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**COUNCIL OF THE GOVERNOR GENERAL OF INDIA**

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**ABSTRACT OF PROCEEDINGS**

**COUNCIL OF THE GOVERNOR GENERAL OF INDIA**

**LAWS AND REGULATIONS.**

**VOL 11**

**1872**

*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 Simla on Wednesday, the 9th October 1872. !

PRESENT :

His Excellency the Viceroy and Governor-General of India, G.M.S.I., *presiding*.

His Honour the Lieutenant-Governor of the Panjáb.

His Excellency the Commander-in-Chief, G.C.B., G.C.S.I.

The Hon'ble Sir John Strachey, K.C.S.I.

The Hon'ble Sir Richard Temple, K.C.S.I.

Major-General the Hon'ble H. W. Norman, C.B.

The Hon'ble Arthur Hobhouse, Q.C.

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

The Hon'ble R. E. Egerton.

LAND-REVENUE (OUDH) BILL.

The Hon'ble SIR JOHN STRACHEY introduced the Bill for consolidating and defining the law relating to the settlement and collection of land-revenue in Oudh, and moved that it be referred to a Select Committee with instructions to report in three months. He said that when he obtained leave to introduce the Bill, he had fully explained its objects. All that was now proposed was to refer the Bill to a Select Committee, to publish it in the *Gazette*, and to send it to the Chief Commissioner of Oudh, who (SIR J. STRACHEY hoped) would give the Committee the benefit of his own criticisms and those of the most experienced officers in the Oudh Commission.

The motion was put and agreed to.

NORTHERN INDIA IRRIGATION BILL.

The Hon'ble SIR JOHN STRACHEY asked leave to postpone the presentation of the Report of the Select Committee on the Bill to regulate Irrigation, Navigation, and Drainage in Northern India.

Leave was granted.

## PANJÁB SALT BILL.

The Hon'ble SIR R. TEMPLE asked His Excellency the President to suspend the rules for the conduct of business.

The PRESIDENT declared the rules suspended.

The Hon'ble SIR R. TEMPLE then moved that the Bill to give the force of law to certain rules relating to salt in the Panjáb, be taken into consideration. He said that at their last meeting he had stated that these rules had been "inadvertently" repealed by the Panjáb Laws' Act, 1872. He had since been informed that the repeal was not exactly inadvertent, it having been understood that the Inland Customs' Bill would be passed in sufficient time to prevent any inconvenience arising from the abolition of the rules which the present Bill was intended to revive.

The Hon'ble SIR JOHN STRACHEY said that he was glad that his Hon'ble friend, Sir Richard Temple, had corrected the mistake which had been made last week when it was stated that these rules had been inadvertently repealed by the Panjáb Laws' Act. The term "inadvertently" might have appeared to throw some blame on the Government, and on his friend Mr. Stephen, who had been more especially responsible for the management of the legislative business. He (SIR JOHN STRACHEY) wished to add to what his hon'ble friend had said, that if anyone was to be blamed for what had occurred the blame belonged to him (SIR JOHN STRACHEY), because he held charge of the Department which had the administration of these matters of salt-revenue. By the Panjáb Laws' Act, which became Law in March last, it was deliberately and rightly enacted that these rules should cease to be in force on the 1st June, and if that date had gone by without any substitute being provided for them, the fault was his own and not that of the Legislature which passed the Act.

This, however, was a matter of no importance, and he (SIR JOHN STRACHEY) had really another reason for referring to the subject. He had observed of late a disposition in some quarters to talk and write as if the present Government were inclined to undo and pick holes in previous legislation, and to doubt its excellence. This Council was the last place in which there could be any necessity for repudiating so utterly unfounded and wrong a notion, and one so injurious to the Government at large and to his hon'ble friend Mr. Hobhouse in particular. But he (SIR JOHN STRACHEY) had referred to it, because it gave him one more opportunity, on this which was almost the last occasion on which he would be present in this Council, of again expressing publicly his high admiration of the work which Mr. Stephen had accomplished in India.

It was a piece of rare good fortune which gave to India in succession two such men as Sir Henry Maine and Mr. Stephen. The result had been that, in place of one of the greatest curses by which a country could be afflicted, a huge and unintelligible collection of laws, in regard to which no one but an accomplished lawyer could say what was or was not in force, the people of India had already, although the work was not yet complete, obtained, in a great measure, the priceless benefit of good and simple laws. He (SIR JOHN STRACHEY) had himself helped to administer the law before any of these reforms were commenced, and he well remembered the shameful abuses, the miserable technicalities of the procedure of the Courts, the endless litigation, and the cruel hardship which resulted to the people. We were of course still very far from perfection; but when he compared the administration of justice at the present time with what it was in his youth, he felt that no admiration could be too great for the work that had been accomplished. During the last ten years there had been great improvement in almost every branch of the administration; but of all the improvements that had been carried out, the greatest of all had been the simplification and improvement of the law. Very much had, of course, been done before their time, and he did not forget the authors of the Penal Code, and of other great measures; but a lion's share of the praise was due to Sir Henry Maine and to Mr. Stephen.

He (SIR JOHN STRACHEY) hoped that he might be pardoned for having thus taken up the time of the Council. This was, as he had already said, almost the last occasion on which he would have the honour of taking part in its deliberations and he was anxious not to lose this last opportunity of once more giving his tribute to the men to whom India had owed, and would long continue to owe, so much.

The Hon'ble MR. HOBHOUSE said that it became him as the successor of Sir H. Maine and Mr. Stephen to say how cordially he concurred in the remarks that had fallen from Sir J. Strachey. He had now been in office little more than four months, and, knowing but little of the Indian statute-book when he came here, he had now learned something about it. In the course of that learning he had contracted the highest respect for the legislative genius displayed in its construction, and for the enormous amount of labour and talent brought to bear upon it. If an impression did prevail in any quarter (he was sure none prevailed in the Council room) that the legislation of past years was being criticised in a carping spirit, and that there was a wish to reverse the principles acted on, such an impression was quite unfounded. It was difficult to know what could give rise to it, unless it was that applications had been made for the amendment of some Acts, *e.g.*, the Burma Courts Act and the Evidence Act, and that Bills had been introduced accordingly. But these amendments were not for the purpose of reversing the intention of the Legislature which passed the Acts, but on the con-

trary for the purpose of making the Acts work more smoothly. They were called for in each instance by the circumstance that whole bodies of pre-existing law had been repealed, and some small portions, intended to be re-enacted, had been omitted. Now, the only part of Sir John Strachey's speech with which Mr. HOBHOUSE could not agree was that in which he was disposed to take blame to himself for some gap occurring between the repeal of a mass of law and the re-enactment of some of its parts. There was really no question of blame in the business. Of course everybody was better pleased when his work was quite perfect than when it was imperfect. But he (Mr. HOBHOUSE) had never known any large measure of alteration passed without the occurrence of some slips of this kind. In England, where there was much more examination of Bills, and much more assistance given than it was possible to procure here, it was the common expectation that after a large measure had been carried, an amending one would follow. This was work of a humble and easy description which had fallen to their lot during the Simla sittings as coming immediately after the passing of some great bodies of law. But it was not the work of revisal or criticism at all. It was done with the honest intention of making the machine work, and with the view of assisting, not of derogating from, the acts already accomplished. If the Government of India should find that a given policy is mistaken, and deliberately decided to reverse it, well and good. But in default of such a decision, no legislation would be promoted by him, while he had the honour to hold his present post, with any other view than that of making the law more efficient for compassing its main objects.

The motion was put and agreed to.

### PANJAB MUNICIPAL BILL.

The Hon'ble Mr. EGERTON moved that the Report of the Select Committee on the Bill to consolidate and amend the law for the appointment of Municipal Committees in the Panjáb, be taken into consideration.

The motion was put and agreed to.

His Excellency the PRESIDENT moved that in section six, after the second clause, the following proviso be inserted:—

“Provided that (except with the approval of the Governor General in Council) not less than two-fifths of the members of a Committee shall be persons other than salaried officers of Government.”

The motion was put and agreed to.

His Excellency the PRESIDENT also moved that to clause 3 of section seven the following words be added :

“and report their opinion thereon to the Local Government.”

His Excellency the PRESIDENT also moved that in section thirteen, for the third clause, the following be substituted :—

“(b) for defining the cases, manner and times in and at which the officers of the Committee may enter upon private property for the detection and abatement of nuisances.”

And that after section fourteen the following section be inserted :

“15. The officers of the Committee shall have power to enter upon private property for the detection and abatement of nuisances when the Committee shall, under section thirteen, clause (b) have made bye-laws regulating the exercise of such power.”

The motion was put and agreed to.

His Excellency the PRESIDENT also moved that in section fifteen, for the words “or rules”, the words “rules or bye-laws” be substituted.

The motion was put and agreed to.

The Hon’ble MR. EGERTON moved that to section fifteen the following words be added :—

“and remit or reduce any tax which they have imposed.”

That in section nineteen, the words “any rule made under section twelve or ” be omitted ; and

that in section twenty the words “ rules or ” be omitted.

The motion was put and agreed to.

His Excellency the PRESIDENT moved that in the last clause of section twenty for the word “fines” the words “arrears of land-revenue” be substituted.

The motion was put and agreed to.

#### PANJAB OPIUM BILL.

The Hon’ble MR. EGERTON presented the Report of the Select Committee on the Bill to amend the law relating to Opium in the Panjāb.

**SELECT COMMITTEE.**

The following Select Committee was named :—

On the Bill for consolidating and defining the law relating to the settlement and collection of land-revenue in Oudh,—the Hon'ble Messrs. Hobhouse and Bayley and the Mover.

The Council then adjourned till Saturday, the 12th October 1872.

**SIMLA, 9th October 1872.** **WHITLEY STOKES,**  
The 9th October 1872. *Secretary to the Govt. of India.*