

Wednesday, March 2, 1864

**COUNCIL OF THE GOVERNOR GENERAL
OF INDIA**

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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 and 25 Vic., C. 67.

The Council met at Government House on Wednesday the 2nd March 1864.

PRESENT :

His Excellency the Viceroy and Governor-General of India, *Presiding*.
 His Honour the Lieutenant Governor of Bengal.
 Major-General the Hon'ble Sir R. Napier, K. C. B.
 The Hon'ble H. B. Harington.
 The Hon'ble H. Sumner Maine.
 The Hon'ble Sir C. E. Trevelyan, K. C. B.
 The Hon'ble W. Grey.
 The Hon'ble R. S. Ellis, C. B.
 The Hon'ble A. A. Roberts, C. B.
 The Hon'ble H. L. Anderson.
 The Hon'ble J. N. Bullen.
 The Hon'ble Maharaja Vezearam Guzzepetty Ra, Bahadur of Vizianagram.
 The Hon'ble Rajah Sahib Dyal Bahadoor.

ACT XXI. OF 1856 EXTENSION BILL.

The Hon'ble MR. HARRINGTON introduced the Bill to extend Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal), and moved that it be referred to a Select Committee, with instructions to report in one week.

The Motion was put and agreed to.

MIRZAPORE BILL.

The Hon'ble MR. HARRINGTON also moved for leave to introduce a Bill to remove certain tracts of country in the District of Mirzapore from the jurisdiction of the local Courts. He said the Bill was introduced at the request of the Lieutenant-Governor of the North-Western Provinces, and with the concurrence of the local authorities. The object of the Bill was to enable the Lieutenant-Governor to place the Pergunnahs which were enumerated in the Schedule annexed to the Bill under the administration of Officers who should unite in their own persons both

Judicial and Revenue functions, and to declare the authorities by whom appeals from the orders of those Officers should be heard, a reservation being made in the case of capital sentences, which would require to be confirmed by the Sudder Court for the North-Western Provinces before they could be carried into execution. The part of the country to which the Bill related was situated in the District of Mirzapore, beyond the River Soane. It was described as a very wild tract of country, and the people were represented as being exceedingly rude and backward, or in a low state of civilization, requiring, in more than an ordinary degree, the protection of the Government by means of its local Officers. It was generally admitted that, for people in that condition, the system of administration proposed to be introduced in the part of the country referred to was better suited than a system of administration by separate functionaries. The same system had been tried in other parts of the country in a like condition, and the result had proved very beneficial to the people. It had been suggested that a section should be added to the Bill, with a view to remove the Pergunnahs mentioned in the schedule from the operation of the general Regulations and Acts relating to procedure, and to authorize the local Government to lay down rules of procedure for the guidance of the Officers employed in the administration of the part of the country in question. But irrespective of the doubts which existed whether it was competent to the Council since the passing of the Indian Council's Act of 1861 (whatever might formerly have been the case) to delegate any part of its legislative functions to any other authority, which was really the effect of giving to local Governments the power to prescribe rules which were in the nature of laws, he believed it to be impossible for any local Government to frame rules of procedure more simple or less technical than those contained in the portions of the Civil and Criminal Procedure Codes, and in the Revenue Regulations, which generally—and indeed almost exclusively—came into operation in the cases which commonly arose in places like the tract of country which would be affected by present Bill. The great object aimed at in all recent legislation relating to Civil, Criminal and Revenue procedure had been to render the laws as simple, speedy, cheap and free from technicalities as possible. The existing Codes of Civil and Criminal Procedure were in operation in all parts of British India except the Punjab, and the fact that no difficulty had been found in carrying out the provisions of those Codes in places which were inhabited by races who were just as rude and backward as the people who inhabited the tract of country to which the present Bill related, furnish the most satisfactory evidence of the great success that had attended the labours of the Legislature in the department of legislation. For reasons he had not thought it advisable or proper to adopt the suggestion mentioned.

The Motion was put and agreed to.

LUCKNOW MUNICIPAL BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to provide for the appointment of a Municipal Committee for the City of Lucknow, said that though the object of the Bill was stated in its title with sufficient correctness for legislative purposes to be to provide for the appointment of a Municipal Committee for the City of Lucknow, its nature might perhaps have been made plainer if it had been designated a Bill to give legal status to the Municipal Committee of Lucknow. A Municipal Committee already existed there, and had been in existence for a considerable length of time, during which it had effected important improvements in the city. But legislation was necessary to enable it to carry on operations effectively; for it was now a point fully settled that no Chief Commissioner, even with the sanction of the Governor-General of India in Council could make new rules which would have the force of law unless he was specially authorized by the Legislature so to do. He hoped that when the Bill came into the hands of the Members, they would bear in mind the state of society to which it was intended to apply. Many interesting experiments had been tried in Oudh under the supervision of the present energetic Chief Commissioner, and some of these had borne remarkable fruit, but still it was too much to expect that Oudh had altogether emerged from a condition of pupilage and probation. Hence there were many provisions to be found in the Bill which might not be thought suitable under different circumstances. The measure was not one which could in any way be compared with the elaborate Bill for the Municipal government of the Town of Calcutta, or even with the new Municipal Bill for towns in the Mofussil, which was passed the other day in the Council of the Lieutenant-Governor of Bengal. Where a Municipality could be formed under ordinary conditions, much would of course be left to its members or to the constituency, which in this Bill was placed in the hands of the Chief Commissioner. So, again, this Bill legalized the levy of an Octroi duty. The levying of such a tax was a subject on which much might be said from fiscal and economical point of view, but an Octroi was already in existence in Lucknow, and was, he believed, looked upon by the inhabitants as the natural and legitimate mode of levying Municipal rates. He had the satisfaction of knowing that the Bill met with the entire approval of the local authorities.

The Motion was put and agreed to.

PORT DUES (AHMERST) BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill to repeal Act VIII. of 1661 (for the levy of Port dues in the Port of Amherst).

FRENCH BANK BILL.

The Hon'ble Mr. MAINE also moved that the Report of the Select Committee on the Bill to enable the "Comptoir D'Escompte of Paris" to sue and be sued in the name of the Chief Manager of the Indian Agencies of the said Company be taken into consideration.

The Motion was put and agreed to.

The Hon'ble Mr. MAINE also moved that the Bill be passed, with the amendments recommended by the Select Committee.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill to extend Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal)—the Hon'ble MESSRS. HARRINGTON, MAINE and ELLIS.

The Council adjourned.

CALCUTTA,
The 2nd March 1864.

A. G. MACPHERSON,
Offg. Depy. Secy. to the Govt. of India,
Home Dept.