

Wednesday, September 2, 1874

ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

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ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1874.

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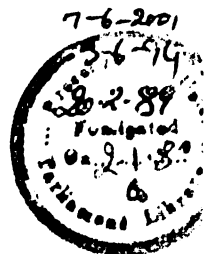
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1875.



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 2nd September 1874.

PRESENT:

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

The Hon'ble B. H. Ellis.

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 J. F. D. Inglis, C. S. I.

The Hon'ble Rájá Ramánáth Tagore.

The Hon'ble J. R. Bullen Smith.

CHIEF COMMISSIONERS POWERS (SYLHET) BILL.

The Hon'ble MR. HOBHOUSE introduced the Bill to provide for the exercise, in Sylhet, of the powers of the Lieutenant-Governor and Board of Revenue of Bengal. He said that, when he moved for leave to introduce this Bill, he explained to the Council the exact extent and tenor of it. But he thought it better to explain it over again, as some time had elapsed since the last occasion, and as he understood that some inhabitants of Sylhet and others were of opinion that this measure was a measure for transferring Sylhet to the Chief Commissionership of Assam. It was nothing so extensive. The transfer was a purely executive operation. By Act of Parliament, the power of transfer was placed in the hands of the Executive Government, and the Secretary of State had decided to sanction the transfer. Therefore, the transfer of Sylhet to the Chief Commissionership of Assam was made by the Executive, and by such transfer the great bulk of the executive administration passed over to the Chief Commissioner of Assam by that Act. The same Act of Parliament that gave power to the Executive to make such transfer, said that, where it happened that any particular jurisdiction was conferred by law or regulation, it should be affected only by law or regulation. There were one or two small matters of jurisdiction which were conferred by some old Regulations on the Board of Revenue and on the Lieutenant-Governor of Bengal by some modern Acts. MR. HOBHOUSE could not undertake to specify what those matters

were. To do so, would necessitate an unlimited search; we should have to search through all the Regulations and Acts. As a specimen, he might mention such matters as the Municipal Acts, under which certain control was reserved in the ultimate resort to the Lieutenant-Governor of Bengal. It would be inconvenient to have this municipal jurisdiction placed in the hands of the Lieutenant-Governor of Bengal, when all other matters would be under the jurisdiction of the Chief Commissioner of Assam. There were a few little things of that kind which required to be transferred by law, and for that purpose we came to the Legislative Council. Mr. HOBHOUSE would describe this Bill as he had described a corresponding Bill which had already been passed into law, namely, as a merely formal matter; because it was only asking the Legislative Council to perfect that which, as to the greater part, was done by the Executive.

Now, he proposed to apply to His Excellency the President for the suspension of the Rules for the Conduct of Business, and if the Council agreed with him as to the purely formal nature of this Bill, he conceived there would be no objection to that suspension. It would be reasonable to suspend the Rules even if this Bill which the Council were about to pass was the first Bill of this kind, and it would be hardly worth while to call the Council again together to go through the various stages of such a Bill. But this was not the first Bill of the kind. The Council had recently passed an exactly similar Bill as to Assam, and the present Bill followed closely in the steps of that former measure. There had been no discussion as to one single word of the former Bill. There was some discussion as to the letters forming one of its words; but with the exception of the alteration of one word as to spelling, there was no dispute. But here we had not even any dispute as to the spelling.

His Excellency THE PRESIDENT said:—"I have been asked, with reference to this Bill, to suspend the Rules which provide that a Bill should be sent to a Select Committee in ordinary cases. I think that the reasons which my friend Mr. Hobhouse has given for the suspension of the Rules in this case are sufficient. The Bill is so short that no examination in Select Committee, or further discussion in Council, can be required.

"As I have recently come from the new Province of Assam, I wish to observe that the inhabitants of Sylhet presented me with a memorial representing certain inconveniences which they believed would result from the transfer of Sylhet from the Lieutenant-Governorship of Bengal to the Chief Commissionership of Assam. As Mr. Hobhouse has very properly

pointed out, the transfer itself is an act of the Executive Government and not of the Legislative Council. The Bill before the Legislative Council simply provides for the transaction of a certain portion of the business after the transfer has been made. The transfer of any district in India from one jurisdiction to another naturally must occasion some inconvenience to the inhabitants of the district transferred. The ordinary channels of business must, to a certain extent, no doubt, be disturbed.

“Hon’ble Members are aware of the reasons for the establishment of the Chief Commissionership of Assam. They are, mainly, that the burden of the government of this great Province of Bengal has been found too heavy even for the very able and distinguished men who, in recent years, have filled the office of Lieutenant-Governor. It cannot, I think, be disputed that it will be a great advantage to the interests of the north-eastern portion of Bengal that a separate Chief Commissionership shall be established. As regards Sylhet itself, the transfer has been so made as to occasion the least possible inconvenience.

“The administration of civil justice will remain as before, with an ultimate appeal to the High Court in Calcutta. It is only the functions of the Board of Revenue, and some other miscellaneous functions performed by the Lieutenant-Governor, that will be transferred to the Chief Commissioner.

“I cannot but think that the inhabitants of Sylhet have exaggerated the possible inconvenience of the change, looking to the small amount of business to be transferred, and I am satisfied that Colonel Keatinge, the Chief Commissioner, in his progress through the Chief Commissionership, will frequently visit the town of Sylhet, where there will be ample opportunity for all those who wish to have personal communication with him to have that communication without being put to the inconvenience of leaving the district. I answered the memorialists that the transfer of Sylhet had been recommended by the Lieutenant-Governor of Bengal, Sir George Campbell; it had been the subject of considerable deliberation both on the part of the Government of India and of the Secretary of State in Council; a petition from Sylhet had been received some time ago, and had been considered by the Government of India and by the Secretary of State. And under these circumstances, it was my duty to inform them that the decision on the subject was final and would not now be disturbed.

“I have said this because I wished to explain to the Members of the Council that the objections to the transfer which I received in Sylhet raised

no new matter, and that the policy of the transfer had been the subject of very careful consideration before a decision was arrived at."

The Hon'ble MR. HOBHOUSE then applied to His Excellency the President to suspend the Rules for the Conduct of Business.

THE PRESIDENT declared the Rules suspended.

The Hon'ble MR. HOBHOUSE then moved that the Bill be passed.

The Motion was put and agreed to.

The Council adjourned *sine die*.

CALCUTTA,
The 2nd September 1874. }

WHITLEY STOKES,
Secretary to the Government of India,
Legislative Dept.