

Tuesday, February 29, 1876

**COUNCIL OF THE GOVERNOR GENERAL
OF INDIA**

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ABSTRACT OF THE PROCEEDINGS

1877

OF THE

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1876.

WITH INDEX.

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1877.

*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 Tuesday, the 29th February 1876.

PRESENT :

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

His Honour the Lieutenant-Governor of Bengal.

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

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

The Hon'ble A. Hobhouse, Q. C.

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

The Hon'ble Sir W. Muir, K. C. S. I.

The Hon'ble Sir A. J. Arbuthnot, K. C. S. I.

Colonel the Hon'ble Sir Andrew Clarke, R. E., K. C. M. G., C. B.

His Highness the Mahárájá of Vizianagram, K. C. S. I.

The Hon'ble John Inglis, C. S. I.

The Hon'ble T. C. Hope.

The Hon'ble D. Cowie.

The Hon'ble Rájá Nárendra Krishna Bahádur.

The Hon'ble J. R. Bullen Smith, C. S. I.

CHUTIA NÁGPUR INCUMBERED ESTATES BILL.

His Honour THE LIEUTENANT-GOVERNOR presented the Final Report of the Select Committee on the Bill to relieve from incumbrances certain estates in Chutia Nágpur. He said, the Council would remember that at the last meeting a particular point was referred back to the Select Committee, namely, the point relating to the determination of certain rules which were to be set forth by the local authorities in accordance with the objects of the Act. The Committee had considered the question relating to the rules, and now proposed to make the point somewhat more definite and distinct than it was

before. It proposed that the Manager should determine, not only the amount due of the debt, but also the interest due in respect thereof at the date of determination. Moreover, with a view to uniformity,—for there were other Acts of the same nature in other provinces of India,—the Committee proposed that the rules, instead of being made by the local authorities, should be made by the Local Government itself, and that the approval of these rules should be vested in the Government of India. It was considered that, inasmuch as these rules when framed would have the effect of law, the same authority which sanctioned the Act, should sanction also these rules. The Committee had also enumerated the principal subjects in regard to which rules were to be made, namely, security from subordinate officers, notices, procedure, precedence of debts and allowance of interest.

CRIMINAL TRIBES ACT EXTENSION BILL.

His Honour THE LIEUTENANT-GOVERNOR also presented the Report of the Select Committee on the Bill to extend the Criminal Tribes Act, 1871, to the Lower Provinces of Bengal.

The Hon'ble RÁJÁ NÁRENDRA KRISHNA said that, with regard to the broad features of the Act which His Honour the Lieutenant-Governor asked for leave to extend to the Bengal Presidency, he had no objections to offer, and he fully agreed with His Honour that the criminal tribes of Bengal should be placed under the same sort of surveillance to which they were subjected in the North-Western Provinces. But he must draw His Excellency the President's attention to the wording of section 21 of the Act, requiring the owners or occupiers of the land on which any persons belonging to a criminal tribe might reside, to give information to the nearest police-station of their stay and departure from their haunts. His Excellency was well aware that the zamíndárs of Bengal generally did not reside on their estates, which were often situated at a great distance from their dwelling-places, and they could not be expected to have any personal knowledge of the movements of these persons. The zamíndárs would be liable to be punished, under section 22 of the Act, on failing to give the information to the police officers. If this section were applied to the absentee zamíndárs of these provinces, it would be a measure outraging the principles of equity and justice, and would be liable to abuse in its operation. He must, therefore, ask His Excellency to expunge the words from the section, so far as it related to the zamíndárs, before the Act was extended to these provinces.

His Excellency THE PRESIDENT explained that the Hon'ble Member would have an opportunity of discussing that point at the next meeting of the Council, or whenever the motion for the consideration and passing of the Bill was made. At present there was no motion before the Council.

REFORMATORY SCHOOLS BILL.

The Hon'ble SIR ALEXANDER ARBUTHNOT moved that the Report of the Select Committee on the Bill to provide Reformatory and Industrial Schools be taken into consideration. He said that at their last meeting he had mentioned one of the principal alterations which the Select Committee had made in the Bill. He referred to the removal of the section which formed section 8 of the original Bill, and which provided for the application of the Bill not only to juvenile offenders who had been convicted of specific offences, but to boys under the age of fourteen who were found to frequent the company of reputed robbers, house-breakers, thieves, public gamblers, or vagrants, or who were found to be without any ostensible means of livelihood. He had stated on that occasion that there was a strong feeling amongst the Native community against that particular section. He had mentioned also that the Bombay Government were opposed to it. With the permission of the Council, he would read a few lines from the report made by the Government of Bombay. It stated that—

“His Excellency in Council entertains considerable doubts whether this section can be worked without the risk of some injustice. Moreover, if the power is exercised without discrimination, accommodation could not be provided for the large number of children of vagrants, beggars and paupers who are to be found in all large Indian cities. If the section is maintained, Government considers that the age of admission should be limited to under eight years, inasmuch as, after leading a roving life up to fourteen, little impression will be made on a boy who is sent for only two or three years to a reformatory. But whatever may be the decision of the Government of India on this point, this Government is persuaded that the class alluded to in section 8 of the Act should not be sent to the same institutions as those to which juvenile offenders described in section 6 and juvenile prisoners described in section 7 are sent.”

He had reason to believe that the feeling of the Native community against this particular section was in several parts of India very strong indeed. He was at the same time aware that there was a good deal to be said on the other side of the question. There could be no doubt that amongst the classes aimed at in that particular section, there might be many youthful criminals, if he might so speak, whose consignment to a reformatory would be most beneficial both to themselves and to society. The point was noticed with some force in one of the reports submitted by the Government of Bombay. One of the Commissioners

of Police in that Presidency spoke of one of the classes to which SIR ALEXANDER ARBUTHNOT referred in those terms:—

“A Batak child takes to theft by instinct, just as a pointer puppy points. There is an hereditary transmission of a predatory instinct in all these tribes that is only to be eradicated by many years of careful training, and finally placing them in a position to earn an honest livelihood on easy terms. The only chance of reclaiming them is to take them in hand while they are still mere infants, and retaining them till habits of self-respect are matured.”

There was no doubt a good deal of force in the opinions given on that side of the question. But it was equally certain that there was a very strong popular feeling against it. It might be said that the popular feeling to which he had referred, was a feeling very much in the nature of a sentiment; but it was a sentiment which it would be unwise to overlook, and there was nothing more difficult to overcome than a sentiment of this nature. It defied criticism and was impervious to argument. The right course, it appeared to him and to his colleagues in the Select Committee, was in this matter to proceed tentatively, and to postpone legislation on this point until, as he had said the other day, it was shown by the test of experience that the particular measure provided for in the amended Bill was attended with really practical and beneficial results. It was essential that in such legislation we should as far as possible carry the opinion of the people with us. This, as he had said, was one of the main alterations which the Select Committee had made in the Bill.

Two other alterations which might be said to be closely connected with the one he had just alluded to, were the excision of the section which enabled municipalities to establish or contribute to the cost of reformatories, and the removal of the provision which enabled the Government to charge the cost, or a portion of the cost of these institutions, to the parents of the children who might be confined in them. This latter point was very closely connected with the removal of section 8 of the original Bill. For he need hardly say that it would scarcely be equitable that in the case of convicted juvenile offenders their relatives should be charged for their maintenance. There would be no more justification for such a charge than there would be for similarly charging the maintenance of the adult criminals in our jails.

In regard to the question of municipalities being saddled with these charges, although the section as it stood was merely an enabling section, he gathered from the reports which had been received by the Select Committee that very strong objections were entertained on the point. It was felt that our municipalities had, as it was, plenty to do with all the resources available to them, whether it were in our capitals or our country towns. Every anna they

could collect without oppression and without imposing undue burdens upon the people was wanted for matters more intimately connected with municipal administration than the maintenance of reformatories could be said to be. And it might not be unfairly urged that there was no more reason for charging municipalities with the cost of juvenile reformatories than there was for charging them with the cost of the maintenance of jails or of the Courts for the administration of justice.

Another alteration which the Select Committee had made in the Bill, was raising the age at which juvenile offenders could be sent to reformatories from fourteen to sixteen, and raising the age to which they could be detained in reformatories from sixteen to eighteen. On the latter point, he thought there was a very general consent. It was felt that the age of sixteen was too low a maximum, and that in order that the operation of the system might be really beneficial, it was necessary that it should be in the power of the authorities to detain boys in reformatories up to the age of eighteen. In regard to the maximum age for admission, the Select Committee had thought it wise to follow the provisions of the Code of Criminal Procedure on this point as they now stood. In section 318 of that Code, the age of sixteen was laid down as the limit of age up to which juvenile offenders could be sent to reformatories.

Another alteration of some importance was contained in section 7 of the amended Bill, which corresponded with section 6 of the original Bill. In section 6, it was provided that whenever any boy, who in the judgment of the Court before which he was charged was under the age of fourteen years, was convicted of an offence punishable under the Indian Penal Code with transportation or imprisonment, the Court might, in lieu of sentencing him to transportation or imprisonment, direct him to be sent to a reformatory school. It was now provided that the Court should be obliged to pass sentence, and that when, having passed sentence either of transportation or imprisonment, the Court considered that the offender was under the age of sixteen and was a proper person to be an inmate of a reformatory school, it might direct that, instead of undergoing the sentence, he should be sent to a reformatory school and be there detained for a period which should not be less than two years and not more than seven years, subject to certain rules subsequently provided for. In a succeeding section, the maximum limit of the period of detention was fixed at eighteen years. There was also a provision made in one of the succeeding sections which enabled the Government at any time to order the discharge of a youthful offender from a reformatory school, and to order him to undergo the residue of his sentence at such place as the Local

Government thought fit. The Committee considered that these were improvements on the provisions of the original Bill, inasmuch as, under the original Bill, no sentence would have been passed, and the youth who was sent to a reformatory, however undesirable it might be to retain him in the reformatory, would have to be kept there, or at once set free. It was of course possible, in fact probable, that there would be cases, however much care might be taken in commuting the original sentence, in which it would be found that the detention of a youth in a reformatory would be beneficial neither to himself nor to those who were associated with him.

There was an important provision which had been added by the Select Committee in section 22 of the amended Bill. It laid down that the Governor General in Council might from time to time make rules for regulating the periods for which Courts and Magistrates might send youthful offenders to reformatory schools according to their ages, the nature of their respective offences, or other considerations. This was a point which had engaged the attention of the Select Committee, and their feeling was that in carrying out the provisions of legislation of this description which, both to the Courts as well as to the general community, would be sometimes of course somewhat of a novel character, it would be very desirable that the Courts and Magistrates should have the advantage of that guidance which might be supplied to them by the Government, acting on the reports and advice of the executive officers who would be employed in administering and controlling these institutions. These officers would probably be in a far better position to judge of the actual working of such institutions than the Courts could be, and would be able to offer suggestions to the Government which, when embodied in the rules, would be of invaluable assistance for the guidance of judicial officers in the working of the Act. He thought he had now noticed all the principal alterations made in the Bill by the Select Committee.

There were a few verbal alterations which probably would not escape the notice of hon'ble Members, but with which he need not now detain them. It only remained for him to make the motion which stood in his name that the Report of the Select Committee be taken into consideration, and to express his hope that this measure, if it received the approval of the Council and became law, would be a valuable means of draining the jails of juvenile offenders who were brought up in crime, and who so largely contributed to the increase of the criminal population of this country. Much had been done of late years for the improvement of our jails and the general system of jail management; much money had been spent upon these institutions;

and much care had been bestowed upon them. Great efforts had been made to render the jails reformatories, as well as places of punishment, for adults; and what had been done in this direction appeared to make it all the more obvious that it was the duty of this Council no longer to defer carrying into effect those measures which the experience of other countries proved to be best adapted for the reclamation of the young.

The Hon'ble RĀJĀ NĀRENDRA KRISHNA said that the Bill as it now stood would prove beneficial to juvenile offenders who might be sentenced to various periods of long imprisonment. It would allow these criminals to be transferred to a reformatory where they would receive an industrial education which might be of use to them in life. He might inform His Excellency the President that in Bengal youthful criminals as a class, as far as he (RĀJĀ NĀRENDRA KRISHNA) was aware, did not exist; and if the legislature had passed a law to punish and reform every youth below the age of eighteen on the report of a police officer that he had no means of honest livelihood and kept the company of bad characters, and directed that he must be confined in a reformatory school and there learn some handicraft in the course of a few years, the Government would create a class of men who, after release, would be regarded with distrust in this country. The reformatory section of the jail should be kept separate from the rest in which old offenders were confined, as it was always desirable that juveniles should be completely dissociated from veteran offenders.

He was glad to bring to His Excellency's notice the careful attention which the Hon'ble Mover had paid to his suggestions. But for that and the powerful support accorded to him by the Hon'ble Mr. Hobhouse, the Bill would not have received its present mild and unobjectionable form. He therefore begged to request that the Bill be passed into law.

The Motion was put and agreed to.

The Hon'ble SIR ALEXANDER ARBUTHNOT moved that the Bill as amended be passed.

His Excellency THE PRESIDENT said:—"I wish to say, before this Bill passes, that, for my own part, I consider it to be a very important amendment in our penal laws. As the Hon'ble Mover of the Bill has informed the Council, in many countries great attention has been paid to the improvement of jails, not only with the object of making them places of punishment, in which the sentences given may deter offenders from repeating their crimes, and, by their example, deter others from committing similar crimes, but also, with the desire of introducing, as far as possible, a reforming element into prison disci-

pline. I believe, however, that in this latter respect the result of experience has not been encouraging with regard to the reformation of adult offenders, however admirably prison discipline may have been carried out. Men who, by a gradual course of crime, becoming worse and worse as years go on, constitute the criminal classes in great towns, are, I fear, seldom influenced for the better by prison discipline.

“The only measures which, so far as I am aware, have been really successful in reforming offenders, are those which have been carried out in France, in England, and possibly also in other countries, for the reformation of juvenile offenders.

“It has been found that if a boy, on his first offence, instead of being treated as an ordinary criminal and sent for three months or less to an ordinary jail and there subjected to the prison discipline applied to common offenders, is sentenced for a much longer period—say from three to five years—and sent to a reformatory institution where he is kept under restraint and taught some industrial occupation or trade, he under those influences, and by the operation of the ordinary laws of human nature, is usually discharged from the reformatory with a fair prospect of giving up his evil courses; he takes up the industrial occupation he has learnt in the reformatory, and becomes a useful member of society.

“I believe that the results of the reformatory institutions in England have been, that out of every hundred boys sent to them, no less than eighty have, by experience, been found to have been thus reclaimed.

“It seemed to the Government that a measure so hopeful as this, might with perfect propriety be applied to India; and the result of our consideration of the subject was the introduction of the Bill which is now about to be passed.

“We are much obliged to the Select Committee and to the Hon’ble Mover of the Bill for the pains they have taken with it, and also to Rájá Nárendra Krishna, who has served on the Committee, for his suggestions. The Committee have limited, in the first instance, the operation of the Bill to juvenile offenders, leaving it for future consideration whether it shall be extended to boys who have no ostensible means of livelihood, and who associate with bad characters, but have not actually committed offences against the law. I believe that this modification of the Bill is wise; but, at the same time, I hope that the operation of reformatory institutions will be so successful that, at some future time, the legislature may be able to extend the provisions of this Act to the

other class to which it has been applied in England. There are, of course, difficulties in India, with respect to this measure, which do not exist in England; but I feel satisfied that by the co-operation of the enlightened members of society, both European and Native,—for it is essential that Natives of India of different religious persuasions shall be associated with the management of these institutions,—this measure will be successful, and that the results will show that the same principles which are applicable to juvenile offenders in England and in other countries, are equally applicable to juvenile offenders in India.

“To me, in visiting, as I have done, the jails of Calcutta, it was painful to see boys of a very tender age confined in those prisons. I have seen in one of these jails young boys wearing narrow iron bracelets. These iron bracelets were, if I may so say, ornamented by a number of small pieces of iron, like keys, running along the bracelet, each small piece being the token of a separate conviction for an offence. There was certainly one boy that I saw, who could not have been more than twelve or thirteen years of age, and who had five separate convictions so denoted by the little pieces of iron running along the iron bracelet on his wrist. I was grieved to feel that if these boys had been, on their first offence, sent to a reformatory institution, they would, in all probability, have been saved from the life of crime to which, I fear, they are doomed under present circumstances.

“I would say one word more on the subject of this measure, and that is, that a great responsibility will rest upon Magistrates and the Local Governments in carrying the Act into operation. It is, I think, hopeless to expect the Act to work properly if these reformatory institutions are started by filling them with a class of boys who have already four or five separate convictions against them, that is to say, who are confirmed thieves and bad characters, and whom, if put into a reformatory institution, there would be little hope of reclaiming. The manner in which I trust the Act will be carried into effect is, that great care will be taken in the selection of boys for those institutions, and that, for the next part, boys should be put in them on their first offence, so that the salutary influences of industrial education may be applied to those who offer the best prospect of being permanently benefited.”

His Honour THE LIEUTENANT-GOVERNOR was anxious to make one remark, and it was this, that he for one, and those who thought with him, very cordially supported the measure as far as it went, and they hoped that the Bill, if passed, would immediately bear fruit, and be of utility, by the immediate establishment of a reformatory in Calcutta. But he should

not like the Council to be under the impression that he concurred in the Bill in its limited shape. It was now confined to those juveniles who had actually committed offences. He was anxious to inform the Council that the Bill would not be sufficient for the reformation of these classes, who were growing up into crime ; and he thought it much to be regretted that his Hon'ble friend Rájá Nárendra Krishna, had succeeded in carrying that amendment in Select Committee, as it deprived the Bill of at least half its usefulness. He was anxious to impress on the Council that there were hundreds, and indeed thousands, of persons of tender age who were growing up in this capital in a state which infallibly led to crime. Their becoming criminals was only a question of time, and it was a question, not of uncertainty, but one of unfortunate certainty ; for confirmation of that opinion he confidently appealed to the knowledge of every Member round the table. Therefore, he was at a loss to understand on what principle the Select Committee had so far yielded to what he considered the mistaken opinion of his Hon'ble friend. His HONOUR supposed the Hon'ble Member thought it was dangerous to place such power in the hands of the Police, who might be empowered to lay hold of a boy who, in their opinion, was a criminal in the initiatory stage. He begged to point out, in answer to that objection, that nothing would be easier than to bring a boy before a Magistrate, and nothing was easier than for the Magistrate to come to a determination whether a boy had any ostensible means of livelihood, and whether he was, or was not, forming habits, and growing up in associations, which would lead to crime. In this country, he appealed to the knowledge of every Member of the Council who had experience in the working of the criminal law, bad livelihood was an offence known to the criminal law. There was not an adult who might not be brought up on a charge of bad livelihood, and the working of the bad livelihood law with strictness, judgment and consideration was about the most important matter for the protection of society in the whole range of the criminal law. He ventured to affirm that there was no matter of such consequence to the interests of the country as the restraint of bad characters. There was no part of India which so much needed it as Bengal proper. There was in no province more bad characters who were at large, or more at liberty to pursue their evil courses, than in Bengal. If that was so in the case of adults, he wanted to know on what reasonable principle could a distinction be made in reference to juveniles. If it was easy to prove before a Magistrate that an adult had grown up as a bad character, then what possible difficulty could there be with reference to juveniles ? He deemed it necessary that there should be no mistake, and therefore he wished to say that he, and those who agreed with him, considered that the omission made by the Select Committee was most unfortunate, and that it deprived the

measure of half its usefulness. He would have moved a substantive amendment, but, he understood, it was doubtful whether it would be supported after such a restriction had been accepted by the Select Committee; and therefore he must perforce content himself with accepting the Bill in its mutilated shape. As far as it went, he agreed with all that had fallen from the Hon'ble mover of the Bill, and he concurred in his anticipations. And he only hoped that, if the present scheme were found insufficient, there would be no hesitation at some future time to extend the measure to those juvenile persons who, although not actually convicted of any crime, were growing up in criminal courses. If he thought there was any chance of the matter being further considered, he would have moved an amendment. He believed it to be of the highest importance, when a Bill was framed on the point now before the Council, namely, the reformation of criminal youth, that it should contain a provision of the kind to which he had referred.

The Hon'ble Mr. HOBBHOUSE said that as His Honour the Lieutenant-Governor had referred to the decision of the Select Committee in terms of dissent, he thought it right—having been one of that Committee who decided to take the prudent and cautious course, which generally led to the success of a new experiment—to say that, whatever opinions there might have been to the contrary, the great body of the local opinions which had been received was most decidedly against any attempt to extend the measure to boys who were not convicted of any offence. He would read to the Council a report which was received from the general Committee of the Justices of the Peace for Calcutta on this Bill, which was only a specimen of the opinion prevailing on the subject. They said:—

“We are of opinion, having regard to the condition of this country, the almost impossibility of European Magistrates understanding the social customs of the lower classes, and, above all, the great difficulty in securing trustworthy evidence, that to pass an enactment enabling a Magistrate to arrest a boy under fourteen years of age, not charged with any offence, and order his confinement in a reformatory for a period varying from two to seven years would be a most arbitrary and unjust proceeding. In this country, children are seldom left in the deserted state which is too often the case in England. Here the ties of relationship are held to be sacred, and any orphan left by its parents in a state of destitution would, as a rule, be pretty certain to be adopted by some near relative.

Surely, for a Magistrate to step in between a child and its parent, guardian or natural protector, and to declare that the child shall be confined in a reformatory jail, and there maintained and educated under the orders of Government for a period varying from two to seven years, is a proposition which cannot be justified by any philanthropic arguments. It may be that, in some exceptional cases, such a course might be for the benefit of the child; but we are unanimously of opinion that a Native child confined with a number of other declared

vicious companions would, in all probability, learn far more vice than if left with its natural guardians. Of moral training it could get but little from the class of persons likely to be placed in charge of such reformatories; besides, to separate morality from the dogmas of religion is not possible, and the question of moral training is therefore surrounded with difficulties which it would be most embarrassing for the Government to deal with.

For these reasons we strongly object to the provisions of section 8, whereby a Magistrate may order a boy, convicted of no offence against the law of the land, to be detained in confinement for a period of not less than two years, and not more than seven years; and we consider that the proposed section will do more harm than good; and, moreover, that any such arbitrary attempt to interfere with the education and training of the Native children of this country would be misunderstood and misinterpreted throughout the land, and might produce serious consequences. We hold, then, that the proposal is wrong in principle, impracticable in working, and, as applied to this country, fraught with political danger."

The Committee had received many arguments of the same kind from different parts of the country. He did not now go into the question whether their arguments were sound or unsound; whether they might or might not be countervailed by other arguments such as those used by the Lieutenant-Governor; or whether, when people had actual experience in the working of reformatories in the case of convicted offenders, they would not look with a more favourable eye upon a Bill which dealt with the case of young persons likely to become offenders. They had here a body of people representing the very class of persons who would have to administer the law, telling them that, in their opinion, the enactment would be utterly opposed to the notions of Indian Society; and he thought it would be inexpedient to pass the law as originally proposed in the face of that opinion. And he might mention that Native opinion was absolutely unanimous in the same direction. Therefore, though he did not profess to know enough of Indian Society to say whether that opinion was right or wrong, what he did say was that, in passing a measure necessarily so tentative, so experimental as this, to begin prudently, to deal first with those subjects in which we could see our way clearest, and in which our action would excite least opposition, was the course best calculated to ensure success instead of failure for the movement.

The Hon'ble Mr. HOPE did not think he ought to allow the occasion to pass without correcting an impression which had been conveyed, perhaps unintentionally, by the remarks which fell from the Hon'ble Rájá Nárendra Krishna, that the important change made in the Bill since it was introduced had been made in consequence of the support of certain members of the Committee, of whom Mr. HOPE was not one. He had only to say for himself that this change met with his concurrence, and, in agreeing to it, he was influenced

by the general representations which had been received from various parts of the country from local officers, and not, as far as he was aware, by any representations made in Committee. There could be no doubt that, as urged by His Honour the Lieutenant-Governor, this alteration did rob the Bill of a large portion of the advantages which, it had been hoped, would result from it. But, at the same time, it appeared to him that the practical difficulties brought to their notice by local officers in different parts of the country were so serious, that they placed beyond their reach the advantage which, more than any other, he would have desired had it been possible to attain it.

The Hon'ble RÁJÁ NÁRENDRA KRISHNA observed that he was of opinion that the Hon'ble Mr. Hobhouse objected to the Bill being passed in its original form.

The Hon'ble SIR ALEXANDER ARBUTHNOT said that, with reference to the remarks which had fallen from His Honour the Lieutenant-Governor, he had very little to add to the reply given by his Hon'ble friend Mr. Hobhouse. As he had said in his opening observations, he believed that there was a great deal of force in the arguments which might be adduced by those who thought with the Lieutenant-Governor on this subject. He himself fully admitted that if the measure could have been enacted, and could have been satisfactorily worked with the general consent of the people—with the general consent of the leaders of Native opinion—it would have rendered the Bill a very much more beneficial measure than it was now likely to be. But he held, as he said before, that this was a description of legislation in which it was eminently the duty and the policy of the Government to proceed with care and with caution, and, so far as was possible, not to go in advance of that which might be required as a fair representation of popular opinion. Now in this matter he was not prepared to say that, if they could take the opinion of the Native community in general, they should find them in favour even of the more modified form of legislation which the Committee recommended this Council to adopt. He gathered that at present there was, if not a positive antagonism, a considerable indifference, and a certain amount of opposition, to the establishment of reformatories for the reclamation of juvenile offenders of any class. There was, he believed, a very general feeling that, even in the case of convicted offenders, the powers which this Bill would give to the judicial authorities of largely enhancing the periods for which juvenile offenders might be detained in reformatories, were open to question. Therefore, he thought it was of the greatest importance that, while they followed the principle of legislation which had been adopted, though in an imperfect form, some fifteen years ago by the framers of the Code of Criminal Procedure—while

they supplemented that measure in such a way as to render it of real utility in regard to the persons at which it aimed—they should for the present go no further. He thought that the fact that the framers of the Code of Criminal Procedure, who he had no doubt had carefully considered this as well as the other provisions of that Code, did not consider it expedient to include any provision in the enactment of 1861 as to unconvicted offenders, was deserving of their serious consideration, and that they, at this time, ought not to decide to go further. The Lieutenant-Governor had said that the question of persons of the particular class to which he referred falling into crime was merely a question of time. These words, “a question of time,” reminded SIR ALEXANDER ARBUTHNOT that in this matter the question of time was one of the essential points. As His Excellency had remarked, they should look forward to the time, and he hoped not a very distant time, when they should be able to carry this legislation further in the direction desired by the Lieutenant-Governor. But he felt persuaded that at the present time it would greatly enhance the unpopularity of the measure, and probably, as his friend Mr. Hobhouse had observed, it would go far to render it inefficacious. He therefore thought the Council would do well to adhere to the Bill in its present limited form, and to pass it in that form.

His Highness THE MAHÁRÁJÁ OF VIZIANAGRAM apprehended there could be no question as to the expediency of the main object proposed by the Bill, namely, the separation of youthful criminals from the evil influences of jails and the training of them to some honest industry. How, having regard to the circumstances of the country, that object might be best attained was another matter, and one in which a perusal of the papers sent round with a copy of the Bill showed that a very considerable diversity of opinion existed. As the measure was confessedly in great part an experimental measure, and approving as he did of the object of the Bill, and seeing that the mode of carrying out that object was the result of a very careful consideration of the opinions of all those whose opinions were of most weight in this matter, he begged to give his vote in favour of the passing of the Bill. If after coming into operation, it were found that the object of the Bill was not well attained by the procedure therein prescribed, he presumed there would be no difficulty in making the necessary change.

There was one point to which he would allude as desirable in his humble opinion, and that was that the education to be given in these reformatory schools should be chiefly in the direction of teaching some handicraft or useful manual industry, rather than mere book-learning. The Bill left these matters to

be dealt with by rules to be framed at the discretion of the Board of Management with the sanction of the Local Government. His HIGHNESS would suggest whether it would not be well to direct by the Bill the course it was desired that the education provided in these schools should take.

The Hon'ble SIR ALEXANDER ARBUTHNOT observed, with reference to the concluding remarks of His Highness the Mahārājā of Vizianagram, that the industrial training of youthful offenders was provided for in the twenty-first section of the Bill, and there could be no doubt that, by the rules sanctioned by the Local Government, adequate provision would be made for that which was one of the main objects of the Bill, namely, the industrial training of juvenile offenders. It was also distinctly provided for in the fifth section.●

The Motion was then put and agreed to.

INDIAN MUSEUM BILL.

The Hon'ble MR. BAYLEY moved for leave to introduce a Bill to provide for the management of the Public Museum at Calcutta. He said that it was but ten years since a Bill with a very analogous title, namely, a Bill to provide for the establishment of a Public Museum in Calcutta, had been introduced in Council, and became law as Act XVII of 1866. The object of that measure was to give effect to an arrangement entered into between the Government of India and the Asiatic Society of Bengal, by which the Asiatic Society gave their valuable collection to form the nucleus of a public museum. It was one condition—he might say the main condition—of this surrender, that a building should be erected to contain their collection and others which from time to time might be incorporated with it. Another provision was that in the same building accommodation should be provided for the Asiatic Society themselves. Measures had been taken to give effect to those conditions, and a building had been erected which was now approaching completion. But it had been found that the accommodation actually provided was not sufficient to give to the Asiatic Society the room that they required without unduly cramping the space required for the exhibition of the collection which had now been accumulated; for, although, as provided by the Act, plans for the building were submitted to, and approved by, the Council of the Asiatic Society, yet the delay which had unavoidably occurred in the construction of the building, and the unexpected growth of the collection, had caused larger demands than had been expected for the reception of the latter. The Government had appointed a Committee to consider how the difficulty could best be remedied, and they recommended that an offer should be made to the Asiatic Society of a sum of Rs. 1,50,000

for surrendering the accommodation to which they were, as above explained by law, entitled. The Council of the Asiatic Society having been consulted, signified their acceptance of this offer. And the object of the Bill he asked leave to introduce was to provide legally for the new arrangement and to cancel the provision which Act XVII of 1866 contained for securing this accommodation in the Museum building to the Asiatic Society. It might have been thought that a simple repeal of certain sections of Act XVII of 1866, notably the twelfth section, would have sufficed to effect this object. But it had been found that many of the minor provisions of the Bill had been framed in reference to that condition, and that it was also desirable to introduce certain minor amendments which the working of the Act had shown to be necessary during the ten years it had been in operation. It was therefore proposed to repeal Act XVII of 1866, and to re-enact it with the omission of the provision to which he had alluded for securing accommodation to the Asiatic Society in the Imperial Museum, and with certain minor amendments, which, as he had said, experience had shown to be necessary. If he got leave to bring in the Bill, he hoped to introduce it at the next meeting of the Council, and then to explain what particular amendments were proposed.

The Motion was put and agreed to.

The Council then adjourned to Tuesday, the 14th March 1876.

CALCUTTA,
The 29th February 1876. }

WHITLEY STOKES,
Secretary to the Govt. of India,
Legislative Department.