

Friday,
15th December, 1882

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXI

Jan.-Dec., 1882

Not to be taken away.

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ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1882.

VOL. XXI.

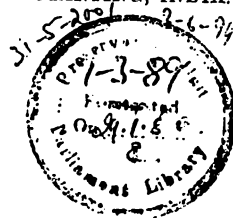
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1883.



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 15th December, 1882.

PRESENT :

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

His Honour the Lieutenant-Governor of Bengal, C.S.I., C.I.E.

The Hon'ble J. Gibbs, C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

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

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble Maharájā Sir Jotindra Mohan Tagore Bahádur, K.C.S.I.

The Hon'ble C. H. T. Crosthwaite.

The Hon'ble Rájā Siva Prasád, C.S.I.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble Sayyad Ahmad Khán Bahádur, C.S.I.

The Hon'ble Durgá Charan Láhá.

The Hon'ble H. J. Reynolds.

The Hon'ble H. S. Thomas.

The Hon'ble G. H. P. Evans.

NEW MEMBERS.

The Hon'ble H. S. THOMAS and the Hon'ble G. H. P. EVANS took their seats as Additional Members.

BIKRAMA SINGH'S ESTATES' BILL.

The Hon'ble MR. ILBERT introduced the Bill to confirm and give effect to an award made by His Excellency the Viceroy and Governor General regarding certain matters in dispute between Sardár Bikrama Singh and the Kapúrthhala State, and moved that it be referred to a Select Committee consisting of the Hon'ble Mr. Gibbs, the Hon'ble Sir Steuart Bayley and the Mover. He said that, when he obtained leave to introduce this Bill, he explained that it was not a Bill of any public or general importance. Its object was merely to confirm and give effect to a certain award passed for settling some family disputes. The circumstances under which the award was made,

the nature of the award and the proceedings which had since taken place were fully explained in the preamble of the Bill, and it was not necessary that he should do anything further except to state that, when he obtained leave to introduce the Bill, the trust-fund to which it related consisted partly of land and partly of money to be invested in land. Since that date the whole of the fund had been invested in land, and the trustees had consequently discharged the duties imposed upon them, and nothing more remained to be done. He was consequently enabled to make the Bill much shorter and simpler than it would have been if it had been introduced when leave was obtained.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *North-Western Provinces and Oudh Government Gazette* in English and in such other languages as the Local Government might think fit.

The Motion was put and agreed to.

EXPLOSIVES BILL.

The Hon'ble MR. ILBERT also moved for leave to introduce a Bill to regulate the manufacture, keeping, sale, conveyance and importation of explosives. He said :—

“The object of this Bill is to provide a comprehensive law regulating the manufacture, keeping, sale, conveyance and importation of explosives throughout British India. The matter was first brought to the notice of the Government in connection with an application made to the Government of Bombay by the agents of Nobel's Explosives Company, Limited, for permission to import dynamite manufactured by that Company. The Government of Bombay referred the question to a Committee, which reported that the expediency of allowing the importation into that Presidency of dynamite and other preparations of nitro-glycerine was doubtful. The Government of Bombay forwarded a copy of this report to the Government of India with a request that the importation of preparations of nitro-glycerine might be prohibited until further notice by a notification under the Sea Customs Act. Before complying with this request, the Government of India thought it well to consult the Governments of Madras and Bengal. In reply, both Governments expressed an opinion that the importation of these explosives should not be forbidden. The Government of Bengal further submitted a draft set of rules to regulate the importation, package, transport and storage of dynamite and

similar substances, with a report which had been prepared by a Committee appointed by the Lieutenant-Governor to consider the entire subject. This Committee, while recommending that the draft rules should be published as rules under the Indian Arms Act, 1878, suggested the enactment of a comprehensive Imperial Act of a similar nature to the English Explosives Act, 1875 (38 Vic., c. 17), which would (I am quoting from the report) 'in a convenient and compendious Code deal with the subject of explosives in its entirety, and furnish the public, as well as Government officials, with an easy means of ascertaining their duties, responsibilities and powers respecting articles which, by their inflammable, explosive or dangerous nature, imperil the public safety.'

"It appears to the Government of India that it would be an abuse of the powers conferred by the Indian Arms Act, 1878, to make under that Act rules of the nature of those submitted by the Bengal Committee. There are, no doubt, powers conferred by the Indian Arms Act which might, at first sight, seem to authorise the making of such rules; but the object to which the rules proposed by the Bengal Committee are directed is altogether different from that of the Act. The object of the Arms Act was to enable the Government more effectually to prevent arms and ammunition (which term, under section 4, includes gun-cotton, dynamite, lithofracteur and other fulminating substances) from getting into the hands of persons who would make a bad use of them. In other words, the main object of that Act was to *restrict* the possession of arms and ammunition. But the main object of the rules prepared by the Bengal Committee is not restrictive. Their object is to *protect* the public against the dangerous nature of the explosives to which they relate by regulating dealings with those explosives. If they are restrictive, it is only so far as is necessary to carry out their protective object. Under these circumstances, it appears to the Government that the proposed rules could not properly be published under the Indian Arms Act, 1878.

"Nor does it appear that there is any other enactment, as the law at present stands, under which rules of the nature of those prepared by the Bengal Committee can be issued. Under the existing law, the only enactments relating to this subject are to be found in various fragmentary provisions, dealing with gunpowder and fireworks only, which are in force in the Presidency-towns and in certain municipalities and ports. It appears to the Government that it is unsatisfactory that the law should be in this state at a time when dynamite and other compounds of nitro-glycerine are rapidly taking the place of gunpowder in all works where blasting is necessary. These explosives have already

been used to a considerable extent in connection with various works undertaken both by the Government and by private enterprise throughout India; and it is only natural to suppose that, as their superiority to gunpowder becomes more widely known, their use will increase.

“Under these circumstances, the suggestion of the Committee that an Act drawn on the model of the English Explosives Act, 1875, and dealing comprehensively with the whole subject of explosives, should be added to the Indian Statute-book, has recommended itself to the Government of India as being the only satisfactory method of treating the subject. Accordingly, the present Bill has been prepared. It embodies such of the provisions of the English Act as are, in the opinion of the Government, necessary in this country. In addition to the omission from the Bill of certain provisions of the English Act, the Bill further differs from that Act in that, in accordance with the well-recognized principle of Indian legislation, it confers power on the Local Governments to provide, by means of rules adapted to the varying local circumstances of the provinces under their administration, for many points for which there are specific provisions in the body of the English Act.”

His Honour THE LIEUTENANT-GOVERNOR said: “I quite agree, my Lord, that early legislation upon this subject is very desirable. I speak under correction, but I think the rules proposed to be adopted by the Committee under the Arms Act, which my hon’ble friend Mr. Ilbert referred to, were under action taken by the late Lieutenant-Governor, Sir Ashley Eden. The recommendation of that Committee was based on the conviction that early measures of a protective character were necessary, and as much time would elapse before recourse could be had to legislation, it was thought that rules under the Arms Act were the only possible way of securing some means of protection in the importation and transport, through the port of Calcutta, of admittedly very dangerous explosive articles. I concur in the view expressed by the Hon’ble Legislative Member that it is not expedient or right to frame such rules under an Act passed for a different purpose; but I would mention that, for the security of the port, the Bengal Government has already had to take action to prevent ships carrying dynamite and other such explosives for approaching the limits of the port, and it is very necessary that no time should be lost in passing an enactment to regulate the importation, transport and warehousing of such articles.”

The Motion was put and agreed to.

SUNDRY BILLS.

The Hon'ble MR. ILBERT also moved that Major the Hon'ble E. Baring be added to the Select Committees on the following Bills:—

To amend the law relating to Merchant Shipping.

To give power to arrest persons whose evidence is needed under Act XII of 1859.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Hon'ble Mr. Thomas be added to the Select Committees on the following Bills:—

To amend the law relating to Merchant Shipping.

To give power to arrest persons whose evidence is needed under Act XII of 1859.

To amend the Indian Railway Act, 1879.

The Motion was put and agreed to.

BURMA LABOUR LAW REPEAL BILL.

The Hon'ble SIR STEUART BAYLEY moved for leave to introduce a Bill to repeal the British Burma Labour Law, 1876. This law, he said, was passed in 1876 with the object of establishing a system of State emigration for Burma, and it was originally framed very much on the lines of the Assam Emigration Act, with this difference, that the contracts, instead of being made with private individuals, were to be made in the first instance with the Government, and the Government was afterwards to distribute the labour. It provided for the appointment of emigration agents at ports and the establishment of depôts, and also for the punishment of people who endeavoured to recruit without a license under the Act. A certain amount of action was taken under the law, an emigration agent was appointed at Coconada and a few emigrants went to Burma; but at the end of a few years the law was found to be a dead failure. The office of emigration agent was abolished, the depôt was sold by auction, and no further attempt was made to carry out the Act. But, side by side with this system of State emigration, there was, both before and after, and during the continuance of that action, a system of labour emigration continually going on from Madras to Burma under private arrangement. A certain number of labourers was collected, their passages were paid, advances were given to them

and those engaged in the business took their chance of recovering the outlay from the wages of the labourers. This system practically only applied to Rangoon and the large coast towns, but not to the interior of the country. It had grown to considerable dimensions, and was still being carried on satisfactorily. No complaints had been made either by the Burmese or by the Madras Government, nor by the parties to the contract. But last year an officer in Madras discovered that this system of emigration was illegal; a case was tried there, the persons concerned were fined and the matter was referred to the High Court. The High Court decided that it was illegal, because the recruiter held no license. He could not have a license, because there was no emigration agent to grant one. The Madras Government, however, were of opinion that the Act was never intended to have that effect, that it referred only to State emigration, and not to private emigration, which had been going on there for years. On a reference to the Chief Commissioner of British Burma, he strongly supported the view taken by the Madras Government, and he subsequently wrote very strongly that private emigration should be allowed to go on, because he found that the importation of labour from Madras, which was largely resorted to in connection with the construction of the Sittang Railway, was seriously impeded under the existing law; and he recommended that the existing law, Act III of 1876, should be repealed. The Madras Government fully approved of the proposed repeal of the law. They recommended that the law should be abolished, and that section 3 of the Madras Act, which it repealed, should be revived. That section simply provided a penalty for recruiting people by fraud, violence or whilst in a state of intoxication. The Government of India decided that this was unnecessary, as the provisions of the Indian Penal Code were sufficient to punish the commission of such offences. The Government of India were on principle opposed to the re-enactment of such a shred of legislation; the Government of Madras accepted that view, and it was therefore determined to introduce the present Bill.

His Honour THE LIEUTENANT-GOVERNOR said: "The Act of 1876, my Lord, was a very unnecessary one, and should be repealed. It was passed under the mistaken idea that the Government should intervene to control and direct emigration from India to Burma, and in the hope that the action of Government might lead to the settlement of coolies in the province. The fact is that the demand for labour there at special seasons is amply supplied by the perfectly voluntary emigration which sets in from both Madras and the districts of Bengal adjoining Burma. These men, however, only go to Burma for a short season, and, having obtained very large wages during their stay, they return to their homes enriched with their spoils. They confer no

permanent benefit upon the province. The attempt of Government, however, to control it has made no improvement. It cost the Government a good deal of money, and did not for a moment check the voluntary emigration which went on side by side with it. And it is certainly much better that the voluntary system should continue; and it is in this direction the present Chief Commissioner, Mr. Bernard, is acting, in promoting, as much as he can, voluntary emigration, by enabling the steam companies to carry over emigrants at a cheaper cost."

The Motion was put and agreed to.

DEKKHAN AGRICULTURISTS' RELIEF ACT, 1879, AMENDMENT BILL.

The Hon'ble MR. HOPE presented the Report of the Select Committee on the Bill to amend the Dekkhan Agriculturists' Relief Act, 1879.

RULES OF BUSINESS.

The Hon'ble MR. ILBERT gave notice of his intention to propose certain amendments of the Rules of Business which had been passed under the Indian Councils Act. He said that a draft of the proposed amendments, with a Statement of the Objects and Reasons for which they were proposed, had, he believed, been circulated among hon'ble Members of Council. But as these proposals only formed part of a general scheme for giving greater publicity to legislative measures, it would perhaps be convenient that he should take this opportunity of stating what the Government of India had done, what they were doing and what they were proposing to do in furtherance of this policy. It was doubtless in the remembrance of those present that, in the course of one of the debates which took place in the early part of this year, Mr. Plowden, who bade them farewell at the last meeting, and whose absence they all regretted to-day, called attention to the inadequacy of the existing arrangements for giving publicity to Bills brought into Council. His remarks were taken up by the Press and gave occasion to some interesting and suggestive articles and letters in the newspapers; amongst which he might be permitted to mention an article in the *Hindoo Patriot* of February the 13th last, and a letter written by a Native correspondent to the *Pioneer* of February the 25th. The subject was not overlooked by the Government of India, and on his arrival at Simla, at the end of April, he found that it was under the consideration of the Legislative Department. At that time, the legislative machinery of this country was entirely new to him, and he was anxious in this, as in other matters, to gain some practical knowledge of the working of the

system before committing himself to proposals for its amendment. Accordingly, he pleaded guilty to being personally responsible for any delay which had occurred in taking action on the subject. The most important conclusions at which the Government of India ultimately arrived were embodied in a circular letter from the Secretary to the Legislative Department, which was issued on the 8th September last, and to which the widest publicity had been given. That letter began by observing that more direct steps were already taken by the Government of India than were taken in England to make the Bills before the legislature known to the public. In Bengal and, it was believed, in other parts of India, the Vernacular Gazettes were sent to all the Courts, and were there read by the pleaders and mukhtárs. Public bodies of weight or influence were consulted on Bills of importance. Besides the large associations to which the Local Government referred direct, there were local associations which the District Officer usually consulted. Every District and Sub-divisional Officer was expected, not only to express his own opinion, but also to ascertain the opinions of the Natives around him; and, as a matter of fact, the papers which were printed regarding important Bills commonly contained many valuable opinions from Native associations and from individual Native gentlemen. The letter went on to remark that it must be borne in mind that some of the most important Bills which came before the Council, and, in particular, measures like the great codifying Bills in connection with which this question had arisen, were, no matter how clearly they might be drafted, of such a nature that, even with the aid of the fullest explanations, none but experts could hope to master their contents sufficiently to offer any useful criticism on them. Similar measures met with but little criticism in England outside professional circles, and in India the prospect of obtaining useful criticisms on measures of this class was much diminished by the difficulties of translation, to which reference was subsequently made. Perhaps he might be allowed to confirm the last remark from his own experience. Amongst the measures which had engaged the attention of Parliament during the last two years, some of the most important were two Acts passed at the instance of Lord Cairns—one for the amendment of the law of conveyance and the other for the amendment of the law relating to settlements of land. The first of these measures had made important alterations in the practice relating to the transfer of landed property; in regard to the second, it was not too much to say that it materially affected the position and powers of the landed gentry throughout the whole of England. Yet neither of these measures met with much general criticism. Their provisions were, to the best of MR. ILBERT'S belief, criticised by no one outside the ranks of professional lawyers, and by very few of them. The Criminal Code Bill, which had not yet become law, had been a good deal more talked about, but the amount of

serious criticism which it had undergone, and the number of those who had taken the trouble to master its provisions, was extremely small. Hon'ble Members knew that it was very easy to talk about matters of this kind without any great knowledge of the provisions of the Bill. He very much doubted whether any one who was not a lawyer had turned over its pages. He did, indeed, remember seeing a clever little pamphlet entitled "Thoughts on the Criminal Code Bill by a Habitual Criminal," but he suspected that the gentleman who so described himself was a member of the profession to which MR. ILBERT himself had the honour to belong. The truth was, that codifying measures of this description were, as a rule, very seldom read; although they were, doubtless, consummate works of art in their way, they were extremely dry reading; and no one, so far as his experience went, took the trouble to read them except under the pressure of dire necessity. Accordingly, he had no reason to expect that measures of this kind would ever constitute a popular form of literature either among the criminal or among the non-criminal classes.

To return to the circular letter. After these prefatory remarks, which were made, not for the purpose of minimizing the importance of the subject, but for the purpose of guarding against exaggerated notions of what the Government proposed to do, the letter went on to suggest certain practical changes.

The first of these related to the Statement of Objects and Reasons. One suggestion was that a fuller and more popular Statement of Objects and Reasons might be published, showing why the measure was required, and giving a short history of the circumstances which had led up to it, and an explanation of the effect it was likely to have on the subject-matter and on the people. They had done their best in the Legislative Department to give effect to this proposal, and to make not only the Statements of Objects and Reasons but the Reports of Select Committees fuller and more popular in form than was formerly the practice, and, so far as was consistent with the nature of the subject, to make them clear and intelligible to the ordinary unscientific mind. The draftsman of a Bill always had to steer between the Scylla of the judicial Bench and the Charybdis of the public. If he aimed at a popular style—if he tried to express the intention of the legislature in popular language, the language of everyday life—he was sure to be told by the Bench and the Bar that he was prolix, that he was inaccurate and that he was wanting in precision. If, on the other hand, he aimed at scientific accuracy and precision, he was informed by the public that he was crabbed in style, and that he was obscure and unintelligible. To escape altogether from this dilemma was impossible, but perhaps the best plan would be to provide a technical text for the official and professional classes and a popular

commentary for the public, and that was what the Legislative Department had attempted.

The next subject to which the letter directed attention was that of translation, and here there was a serious difficulty inherent in the subject which could not be entirely removed. Any one who had attempted it would acknowledge that it was hard enough to give an adequate rendering of English legal terms in French or German, or of French or German legal terms in English. But it was infinitely more difficult to translate such expressions accurately into languages where not only the modes of thought and forms of expression were further removed from English than in the case of European languages, but the requisite scientific terminology was either altogether wanting, or was so defective that the vocabulary had to be supplemented with unfamiliar and artificial importations from the Arabic or Sanscrit. They could not, under these circumstances, hope to make translations which were altogether satisfactory. All that could be aimed at was to make them as accurate and as intelligible, not only to experts, but to the ordinary public, as the circumstances of the case would admit, and steps were being taken to effect that object. In the first place, arrangements had been made to test the accuracy and intelligibility of the translations which had already been made of Bills and Acts; secondly, the Local Governments had been applied to for information as to the machinery which they employed for making translations, with the view of considering whether it was possible to make any improvements in that direction; and thirdly, it was proposed to utilise to a greater extent than at present the labours of the Translation Branch of the Legislative Department.

Assuming that the objects aimed at had been sufficiently explained in English, and that provision had been made for tolerably satisfactory translations into the vernaculars both of Bills and of the accompanying documents, the next question was, how all these documents could be brought to the notice of the persons whose opinion it was desired to elicit. That was a point on which the Local Governments would be consulted, both as to the machinery for distribution, and as to the persons and associations to whom those documents were to be supplied. In the meantime, it was proposed generally that, when a Bill had been introduced, the Bill itself, the Statement of Objects and Reasons and, whenever it appeared necessary, the speech made by the Member in charge when he moved for leave to introduce the Bill or when he introduced the Bill, should be printed in a separate form on cheap paper, so as to be available, with the translations, for gratuitous distribution to the Press, and to such municipalities, local boards and associations interesting themselves in public questions as was considered desirable. It was also proposed that these papers

might be made available for perusal without fee at court-houses and kachahris, and that they should be sold at a low price to the public. Steps had been taken to ascertain how cheaply they could be published and sold. MR. ILBERT could not speak positively at present, because the necessary inquiries had not been completed; but he thought the Government of India saw its way to supply to any person or association, who might be willing to subscribe, copies of all Bills, Statements of Objects and Reasons, Reports of Committees and Reports of Debates in the Council at what he thought would be admitted to be the very reasonable rate of two rupees a year.

Supposing that as much publicity as was practicable had been given to the proceedings of the Council, the next question was how they could best secure that such criticisms as were offered should duly reach the Council and not be overlooked. It was hardly necessary to say that, without the light afforded by external criticism, every legislative proposal was, and must be, to a great extent a leap in the dark. Experience showed that legislative proposals could not be effectually or thoroughly considered until they had been reduced into the form of Bills, and that, until a Bill had gone through the ordeal of external criticism, its draftsman, however skilful and experienced he might be, must feel uncertain that he had attained the object which was desired. What the Government desired to know was whether they had succeeded in making their meaning sufficiently clear; whether they had provided for all matters for which it was necessary that provision should be made; whether their proposals were consistent with each other, harmonious with existing legislation and adapted to local requirements; whether they had omitted to make any provision which was required for the effectual working of the Act; whether any of their proposals were likely to produce effects which they neither contemplated nor intended. To put the matter shortly, they wanted to know two things:—First, whether the machinery which they had devised was likely to work; and secondly, to change the metaphor, where the shoe was likely to pinch. For information on the first point, they naturally turned to the official classes, to the officers who would have to administer the law and to the Judges who would have to expound it. They had freely availed themselves of their privilege of consulting this class on all the larger measures which were brought into Council, and in so doing they were compelled to levy heavy contributions on their valuable time. The only way in which they could repay the debt was by taking care that their suggestions should not be overlooked. The second point on which information was desired was one of equal importance, but far more difficult to obtain. What they wanted to know was, not only how the Bill would work, not only what was thought of

it by those who would work it, but the effect the Bill would have on the persons on whom it would operate. They wanted to find out what were the feelings and the expectations, the apprehensions and the impressions, not of those who were to administer the law, but of the people on whom the law was to operate, and whose interests and whose welfare it must, for good or bad, intimately affect. Something was to be learned on these points from sympathetic and experienced officials, who had lived among the people and had acquired some knowledge of their ways and modes of thought: something more could be learnt from influential and representative associations, such as the British Indian Association, the Puna Sarvajanic Sabha and others, though it must always be borne in mind that such associations represented not so much the public at large as the views of particular classes and interests. But, after making due allowance for all such sources of information, their best source of information was, and must be, the public Press. They all knew that the Press was by no means an infallible guide; that it was sometimes misleading, inasmuch as it was apt to be the mouth-piece not of the public, but of a particular class or set of interests. But after all, and making due allowance for all this, it was almost the only voice that spoke to them from outside the charmed circle of officialism, and therefore it was a voice which the Government could not afford, and certainly did not desire, to disregard. Accordingly, attempts were being made to watch more closely than heretofore the comments in the Press, both English and Vernacular, and the Government of India had requested that those who were responsible for compiling the weekly extracts from the vernacular newspapers should pay special attention to any comments in these papers on matters connected with pending legislation; and they had arranged that, in certain cases, full abstracts from newspaper articles should be circulated to members of the Legislative Council in the same way as official communications were now circulated. He had no doubt that members of Council had already observed that the number and bulk of the papers with reference to published Bills had materially increased owing to such abstracts.

The next point to which reference was made in the letter was the possibility of making some amendments in the Rules of procedure, and that was the point to which MR. ILBERT'S notice specially referred. But, before touching upon that, he should like to say a few words on one other subject. So far they had been considering only Bills which were destined to become Acts. But there was a great deal of legislation which affected the interests of the public as intimately as—he was inclined to think, even more intimately than—the Acts either of the Governor General in Council or of the local legislatures. What he refer-

red to were the numerous notifications, rules and regulations which were made from time to time either under executive authority or under the authority of a particular Act. The existing practice with reference to these rules was that, when they were made, they were published in the local official Gazette or in the *Gazette of India*, as the case might be. It appeared to the Government of India that, in the case of legislation of this kind,—for it was legislation,—it was as important as in the case of Bills that opportunity should be given for external unofficial criticism before the rules had been finally settled. The Government had accordingly recommended that any rule, regulation or notification which affected the outside public, whether made under executive authority or under the authority of an Act, should, before being issued by the Local Government or Administration, and, where sanction was required, before being submitted for the sanction of the Governor General in Council, be published as a draft, with the view of ascertaining whether any valid objection could be taken to it. In making this recommendation, it was proposed to follow an English precedent, which was precisely in point. Under numerous Acts of Parliament, power was given to bodies like Railway Companies, Harbour Boards, Municipal Councils and the like to frame bye-laws which were binding on particular sections of the public. Where powers of this kind were conferred by modern Acts of Parliament, it was almost uniformly the case that the power was conferred with a proviso that, before the bye-law was submitted to the confirming authority, it should be published as a draft in such a manner as might appear necessary to bring it to the notice of the class of the public likely to be affected by the bye-law. The mode of publication usually required was that the bye-laws should be inserted as advertisements in two or more local newspapers circulating in the district to which they related, and that copies should be posted up during a specified time in certain public offices, as well as in the town hall and other public buildings where they were likely to attract attention. Of course, that precise mode of publication might not be found suitable in India, and the Government would have to consider what was the best mode to adopt for the purpose of securing the end in view.

Now, he turned to the proposals which had been made for amending the Rules of Business. Criticisms had been passed on the existing procedure to the effect that, under that procedure, sufficient time for consideration was not allowed after the introduction of a Bill, especially to those who were dependent on translations, which could not be brought out until some time after the introduction of the Bill, and it had been suggested that a Rule of Business should be framed which would preclude the Select Committees, to which all Bills of any importance were referred, from reporting on a Bill until a specified

period had elapsed from the date of its publication in the vernacular languages. Any such hard-and-fast rule would, it was feared, be altogether unworkable. The time to be allowed in each instance must depend upon all the circumstances of the case; but, with a view to imposing a check upon over-haste, it was proposed to introduce into the 24th of the Rules of Business a provision to the effect that, when publication in the vernacular or in the local Gazettes had been ordered by the Council (as it always was in the case of any Bill in which the people were interested), the Select Committee should in their report state the date on which the Bill had been published in each language and Gazette. The result of this would be that, if in any case the Committee proposed to proceed with a Bill before any particular section of the community had been allowed the time to form its opinion which would ordinarily be considered sufficient, the fact would be brought prominently to notice, and some special grounds of urgency would have to be adduced in support of the course proposed.

Another point to which reference was made in the letter of the 8th September related to the republication in the vernacular as well as in English of Bills which the Select Committee considered had been so amended as to need republication. As regarded this point, Mr. ILBERT ought to state that, though the Rules of Business contained no express provision respecting it, the more important Bills were at present republished in vernacular as well as in English. The only question was whether this practice should not be extended.

It would seem right, as a general rule, that, when a Bill was of such a nature that the Council thought it necessary to order it, on its introduction, to be published in the vernaculars, and the Select Committee thought it had been so altered as to require republication, there should be a republication in the vernacular languages as well as in English. But this was not always so. It occasionally happened that the alterations in a Bill which led the Committee to recommend its republication were alterations merely in drafting or in matters of procedure, and that republication was recommended, not because the interests of any persons concerned were supposed to be affected, but simply because, owing to the complication of the subject, or to the danger of there being some flaw which would cause a hitch in the working of the Bill as amended, it was thought desirable to submit it once more to the judgment of experts. In a case of this sort, a republication in English was obviously all that was required.

In this case also, it had been thought impracticable to lay down any hard-and-fast rules, and the requirements of the case would probably be best met by adding to the twenty-fourth Rule of Business a provision to the effect that, when the Committee recommended the republication of a Bill originally published

in a vernacular language, the republication should, as a rule, take place in the vernacular as well as in English, and that, if in any case the Committee did not consider republication in the vernacular to be necessary, they should give their reasons for that opinion in their report. The clauses it was proposed to insert laid down a similar rule regarding republication in local Gazettes, a matter to which the same considerations appeared to apply.

Lastly, it had been suggested that, when a Bill came to be "taken into consideration," whether it had been dealt with by a Select Committee or not, the President should have power, in any case in which such a course seemed to him desirable, to submit the Bill to the Council section by section, as was done in Parliament in Committees of the whole House. The discretion as to whether this course should be adopted or not would rest with the President, who would determine whether the Bill was of such a kind as to require it or not. There was no doubt that the adoption of this course would take up time, but this objection, it was thought, would be more than outweighed by the advantage gained in affording a better opportunity than at present existed for explaining to the public the details of a measure and the real meaning of its separate provisions. Members of the Council would, where a Bill was dealt with in this way, have more means than they now possessed of asking questions upon points of detail, and the Government would be able to give more ample explanations than it was possible for them to give under the ordinary procedure.

His Excellency THE PRESIDENT suggested, that it would perhaps be both more regular and advisable that the Council should not enter into any discussion of the points raised by Mr. Ilbert on the present occasion. His Hon'ble friend had given a very clear explanation of the proposals of the Government on the subject, and HIS EXCELLENCY himself would, therefore, at present abstain from making such remarks as he might be inclined to make at a later period. He thought that it would be better that members of Council should take time to consider Mr. Ilbert's proposals, and that a subsequent stage, after a certain amount of discussion had taken place on them in the Press, and the public had an opportunity of considering them, would present a more fitting occasion for the expression of the views of members on those proposals.

The Council adjourned to Friday, the 22nd December, 1882.

CALCUTTA ; The 15th December, 1882.	}	D. FITZPATRICK, <i>Secretary to the Government of India,</i> <i>Legislative Department.</i>
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