

*Friday,
20th February, 1903*

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

LAWS AND REGULATIONS

Vol. XLII

Jan.-Dec., 1903

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

1903

VOLUME XLII



Published by Authority of the Governor General.



CALCUTTA
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
1904

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., c. 67, and 55 & 55 Vict., c. 14).

The Council met at Government House, Calcutta, on Friday, the 20th February, 1903*.

PRESENT:

- His Excellency Baron Curzon, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.
His Honour Mr. J. A. Bourdillon, C.S.I., Lieutenant-Governor of Bengal.
His Excellency General Viscount Kitchener of Khartoum, G.C.B., O.M., G.C.M.G., Commander-in-Chief in India.
The Hon'ble Mr. T. Raleigh, C.S.I.
The Hon'ble Sir E. F.G. Law, K.C.M.G., C.S.I.
The Hon'ble Major-General Sir E. R. Elles, K.C.B.
The Hon'ble Mr. A. T. Arundel, C.S.I.
The Hon'ble Sir Denzil Ibbetson, K.C.S.I.
The Hon'ble Mr. Gopal Krishna Gokhale.
The Hon'ble M. R. Ry. Panappakkam Ananda Charlu, Vidia Vinodha Avargal, Rai Bahadur, C.I.E.
The Hon'ble Mr. L. P. Pugh.
The Hon'ble Sayyid Husain Bilgrami.
The Hon'ble Rai Bahadur B. K. Bose, C.I.E.
The Hon'ble Sir M. C. Turner, Kt.
The Hon'ble Mr. G. C. Whitworth.
The Hon'ble Mr. R. F. Rampini.
The Hon'ble Mr. G. F. T. Power.
The Hon'ble Rai Sri Ram Bahadur.
The Hon'ble Mr. A. W. Cruickshank, C.S.I.
His Highness Raja Sir Surindar Bikram Prakash Bahadur, K.C.S.I., of Sirmur.
His Highness Agha Sir Sultan Muhammad Shah, Agha Khan, G.C.I.E.
The Hon'ble Mr. C. W. Bolton, C.S.I.

NEW MEMBER.

HIS HIGHNESS RAJA SIR SURINDAR BIKRAM PRAKASH BAHADUR of Sirmur took his seat as an Additional Member of Council.

* NOTE.—The meeting of Council which was fixed for the 13th February, 1903, was subsequently postponed to the 20th *idem*.

[*Major-General Sir Edmond Elles*; [20TH FEBRUARY, 1903.]
Sir Edward Law; *Mr. Raleigh*.]

INDIAN WORKS OF DEFENCE BILL.

The Hon'ble MAJOR-GENERAL SIR EDMOND ELLES moved that the Bill to provide for imposing restrictions upon land in the vicinity of works of defence in order that such land may be kept free from buildings and other obstructions be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Sir Denzil Ibbetson, the Hon'ble Mr. Gokhale, the Hon'ble Mr. Bilgrami, the Hon'ble Mr. Cruickshank, His Highness the Raja of Sirmur and the mover.

The motion was put and agreed to.

INDIAN PORTS (AMENDMENT) BILL.

The Hon'ble SIR EDWARD LAW moved that the Bill further to amend the Indian Ports Act, 1889, be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Rai Bahadur P. Ananda Charlu, the Hon'ble Sir Montagu Turner, the Hon'ble Mr. Bolton and the mover.

The motion was put and agreed to.

REPEALING AND AMENDING BILL.

The Hon'ble MR. RALEIGH moved for leave to introduce a Bill to facilitate the citation of certain enactments, to amend certain enactments and to repeal certain other enactments. He said:—"This is one of the Bills which we present to Council from time to time in pursuance of the necessary work of statute-law revision. It is usual in the case of these Bills to dispense with the Committee stage, and I propose to move that the present Bill may be passed into law before we leave Calcutta. The Bill itself is short; the schedules are long and elaborate. As the main object of this enactment is to prepare the way for a new edition of the Bengal Provincial Code, the schedules are mainly the work of the Bengal Legislative Department, which has a high reputation for accuracy.

"As Your Lordship is aware, a Provincial Code is a compilation, divided into Parts containing (1) such of the old Regulations as are in force in the Province, (2) local Acts of the Governor General in Council, (3) Regulations made for any part of the Province under the Government of India Act, 1870, and (4) Acts of the Local Legislative Council. Each Part is arranged chronologically. The contents of each volume are edited; repealed provisions are omitted, and amendments are indicated in the text or in the notes. It must be admitted that it is somewhat misleading to call a compilation of this kind a Code. For the

[20TH FEBRUARY, 1903.] [Mr. Raleigh.]

word 'Code' suggests, in the first place, a systematic arrangement, and the volumes to which I refer are merely chronological collections. And, in the second place, the word 'Code' suggests an authoritative statement of the law, and these Provincial Codes are not authoritative. They are issued from our Legislative Department, but not under the direct sanction of the Legislature. It is therefore not surprising to find that lawyers make little use of them, and prefer to work with copies of the Acts and Regulations on which they are founded.

"The criticisms passed upon the Codes led me to consider whether it might not be possible to arrange them on some kind of principle, and to make them the basis of a complete body of Revised Statutes, such as several British Colonies already possess. The Government of India took a tentative step in this direction by proposing to the Government of Bengal that the new Provincial Code should be arranged, not in chronological order, but under subject-headings. After some discussion this proposal was accepted; the completed work is now almost ready; and I am disposed to think that the new Code will be accepted as an improvement on its predecessor. But the work, valuable as it is, represents to my mind only a transition stage. I doubt whether we can justify the expenditure of money and official time on these compilations unless we are prepared, sooner or later, to give them legislative authority. Before that can be done, the work of our draftsmen must of course be revised and approved by a Committee of Council. I have not had an opportunity of dealing practically with this matter; but I venture to commend it to the attention of all who desire to make our statute-law intelligible to those who are required to administer or to obey it.

"According to practice, we take advantage of this Bill to make certain substantive changes in the law for the purpose of correcting errors and omissions in previous Acts. It is a recognized rule that no important change should be made in this way, and if any Hon'ble Member should think that any proposal of the nature referred to in paragraph 4 of the Statement of Objects and Reasons requires fuller discussion, I shall be glad to consider the point, and, if necessary, to make an alteration in the Bill before it is passed."

The motion was put and agreed to.

The Hon'ble MR. RALEIGH introduced the Bill.

The Hon'ble MR. RALEIGH moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in English in the Gazette of India and in the local official Gazettes.

The motion was put and agreed to.

[*Sir Edward Law.*] [20TH FEBRUARY, 1903.]

INDIAN PAPER CURRENCY (AMENDMENT) BILL.

The Hon'ble SIR EDWARD LAW moved for leave to introduce a Bill further to amend the Indian Paper Currency Act, 1882. He said:—"The Bill is proposed to amend sections 16 and 17 of the Indian Paper Currency Act, 1882, so as (1) to declare five-rupee notes, issued from any town outside Burma, to be legal tender throughout British India except Burma, (2) to authorize the encashment of such notes at any office of issue in British India except Burma, and (3) to withdraw, in respect of sub-circle notes of any value exceeding five rupees, issued after the Bill is passed, the permission given by clause (b) of section 17 of the Act to require the encashment of such notes at a Presidency-town.

"The first two amendments are designed to facilitate an increase in the circulation of five-rupee notes, so as to admit of a larger portion of the Currency Reserve being held in gold or invested securities and to lessen the expense and inconvenience of transfers of coin from one Treasury to another.

"The object of the third amendment is to do away with the obligation imposed on the Government by the present law of providing cash for payment of future sub-circle currency notes exceeding five rupees at the Presidency-towns as well as in the sub-circles. This obligation makes it necessary to lock up a considerable portion of the Government balances which would otherwise be available for the general encashment of notes, and it is inexpedient that it should be maintained. A clause is inserted in the Bill to preserve the obligation intact in the case of notes issued before the passing of the Bill.

"The general aim in view is to encourage the circulation of paper currency, and it is thought that we can best attain that end by adopting, in the first instance, measures to render more popular the use of notes of the smallest denomination."

The motion was put and agreed to.

The Hon'ble SIR EDWARD LAW introduced the Bill.

The Hon'ble SIR EDWARD LAW moved that the Bill, together with the Statement of Objects and Reasons relating thereto, 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.

[20TH FEBRUARY, 1903.] [Sir Edward Law.]

INDIAN POST OFFICE (AMENDMENT) BILL.

The Hon'ble SIR EDWARD LAW moved for leave to introduce a Bill to amend the Indian Post Office Act, 1898. He said:—"All classes of postal articles exchanged between post offices in British India and Indian post offices established in Persia and Turkish Arabia are subject, under the Indian Post Office Act, 1898 (VI of 1898), to inland rules and rates of postage. It has, however, been decided that the Union rules and rates of postage should be made applicable to articles of private correspondence exchanged between British Indian post offices and Indian post offices in Persia and Turkish Arabia, or between Indian post offices in those countries; and the object of this Bill is to enact a clause which will enable the Governor General in Council to give effect to this decision by notification in the Gazette of India."

The motion was put and agreed to.

The Hon'ble SIR EDWARD LAW introduced the Bill.

The Hon'ble SIR EDWARD LAW moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in English in the Gazette of India and in the local official Gazettes.

The motion was put and agreed to.

The Council adjourned to Friday, the 27th February, 1903.

CALCUTTA: }
The 21st February, 1903.

J. M. MACPHERSON,
Secretary to the Government of India,
Legislative Department.