Friday,
2nd February, 1883

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXII

Jan.-Dec., 1883

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Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

1883,

VOL. XXII.

Published by the Authority of the Governor General

CALCUTTA:
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
1884.

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 2nd February, 1883.

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.

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 Mahárájá Sir Jotíndra Mohan Tagore Bahádur, K.C.S.I.

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

The Hon'ble Rájá Siva Prasád, C.S.I.

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

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.

The Hon'ble R. Miller.

CRIMINAL PROCEDURE CODE, 1882, AMENDMENT BILL.

The Hon'ble MR. ILBERT moved for leave to introduce a Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects. He said :—" The effect of the existing law on this subject is summed up in a section of the new Criminal Procedure Code (443), which directs that

" ' No Magistrate, unless he is a Justice of the Peace, and (except in the case of a Presidency Magistrate) unless he is a Magistrate of the first class and an European British subject, shall inquire into or try any charge against an European British subject.'

" Now, there is no restriction on the nationality of a Presidency Magistrate; Natives of India may hold, and have held, that office. The result of the law, therefore, is that, within the limits of the Presidency-towns, jurisdic-

tion over European British subjects may be exercised by any person who happens to be a Presidency Magistrate, whether he is a European British subject or not; but that, outside these limits, in any part of the Mufassal, that jurisdiction cannot be exercised by any of Her Majesty's Magistrates, however complete may have been his training—however long may have been his judicial experience—however high may be his rank in the service—unless he happens to be a European British subject.

" Such is the existing law, and it was settled in this form in the year 1872, after a very remarkable debate, which resulted in a very remarkable division. The Select Committee on the Bill which afterwards became law as the Criminal Procedure Code of 1872 had adopted a resolution in which they recorded their opinion ' that the jurisdiction of Magistrates and Sessions Judges who are Justices of the Peace might with advantage be extended in the case of European British subjects.' It will be observed that there was nothing in the resolution which implied that the exercise of this jurisdiction in future was to be confined to persons who are themselves European British subjects. Such a limitation was, however, inserted in the Bill as finally settled by the Committee; but, when it was brought before the Legislative Council, Sir Barrow Ellis (I shall take the liberty of referring to him and others by the titles which they now bear) moved an amendment which would have had the effect of striking out the limitation. It would appear that the limitation to which he objected had in fact been introduced in pursuance of some kind of bargain or compromise between members of the Committee holding different opinions on the subject. Repeated references were made in the course of the debate to the existence of this compromise. Thus Mr. Chapman, whilst expressing his agreement with much that had fallen from Sir Barrow Ellis, said that he felt himself unable to support the amendment for the very plain and conclusive reason that he, as member of the Select Committee, considered himself bound to adhere to the pledge he had given to the European community that, under the altered law, an Englishman should retain his privilege of being tried by an Englishman. Again, Mr. Inglis said that he did not intend to go into the question on its merits, as he considered that he was bound by the terms of the recommendation which he had signed with other members of the Committee. My eminent predecessor, Sir James Stephen, who was in charge of the Bill, declared in the most emphatic terms that he could not undertake to justify on principle the terms of a compromise. And Sir J. Strachey, who also supported the proposals, admitted that the provisions of the Bill represented a compromise which was open to criticism of every kind. The amendment moved by Sir Barrow Ellis was put

to the vote, and was lost on a division by a majority of 7 to 5. But the minority on the division included the majority of the Executive Council. It consisted of the then Viceroy, Lord Napier of Murchistoun, the then Lieutenant-Governor of Bengal, Sir G. Campbell, his immediate successor, Sir R. Temple, the then Commander-in-Chief, Lord Napier of Magdala, and Sir Barrow Ellis. Each of these distinguished members of the Government of India not only voted but spoke in support of Sir Barrow Ellis's amendment and against the proposals that are embodied in the existing law. And I shall make no apology for quoting to-day some of the arguments which they used, and some of the opinions which they expressed.

" Sir Barrow Ellis said that, in making the invidious distinction which was now proposed, if we excluded any Justices of the Peace from the exercise of certain powers, we were really casting a stigma on the whole educated Native population of India. He might also urge that there would be considerable inconvenience in having such a distinction. But he preferred to put it on the broad ground that, if you had Native Covenanted Civil Servants, you ought not to bar them from exercising the powers of a Civil Servant, among which powers is the jurisdiction of a Justice of the Peace over European British subjects. By Act II of 1869 Natives might be appointed Justices of the Peace, and on what ground, he would ask, was it proposed to restrict their powers as Justice of the Peace?

" Sir George Campbell was of opinion that the Council should adhere to the decision which had been come to by the passing of Act II of 1869, namely, that a Justice of the Peace must be either a European British subject or a Covenanted Civil Servant. To re-open that question, and to limit the powers that might be exercised by any Justices who were Covenanted Civil Servants, appeared to His Honour to be somewhat invidious, and would be, as it were, setting themselves against the policy hitherto pursued. Viewing the matter in that light, he should be inclined to vote for the motion before the Council.

" The Commander-in-Chief said that the Native members of the Covenanted Civil Service having been to Europe, having become acquainted with European feelings, ideas and customs, and having qualified themselves to take their places with European members of the Civil Service, His Excellency would frankly accept them as real members of the Covenanted Civil Service, and allow them to exercise all the functions which the European members exercised.

" Lord Napier of Murchistoun said that his vote would be given in conformity with the opinion which had been expressed by the Commander-in-

Chief. His Excellency thought that the restriction would embody a stigma on the Native community in general. It was equivalent to stating that, under no circumstances, as far as the administration of the law was concerned, could the Native attain to that degree of impartiality and courage which would justify the Government in reposing in his hands the power of trying European British subjects. He thought that by the restriction we, in effect, said to the European—'You are not to be tried in the Mufassal by the agency by which you are tried in the High Courts and in the Courts of the Magistrates in the Presidency-towns, with the general approval and sanction of the European and Native communities.' It was saying, in effect, that the Native who had attained to the position of a Sessions Judge was not competent to try a European British subject, but that he might try him when he became a Judge of the High Court and sat beside a European Judge. His Excellency could not but help thinking that there was practically no greater disparity in permitting these Native Civil Servants to try a European British subject, than in permitting Native Justices in the Presidency-towns to try him. There appeared to His Excellency to be no such broad distinction whatever between the conditions of society and of public opinion in this respect between the Presidency-towns and the Mufassal. There were now a great number of public-spirited men and a great deal of public spirit all over the provinces. Communications by rail, the dissemination of newspapers both in English and the Vernacular, and a great variety of other circumstances had destroyed that distinction which formerly existed between the Presidency-towns and the Mufassal. His Excellency did not himself consider that there was the slightest possibility that, in the rare case of a Civil and Sessions Judge trying a European British subject in the Mufassal, there would be an abuse of justice.

"Sir Barrow Ellis said that he desired to add his testimony to the efficiency with which Native Magistrates had performed their duties in the Presidency-towns, in the administration of justice to both Europeans and Natives, and he had no hesitation in saying that they had performed their duties with as much credit and efficiency as the European Magistrates. And, if they had done that, he saw no reason why Natives in the position of Covenanted Civil Servants or Sessions Judges should not be equally competent to administer justice to the European in the Mufassal. His hon'ble friend Mr. Stephen had remarked that in this matter we were not to consult the feelings of the Judge, but of those who were to be subjected to the jurisdiction. In answer to that, Mr. Ellis would say that he saw no reason why that which did not hurt the feelings of Europeans in the Presidency-towns should hurt them in the Mufassal.

" And, finally, Sir Richard Temple said he thought that the inference was undeniable that, if the Natives were eligible to all the great offices of the administration, it seemed improper and unreasonable to say that they should not sit as Judges over Europeans in the Mufassal for offences of the trivial nature over which it was proposed to give Justices of the Peace cognizance.

" However, as I have said, these views, though they commended themselves to the majority of the Executive Council, did not commend themselves to the majority of the legislature, and the amendment proposed by Sir Barrow Ellis was lost.

" It was not to be expected that a decision which avowedly proceeded on the terms of a compromise, and against which such a formidable weight of official authority was arrayed, should be accepted as a permanent settlement of the question. It has not been so accepted. Whenever proposals have been made for amending the Criminal Procedure Code, the attention of the Government has been directed to the anomalous position in which Native members of the Covenanted Civil Service have been left by the legislation of 1872. In the early part of last year, Mr. Gupta, a Native member of the Bengal Civil Service, submitted to the Lieutenant-Governor of Bengal a note in which he pointed out that the existing law, if maintained, would give rise to an invidious distinction, and to very practical inconveniences in the case of those Natives of the country who might expect in course of time to attain to the position of a District Magistrate or of a Sessions Judge. I may add that the anomalous nature of the present arrangements could not be better illustrated than by Mr. Gupta's own case. He officiated for some time as Presidency Magistrate here in Calcutta, and, while so officiating, he had, under the law as it stands, full powers over European British subjects, even in comparatively serious cases, and exercised those powers to the satisfaction of the Local Government and the public. On his removal to a more responsible appointment in the interior, he ceased to be qualified to deal with even the most trivial cases affecting Europeans. Mr. Gupta's proposal was that the law should be amended by extending the jurisdiction over European British subjects to Natives of this country holding the office of a District Magistrate or of a Sessions Judge, and he suggested that the amendment might be made in the Bill which has since become law as the Criminal Procedure Code of 1882. However, that Bill had then nearly reached its final stage, and it was obvious that a question which was of such importance and difficulty, and about which it would be impossible to take action without consulting both Local Governments and the Secretary of State, could not with propriety be raised at so late a stage of the discussion on the Bill. In this, as in other matters, the Government had, as

was pointed out last year by my friend Major Baring, to choose between, on the one hand, passing the new Code, with the amendments which had been generally accepted,—amendments which were of considerable importance,—or, on the other hand, postponing the Code, with all its improvements of form and substance, until all possible amendments of the law had been got together and considered.

" Of these two courses, the Government adopted—and, I think it will be generally agreed, wisely adopted—the latter, taking care, however, to make it clear that, whilst re-enacting, for the purpose of consolidation, certain provisions of the existing law, they were not to be considered as expressing an opinion that these provisions might not with advantage be amended.

" This was Sir Ashley Eden's own view, and accordingly he postponed the submission of Mr. Gupta's note to the Government of India until the new Criminal Procedure Code had become law. But, when he did submit it, he accompanied it with a strong expression of opinion as to the expediency of altering the law in the direction indicated by Mr. Gupta. He remarked that, as a question of general policy, it seemed to him right that Covenanted Native Civilians should be empowered to exercise jurisdiction over Europeans as well as over Natives who are brought before them in their capacity as Criminal Judges. Now that Native Covenanted Civilians might shortly be expected to hold the office of District Magistrate or Sessions Judge, it was also, as a matter of administrative convenience, desirable that they should have the power to try all classes of persons brought before them. Moreover, if this power was not conferred upon Native members of the Civil Service, the anomaly might be presented of a European Joint Magistrate who is subordinate to a Native District Magistrate or Sessions Judge being empowered to try cases which his immediate superior cannot try. Native Presidency Magistrates within the Presidency-towns exercised the same jurisdiction over Europeans that they do over Natives and there seemed to be no sufficient reason why Covenanted Native Civilians, with the position and training of District Magistrate or Sessions Judge, should not exercise the same jurisdiction over Europeans as is exercised by other members of the service.

" For these reasons, Sir Ashley Eden was of opinion that the time had arrived when all Native members of the Covenanted Civil Service should be relieved of such restrictions of their powers as are imposed on them by Chapter XXXIII of the new Code of Criminal Procedure, or when at least Native Covenanted Civilians who have attained the position of District Magistrate or Sessions Judge should have entrusted to them full powers over all classes, whether European or Native, within their jurisdiction.

"Before taking any further action in the matter, the Government of India considered it desirable to ascertain the views of Local Governments and Administrations as to the expediency of the amendments suggested by Sir Ashley Eden; and accordingly they addressed a circular letter to the several Local Governments, inviting a confidential expression of opinion of those suggestions. The result was remarkable. There was an overwhelming consensus of opinion that some change in the law was required, and that the time had come for removing the present absolute bar on the investment of Native Magistrates in the interior with powers over European British subjects. As to the precise extent to which the law should be modified, there was, as might naturally be expected, some difference of opinion; but it was generally admitted that a Native Civilian in the position of a District Magistrate or Sessions Judge should have equal powers with his European colleagues, and there was a very strong body of opinion that there should be no distinction made between Native and European members of the Covenanted Civil Service at any step in respect of their judicial powers, provided that they were individually found qualified to exercise those powers.

"Under these circumstances, it has become abundantly clear that the existing law cannot be maintained, and the only question which we have to consider is not whether the law should be altered, but how it should be altered. In approaching this question, there is one consideration of which we must not lose sight, and of which it is not likely that we should lose sight, and that is that this is a subject with respect to which it is eminently undesirable to avoid constant tinkering of the law. The settlement arrived at in 1872 may not have been satisfactory,—I do not myself think that it was satisfactory,—but, such as it was, we should not be justified in re-opening this difficult question unless we saw our way to a solution which should be, I will not say final—for nothing in legislation is absolutely final—but which should contain in itself the elements of stability and durability. Can we find any such solution? If we look the question fairly in the face, and endeavour to realise distinctly the object at which we ought to aim and the facts with which we have to deal, I think that we can. As to the object at which we ought to aim, there will be no difference of opinion. It is simply the effectual and impartial administration of justice. And as to the facts with which we have to deal, no one who has studied the statistics and reports of the cases involving charges against European British subjects can fail to be struck with two things—first, that, as compared with the great mass of ordinary criminal business, they are exceptionally rare, and secondly, that they are exceptionally troublesome and difficult. To what conclusion do these two peculiarities point? They appear to me to show that, in the interests of the effectual and impartial

administration of justice, it is not necessary, and that, in the same interests, it is not desirable, to clothe all Magistrates indiscriminately with the power of dealing with these cases. As we are justified in excluding from the jurisdiction of inferior Magistrates as such the cognizance of the graver classes of offences, so we should be justified in excluding from their jurisdiction the cognizance of a class of offences the trial of which, from the circumstances under which they are ordinarily committed, presents features of exceptional difficulty. It involves no disrespect to the magisterial or judicial office to say that an officer who may be fully competent to dispose of a common case of theft or assault may not be competent to dispose of a class of cases which, as will be admitted by all impartial persons, are apt to put an exceptionally severe strain on the judicial qualities of tact, judgment, patience and impartiality. We are, therefore, I conceive, fully justified, on principles of general applicability, in confining the jurisdiction exercisable in this particular class of cases to a specified class of Magistrates; and the further question which we have to determine is, how this class is to be defined. My answer is, that the line ought to be drawn with reference to the presumable fitness of the Magistrate, and with reference to that alone, and that we ought not to base any difference which we may think fit to make between particular classes of Magistrates on race distinctions, which are as invidious as they are unnecessary.

" These are the principles by which we have been guided in framing the proposals which I am now asking leave to lay before the Council. We are of opinion that the time has come when the settlement which was arrived at in 1872 may with safety, and ought in justice, to be reconsidered; we are of opinion that, if this question is re-opened, it ought to be settled on a permanent and stable foundation; and, finally, we are of opinion that no change in the the law can be satisfactory or stable which fails to remove at once and completely from the Code every judicial disqualification which is based merely on race distinctions.

" Accordingly, we propose to amend the law, first, by repealing the words which confine the exercise of jurisdiction over British subjects to persons who are European British subjects themselves; secondly, by declaring that every District Magistrate and Sessions Judge shall be, by virtue of his office, a Justice of the Peace, and as such, capable of exercising jurisdiction over European British subjects; and thirdly, by empowering Local Governments to invest with the office of Justice of the Peace, and consequently with jurisdiction over European British subjects, any person who, being either

(*a*) a member of the Covenanted Civil Service,

(*b*) a member of the Native Civil Service constituted under the statutory rules,

(*c*) an Assistant Commissioner in a non-regulation province, or

(*d*) a Cantonment Magistrate,

is for the time being invested with the powers of a Magistrate of the first class, and is, in the opinion of the Lieutenant-Governor, fit to be entrusted with those further powers. We propose to make no distinction in the law between European and Native officers. We consider that the care exercised in the selection of officers for the Covenanted Service, both in Regulation and Non-Regulation Provinces, together with the subsequent training that they receive, warrants our amending the law in the manner proposed. As a fact, no officer would be eligible until he had passed all the departmental examinations and been in training long enough to show the superior authorities whether he would be likely to use any powers conferred on him with proper discretion. These proposals will completely remove from the law all distinctions based on the race of the Judge. The limitations remaining on the jurisdiction of particular classes of Magistrates will be based, not on any difference of race, but simply on differences of training and experience.

"These, then, are our proposals. I repeat that, in making them, the only object which we have in view is to provide for the impartial and effectual administration of justice. It is by that test that we desire our proposals to be tried. If they are tried by that test, I am not without a confident hope that they will commend themselves both to the European and to the Asiatic subjects of Her Majesty as reasonable and just."

The Hon'ble MR. EVANS said that he was not well acquainted with the rules of debate in the Council, but wished to know whether the principle of this measure should be debated on this occasion, when leave was asked to introduce a Bill, or whether the measure should be debated at a later stage. Most of the non-official members of the Council were in the same position as himself, and had heard to-day, for the first time, what the proposed measure was. It was, no doubt, one which had been often debated and was a vexed question. As had been pointed out, it was settled by a compromise in 1872, and MR. EVANS would also point out that there was nothing which was more dear to any man, and more especially to an Englishman, than his liberty, and nothing which he was more jealous of than any change in the tribunal which could deprive him of that liberty in a moment. He might also point out that, when an Englishman came into a tropical country, a sentence of imprisonment

on him in certain seasons and places meant almost certain death. He did not propose now to discuss the principles of the settlement which it was now proposed to come to. He thought that the able speech in which it was introduced and the grave matters which were set forth in it deserved full consideration, and he did not think he would be justified in propounding any views of his own on the subject at once. But time should be given to the non-official community, considering that the question of the tribunal was one of the greatest importance—far greater than any question concerning the law of property and other such matters. Under these circumstances, he would ask His Lordship if he considered it was convenient to debate the principle of the Bill on the motion for leave to introduce it, then that the motion should be postponed so as to give time to the non-official English community in India, which was scattered far and wide in the various provinces, to make their voices heard, or, at any rate, that it should be postponed to-day, as he felt he could not give full consideration to it that day.

His Excellency THE PRESIDENT said :—" Nobody is pledged in the smallest degree by the introduction of this or any other Bill, and it would be obviously very unfair that Hon'ble Members of Council should be called upon to express an opinion on the principle of a Bill which they have not seen. Nothing could be more lucid than the statement made by my hon'ble and learned friend who proposes to introduce the Bill, but, until the Bill itself is in the hands of the public, it would be unfair both to them and to the Government that any opinion should be expressed upon it, or that any discussion should take place upon the measure in this Council.

" No one knows better than my hon'ble and learned friend Mr. Evans how difficult it is to understand a Bill, even with the clearest explanations of its provisions, until you have the Bill itself before you; and that public are sometimes perhaps a little too much inclined to criticise by anticipation measures of which they know nothing and have seen nothing; and I myself should not be in the smallest degree inclined to give any sort of encouragement to a procedure which, as I have said, is unfair both to the Government and to the public.

" I need not, I am sure, say that the Government has no desire to push this matter forward without giving full time for its consideration.

" The proper occasion, I think, for discussing the principle of the Bill will be on its reference to a Select Committee.

" I look upon that stage of the procedure as standing in the place of what is called ' the second reading ' in Parliament at home. In the House of

Lords, a Bill is often brought in and put on the table without saying a word; in the House of Commons, this is not the case, but the occasions on which discussions arise on the introduction of a Bill are rare, and debate on the principle of the measure takes place on the second reading.

" What I would, therefore, suggest would be that leave should now be given to bring in this Bill; that it should be brought in at the next meeting of the Council, and then published; and that due time should be given, before the motion is made for its reference to a Select Committee, in order to enable Members of Council to consider it when they receive it in print, and to be prepared to discuss it fully after they have acquired a perfect knowledge of its provisions."

MAHÁRÁJÁ SIR JOTÍNDRA MOHAN TAGORE having asked permission to address the Council on the subject of the Bill, His Excellency the President remarked :—

" Although, according to strict rule, the Mahárájá has lost his turn for speaking, I am sure that this Council would wish me to give him leave to address them. And, in doing so, I should like to take the opportunity of expressing the great regret I feel that this, I believe, is the last occasion on which we shall have the presence in the Council of our hon'ble colleague Mahárájá Sir Jotíndra Mohan Tagore. During the long period of his service in the Legislative Council, the Mahárájá has distinguished himself by his fairness, his enlightened views and his remarkable courtesy towards all the Members of this Council.

" The Government of India have derived very great advantage from the presence of my hon'ble friend in the Council, and it is a source of deep regret to me that the fair rule of giving a chance to others to take their place in this Council, and, therefore, of not unduly prolonging the presence in it of any one particular member, added to the Mahárájá's own desire to be relieved of duties which clash with his other engagements, have necessitated his retirement, and occasioned the great loss to the Council which must result from his absence from it."

The Hon'ble MAHÁRÁJÁ SIR JOTÍNDRA MOHAN TAGORE said :—" My Lord, I have listened with great interest to what has been said by my hon'ble and learned colleague opposite, and, as this may be the last occasion, as Your Lordship has observed, on which I shall have the honour of addressing this Council, I beg leave to take this opportunity of offering, on behalf of my countrymen, their grateful thanks to Your Excellency for redeeming the promise, which was held out to them during the last session of the Council,

to amend that portion of the Criminal Procedure Code which relates to the trial of British-born subjects. Although it is impossible to say anything with regard to the details of the Bill before it is introduced, the very fact that something will be done now to remove the anomaly which has been a source of standing complaint with my countrymen from a very long time is in itself a matter for congratulation. Knowing the broad and statesman-like views which have always characterised Your Lordship's government, we have every reason to hope that legislation in this direction will be of a piece with those other great measures of reform,—among which I may name the repeal of the Vernacular Press Act, and the Act which, for the first time, has introduced the principle of self-government in this country,—which we feel sure will mark Your Lordship's administration as an epoch in the annals of British India; and I am free to confess, my Lord, that, on this closing day of my humble career in this Council, I feel an honest pride that I have had the good fortune to occupy a seat here while these great measures have been either passed or initiated under the auspices of Your Excellency's liberal government.

"And I take this opportunity, my Lord, to tender my own most hearty and grateful thanks for the very kind manner in which Your Excellency has been pleased to speak of my humble services in this Council."

The Motion was put and agreed to.

UNIVERSITIES DEGREES BILL.

The Hon'ble MR. GIBBS introduced the Bill to authorize the Universities of Calcutta, Madras and Bombay to grant certain honorary degrees, and moved that it be circulated for the purpose of eliciting opinion thereon.

He said the short history of the measure was this. In the Bill which became law a sort time ago for the establishment of the University in the Panjáb, permission was given to that University to confer certain honorary degrees. It would also be in the recollection of the Council that an Act conferring power on the University of Calcutta to grant honorary degrees generally was passed in 1875 very hurriedly through the Council, to confer the honorary degree of Doctor of Laws on His Royal Highness the Prince of Wales. Under that Act the University also, some short time afterwards, conferred a similar distinction on three eminent scholars, two of whom were Natives, namely, Rajendralál Mitter, K. M. Banerjí and Monier Williams. Some time after, the Secretary of State addressed a despatch to Government, asking them to abstain from conferring these honorary degrees. It seems, however, to the Government of India that the time has now arrived when the Universities in this country have attained to a status and position which would

warrant this power being exercised by them; and the Calcutta University, on being unofficially consulted, was of opinion that the measure which the Government proposed to introduce was one worthy of acceptance. It would repeal the Act of 1875 and limit honorary degrees being conferred by the University of Calcutta, as well as by other Universities, to that of Doctor of Laws, which was generally the honorary degree conferred by the older Universities of Oxford, Cambridge and Dublin; and, in accordance, he had now to introduce the Bill, leave to do which was obtained in Simla, to grant this power to the Universities of Calcutta, Madras and Bombay, the two latter of which did not hitherto possess it.

The Motion was put and agreed to.

The Hon'ble MR. GIBBS also moved that the Bill and Statement of Objects and Reasons be published in the *Fort St. George Gazette*, the *Bombay, Government Gazette* and the *Calcutta Gazette* in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

LITTLE COCOS AND PREPARIS ISLANDS LAWS BILL.

The Hon'ble MR. ILBERT moved for leave to introduce a Bill to amend the law in force in the Little Cocos Island and Preparis Island. He said that these two islands, as members of the Council might be aware, lay to the north of the Andaman group, between that group and the projection of land which was formed by the mouths of the Irrawaddy. The Little Cocos Island used to form a portion of the territories administered by the Chief Commissioner of the Andamans and the Nicobars, and, as such, was a portion of the scheduled districts contained in the Scheduled Districts Act. For administrative purposes, it was thought advisable a short time ago to transfer the Island to the administration of the Chief Commissioner of British Burma, and to attach it to the District of Hanthawaddy, in British Burma. It was considered necessary to withdraw the Little Cocos Island from the operation of the Scheduled Districts Act, and to make the law the same as in that portion of British Burma. These objects would be effected by the present Bill, and it would take effect retrospectively from the date from which they were transferred to the administration of the Chief Commissioner of British Burma. But, considering the nature of the population of the Islands, he did not think that a retrospective measure would involve any serious risk of interfering with vested rights. He had turned for information on this subject to a copy of the *Gazetteer* of Dr. Hunter, from which

high authority he learnt that the inhabitants of Little Cocos, at the date when the *Gazetteer* was published, consisted of a few wild pigs and a good many birds. But he had just been informed by His Excellency the Commander-in-Chief that there were also a lighthouse-keeper and eleven chaprásís.

The Motion was put and agreed to.

NIZÁMÁT ACT REPEAL BILL.

The Hon'ble MR. ILBERT also presented the Report of the Select Committee on the Bill to repeal Act XXVII of 1854.

AGRICULTURAL LOANS BILL.

The Hon'ble MR. CROSTHWAITE moved that the Hon'ble Rájá Siva Prasád and the Hon'ble Mr. Thomas be added to the Select Committee on the Bill to consolidate and amend the law relating to loans of money for agricultural improvements.

The Motion was put and agreed to.

The Council adjourned to Friday, the 9th February, 1883.

R. J. CROSTHWAITE,
Additional Secretary to the Government of India,
Legislative Department.

CALCUTTA;
The 2nd February, 1883.

S. G. P. .I—No. 168 L. D.—27-2-15.