

Thursday, October 12, 1871

**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 under the provisions of the Act of Parliament 24 & 25 Vic., cap. 67.*

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The Council met at Simla on Thursday, the 12th October 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 Excellency the Commander-in-Chief, G. C. B., G. C. S. I.

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.

The Hon'ble R. E. Egerton.

His Highness Sarámade Rájáhée Hindústán Ráj Rájendra Srí Mahárájá  
Dhiráj Sivái Rám Sing Bahádúr, of Jaypúr, G. C. S. I.

CRIMINAL TRIBES' BILL.

The Hon'ble MR. STEPHEN moved that the report of the Select Committee on the Bill for the registration of Criminal Tribes and Eunuchs be taken into consideration. He said that the Bill had been for some time before the Council, having been introduced as long as a year ago, and that, as its provisions affected only the northern States of India, there appeared to be no objection to passing it in the Panjáb, one of the provinces principally concerned, and the chief officers of which were members of the Council. The Bill had been considered with great attention, and it had in its present form substantially received the approbation of the various Local Governments to which it had been submitted. The Bill had several objects in view. It was unnecessary to dwell again on the unfortunate state of things at which it was levelled. In dealing with the matter the Committee had been alive to the fact that, in any measure of the sort, it was difficult not to confound the innocent with the guilty, and to avoid entrusting to unfit depositaries of power the means of exercising oppression. Still the object in view rendered it worthwhile to run some risk.

He might give the Council one or two instances which would explain the nature of the evil and the absolute necessity for legislation. A report had been received early in 1870, from the Superintendent of Operations for the Suppression of Thuggee and Dacoity, as to the habits and proceedings of one of the principal of the criminal tribes—the Meenas at Shajanpūr—from which he would, with the permission of the Council, read one or two extracts:—

“It is a fact that Shajanpūr is inhabited almost exclusively by Meena plunderers. As many as five hundred adult Meenas have habitation there, and distant robbery is notoriously their profession and their livelihood. Their houses are built of substantial masonry, some with upper stories to them and with underground passages; fine wells have been constructed at their own expense; the land they cultivate, and for which they duly pay revenue, yields no more than would be sufficient for a fourth part only of the population,—men, women, and children combined,—which the number of their adult males represents; they maintain fleet camels, some of which may be found secreted in their premises in readiness for an expedition, or but now arrived from some unknown raid. Cows, buffaloes and goats are among their possessions; they live amid abundance, and they want for nothing; their festivals of marriage and other ceremony, whether of joy or solemnity, are attended with lavish expenditure. Flesh is their food, and liquor their potation. Trinkets of gold and silver and fine dresses adorn, on pleasure days, the persons of their females. Gold and coral necklaces, earrings and good turbans, are the display of the men; bracelets and frontlets studded with various coins, the ornaments, and party-coloured garments the apparel, of their children. Music and every requirement without stint form the accompaniments of their feasts; revelling and quarrel mark their termination: plenty they have, plenty they spend, and plenty they bestow, and there is no end to their charity.”

Another officer describes their villages thus by way of explaining the desperate and successful resistance which they were enabled to offer to the police who wished, on a particular occasion, to arrest a criminal:—

“The Meena quarters of Shajanpūr is divided into plots, and round each of these is a thorn hedge, some twelve feet high, piled up purposely to prevent passers-by from observing what is going on inside. Every plot contains some twenty or thirty houses, and round each of these again is a thorn hedge, with openings here and there to enable the inmates to escape into the adjoining premises in case search is being made for them.”

A case which occurred at Ajmere showed the nature of the operations of these men and the impossibility of dealing with them satisfactorily under the present law. The Superintendent said:—

“Three gangs of Meenas, numbering in all fifty-seven men, were detected simultaneously quartered in different parts of that city with the connivance of certain members of the local police and of some chaprásis on the establishment of the Magistrate of the district according to the following account as furnished in the Dacoity Statements for British districts submitted by me in the Home Department:—A large number of Meenas was

arrested at Ajmere by the local police in December of the year, the most of whom were convicted by the Deputy Commissioners of "unlawful assembly." They were examined soon after by the approvers of the Thuggee and Dacoity Department. At that time only a few of them were recognized, *the operations against the Meena tribe being then but new, and no more than two approvers as yet admitted*; but several of them have since been registered as dacoits. The men who composed these gangs were, at the time of their arrest, on an expedition of dacoity lower down the country. They had come down from Shajanpūr in the British district of Goorgaon near Delhi, and from the Ulwur and Jaypūr States, and had stopt at Ajmere for want of funds, intending to commit dacoity there by which to recruit them. They had already committed two dacoities in contiguous territory (the plunder in those robberies, Mr. Stephen observed, was valued at Rs. 24,000), and had marked down the house of a mahajan in the city of Ajmere which they would next have plundered but for their opportune arrest by the district police.'

"The Deputy Commissioner of the district sentenced the whole of these men to rigorous imprisonment for seven years, and they had been transferred to the Agra Jail to undergo that punishment, when the case was reviewed by the High Court at Agra upon petitions presented by three men of the local police force who had been convicted of aiding and abetting them. The Judges recommended the remission of the sentences of the entire number on the ground of wrongful imprisonment without any legal or sufficient evidence of guilt, which, after some further local enquiry, was complied with by the Government of the North-Western Provinces. Owing to our having then only recently taken up operations against the Meenas, and to the acquaintance with Shajanpūr Meenas on the part of our two only approvers being very limited, the evidence which this Department was able to produce against these persons was of little moment, further than that all or nearly all of the arrested parties were declared to be *Meenas*, and that several of them were *Meenas of Shajanpūr*. But the Police Constable who conducted the Meena roll-calls and the Lambardār of Shajanpūr, were able to claim several of them as residents of that place, of whom they pointed out *five* to be Meena leaders, and three of these (Gara, Sadasookh and Sheolall) have since become known to us as important leaders, against whom several dacoities have been registered by members of the tribe since admitted as approvers.

"The Judges observed that the then recent *Fenian trials* in Ireland, held before a commission of three Judges, afforded examples of the course which ought to have been pursued in the present case, in which a large number of persons were similarly simultaneously charged with the same offence. The charge upon which the present prisoners were arraigned was *assembling and making preparation to commit dacoity*, and the Deputy Commissioner of Ajmere, who tried the case, considered that charge to have been fairly substantiated against them. But the Judges, on the ground that it had not been satisfactorily shown that all were *Meenas* (this fact Mr. Stephen observed was afterwards, according to the Superintendent, satisfactorily proved), and that it was not a crime to be a Meena, nor a proof of a crime, held that the mere fact of their being congregated in Ajmere and having some of them swords and others sticks, or a few camels and horses, was not sufficient for their conviction under the particular laws under which they and their abettors had been tried. By *making preparation* they considered that the Indian Penal Code intended something more than the mere *assemblage* of persons for the purpose of committing dacoity, and that proof was necessary of some *arming or equipment* for the special purpose of committing dacoity, or some other act besides *the mere assembling*,

having as its object the perpetration of dacoity, of which, in their opinion, there was no evidence, or that the different parties of Meenas had any common *felonious* object in assembling at Ajmere. An acquaintance with the habits of such criminals would have disposed me to reply to these observations that dacoits certainly *assemble* preparatory to committing dacoity; that, to preserve secrecy, they naturally conceal their weapons near the scene of the intended crime, or put them away somewhere they might be readily found; and that they are generally only *armed* when actually perpetrating the offence. And, further, that the fact of these men secreting themselves in different parts of a city *at so great a distance from their homes*, unable, when discovered, to give any satisfactory account of themselves, those who were recognized being ascertained to have changed their names, their castes and their places of residence, was of itself a fair proof of no *good* intention; and that, considered with the circumstance that it was well known that Meenas were habitual dacoits, *their being away from their homes in a body*, was a reasonable-enough proof of *felonious* intent when taken with the other circumstances under which they were detected."

Such was the state of things with which the Legislature had to deal—armed parties of criminals living in fortified villages, going about systematically to commit acts of violence. Could there be a doubt that Government was absolutely bound to deal expressly with such a case?

How then were they to deal with it? It was the rule of the Legislative Department not to initiate measures of general administration,—and the department had not done so, and did not intend to do so, in the present instance; but this report and other authorities, to which he (MR. STEPHEN) had referred when the Bill was introduced, had called their attention to the fact that a great evil existed, and that the law was not only too weak to cope with it, but had actually put a stop to the measures, weak, though beneficial, as far as they went, which the Executive Government had devised for its suppression. Both in the Panjáb, Oudh and the North-Western Provinces, systems of registration and roll-call had been adopted; but, as the executive officers had no power to punish those who broke the rules imposed on them, and as the Courts, at least in the Panjáb, expressly declared such rules to be illegal, they broke down entirely, and the persons restrained by them were left at full liberty to pursue their habits of systematic criminality, and the result had been, as affirmed by the Local Government, a most serious and alarming increase of crime. It was easy enough to understand the feelings of bitterness which such mishaps occasioned on the part of executive officers zealous for the discovery and repression of crime towards the legal tribunals, who, in the discharge of their duties, pronounced the only means for effectually dealing with criminals to be illegal. Those feelings were an illustration of a general tendency of which he (MR. STEPHEN) had noticed many forms in India, the existence of which appeared to him to be very unfortunate. He referred to a tendency on the part of the

executive officers, in whom the actual government of the country was vested, to dislike and suspect law and lawyers, as if there were something in the very nature of law by which executive vigour was rendered impossible. This was a great mistake. If the existing law was ill fitted for the state of society in which it existed, it ought to be altered. There was nothing in law as such to prevent executive officers from acting with whatever degree of vigour might be required by the general interests of the community. Indeed, nothing could possibly be more conducive to executive vigour than a distinct system of laws defining, in the clearest possible terms, the powers with which executive officers were to be invested. Such a system would be to the executive officer what precise orders would be to a soldier on active service. He would know where he was, and be free from doubt as to the legality of his conduct,—a doubt which might well paralyze the most vigorous. He (MR. STEPHEN) did not think that the Courts were to blame for the views which they were apt to take upon such subjects. No doubt they decided, according to their conscientious belief, as to what the existing law actually was, and this was, of course, their duty. The Legislature, if any one, was in fault. It was undoubtedly their duty to keep a careful watch upon the course of administration, and to give expressly to their officers, from time to time, such powers as were necessary for good government. The task, however, was one of the greatest difficulty and delicacy, and was also one in which rashness might be disastrous. The present Bill was an attempt to discharge it, in regard to this particular matter.

He would now shortly describe a few of the leading provisions of the Bill which had been settled with the greatest care in concert with the Local Governments of the provinces to which it extended. The Bill was divided into two parts,—one referring to criminal tribes, and the other to eunuchs. The part which related to criminal tribes had been very considerably altered since the introduction of the measure, in order to meet the views of the Local Governments. He (MR. STEPHEN) had originally proposed to confine the measure to tribes who had fixed places of residence during at least part of the year. The reason of this was that it appeared exceedingly difficult to deal with tribes which had no place of residence, but perpetually wandered. To prevent them from wandering might, in many cases, be equivalent to preventing them from earning their living; and it did not follow that, because a tribe of basket-makers or grain-sellers might occasionally, or even frequently, commit thefts, they were to be treated as a criminal class, who travelled about for the purpose of committing crime, and made their ostensible occupation a mere pretence for the purpose of enabling them to do so with more convenience. The tribes who were chiefly in the mind of the framers of

the Bill when it was introduced, were persons like the Meenas, of whose habits he (MR. STEPHEN) had already given a description. The Local Governments had however, represented to the Committee that wandering gangs of criminals were both common and dangerous, and that few, if any, criminal tribes were of greater importance, or more urgently required the discipline which this Bill would provide for them. The Bill had accordingly been so moulded as to apply to all criminal tribes, whether they had or had not a fixed place of residence. Careful precautions had, however, been taken to prevent, as far as possible, any abuse of the very extensive powers which the Bill conferred. The second, third and fourth sections of the Bill provided in substance that, before a gang, tribe or class could be declared criminal, the Local Government should report the case to the Governor General in Council, detailing in their report their reasons for regarding the tribe as criminal, the nature of the crimes which it was suspected of committing, and if it was a wandering tribe, the reasons for supposing that any lawful occupation followed by it was a mere pretence for the purpose of facilitating the commission of crime. The report was also to set out the arrangements proposed to be made for enabling the tribe, when settled in any fixed place of residence, to earn its living therein. This report would not be liable to be enquired into by any Court of Justice, but it would remain amongst the records of Government, and might be produced at any time if oppression were found to result, so as to fix the responsibility of procuring a tribe to be declared criminal on those to whom it might properly belong.

If, on the consideration of the report, the Governor General in Council thought fit, he might authorize the tribe to be declared criminal. Thereupon, a register of its members would be formed under the orders of the Local Government, according to a procedure laid down in the Bill. Persons aggrieved by an entry therein would have an appeal to the Magistrate of the district, and his order might be reviewed by the Commissioner. If the tribe had no fixed place of residence, it could not be registered until the Local Government had made arrangements which the Governor General in Council considered suitable for enabling it to earn its living in the place in which it was to be settled, and no tribe, whether wandering or not, once settled in a fixed place of residence, could be removed to another, except upon similar conditions. Parts of tribes might be separately dealt with, so that their organization might be broken up, and the young instructed in better modes of life than their parents.

Criminal tribes, when registered, might be placed in either of two categories, according as the settlement in which they were placed was or was not declared to be a reformatory. If the settlement was not declared to be a reformatory, the

registered persons would simply be placed under a strict system of roll-call and passes. If the settlement was declared to be a reformatory, their labour would be superintended and regulated, care being taken that its surplus produce, after providing for their maintenance, should be applied for their benefit. Any registered person who was found in any part of British India might be arrested and returned to the appointed place of residence, and violation of the rules for the regulation of such places or of reformatories was punishable by fine, imprisonment and whipping. The duty imposed on village headmen and watchmen by the Bengal Regulations, to give notice of offences, was re-imposed in this Act, with regard to reporting the movements of registered persons. One part of the section empowering the Local Government to make rules, deserved special notice. It enabled them to make rules as to the inspection of the residences and villages of registered tribes, "and the prevention and removal of contrivances for enabling the residents therein to conceal stolen property, or to leave their place of residence without leave." The object of this was to prevent persons, like the Meenas, from evading the whole object of the Act by thorn hedges, underground passages, and the like.

The result of the whole of these provisions, taken together, would be to enable the Local Governments effectually to coerce and restrain from crime such communities as had been noticed.

The second part of the Bill—that relating to eunuchs—had been but little altered, and the revolting nature of the subject rendered him (MR. STEPHEN) most unwilling to say more about it than was absolutely necessary. He had, in his former speech upon the subject, stated the grounds on which the proposed measure rested. He had seen no reason to change the opinion which he then expressed, and the Local Governments consulted on the matter concurred in his views.

His Excellency the COMMANDER-IN-CHIEF said that it was impossible to listen to the interesting statement which had been made by the Hon'ble Mr. Stephen regarding this measure without much satisfaction,—a measure which, though apparently one of executive severity, it was really calculated to be of great benefit to large classes of the people of India who, though in a certain sense criminal, were yet wanting in one element of criminality, inasmuch as they were unconscious of the nature of their acts, having been educated to consider them as innocent, and trained from their earliest youth for the purposes of crime. Another advantage of such measures as the present was that they were a step in the direction of knowing what the people subject to our government were doing,—a branch of knowledge in which the Government had hitherto made very little advance. On the whole His Excellency would express his



entire satisfaction with the manner in which the subject had been treated by the Legislature.

The Hon'ble MR. EGERTON wished to add a few words to the remarks of his hon'ble friend Mr. Stephen on a subject which he (MR. EGERTON) considered as especially interesting and important. Most of the provisions of the Bill dealt with the case of adults, but there was one section which enabled the Local Governments to remove any part of a criminal tribe and to locate it in a reformatory settlement, and he earnestly hoped that this provision might be enforced for the purpose of establishing reformatories for the youths of criminal tribes, who were at present trained from their earliest years in habits of theft and violence. No one who had had to do with the police execution of a district could fail to know how deeply inbred in certain classes of the population these lawless habits were, and how impossible it was for a child, so unfortunately circumstanced, to break away from the traditional habits of the community in which it was born. These children were brought up to look upon theft as an honourable duty, and as a matter of daily occurrence. The Sonorias, for instance, were a wandering tribe, of which the children were systematically trained for, and employed in, practices of theft. The skill and intelligence of the children were very remarkable, and it was a pity that they should not be utilized for right and useful purposes instead of being directed to mischievous and depraved ends. If the State exercised a wholesome severity on the one hand, it was only right that, on the other, it should extend the opportunity of improvements to every class of its subjects. MR. EGERTON approved also of the measures by which village headmen and watchmen were made, to a certain extent, responsible for the maintenance of public order. He knew by experience what valuable aid they could give in the discovery and repression of crime, and how successfully they could baffle the proceedings of the police, if they chose. It was a wise policy to put their responsibility in this important particular on a legal footing.

The Motion was put and agreed to.

The Hon'ble Mr. Stephen also moved that the Bill as amended be passed.

The Motion was put and agreed to.

#### EXTRADITION BILL.

The Hon'ble MR. STEPHEN, in moving for leave to introduce a Bill to consolidate and amend the law relating to offences committed in foreign States, said that the object of the Bill was to consolidate the existing laws on the subject, and to amend them in several important particulars, in which they

were at present defective, as well as to give the express warrant of law to certain executive measures which had been taken in connection with the subject. Considerable dissatisfaction had been occasioned to Native allied Princes by these deficiencies of the law, which it was now intended to remedy. The Bill involved several questions of a delicate and difficult nature, which he would defer touching upon till the Bill was introduced.

The Motion was put and agreed to.

#### EUROPEAN VAGRANCY ACT AMENDMENT BILL.

The Hon'ble MR. STEPHEN presented the report of the Select Committee on the Bill to amend the European Vagrancy Act, 1869.

#### NORTHERN INDIA CANAL AND DRAINAGE BILL.

The Hon'ble MR. EGERTON presented the report of the Select Committee on the Bill to regulate the construction and maintenance of Public Works for Irrigation, Navigation and Drainage.

The Hon'ble MR. COCKERELL, having obtained the permission of His Excellency the President to make a few observations in regard to the presentation of the report, said:—"My Lord,—I do not wish to raise any discussion on the merits of the Bill to which this report relates, as it is not now before the Council. My object in asking leave to say a few words on the present occasion, is simply to deprecate the apparent intention of proceeding to the consideration of this report and the passing of the Bill, which the presentation of the report at this time seems to indicate, whilst the Council holds its sittings at Simla, and to express the hope that that intention will not be persevered in.

"I am not unmindful of the fact that a change of title and the proposed restriction of its immediate local extent, have given to the Bill the external appearance of a purely local measure. I do not forget the presence in the Council, during its sittings at this place, of the head of the Panjáb Government and the chief revenue officer of that province, nor do I presume to underrate the very great and peculiar advantages which the consideration of a measure of this kind must necessarily derive from their presence. I anticipate and admit all that can be said by the advocates of no further delay in this matter in favour of prosecuting to completion the enactment of this Bill ere the Council adjourns. But, nevertheless, I venture to express a very decided opinion that

the attempted assertion of the principles which govern some of the most important provisions of this Bill is calculated to give an effect to the measure which must reach far beyond its nominal local extent, and thus takes the Bill altogether out of the category of mere local enactments; and I say that, whether regard be had to that effect, or to the circumstances under which the Bill was originally introduced, and the loud protests and expressions of disapprobation which the enunciation of those principles then drew forth from many eminent public officers, it will be unwise and impolitic to press on the enactment of such a measure at a time and place where the only semblance of the representative element which this Council possesses, I mean the presence of those non-official members who as British subjects are amenable to the laws which they aid in enacting, is necessarily wanting.

“My Lord, if I stood alone in the strong objection which I entertain to the principles which it is proposed to affirm by the enactment of this Bill, I should feel great hesitation in urging my present point against what I believe to be the views of the majority of my colleagues. But when the strongest opposition to the assertion of those principles has been repeatedly expressed in what I conceive to be unanswerable language by the ablest and most experienced revenue officer in India—the Lieutenant-Governor of the North-Western Provinces; when I know that the same strong objection was felt by at least two of our colleagues, now absent, who took a most active part in the consideration and discussion of some of the details of the Bill during its early progress in committee at Calcutta—gentlemen whose long standing in the public service, varied experience, and especial familiarity with the working of canal irrigation,—the blessings which, when wisely regulated, it can confer on the people, and the no less certain evils which an inefficient or indiscreet management of it carries in its train,—necessarily entitle their opinions to mature consideration; under such circumstances, I do feel justified, my Lord, in appealing to Your Excellency and the members of Your Excellency’s Government as strongly and earnestly as I can, to allow the further progress of this measure to be stayed until the Council meets in Calcutta.

“If the imposition of such altogether novel and peculiar taxation as is aimed at by this Bill is to be allowed by an enactment of the Legislature, then, my Lord, I submit that it should be done with all the emphasis and appearance of deliberation that a full assembly of the members of Your Excellency’s Council for making Laws and Regulations in the capital of the empire, and specially the presence in that assembly of that important constituent part of the Council to which I have just referred, can give to the proceeding.

"It is just three years since, in this place, I made a similar appeal to Your Excellency's predecessor to defer, under like circumstances, the adoption of that curious piece of legislation—the Panjáb Tenancy Act. And I believe that I am justified in saying that much of the dissatisfaction with which that enactment was received by the public, was undoubtedly due to the manner in which it was hurried through the Council, and to the fact of its having been passed at Simla."

The Hon'ble MR. STRACHEY said that his hon'ble friend's observations appeared to him very irregular, and certainly had not carried out his promise of not raising a discussion. The fact was that the question raised by Mr. Cockerell was nothing short of this—should or should not the Bill be taken into consideration at Simla? It was impossible to go into this question without discussing the whole policy of the Bill, which he (MR. STRACHEY) had no intention of doing. With regard to Mr. Cockerell's somewhat sensational appeal to the public, he would state what the plain truth of the case was. Some years ago the Panjáb Government had come to the Government of India for a Canal Bill, which it was said was urgently needed. It was then proposed to extend the measure to the whole of Upper India. Afterwards difficulties, which he (MR. STRACHEY) on a recent occasion explained to the Council, had arisen in doing this, and it was accordingly determined to revert to the original plan and legislate for the Panjáb alone. So far from the Government of India having had any special desire to adopt this course, it was, as he was sure the Lieutenant-Governor would testify, the earnest wish of the Panjáb Government for this Bill that had led to its being now proceeded with; and as the Bill was now a strictly local one, and as the Lieutenant-Governor, the Financial Commissioner, and other officers of local experience were present to assist the deliberations of the Council on the subject, it seemed to him only a natural and proper course to proceed with it while the Council was sitting in the Panjáb—at Simla—rather than at Calcutta, when all these advantages would be wanting.

His Excellency THE PRESIDENT said:—"Before this Bill is taken into consideration at its next stage, the observations of the Hon'ble Mr. Cockerell will receive the attention of the Government. But I must at once take exception to a view which is suggested by the hon'ble member's remarks, and which ought not to pass unnoticed,—the view that certain measures cannot be discussed and disposed of by this Council with equal and even more advantage at Simla than at Calcutta. The Bill before us is one which affects the Panjáb, and the Panjáb alone; the necessity for it is strongly urged upon the Government by all the local authorities. Members of this Council, who

are also members of the Panjáb Government, and therefore most competent to advise upon the subject, are present; these gentlemen cannot, from the nature of their official duties, attend at Calcutta. It appears to me, therefore, that the present is the most fitting time, and Simla the most fitting place, for discussing this measure.

“It is not fair to assume that measures which are considered fit for the Panjáb must necessarily, in consequence, be considered suitable in all their details for every other part of the empire. Canal Bills for other provinces will be discussed and settled on their own merits, with reference to the wants of the particular case and to the opinions of the local authorities. As a matter of principle, the Government has long since declared its opinion in favour of a compulsory rate to be levied under fixed conditions and certain well-defined limitations. I believe the principle asserted by the sections forty-four, &c., to be, not only sound and useful, but absolutely essential to the success of those great schemes of irrigation by which alone large portions of the country can be preserved from periodical famines, and the country permanently enriched; but, because the Council adopts that opinion and applies these clauses to the Panjáb, it does not necessarily follow that all the details now provided will be necessarily applied in future legislation to other parts of India. Such an assumption is without foundation. This sound principle may be applied in other forms and by other means.”

“With regard to this particular Bill, looking to the history of past attempts at legislation on the subject; to the absolute necessity which exists for legislation of some sort; to the advantage the Council enjoys in the presence of officials of experience and authority connected with the administration of this province,—I think that the Government have adopted a wise course in dealing with the Bill here, and in declining to run the risk of another year's delay, simply because gentlemen connected with other parts of the country, and who have no particular and special knowledge of the Panjáb, do not happen to approve a measure which the officials best acquainted with this province regard with approval and satisfaction. I repeat that this Bill is not to be taken as laying down an absolute and unalterable formula for the whole of India, but is to be considered on its own merits as affecting the Panjáb; and it seems to me that the Panjáb is the place in which such a measure can be best disposed of.”

His Excellency THE COMMANDER-IN-CHIEF said :—“I believe that this is not the occasion on which the Bill can be properly discussed, nor is it my intention to do so. But I wish to state at once, since His Excellency the President has expressed his approval of the sections relating to the compulsory rate

on irrigable lands, that I am forced to regard them with the utmost regret, and that I sympathise with the opinions expressed by the Hon'ble Mr. Cockerell. I refrain from any discussion, but I think it right to take this opportunity of letting my views be known."

The Hon'ble MR. ELLIS suggested that the proper course would have been for the Hon'ble Mr. Cockerell, if he objected to the passing of the Bill at Simla, to wait till the motion for taking the Bill into consideration was made and then to move as an amendment that the consideration of it should be deferred till the return of the Council to Calcutta. At present there was no motion before the Council, and the hon'ble member was therefore out of order in remarking on the Bill.

The Council adjourned to Thursday, the 19th October 1871.

H. S. CUNNINGHAM,

SIMLA,  
The 12th October 1871. }

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