Thursday,
5th October, 1882

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXI

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Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

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.

The Council met at Government House, Simla, on Thursday, the 5th October, 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 the Panjáb, K.C.S.I., C.I.E.
His Excellency the Commander-in-Chief, G.C.B., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Major the Hon'ble E. Baring, R.A., 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 C. H. T. Crosthwaite.
The Hon'ble W. C. Plowden.

PANJÁB UNIVERSITY BILL.

The Hon'ble MR. GIBBS moved that the Report of the Select Committee on the Bill to establish and incorporate the University of the Panjáb be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. GIBBS also moved that the Bill as amended be passed. He said:—

"The Bill has received the very careful attention of the Select Committee, and we are greatly indebted to His Honour the Lieutenant-Governor for the assistance he has rendered to us in our work.

"It will be seen, I think, that the great object which the promoters of the Bill had, namely, to preserve the peculiar feature of the Oriental Department of the Panjáb College, has been carried out, and the new University will be able to create an Oriental Faculty, in which degrees somewhat similar in name, but

with sufficient difference to prevent their being confounded with those given by the European Faculties, will be granted to those who pass such examinations as may be finally determined on by the University, with the sanction of the Government of India.

"It will be seen that the general management of the University will be conducted in communication with the Government of the Panjáb, the sanction of the Government of India being alone confined to the making and amending of the Statutes of the University, the Rules and Regulations for examinations, and the conditions to be fulfilled by the candidates for degrees. The provision that these two points should be left for the general sanction of the Government of India will, it is considered, prove a sufficient guarantee that the degrees and distinctions are properly conferred, while all other matters may justly be left to the Lieutenant-Governor of the Panjáb, who is also Chancellor of the University.

"The Report of the Select Committee is so full, that I need not take up the time of the Council with any detailed account of the alterations we have made, but will content myself with saying that, in passing the Bill as now framed, I feel assured that the Council will be carrying out the wishes of those interested in the scheme; and I sincerely trust that the new University may prove a blessing to the people of the Panjáb."

His Honour THE LIEUTENANT-GOVERNOR of the Panjáb said:—

"I trust the Panjáb University Bill will be passed at this sitting of Council, and that I shall be able at last to congratulate the chiefs, nobles and people of the Panjáb upon the success which has crowned their efforts after seventeen long years of waiting and working. If any proof be needed of the thorough genuineness of the demand for a University in the Panjáb, it is, I think, to be found in the steady perseverance with which, in spite of many and repeated official discouragements and refusals, this object has been pursued by the people, and the liberality with which Natives of all ranks in the Panjáb have contributed for its attainment. For the purposes of the University, there is now a sum of no less than Rs. 3,75,000 invested in Government 4 per cent. paper,—all derived from voluntary donations,—and a regular annual income of about Rs. 45,000 from interest, contributions and fees, exclusive of any support from Government. This is a magnificent illustration of the principle of self-help which Government are now beginning to insist upon as a cardinal point in their educational policy.

"The movement for a University originated in a letter of the late lamented Sir Donald Macleod, dated 10th June, 1865, in which he called for suggestions for the improvement of Oriental learning and the extension of a sound vernacular

literature, by transfusing into the languages of the country the knowledge, literature and science of the West. The subject was at once taken warmly up by a literary society, called the Anjuman-i-Panjáb, which had just been founded at Lahore, under the guidance of Dr. Leitner, to whose devotion and untiring services in connection with the University movement it is impossible to give too much prominence. A separate committee of European officers, of whom I had the honour to be one, was at the same time formed at Lahore to consider the question. The suggestions for the improvement of vernacular literature were expanded by the Anjuman into a proposal for the establishment at Lahore of an Oriental University, which should be a supreme literary, examining and teaching body for Oriental literature and Western science, and which should utilize and develop the existing educational elements in the country.

"Besides endeavouring to revive an interest in Oriental learning, to teach as far as possible through the vernaculars, and to stimulate the production of original vernacular literature, one of the chief aims of the proposed University, which should never be lost sight of, was the introduction of a popular and national system of education on the principles of the Education Despatch of 1854, by giving the people a large and direct voice in the regulation of their own educational affairs. This was very strongly insisted upon by Sir Donald Macleod, who desired as far as possible to promote spontaneity of action on the part of the Native community, and who was opposed to their being too much guided by the opinions and advice of European gentlemen. In the University as now to be established, this popular element is fully secured. The learned and influential classes of the Province will, by the Statutes, be associated with the officers of Government in the promotion and supervision of popular education. The Senate will be a consulting body in all questions of education, including primary education. It will assume, in fact, the position of a Board of Education for the Panjáb, and become in educational matters an embodiment of the principles of local self-government as recently enunciated by the Government of India.

"The name of 'Oriental University,' under which the movement was first started, was in some respects an unfortunate one. It gave rise in some quarters to the belief that the movement was a reaction against high English education and an attempt to revive the controversy between Orientalists and Anglicists, which had been fought out in the time of Lord William Bentinck. To this radical misconception of its objects and aims I believe the long-continued official discouragement and the direct opposition from a limited section of the Native community, which the movement met with, to be mainly due. So difficult,

indeed, has it been to eradicate this misconception, that, only a few months ago, a number of English-speaking Natives presented to me a petition against the University on the ground that its establishment would be detrimental to high English education and lower the value of English degrees.

"In truth, however, the necessity for the highest study of English has been recognised from the very first. In one of the earliest papers published on the subject by the European Committee of support—a paper entitled 'Objects and Principles of the proposed Lahore University'—I find, for example, the following statement:—

"'It may be stated that, although the movement to which the University owes its origin has specially been termed '*Oriental*,' yet that, by the use of the term, no revival of the old warfare between the Orientalists and Anglicists is signified. While the revival of Eastern learning and the creation of a good vernacular literature will be the primary object of the University, yet English will be still considered as the natural complement of education, and of the highest value to the Native student whose mind has been thoroughly disciplined by a study of his Native classics.'

"And again:—

"'It has been stated that the present movement is in no way intended to inaugurate a reaction hostile to the present educational system. The advantages of English are so great, as the language of the ruling class, and as a vehicle for the direct communication of modern European thought and science, that it would not only be impolitic and foolish, but fatal to the success of the new University, to attempt to oppose it or limit its influence. It may, moreover, be added that the Natives of India have so keen an appreciation of the advantages they gain from a knowledge of English, that there is no fear of its study being neglected.'

"Again, at a meeting of those interested in the promotion of the objects of the University, held at Lahore on 12th March, 1868, the following resolution was passed:—

"'That education be conveyed, as far as possible, through the medium of the vernacular.

"'That, while the highest honours of the University be reserved for those who attain the highest form of education, which, it is admitted, can only at present be attained by those possessing a thorough knowledge of English, the University shall also recognize and honour literary merit and learning in the case of those unacquainted with the English language.'

"Later on, when the Panjáb University College was established, the use of English as the medium of examination and instruction in all subjects which cannot be completely taught in the vernacular, the study of English in all schools and colleges connected with the institution, and the necessity of a thorough acquaintance with English as a condition of obtaining the highest honours of the institution, were recorded among the fundamental principles in the constitution of the college, as published in the Government of India Notification No. 472, dated 8th December, 1869.

"Although, therefore, there was no good reason to fear that high English education would be neglected, it was nevertheless just and right that, before

consenting to comply with the wishes of the chiefs and people of the Panjáb and to raise the University College to the status of a University with power to grant degrees, the Government of India and the Secretary of State should be thoroughly satisfied that examiners, at once competent and independent, could be obtained for a University at Lahore, that a sufficient amount of controlling public opinion could be brought to bear on teachers and examiners through the medium of the Senate, and that the tests to be applied for degrees should be not less severe than in other Indian Universities, and should be an index that the students possessed definite and sufficiently high acquirements. As regards degrees in Arts, these conditions have been fulfilled, and the Secretary of State has expressed himself satisfied with the evidence as to the sufficiency of the tests. The new University, however, will not be empowered to grant degrees in Law, Science, Medicine or Engineering till such time as the Government of India is satisfied that the proficiency of the Panjáb students in these branches of knowledge also is equal to that of students who receive degrees from other Indian Universities.

"The interests of high English education and of Western science having thus been carefully guarded, it became still more imperative, in framing the University Bill, that the reasonable hopes and expectations of the chiefs and people of the Panjáb, who would have taken little, if any, interest in a project for a University of a purely English type, but who are intensely interested in the Oriental aspect of the question, should be satisfied. Anything short of this would not only disappoint the aspirations which they have all along entertained, but would make it impossible to carry out the understanding on which the large funds of the Panjáb University College have been collected. Indeed, the whole controversy regarding the status of the proposed University has really centred in the assumed impossibility of securing this essential object without lowering the English standard or confusing the Oriental with the English degrees. Sections 12 and 14 of the Bill deal with this question. They are, in my opinion, the most important sections in the Bill, and I trust the Council will be of opinion that they solve the difficulty in a satisfactory manner.

"It will be observed that by these sections a separate Oriental Faculty is created, with power to grant degrees of its own; and, in consideration of the origin and character of the whole movement, the Oriental Faculty is constituted the first Faculty in order of precedence in the University. I cannot describe the object and probable effect of this arrangement better than by reading from the Report of the Select Committee a short extract taken almost *verbatim* from the letter of the Panjáb Government in which the arrangement was proposed :—

"'At present, the Oriental Department in the College is a section of the Faculty of Arts. We propose to empower the Senate to appoint a separate Oriental Faculty, thus asserting,

beyond the possibility of mistake, in the constitution of the University, the prominent position assigned to Oriental and vernacular studies. In the Oriental Faculty, degrees would be granted as separate and distinct from degrees in the Faculty of Arts as are the degrees in Law or Medicine. For the B. A. and M. A. degrees, English should be the obligatory instrument both of instruction and examination. For degrees in the Oriental Faculty, in which the vernacular would be the instrument of tuition and examination, we propose the titles of Bachelor, Master and Doctor of Oriental Learning. We would leave the Senate, after the passing of the Bill, to devise precise and detailed rules prescribing the conditions and examinations required for such degrees; and such rules would be submitted, in due course, for the sanction of the Government of India. Here it is only necessary to say that the Oriental degrees would attest general education, that they would be earned by a course resembling as nearly as possible the Arts course, and that they would differ from the ordinary B. A. and M. A. degrees because the Bachelors and Masters of Arts would be obliged to acquire their knowledge in English, while the Bachelors and Masters of Oriental Learning would not necessarily be required to know English at all. They might, of course, learn more or less English at their option. They might even be examined in English as a classical language, should the Senate desire this. But the important point would be that the B. A. and M. A. degrees would, and the Oriental degrees would not, guarantee English qualification. In this way we think that the wishes of the founders and benefactors of the Panjáb University will be properly met, because degrees will be given, as they have always desired, to students who do not know English; while the value to be attached to the degrees in the Oriental Faculty, thus distinguished by an appropriate designation, will not be confounded with that of degrees in Arts, and will be proportionate to the acquirements of the candidates who obtain them as prescribed in the standards of examination.'

"I trust, then, that the misunderstanding between the advocates of Oriental and of Western culture, in so far as it existed in the Panjáb, has been got rid of once and for all by this arrangement; that henceforth both parties will meet on common ground and work together hand in hand for the advancement of all sound educational schemes in the Province, whether English or Oriental.

"I will not longer trespass on the indulgence of the Council, though there are several distinctive features of the proposed Panjáb University to which attention might usefully be directed—for example, its freedom and catholicity, whereby students of every language or race or colour, no matter where educated, can be admitted to its privileges and honours, provided only they come up to the standards prescribed; its teaching capacity; its literary functions. All these were embraced in the scheme as originally planned in 1865, and are fully provided for in the University as now to be established.

"I will only add that, as I aided in a very humble way to lay the foundation 17 years ago, so now I deem it a great privilege and honour to have been permitted to help in putting on the cope stone of this magnificent edifice."

The Hon'ble MR. ILBERT said:—

"I do not wish this Bill to become law without saying a few words about its provisions and the subject-matter to which it relates. My accidental connection with the introduction of the Bill, and, still more, the interest which I feel in any matter relating to education in India, must be my excuse for occupying the time of the Council.

"My hon'ble friend the Lieutenant-Governor has called attention to the fact that this, the fourth and youngest of the Indian Universities, possesses some characteristic features which distinguish her from her three elder sisters.

"The University of the Panjáb differs from the Universities of Calcutta, Madras and Bombay in the circumstances of its origin, in the stage at which it comes before the legislature, and in the objects at which it aims. And, first, as to the circumstances of its origin. The Panjáb University, differing in this respect from the other three Universities, but agreeing with the older English Universities, owes its origin, not to the State, but to private liberality. The founders and benefactors of this University seem to have taken to heart the eloquent words of Sir Henry Maine in one of his addresses to the Calcutta University—words which, perhaps, I may be allowed to quote.

"He said:—

"'I think that if ever there was a country in which we might expect the wealthier classes to have the ambition of perpetuating their names by University endowments, it is India. There seems to me to be no country in which men look so far forward or so far backward, in which men so deliberately sacrifice their lives to the consideration of what their ancestors have done before them, and of what their descendants will do after them. I may surprise some of you by saying this; but it is my fixed opinion that there is no surer, no easier and no cheaper road to immortality, such as can be obtained in this world, than that which lies through liberality expending itself in the foundation of educational endowments.'

"At a time like this, when we are doing our utmost to stimulate private enterprise in every form, and to induce the people at large to co-operate with the official classes in the work of governing the country, such a manifestation of voluntary and spontaneous liberality is especially welcome, and deserves our heartiest recognition and support.

"Then the Panjáb University differs from the other Universities in the stage at which it comes before us. As my hon'ble friend the Lieutenant-Governor has remarked, the task on which we are engaged to-day is not that of laying the foundation-stone of a new institution, but of placing the coping-stone on an institution which has already been in existence for many years. This

circumstance has had an important bearing on the character of our legislation. We were warned that the ground before us was not clear, that there were existing regulations to which we were bound to conform, and existing trusts to which we were bound to give effect. I venture to think that some of these warnings were conveyed in somewhat exaggerated language. Nothing can be more clear than that, when the promoters of a new institution, or the founders of an existing institution, come to the legislature and ask it to confer upon them powers and privileges which the legislature alone can give, the legislature is fully entitled to annex terms and conditions to its gift. At the same time, it is obvious that, in the case of an institution such as this, it was the duty of the legislature to give effect to the wishes and intentions of the promoters and founders of the institution, in so far as those wishes and intentions were compatible with public policy.

"Those, my Lord, were the views which guided the Committee to which this Bill was entrusted; and, accordingly, before going into the details of the Bill, we thought it advisable to ascertain, as accurately as might be, what was the existing constitution of the Panjáb University College, of what particulars its property consisted, and on what trusts, if any, that property was held; and we prepared a set of questions for the purpose of obtaining information on these points. Our apologies are possibly due for the trouble we have thereby caused to the gentlemen on whom devolved the task of answering those questions; our thanks are certainly due to them for the labour which they bestowed. We had a précis of their answers prepared for the convenience of the Select Committee. I believe that the lynx eye of Dr. Leitner has detected some inaccuracies in this précis, but he may possibly derive some comfort from the assurance that two at least of the members of the Committee, including myself, had carefully examined the original documents before the précis was prepared. The conclusion we drew from these documents was that the trusts and purposes to which we were bound to have regard were of two kinds. First, there were certain scholarships, prizes and other emoluments held on specific trusts. With these trusts there has not been, and will not be, any interference. Then there were to be gathered from some of the documents certain indications, more or less vague, of the purposes for which the contributions to the Panjáb University College, to the Oriental College and to the projected Panjáb University were solicited and made. Those indications were not sufficiently precise or consistent to constitute a trust, but, such as they were, we considered it our duty to have regard to them; and I do not think that there is anything inconsistent with them in the Bill, or that there need be anything inconsistent with them in the Statutes, Rules and Regulations which will have to be made under this

measure when it has become law. And this leads me to consider some of the special and characteristic objects which the founders of this institution apparently had in view.

"In the first place, it was to be a teaching as well as an examining body. In this respect, as in the circumstances of its origin, it differs from the other Indian Universities, but agrees with the English Universities of Oxford and Cambridge. I should be the last person to criticise a feature which brings this institution into closer conformity with the renowned and venerable Universities of England, but I think it may be worth while to call attention to a certain risk to which any body which combines the functions of teaching and examining is necessarily exposed—the risk, namely, that the examining staff is not sufficiently independent of the teaching staff. That this risk is real and substantial I know from my own English experience, but that due provision will be made in the Statutes of this University to guard against it I have no reason to doubt.

"Another and more important feature of the new University is the prominence given in it to Oriental and vernacular studies. This feature threatened at one time to involve us in a formidable, and apparently interminable, controversy. I remember being told, before I came out to India, that the peculiar characteristic of Indian controversies was that they never came to an end, and that I should probably find Indian officials discussing, with unabated zeal, the same questions which exercised the minds of Lord Cornwallis and Sir John Shore. Accordingly, I was not surprised to find that the controversy which helped to make Lord Macaulay famous, and which some ignorant persons supposed that he had brought to a conclusion about fifty years ago, was still raging in the Panjáb. However, we looked this question in the face, and found that, when looked in the face, it was, like many other questions, not quite so difficult and insoluble as it had at first appeared. In dealing with it, we—and, when I say 'we,' I mean in particular my hon'ble friend the Lieutenant-Governor of the Panjáb, to whom more than to any one else is due the present form of this Bill—in dealing with the question, kept in view two or three guiding principles.

"In the first place, we bore in mind the comprehensive nature of the aims and objects of a University. In the days when etymology was not yet a science, people were fond of deriving the name of a 'University' from the universality of its aims. The derivation is erroneous, but the thought which suggested it is true. In any University which is worthy of the name, there is room, and ample room, both for Oriental and for Western studies. Next, we remembered that, whilst there are certain features which all Universities must possess in common,

yet that, to give prominence to some one particular feature in one particular University, so far from being a matter for criticism, is a positive advantage. And, lastly, we considered that Oriental and Western learning differed from each other, not so much in degree as in kind, and that to confer, for proficiency in the one, marks of distinction which have been associated by usage with proficiency in the other, would be confusing and misleading. Accordingly, we have given effect to the wishes and intentions of the founders by the constitution of a special Oriental Faculty, and we have authorized the University to confer, for Oriental learning, degrees which are equally honourable with, but which cannot possibly be mistaken for, those which denote proficiency in the learning and literature of the West.

"Then, there was another difficult question which we had to consider, and that was, how far it would be possible to adopt the vernacular as the medium of instruction and examination. Those who advocate the adoption of the vernacular for these purposes are fond of contrasting the thoroughness of the instruction which the student thereby obtains with the flimsy and superficial education obtained through the medium of a foreign language. That is one side of the question. But there is another side, and, for the purpose of illustrating that other side, I shall take the liberty of again quoting from one of Sir Henry Maine's addresses to the Calcutta University. He was remarking on the change recently made in substituting classical languages for vernacular or spoken languages as subjects of examination, and he went on to say this:—

"'But, independently of the difficulty of examining in languages, many of which have no true literature, which have only a fictitious literature, a literature of translations, you must see what a premium is placed upon flimsiness in knowledge when a young man is examined in a spoken dialect, which is picked up, half unconsciously, in conversation and by the ear, against another young man who is examined in one of those classical languages which, before they are mastered, bring out the strongest powers of the memory and the reason. There is really nothing in common between the linguistic attainments of a student who passes or obtains honours in Greek, or Sanscrit, or Arabic, and those of one who passes in Burmese or Urya, or—for this is, to a certain extent, true of those languages—even in Bengálí or Hindustání.'

"I do not say that these remarks express the whole truth, but they do express one side of the truth, and it is a side of which it is important not to lose sight. So far as my own opinion goes, I do not think that it is possible at present to convey through the exclusive medium of a vernacular language such instruction in science as ought to be given—I do not say by elementary schools, but by a University. I do not think it is possible at present for two reasons—*first*, the imperfection of the language, and *secondly*, the want

of books. It is not until a comparatively late stage of its existence that a language is capable of expressing the ideas of science. No nobler language was ever written or spoken than the language of Homer, and yet I think that even the Registrar of the Panjáb University College would find some difficulty in giving instruction in chemistry or geometry in the language of Homer. Then, even supposing the language to be more developed than it is, the mere want of books opposes a fatal obstacle to the further progress of the student. It must not be forgotten that the real value of a University degree consists, not so much in the actual knowledge, as in the potentiality of knowledge that it implies. The student who has been educated through the medium of a vernacular text-book may have mastered thoroughly such knowledge as he possesses; but, when he has come to the end of his text-book, he finds himself brought face to face with a blank wall. On the other hand, the education of a student who has obtained an acquaintance with one of the Western languages may be flimsy and superficial; but, at all events, he has obtained a key which will open to him the storehouse of all the learning and literature of the West. I hope it will not be supposed from what I have said that I desire in the slightest degree to disparage the admirable work which has been done, and is being done, by Dr. Leitner and his colleagues in preparing vernacular text-books for use in the University College and kindred institutions. There is no nobler, no more patriotic task, than that of raising a mode of speech from the level of a spoken dialect to the level of a literary language, of enriching a national language and creating a national literature. To make such an effort at all implies much enthusiasm and much imagination; and perhaps there is no reason to marvel that those who make the effort are sometimes involved in some confusion between what they have accomplished, what they are in process of accomplishing and what they hope to accomplish. I doubt whether the day has yet come when adequate University instruction can be conveyed exclusively through the medium of the vernacular languages of the Panjáb. That day may yet come, and, when it does come, its arrival will have been materially hastened by the labours of Dr. Leitner and his colleagues.

"Perhaps I have dwelt at unnecessary length on the distinctive features of the Panjáb University. I have done so because I observed in some of the criticisms of the Bill in its earlier stage that we were charged with having overlooked these distinctive features, and with having copied too servilely the enactments which constituted and incorporated the three elder Universities. Possibly there may have been some justice in this charge so far as it related to the first draft of the Bill. We all remember the philosopher who professed his inability to frame to his satisfaction an abstract idea of a Lord Mayor without his fur gown and gold chain; and it is quite intelligible that there may have been some persons who felt a difficulty in recognising the Panjáb University without

those Oriental literary titles, diplomas and marks of honour which they had been accustomed to regard as its outward and visible signs. But I hope that the Select Committee, and in particular that master artist who a few days ago, in a speech of unrivalled terseness, opened to the Simla public the treasures of local art, have removed such defects and shortcomings as may have existed in the original sketch, and that, in the finished picture which I now hold in my hand, the founders and benefactors of the Panjáb University will recognize a more faithful and life-like portrait of the child of their hopes and their imagination. I have nothing more to add except to wish for the new University a long, a prosperous and a brilliant career."

His Excellency THE PRESIDENT said :—

"After the very full exposition we have heard of the objects of the Bill in its present shape, and of the mode in which those objects will be attained under this measure when, as I trust, it becomes law, it would be quite unnecessary for me to enlarge upon the questions now before the Council; but I cannot let this Bill pass without expressing my great satisfaction that it should have fallen to my lot to occupy the position of Governor General and President of this Council at the time when this measure became law.

"Somewhat less than two years ago, on the occasion of my first visit to Lahore, I received more than one address from bodies in that city upon the subject of the proposal to create a University in the Panjáb. I then stated that I would give to the subject my careful consideration, and that I was very anxious to comply as far as possible with the strong wish evidently entertained by the leading men in the Panjáb that an institution of this description should be established in their midst; and I have fulfilled that pledge. I did not then state—for I had not sufficient information to enable me to state—what would be the result of the consideration given to this subject by the Government of India; but I am exceedingly glad that that result has been one which will, I trust, be greatly to the advantage of the population of the Panjáb and satisfactory to those who have, during the lengthened period to which my hon'ble friend the Lieutenant-Governor alluded, devoted themselves to further this great and important object.

"I entirely agree with one remark among many which fell from my hon'ble friend Mr. Ilbert when he said that it was not a disadvantage, but, on the contrary, was to be regarded with approval, that this University would differ in some respects from the other Universities in this country. I think that that variety in the character of the various educational institutions of the country is in itself a very great advantage, and, so far from considering it any drawback, I view it with great satisfaction.

"I also desire to express my very deep sense of the obligation under which the Princes, the Chiefs and the Native gentry of the Panjáb have laid the Government and the public by the manner in which they have come forward to support and endow this institution. The efforts which they have made are entirely in the direction in which, as it seems to me, it is most desirable that educational proceedings in this country should move; and I regard it as a most auspicious event that they should have come forward so liberally and based the foundation of this University, not upon Government contributions, nor even upon Government support, but upon the free and magnificent gifts of those who are the natural chiefs and leaders of the people of the Panjáb.

"I do not think I need now trouble the Council with any further observations. I hope ere long to have an opportunity of addressing the new University when it meets under the auspices of the law about to be passed. It only, therefore, remains for me to offer my hearty congratulations to the Lieutenant-Governor on the fortunate circumstance that it has been during the period of his administration—from which I anticipate so many benefits to the Panjáb—that the coping-stone, as he has said, has been put upon an institution in laying the foundation of which he himself so many years ago took a part."

The Motion was put and agreed to.

ELEPHANTS PRESERVATION ACT, 1879, AMENDMENT BILL.

The Hon'ble MR. GIBBS moved for leave to introduce a Bill to amend the Elephants Preservation Act, 1879. He said:—

"That Act provides in the third section that—

"'No person shall kill, injure or capture, or attempt to kill, injure or capture, any wild elephant unless—

(*a*) in defence of himself or some other person;

(*b*) when such elephant is found injuring houses or cultivation, or upon, or in the immediate vicinity of, any main public road or any railway or canal; or

(*c*) as permitted by a license granted under this Act.'

"And the fourth section provides that—

"'Every elephant captured, and the tusks of every elephant killed, in any of the cases mentioned in section three, clauses (*a*) and (*b*), by any person not licensed under this Act shall be the property of Government.'

"The Act, however, does not provide for the case of where a person without a license captures or kills an elephant which may not be engaged in any of the amusements to which the clause refers. This question has, I believe, arisen out of the case of a person who captured three elephants for his own pleasure; in so doing, it became a question to whom the elephants belonged, and there were weighty arguments put forward as to whether the elephant was not a royal beast and the inheritance of kings, which arguments were found, however, not to be sufficient to solve the difficulty. The consequence is, that it has become necessary to repeal a portion of the fourth section of the Act, the effect of which will be that, in the case of any one killing or capturing an elephant without a license, the tusks or the elephant itself will become the property of Government."

The Motion was put and agreed to.

NIZÁMAT ACT REPEAL BILL.

The Hon'ble MR. ILBERT moved for leave to introduce a Bill to repeal Act No. XXVII of 1854. He said:—

"The necessity for this measure arises out of the arrangements which have recently been made with the ex-Nawáb Názim of Bengal. By Act XXVII of 1854 it was provided that legal processes which had to be served within the precincts of the Palace of Murshídábád should be served through the Superintendent of the Affairs of the Nizámat, or other officer discharging like functions. It will be in the remembrance of the Council that, by a deed executed in 1880, the Nawáb Názim of Bengal formally resigned the Nizámat, and, as part of the arrangements under that deed, the office of the Superintendent of the Affairs of the Nizámat has been abolished, and it is not likely that that office will be revived, or that any similar office will be created. Under those circumstances, it has become impracticable to give effect to the directions of Act XXVII of 1854, and it has been thought expedient to repeal that Act and to leave processes to be served within the precincts of the Palace of Murshídábád, as elsewhere, in accordance with the ordinary rules of law."

The Motion was put and agreed to.

PAPER CURRENCY ACT, 1871, AMENDMENT BILL.

Major the Hon'ble E. BARING moved that the Hon'ble Sir S. Bayley be added to the Select Committee on the Bill to amend the Indian Paper Currency Act, 1871.

The Motion was put and agreed to.

Major the Hon'ble E. BARING also moved that the Bill be referred back to the Select Committee. He said :—

"It will be in the recollection of those Members of the Council who were here last summer that my hon'ble friend Mr. Stokes introduced a Bill into the Council having in view the establishment of a circle of issue in British Burma. Subsequently, in conformity with the general policy of the Government in such matters, it was determined to incorporate the whole law relating to Paper Currency into one Act—that is to say, to repeal the existing law, and to re-enact it together with such changes as were necessary in order to provide for the establishment of a circle of issue in British Burma. The opportunity was at the same time taken to make some further amendments in the law. Most of these were of very trifling importance, and no objection was taken to them. One amendment, however, was of some importance. It was proposed, in conformity with orders which had been received from the late Secretary of State, Lord Cranbrook, in 1879, to relieve the Paper Currency Department of the obligation, at present incumbent upon it, to exchange notes for bullion. The result of this amendment of the law would have been that the charge for interest on the bullion whilst it remained at the Mint, and before it had been coined into rupees, would have fallen upon the importers of bullion and not upon the Paper Currency Department. This proposed amendment of the law met, naturally enough, with considerable objections from the importers of bullion. These objections found expression in this Council at the hands of my hon'ble friend Mr. Inglis. The subject was discussed at the last meeting of the Calcutta session. The importers of bullion asked for further time to represent their views, which was readily accorded by the Government. A memorial was in the course of the summer received from certain of the Calcutta banks. The banks raised one or two points into which I need not now enter fully, but as to which it will be sufficient for me to say that the thorough examination of them will take some little time. Further, before we come to any definite conclusion on the subject, a communication to the Secretary of State will probably be necessary. In the meanwhile, Burma wants its paper currency. The export season, when the notes will be especially useful to the mercantile community, is approaching. The notes themselves will be very shortly received. Under these circumstances, we propose to refer the Bill back to the Select Committee with a view to its being passed in its original form, but without the amendment in the law to which the importers of bullion take exception. It occurred to me last March that this contingency might possibly arise, and I therefore asked my hon'ble friend Mr. Inglis whether he saw any objection to the adoption of this course. In the course of the debate which ensued upon the subject, my hon'ble friend said that he saw no objection whatever

to the measure being passed into law at Simla, provided it did not contain the provision to which the importers of bullion objected. As to the course which the Government will finally pursue in respect to the obligation of the Paper Currency Department of giving notes for bullion, I can at present give no pledge whatever. All I can say is, that, if any legislation on this point is required, it will take place at Calcutta and not at Simla.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 19th October, 1882.

SIMLA;
The 5th October, 1882.

D. FITZPATRICK,
Secretary to the Government of India,
Legislative Department.

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