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Legislative (1899) Department.

CURRENT No. 61

From the Govt of N.W. Provinces
+ Bwd.
Legislative Dept

Order
Endorsement

Transferred to the Financial

Department.

No. 4007
L.C.F. 44

Dated 23-2-99

Received 27-2-99

Registered 28-2-99

Enclosures

Spare copies

SUBJECT.

Forwarding 27. Copies of the
Proceedings of the Legislative
Council meeting held on the
24th January 1899.

207 The Financial Dept with
copies of proceedings

Leg CURRENT No. 61 2

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FROM

THE HON'BLE *R. H. Macleod Esq.*

SECRETARY TO THE LEGISLATIVE COUNCIL,
N.-W. PROVINCES AND OUDH,

TO

THE *Secretary to Government*
Madras-Legislative Dept.
Fort Saint George
Madras

No. *4007* dated *Allahabad,* *23rd Aug.* 1897.
L.C.F. *46* *23rd Aug.*

SIR,

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of the N. W. P. & O. Legislative
Council held on the 24th January
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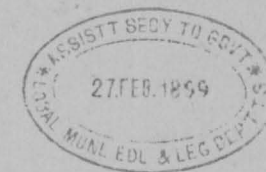
I have the honor to be

Sir

Your most obedient servant

R. H. Macleod

Secretary Legislative Council



[Lib.]
17.
50-14-6-98.

CHIEF SECRETARIAT.

Abstract Proceedings of the Council of the

Lieutenant Governor of
Burma assembled for the purpose
of making Laws and Regulations
on the 5th January 1899.

Circulated 27th January 1899.

~~THE HON. SIR HENRY BLISS, K.C.T.E.~~

THE HON. MR. A. T. ARUNDEL, C.S.
The Hon Mr. Winterbotham
THE HON. MR. G. STOKES.

THE HON. MR. G. S. FORBES.

Legislative (189) Department.

CURRENT No. 65

From

The Govt of Burma
Legis Dept.

Cuos 61 165

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No. 96/22

SUBJECT.

As however the Legislative Dept has been
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Proceedings, Acts &c. If this is approved
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23-7-24

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ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE LIEUTENANT-GOVERNOR OF BURMA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACT, 1861.

THE Council met at the Council Chamber on Thursday, the 16th February 1899.

PRESENT.

His Honour the Lieutenant-Governor of Burma, K.C.S.I., I.C.S., Barrister-at-Law, *presiding*.

The Hon'ble J. E. Bridges, I.C.S., Barrister-at-Law.

The Hon'ble E. S. Symes, C.I.E., I.C.S.

The Hon'ble C. G. Bayne, I.C.S.

The Hon'ble A. Pennycuik, C.I.E.

The Hon'ble U Gaung, C.S.I., *ex-Kinwun Mingyi*.

The Hon'ble Hkun Saing, C.I.E., *Sawbwa* of Hsipaw.

The Hon'ble C. E. Fox, Barrister-at-Law.

The Hon'ble H. J. Richard, M.INST.C.E.

NEW MEMBER.

The Hon'ble Mr. H. J. RICHARD, took his seat as a member of the Council.

THE BURMA GAMBLING BILL.

The Hon'ble Mr. SYMES presented the Report of the Select Committee on the Bill to provide for the punishment of public gambling and the keeping of common gaming-houses, and for the suppression of certain forms of gaming. He said:—"I beg to present the Report of the Select Committee on the Burma Gambling Bill. The only changes of importance which we have made in the Bill, as introduced, are the deletion of clause 11 of that Bill, and the addition of clause 6, sub-clause (3), and of clause 14 of the revised Bill. Clause 11 has been deleted because it is considered that no presumption should be raised against persons who are prosecuted for gaming in a common gaming-house on the evidence of informers. Where persons are found in a common gaming-house on the occasion of an entry formally made under the provisions of clause 6, it is not unreasonable to presume, until the contrary is made to appear, that they were there for the purpose of gambling, but we consider that no such presumption should be permitted in cases where it is merely stated by private persons that gambling took place on a certain occasion in a common gaming-house and that an accused person was then present in the house. Sub-clause (3) of clause 6 has been added in order to ensure that raids on gambling houses shall be conducted in a regular and proper manner. In the case of searches made under the Code of Criminal Procedure the law requires that two or more respectable inhabitants of the locality shall be present, and that a list of articles found in the course of the search shall be made out and signed by these persons; also that if it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency. We consider that these provisions are equally necessary in the case of searches under the Gambling Act, and for this we have accordingly provided. As regards clause 14, it has been represented to us that it is undesirable that prosecutions for gambling should be instituted long after the date upon which the gambling is alleged to have occurred. We concur in this view and have accordingly provided that in the case of ordinary gambling the information must be laid before the Magistrate within seven days, and that prosecutions for keeping a common gaming-house or conducting the game of *ti* must be instituted within a month. These are the only changes of importance which have been made in the Bill.

"We have carefully considered a suggestion received from the Judicial Commissioner of Upper Burma that prosecutions for gambling in a public place should be instituted only in cases where persons are found so gambling by the police, and that prosecutions for gambling in a common gaming-house should be instituted only against persons found by the Magistracy or police on an entry made under clause 6 of the Bill. Under certain rulings of the Judicial Commissioner this has latterly been the rule in Upper Burma, and it has been suggested that unless these limitations are imposed, false cases are likely to be numerous. We find, however, that for the past ten years at least the law in Lower Burma has been that proposed to be declared by the Bill, and we have not been able to ascertain that this has resulted in any large number of false cases, or in any undue harassment of the people in Lower Burma. On the other hand it is admitted that it would be anomalous and illogical that a man should be punished for being caught in a common gaming-house or gambling in a public place under certain conditions and should yet be free from prosecution for gambling in such places if he does not happen to be caught by a Magistrate or police-officer, and, in the graver case, by a Magistrate or police-officer armed with a warrant. It further appears to us that it is undesirable that the suppression of gambling should be left entirely in the hands of the police. Public gambling is said to be becoming very prevalent, and to be causing much harm in rural districts where the police are few and scattered, and if it were enacted that no action should be taken against the gamblers unless they are found gambling by a police-officer, the difficulty of suppressing such gambling would be very great. The policy of Government has been and is to enlist the co-operation of the people in the suppression of crime and the upholding of good order; and in a matter which so intimately concerns the people as public gambling does, it seems expedient that town and village headmen and elders of blocks as well as any respectable inhabitant so minded, should have the power of setting the law in motion to suppress what he may fear will effect the ruin of his family or his community.

"Moreover, as regards common gaming-houses, it is generally believed, rightly or wrongly, that the existence of such houses is in many cases connived at by the police. It is therefore the more necessary that means should exist apart from police action for instituting prosecutions against persons using such houses. For these reasons the Select Committee have decided to make no change in clauses 10 and 11 of the revised Bill, the effect of which will be to remove all doubt as to the circumstances under which prosecutions for gambling can be instituted and to apply to the whole province the law which under the rulings of successive Judicial Commissioners has for many years past been in force in Lower Burma.

"I now move that the Burma Gambling Bill and the Report of the Select Committee be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. SYMES then moved that the Burma Gambling Bill as amended by the Select Committee be passed.

The motion was put and agreed to.

THE BURMA MILITARY POLICE ACT AMENDMENT BILL.

The Hon'ble Mr. SYMES presented the Report of the Select Committee on the Bill to amend the Burma Military Police Act, 1887. He said:—"I beg to present the Report of the Select Committee on the Burma Military Police Act Amendment Bill. The Committee have ascertained from the Inspector-General of Police that it is not desirable, as was originally proposed, to remove from the Act all reference to Inspectors of Police.

"In many places, especially in Lower Burma, where the Military Police are brought into closer contact with the Civil Police than in Upper Burma, it is desirable that the Inspector-General should have the power to appoint the Inspector of Civil Police to be also an Inspector of Military Police, and that certain disciplinary powers should be conferred on the Inspector. We have accordingly re-inserted the Inspector but, instead of including him among the native officers in section 5 of the Act, we have included him among the superior officers defined in

section 3. He will now take rank immediately below an Assistant Commandant and will be authorized to inflict minor punishments under section 9 of the Act.

"A slight change has been made in the definition of the minor punishments which may be inflicted under section 9 of the Act. The object of this change is to bring the punishments into closer accord with those prescribed for the Native Army.

"The remaining alterations are merely changes of drafting and have been explained in the report."

"I now move that the Burma Military Police Act Amendment Bill and the Report of the Select Committee be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. SYMES then moved that the Burma Military Police Act Amendment Bill as amended by the Select Committee be passed.

The motion was put and agreed to.

THE BILL TO AMEND THE BURMA FERRIES ACT.

The Hon'ble Mr. BRIDGES presented the Report of the Select Committee on the Bill to amend the Burma Ferries Act, 1898. He said:—"I beg to present the Report of the Select Committee on the Bill to amend the Burma Ferries Act, 1898. No changes have been made in the Bill. I now move that the Bill and the Report of the Select Committee thereon, be taken in consideration."

The motion was put and agreed to.

The Hon'ble Mr. BRIDGES then moved that the Bill to amend the Burma Ferries Act, 1898, be passed.

The motion was put and agreed to.

THE RANGOON POLICE BILL.

The Hon'ble Mr. SYMES moved for leave to introduce a Bill to provide for the better regulation of the Police in Rangoon Town. He said:—"I move for leave to introduce the Rangoon Police Bill. As explained in the Statement of Objects and Reasons, which has already been circulated to Hon'ble Members, the object of this Bill is to provide legislative authority for a separate police-force for the town of Rangoon to be controlled by a Commissioner of Police who will be directly responsible to the Local Government. This is the arrangement which has been found best suited to the Presidency towns in India and it is believed that the time has now come when a similar organization should be introduced in Rangoon.

"It is not necessary for me to describe the provisions of the Bill in detail. They are based mainly on those of the general Police Act and of the local Acts in force in Calcutta. The Commissioner of Pegu, the Inspector-General of Police, the Rangoon Chamber of Commerce and Municipal Committee, and the members of the Bar Library have been asked to criticise the provisions of the Bill, and the replies which have been or may be received from these officers and public bodies will no doubt be fully considered by the Select Committee to which I shall presently move that the Bill be referred. I now move for leave to introduce the Bill."

The motion was put and agreed to.

The Hon'ble Mr. SYMES introduced the Bill.

The Hon'ble Mr. SYMES then moved that the Rangoon Police Bill be referred to a Select Committee consisting of the Hon'ble Mr. BRIDGES, the Hon'ble Mr. PENNYCUICK, the Hon'ble Mr. FOX, the Hon'ble Mr. RICHARD and the mover, with instructions to report on the 10th March 1899.

The motion was put and agreed to.

The Council adjourned to Thursday, the 16th March, at 11 A.M.

RANGOON :
The 16th February 1899. }

B. LENTAIGNE,
Secretary to the Burma Legislative Council.

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FROM

The Secretary to the Burma Legislative Council,

TO

*The Secretary to the Government of Madras
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Madras*

1 MAR 1899

Dated Rangoon, the 20th February 1899.

SIR,

*I am directed, to forward for the use of your
department, 27 copies of the abstract of Proceed-
ings of the Council of His Honour the Lieutenant
Governor of Burma, at a meeting of the Council
held at 11. A.M. on the 16th day of February
1899.*

*I have the honour to be
Sir*

Your most obedient servant

*B. Lentaigue
Secretary.*

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