

Wednesday, December 3, 1862

***INDIAN LEG.  
COUNCIL  
DEBATES***

***Vol. 1***

***18 Jan. - 24 Dec.***

***1862***

***P. L.***

*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 Act of Parliament 24 & 25 Vic., cap. 67.*

The Council met at Government House, on Wednesday, the 3rd December 1862.

PRESENT :

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honor the Lieutenant-Governor of Bengal.

Major-General the Hon'ble Sir R. Napier, K.C.B.

The Hon'ble H. Sumner Maine.

The Hon'ble C. J. Erskine.

The Hon'ble W. S. Fitzwilliam.

The Hon'ble D. Cowie.

The Hon'ble Raja Deo Narain Singh Bahadour.

The Hon'ble Raja Dinkar Rao Rugonauth Moontazim Bahadur.

The Hon'ble R. S. Ellis, C.B.

The Hon'ble A. A. Roberts, C.B.

✓ RULES FOR THE CONDUCT OF BUSINESS.

His Excellency THE PRESIDENT presented the Report of the Select Committee appointed to consider all proposals to alter and amend the Rules for the Conduct of Business. HIS EXCELLENCY said, the Report was founded on the correspondence with the Secretary of State, which had been laid before the Council. The alterations made by the Committee in the Rules were not very material. Their object was to bring the Rules into closer conformity to the Indian Councils' Act, under which it was not the intention of Parliament that there should be a Legislative Council separate and distinct from the ordinary Council of the Governor-General. It was hardly consistent with the design of Parliament that the Rules should provide for definite sessions or sittings of the Council for passing Rules and Regulations, and imply that there would be definite periods when it would be in a state of activity and definite periods in which it would be in abeyance. It was no doubt convenient that there should be power vested in the Governor-General to summon the Council when special occasion should arise, and the Rule in that respect would not be altered. A short time ago there had been an instance of the necessity of this power. When the High Court was established, it was found that some legislative action was necessary to enable the Court to exercise its functions. He (THE

GOVERNOR-GENERAL), in adjourning the Council in April, had carefully guarded himself against the use of any expressions that implied a prerogative, and therefore there had been no technical difficulty in the way of his summoning the Council for the purpose in view. In the amended Rules the term "Session" would be omitted altogether, but he (THE GOVERNOR-GENERAL) thought it right to mention that there was no intention of departing from the existing practice of calling the Council together only at times when it would be most convenient for the Additional Members to attend. It would be arranged that, in the intermediate periods, the legislative measures required by the Government should be prepared for the consideration of the Council. Another alteration in the Rules had reference to the publication of Bills when the Council was not assembled. It was important that some provision of this kind should be made, for as Bills had to be published for three months after their introduction, there would be great inconvenience if no Bill could be published till leave had been given to bring it in, and it had been introduced. But as the Rule stood, it appeared to give an advantage to Ordinary Members of Council over the other Members. The authority to authorize the publication of the Bill, without a motion being made for leave to bring it in, would therefore be reserved to the Governor-General alone, but the Council might rest assured that the publication of no Bill would be so authorized if it was of such a character that the Council would be likely to refuse leave to bring it in. With these observations he laid the Report on the Table.

#### CUSTOMS DUTIES BILL.

The Hon'ble MR. MAINE, in the absence of the Hon'ble Mr. Harington, presented the Report of the Select Committee on the Bill to amend Act XI of 1862 (to alter the Duties of Customs on Goods imported or exported by Sea).

#### CIVIL PROCEDURE CODE AMENDMENT.

The Hon'ble MR. MAINE, in the absence of the Hon'ble Mr. Harington, requested leave to postpone the introduction of the Bill to amend the Code of Civil Procedure.

The Council adjourned.

M. WYLIE,

*Deputy Secretary to the Government of India,  
Home Department.*

CALCUTTA ;  
The 3rd December 1862. }