also essential for the restraint of these tribesmen from practices and habits which have been the growth of generations.

"In regard to the amendment I have only to say that as far as I am concerned on the part of the Government I am prepared to accept that amendment, which will permit the extension of the Act to other parts of India."

The motion was put and agreed to.

The Hon'ble MR. CADELL said :—"I have now the honour to move that the Bill as amended be passed, and in doing so I would merely remark that the different points of view from which the Hon'ble Member on my left (the Hon'ble Mr. Ananda Charlu) and I view this measure are probably due to the difference in our experience. If the Hon'ble Member had, as I have done, picked up the dying and wounded victims of members of these tribes, if he had as Magistrate and Judge listened to the revolting narratives of how readily life had been sacrificed to secure a few rupees or even a few annas, he would think less of those at whom this legislation is aimed, and more exclusively of their victims. The Bill now before the Council will, I am assured if passed into law, be the means of preventing much misery and suffering to the innocent, and I confess that with this object in view I have not much sympathy to spare for the guilty. If the hopes in which the Hon'ble Member indulges are fulfilled, I shall be extremely glad, but in the meantime there is good ground for the belief that the greater severity towards the criminal tribes, which this Bill contemplates, is likely to conduce to the safety and security of the law-abiding portion of the community."

The motion was put and agreed to.

[*Mr. Chalmers ; Sir John Woodburn ; The President.*] [28TH JANUARY,

## UNITED KINGDOM PROBATES BILL.

The Hon'ble MR. CHALMERS presented the Report of the Select Committee on the Bill to provide for the recognition in British India of Probates and Letters of Administration granted by Courts in the United Kingdom. He said :—"When Hon'ble Members have our Report in their hands, they will see that we have come to the conclusion that it is unnecessary to proceed with this Bill. The reasons are stated in the Report. Of course, if, when the Report has been in the hands of Hon'ble Members, they desire any further explanation, I shall be most happy to give that explanation on behalf of the Committee. But I think all Hon'ble Members will agree with me that at any rate we have plenty of legislation, and that, before we proceed with any fresh legislation, a strong case ought to be made out for it. In this particular case we have satisfied ourselves that the existing procedure works smoothly, and that any possible hypothetical advantages to be gained by introducing a new procedure would be more than counterbalanced by disturbing and confusing the old mode of procedure. No difficulty has arisen in England in the case of probates granted in India where it has been sought to administer the estate in England, and under the existing Succession Act in the case of the probate of a will granted in England, we have ample means to administer an estate which is situated in India. I beg to lay the Report on the table."

## EPIDEMIC DISEASES BILL.

The Hon'ble SIR JOHN WOODBURN said :—"I would ask Your Excellency's permission to suspend the Rules of Business in order to enable me to obtain leave of the Council to introduce a Bill to meet the spread of dangerous epidemic diseases. I think I may at this stage explain that it is not the intention or desire of the Government of India in any way to express, or give occasion for, alarm of any kind whatever, in regard to the matter, but the fact stands that the plague which has taken root in Bombay has been gradually extending to other parts of the country, and it seems to the Government expedient that some measures should be promptly taken before the disease has attained large proportions elsewhere to hold it in check."

THE PRESIDENT declared the Rules to be suspended.

The Hon'ble SIR JOHN WOODBURN said :—"My Lord, I have the honour to ask for leave to introduce a Bill for the better prevention of the spread of dangerous epidemic diseases. Hon'ble Members are aware that parts of the

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[*Sir John Woodburn.*]

Bombay Presidency are suffering from a visitation of bubonic plague, and will doubtless recognise that it is well for the Government to be armed with special powers dealing with this calamity and enabling it to prevent, so far as is humanly possible, the extension of the disease to other districts and provinces. Municipal bodies already have extraordinary powers of dealing with disease within their own limits, but these powers are by no means uniform, and only extend to very limited areas. The Madras Government have moved very reasonably and naturally that they should be armed with larger powers than they now possess, and in a series of municipalities and cantonments in other parts of India authority has been asked for the enforcement of the sanitary precautions that the circumstances require, and for powers of control, enabling them to deal promptly with any emergency which may arise. Since I arrived in the Council room a letter has been put into my hands from the Bombay Government asking for the very extension of their powers, which it is proposed in the Bill to give. The general powers conferred by clause 2 of the Bill are an adaptation of the powers already conferred within the City of Bombay by section 434 of the Bombay Act, III of 1888, for imposing such temporary regulations as may be found necessary to prevent the outbreak or spread of disease. In another direction the Government of India are advised that existing powers are legally inadequate. Foreign countries are already much alarmed at the possibility of infection from India, and telegraphic news has arrived that Russia has declared the whole Continent of India to be infected. For the safeguarding of our commerce the Government must be prepared to take steps to allay the fears of other nations, and we therefore propose to take power to order the medical inspection, and, if necessary, the detention, of any suspected ship whose departure from India with sickness on board might give grounds for severe measures to be taken against Indian shipping abroad. The special powers which the Bill confers are intended to meet a special emergency, and will only be enforced where the Governor General in Council is satisfied that the provisions of the ordinary law are insufficient."

The motion was put and agreed to.

The Hon'ble SIR JOHN WOODBURN introduced the Bill.

The Hon'ble SIR JOHN WOODBURN moved that the Bill be referred to a Select Committee consisting of the Hon'ble Sir James Westland, the Hon'ble Mr. Chalmers, the Hon'ble Mr. Playfair, the Hon'ble Mr. Sayani, the Hon'ble

## EPIDEMIC DISEASES.

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Joy Gobind Law and the Mover, with instructions to report upon it at the next meeting of the Council.

The motion was put and agreed to.

The Council adjourned to Thursday, the 4th February, 1897.

J. M. MACPHERSON,

CALCUTTA;  
The 29th January, 1897. }

*Secretary to the Government of India,  
Legislative Department.*