

Friday, May 19, 1871

**ABSTRACT OF THE PROCEEDINGS**

**COUNCIL OF THE GOVERNOR GENERAL OF INDIA**  
**LAWS AND REGULATIONS.**

**VOL 10**

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**PL**

*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.*

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The Council met at Simla on Friday, the 19th May 1871.

P R E S E N T :

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

His Honour the Lieutenant-Governor of the Panjáb.

The Hon'ble John Strachey.

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

The Hon'ble J. Fitzjames Stephen, Q. C.

The Hon'ble B. H. Ellis.

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

The Hon'ble F. R. Cockerell.

GENERAL REGULATIONS AND ACTS (DEHRÁ DÚN) BILL.

The Hon'ble MR. COCKERELL introduced the Bill to bring the Dehrá Dún within the operation of the General Regulations and Acts, and moved that it be referred to a Select Committee with instructions to report in a fortnight. He said that the tract of country called the Dehrá Dún originally formed part of the territory ceded by the Nepaleese to the British Government in 1815.

By Regulation IV of 1817 this tract was annexed to the district of Saharunpúr, and thereupon became subject to the General Regulations in force in that district.

It was subsequently, by Regulation XXI of 1825, detached from Saharunpúr and transferred to the jurisdiction of the Commissioner of the Non-Regulation Province of Kumaon. That enactment also expressly provided that the Regulations should cease to be in force in the Dún upon its incorporation with Kumaon.

By Regulation V of 1829 the Dún was separated from Kumaon, and it would appear to have been assumed that the effect of such separation was to relegate that tract to its former status, previous to the passing of Regulation XXI of 1825, by which it was detached from Saharunpúr.

However that might be, for about forty years the administration of justice had been carried on in the Dehrá Dún on the supposition that the General Regulations and Acts were legally applicable to that tract.

The ruling of the High Court at Allahabad in the case of Dick v. Heselstine, in effect declared the whole of this procedure to have been illegal, inasmuch as Regulation V of 1829, which contained no provision in regard to the law in force in the Dehrá Dún, could not be held to authorise the revival of the operation of the Regulations which had been expressly made to cease within that tract by Regulation XXI of 1825.

This decision of the High Court necessitated recourse to legislation ; and it was originally proposed to effect the formal extension of the Regulations and Acts to the Dehrá Dún by the Bill to 'declare and consolidate the law relating to the local extent of the General Regulations and Acts,' which was introduced into this Council in February of last year.

From various causes there had been considerable difficulty and consequent delay, and still further delay was anticipated, in the adjustment of the details of that measure. Meanwhile, the existing difficulty as regards the law in force in the Dehrá Dún, demanded early remedial action.

This Bill was brought forward, therefore, as an *ad interim* measure for curing the invalidity of the proceedings of the local courts and officers exercising jurisdiction within the Dehrá Dún, by giving legal confirmation to the application of the General Regulations and Acts to that tract retrospectively.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill to bring the Dehrá Dún within the operation of the General Regulations and Acts :—The Hon'ble Messrs. Strachey and Stephen and the Mover.

The Council adjourned to Friday, the 26th May 1871.

H. S. CUNNINGHAM,

SIMLA; }  
The 19th May 1871. }

Offy. Secy. to the Council of the Governor  
General for making Laws and Regulations.