

Friday, February 8, 1867

**COUNCIL OF GOVERNOR GENERAL
OF
INDIA**

VOL . 6

4 JAN. - 20 DEC.

1867

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 Friday, the 8th February, 1867.

P R E S E N T :

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

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Maharájá Dhíraj Mahtab Chand Bahádur, Maharájá of Burdwan.

The Hon'ble H. B. Riddell.

The Hon'ble E. L. Brandreth.

The Hon'ble M. J. Shaw Stewart.

The Hon'ble C. P. Hobhouse.

The Hon'ble D. Cowie.

COMPTOIR D'ESCOMPTE BILL.

The Hon'ble MR. MAINE, in moving that the Report of the Select Committee on the Bill to make further provision for suits by and against the Comptoir D'Escompte of Paris, be taken into consideration, said that he had described the Bill at a recent meeting of the Council. It was one of a few lines, and the Committee had merely made two verbal alterations so as to indicate with greater clearness the person to sue or be sued. The Bill, as altered, provided that the expressions 'Chief Manager of the Agencies in British India of the said Comptoir D'Escompte' and 'Chief Manager' should be taken to include any person for the time being acting as Chief Manager of the said Agencies, or being or acting as Manager of such one of the same Agencies as might be situate within the jurisdiction of the Court in which the suit or proceeding mentioned in any of the six Sections of Act No. VIII of 1864 referred to in the Bill, might be instituted or carried on. The only further observation MR. MAINE had to make was, that he had ascertained from the Calcutta Manager of the Bank that the plea which had given rise to the Bill was entirely the result of a mistake. That this should be so might have been ex-

pected from the great respectability of the Company, and it was likely that the mistake would never have occurred again. It was, however, desirable to make the law provide against even so improbable a contingency as that to which he referred.

The motion was put and agreed to.

The Hon'ble MR. MAINE also moved that the Bill as amended be passed.

The motion was put and agreed to.

CIVIL COURTS (JHÁNSÍ) BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill to define the jurisdiction of the Courts of Civil Judicature in the Jhání Division.

PÁNDHARÍ TAX (CENTRAL PROVINCES) BILL.

The right Hon'ble MR. MASSEY presented the Report of the Select Committee on the Bill to provide for the re-assessment of the Pándharí tax in certain parts of the Central Provinces.

REGISTRATION OF BOOKS BILL.

The Hon'ble MR. HOBHOUSE, in moving for leave to introduce a Bill to provide for the preservation of copies of books published in British India, and for the registration of such publications, said that he thought it necessary to state the circumstances which had led to the present motion. It was an instruction of the Hon'ble the Court of Directors, that copies of all books published in India, which were of any importance or interest, should be sent to England for the purpose of being placed in a library established by that Court for that purpose. It would seem that these instructions had not for many reasons been carefully carried out; and the Directors of the Royal Asiatic Society in England had brought to the notice of the Secretary of State, that European scholars were not liable to provide themselves with the current literature of the day published in India. They pointed out that it was very essential that European scholars should either have the books themselves, or that they should be furnished with catalogues of them, and requested that the Secretary of State for India would provide them with such catalogues. The Secretary of State accordingly addressed the Government of India, and requested that a catalogue in the form submitted by the Society might be prepared in India and sent home. He also requested that such catalogue should contain a list of publications already issued, as well as of publications hereafter to be issued, from the Press in India. MR. HOBHOUSE

was not aware what steps were taken in consequence in the other provinces ; but in Lower Bengal very careful instructions were given to all the Commissioners, desiring them to procure copies of all books published in their respective districts, and to send catalogues of all books so published. With these catalogues, and the assistance of Mr. Talboys Wheeler of the Home Office, a scheme was matured by Mr. Robinson, the Bengali Translator to Government, and in accordance therewith, certain advantageous offers were made to publishers if they would help in the scheme. Mr. Robinson went round to the different presses and collected information as to the publications issued by them. In the year 1855, a book was published containing a catalogue of all the publications in India that had issued from the presses within the previous ten or fifteen years ; and in 1865, a further list was prepared of subsequent publications. The result was that some 1,500 books were found to have been issued within ten or twelve years. But it was quite clear that that list did not represent all the books published during that time, because there were a very large number of presses, and if they had issued only 1,500 books during ten years, they would have done little or no work. The Secretary of the Asiatic Society, in this country found that the list was very incorrect. The reason was that there was no law which compelled publishers to submit copies of their works, and Mr. Robinson had to prepare his catalogue out of advertisements and from the information received on his visits to the different presses. It followed, therefore, that the catalogue was incomplete and incorrect. To send such a catalogue home was of no sort of use ; yet it was most essential that a catalogue of all works published in India should be sent to Europe, and the works also, whenever of any importance or interest ; in fact, he thought that all works published in India should be sent to England. The reasons were conclusive. The literature of the day represented or purported to represent the opinions of the people, and it was very essential for the Government to know what was going on amongst them, the tone in which they spoke of the measure of the day and their opinions generally. That was one reason why copies of all books published in the country should be submitted to Government. In a literary and scientific point of view, it was also essential that copies of all works should be put within the reach of scholars in Europe. For these reasons, he had no doubt that a law for the preservation and registration of books should be introduced. As to the exact means by which that registration and preservation should be effected, he thought it would be premature to say anything now. If permitted to introduce a Bill with such an object, then, on the occasion of introducing it, he would state what he considered to be the best manner of carrying out the object of the Bill.

The Motion was put and agreed to.

SARÁÍS BILL.

The Hon'ble MR. RIDDELL, in moving for leave to introduce a Bill for the management of *Saráís*, said that few persons would be disposed to question the propriety, or rather the necessity, of providing by law for the regulation of places of public entertainment kept by private persons, and especially of common lodging-houses frequented by the poorer classes. *Saráís* in India partook of the nature of a place of public entertainment, and also of that of a common lodging-house. If, therefore, he satisfied the Council that the law on the subject in the North-Western Provinces was defective, or rather ineffective, and that the want of an effective law had been practically felt, he should, he conceived, have justified the motion he had made.

The only existing law relating to *Saráís* was a Police Regulation in clause 5, Section 11 of (Bengal) Regulation XIV of 1807, according to which *Bhat-járas* or other persons in charge of the public *Saráís* were bound to report daily to the Police the arrival and departure of travellers and of all persons of suspicious appearance. No penalty was attached to a disregard of the rule, but practically he believed that the reports had been made, and possibly in some cases had been useful; no power, however, existed in the North-Western Provinces by which cleanliness and rules for conservancy could be enforced in *Saráís*, or by which the owner could be required to maintain them in safe and habitable repair. The consequence was that the buildings, gates and walls were often in a ruinous state, and as the Inspector General of Police reported, every opportunity was afforded for the operations of thieves and robbers, and the Magistrate was powerless to enforce his orders for repairs. The same officer stated that the instances of travellers being robbed in *Saráís* and in *Puraos*, or halting places in the open, without redress were innumerable.

The extension of Railroads, by greatly increasing the number of persons who must resort to *Saráís* and *Puraos*, must of course increase the inconvenience of the existing state of things.

The Government of the North-Western Provinces, on the representation of the Inspector General of Police, had asked that a law should be made applicable to *Saráís* and *Puraos* in the North-Western Provinces. Accordingly, in the Bill which he hoped to have the honour of introducing, he had attempted to provide for the protection of travellers from robbery, and for the enforcement of cleanliness, and at the same time had endeavoured to avoid all arbitrary interference with property. The powers given in the Bill to the Local Government and Magistrate of the District were similar to those given to

Her Majesty's Secretary of State for the Home Department and to the 'local authority' by the Lodging-Houses and Public Health Acts.

As, however, any discussion of the details of the proposed Bill would be premature, he would not trouble the Council further at present, having, he hoped, said sufficient to show that there was a *prima facie* justification for legislation on the subject.

The Motion was put and agreed to.

ORIENTAL GAS COMPANY EXTENSION BILL.

His Honour the LIEUTENANT-GOVERNOR introduced the Bill to empower the Oriental Gas Company, Limited, to extend their operations to certain places in British India, and moved that it be referred to a Select Committee with instructions to make their report in one week.

The Motion was put and agreed to.

MURDEROUS OUTRAGES (PANJÁB) BILL.

The Hon'ble MR. BRANDRETH presented the Report of the Select Committee on the Bill for the suppression of murderous outrages in certain districts in the Panjáb.

PANJÁB MUNICIPAL BILL.

The Hon'ble MR. BRANDRETH also presented the Report of the Select Committee on the Bill to provide for the appointment and maintenance of Municipal Committees in the Panjáb.

The following Select Committee was named :—

- On the Bill to empower the Oriental Gas Company, Limited, to extend their operations to certain places in British India—The Hon'ble Messrs. MAINE and HOBHOUSE and the Mover.

The Council adjourned till the 15th February, 1867.

CALCUTTA, }
The 8th February, 1867. }

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).