

**Friday,  
5th January, 1883**

**ABSTRACT OF THE PROCEEDINGS**

**OF THE**

**Council of the Governor General of India,**

**LAWS AND REGULATIONS**

**Vol. XXII**

**Jan.-Dec., 1883**

ABSTRACT OF THE PROCEEDINGS

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

1883,

VOL. XXII.



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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.*

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The Council met at Government House on Friday, the 5th January, 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 Mahārājā Sir Jotíndra Mohan Tagore Bahádur, K.C.S.I.

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

The Hon'ble Rájā Siva Prasád, C.S.I.

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

The Hon'ble Sayyad Áhmad Khán Bahádur, C.S.I.

The Hon'ble Durgá Charan Láhá.

The Hon'ble H. J. Reynolds.

The Hon'ble H. S. Thomas.

The Hon'ble R. Miller.

EXPLOSIVES BILL.

The Hon'ble MR. ILBERT introduced the Bill to regulate the manufacture, keeping, sale, conveyance and importation of explosives. He said that, as he found that the Bill had not been circulated among hon'ble members before last Wednesday, he proposed to postpone until the next meeting the Motion that the Bill be referred to a Select Committee; but he should like, with the permission of the Council, to take this opportunity of explaining shortly the main provisions of the Bill. The Bill was divided into ten chapters. The first chapter contained the usual preliminary matter. It exempted from the operation of the Act Government establishments, and it contained a clause saving the

operation of the Indian Arms Act. As he had said on a previous occasion, the object of the Arms Act and the object of the present Bill were entirely different, and it was desired to keep the measures as distinct from each other as possible; and, therefore, it was provided that nothing in this measure should affect anything contained in the Arms Act. Then the Bill fixed the date on which the measure was to come into operation. It was to come into operation on a date to be fixed by notification; but power was given to make, at any time before that date, such rules as might be required for its actual working, subject to the proviso that the rules were not to come into effect until the Act itself came into effect.

Chapter II laid down the general law as to the manufacture and keeping of explosives, and prescribed the places at which they might be manufactured or kept. It was to be read subject to certain exceptions in the supplemental chapter (X).

Chapter III dealt with the licensing and registration of factories and magazines, and the registration and regulation of registered places, and conferred powers on the Local Government to make rules on all necessary matters. It would be observed that there were three classes of places to which this chapter applied, namely, factories, magazines and registered places. A factory under the Act was a place licensed for the manufacture of explosives; a magazine was a place licensed for keeping explosives; and a registered place was a place registered for the keeping of explosives. The difference between a magazine and a registered place was this. Magazines were places which were devoted exclusively to the keeping of explosives. Registered places were places like general stores or shops, which were not devoted exclusively to the keeping of explosives, but in which explosives might be kept.

This chapter would, for the present, have a very limited operation. The chapter did not apply to Government establishments, and it appeared, from returns which had been recently obtained from the Local Governments, that, if these establishments were eliminated, the number of places in British India in which explosives were manufactured was trifling. The chapter would, indeed, apply to places in which fireworks were made or kept, but he thought it right to say that there was no intention on the part of Government to interfere, by means of vexatious restrictions, with one of the most popular amusements in India. The object of the Act was simply to protect the public against danger, and, whenever it was found that the existing practice was not attended with any appreciable risk of danger to the public, it would, he presumed, not be interfered with.

Chapter IV related to the sale of explosives. It prohibited explosive being hawked, sold or exposed for sale on highways or public places; it prohibited the sale of an explosive to a child under thirteen; and it prescribed the manner in which an explosive exposed for sale or sold was to be packed and labelled.

Next, Chapter V treated of matters relating to the conveyance of explosives; it empowered the Governor General in Council to make rules as to the packing of explosives; it empowered the Local Governments to make rules to regulate the conveyance, loading, unloading and keeping of explosives within ports, and it directed Railway-administrations to make rules for their own railways. Moreover, it gave supplementary powers to the Governor General in Council to make rules for matters not provided for by the rules framed under the powers last mentioned.

Chapter VI regulated the importation of certain explosives, and prohibited their importation except under a license. The Governor General in Council was given power to regulate all matters connected with the grant of these licenses, and the officers of Sea Customs were given similar powers with regard to these explosives as they had with regard to any article on the importation of which restrictions were placed by the law for the time being relating to Sea Customs.

Then came Chapter VII, which conferred special powers on the Governor General in Council to regulate or prohibit all dealing with any explosives which, in the opinion of the Governor General in Council, were specially dangerous to the public safety.

Chapter VIII was headed "Government Supervision," and it provided for the appointment, and defined the powers, of Government Inspectors and other similar officers, giving them powers of search and detention in certain cases. It also provided for the giving of notices of accidents arising from explosion or fire in or about any factory, magazine or other place where explosives might happen to be kept.

Chapter IX dealt with penalties and legal proceedings. The penalties for breaches of the provisions of the Act and the rules made under it were restricted to forfeitures and fines, and the only instance in which the Act prescribed imprisonment as a punishment was that of resistance to a public officer.

A supplemental chapter (X) provided for several miscellaneous matters, of which there was only one to which he need draw special attention. Those who had studied the Bill would have seen that, although it appeared to be somewhat

long and complicated, it was, in fact, a skeleton measure. What it substantially did was to confer upon different authorities power to make rules relating to a number of different matters. The Government was obliged to adopt this form of legislation in consequence of the great variety of places and circumstances to which the Act would apply, and the necessity for making the Act elastic in order to make it workable. The result was, that the sting of the measure would lie, not in the Act itself, but in the rules made under the Act; and, that being so, they were bound to provide the same kind of opportunity for criticising the rules made under the Act as was given for criticising the Act itself. He had endeavoured to do this by section 75 of the Bill, which ran as follows:—

“Every authority having power to make rules under any section of this Act other than section fifteen or section twenty-nine shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

“The publication shall be made, in the case of rules made by the Governor General in Council, in such manner as may, in his opinion, be sufficient for giving information to persons interested, and, in the case of rules made by any other authority, in the prescribed manner.

“There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.”

It would be seen that this section gave general effect to the policy to which he had referred on a recent occasion. He need add no more that this, that, as the Bill was simply an empowering Bill, and as it was important that there should be no unnecessary delay in making the rules which might be found necessary, he should probably ask the Council to take the Bill into consideration and pass it before the end of the Calcutta session. Therefore he hoped that those who were interested in the measure would give the Council the benefit of their criticisms and suggestions at as early a date as possible.

#### CHUTIÁ NÁGPUR ENCUMBERED ESTATES ACT, 1876, AMENDMENT BILL.

The Hon'ble SIR STEUART BAYLEY introduced the Bill to amend the Chutiá Nágpur Encumbered Estates Act, 1876, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Ilbert and Reynolds and the Mover. He said that he had explained the grounds upon which this Bill was rendered necessary at a previous meeting, and, as its provisions were very simple, he thought he need not take up the time of the Council any further by going over the same ground again.

The Motion was put and agreed to.

The Hon'ble SIR STEUART BAYLEY also moved that the Bill and Statement of Objects and Reasons be published in the *Calcutta Gazette* in English and in such other languages as the Local Government might think fit.

The Motion was put and agreed to.

CENTRAL PROVINCES LOCAL SELF-GOVERNMENT BILL.

The Hon'ble MR. CROSTHWAITE presented the further Report of the Select Committee on the Bill to make better provision for Local Self-Government in the Central Provinces.

The Council adjourned to Friday, the 12th January, 1883.

CALCUTTA ;	}	D. FITZPATRICK,
<i>The 5th January, 1883.</i>		<i>Secretary to the Government of India,</i> <i>Legislative Department.</i>

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