

*Thursday,
14th March, 1895*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXXIV

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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,

1895

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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 Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., cap. 67, and 55 & 56 Vict., cap. 14).

The Council met at Government House on Thursday, the 14th March, 1895.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, P.C., LL.D., G.M.S.I., G.M.I.E., *presiding*.

His Excellency the Commander-in-Chief, K.C.B., G.C.I.E., V.C.

The Hon'ble Sir A. E. Miller, K.T., Q.C.

The Hon'ble Lieutenant-General Sir H. Brackenbury, K.C.B., R.A.

The Hon'ble Sir C. B. Pritchard, K.C.I.E., C.S.I.

The Hon'ble Sir J. Westland, K.C.S.I.

The Hon'ble Sir A. P. MacDonnell, K.C.S.I.

The Hon'ble Baba Khem Singh Bedi, C.I.E.

The Hon'ble P. M. Mehta, M.A., C.I.E.

The Hon'ble Gangadhar Rao Madhav Chitnavis.

The Hon'ble H. F. Clogstoun, C.S.I.

The Hon'ble P. Playfair.

The Hon'ble Mahárájá Partab Narayan Singh of Ajudhiá.

The Hon'ble Prince Sir Jahan Kadr Meerza Muhammad Wahid Ali Bahádur, K.C.I.E.

The Hon'ble Mohiny Mohun Roy.

The Hon'ble Sir G. H. P. Evans, K.C.I.E.

The Hon'ble Sir F. W. R. Fryer, K.C.S.I.

The Hon'ble H. E. M. James.

The Hon'ble A. S. Lethbridge, M.D., C.S.I.

QUESTION AND ANSWER.

The Hon'ble MR. PLAYFAIR asked:—

“Whether the question of introducing a four-anna rate for deferred inland telegraph messages, with a corresponding ratio for ordinary and urgent telegrams, so as to bring the telegraph within reach of a really tangible portion of the masses, has engaged the attention of the Government of India, and, if so, when the lower tariff is likely to be introduced?”

[*Sir Charles Pritchard; Sir James Westland.*] [14TH MARCH,

The Hon'ble SIR CHARLES PRITCHARD replied :—

"Yes, the question has been carefully considered, and the conclusion arrived at by the Government of India is that in the present position of the imperial finances it is inexpedient to incur at the present time the considerable capital expenditure and the temporary loss of revenue involved in reducing the existing rates for inland telegraph messages."

INDIAN COMPANIES (MEMORANDUM OF ASSOCIATION) BILL.

The Hon'ble SIR JAMES WESTLAND presented the Report of the Select Committee on the Bill to give power to Companies to make certain alterations in the Instruments under which they are constituted, and to amend the Indian Companies Act, 1882. He said :—"The alterations made in Select Committee in this Bill are mainly under two heads. In the first place, the Select Committee have made clear what was not clear before, namely, the status of the Court before which the proceedings contemplated in the Bill are intended to be taken. In the second place, they have introduced a new case under which it is permissible to amend the original memorandum of association, namely, the case where it is found expedient for a company to change its place of official residence. I fancy there is one good reason why a provision of this sort should not be found in the English Act. It arises from the circumstance that the place of residence in the case of an English company is for the most part simply 'England'. The consequence is that no change of residence is required in the same circumstances under which a change of residence is required in this country; for, as the Act stands in this country, a company is bound to state not that it intends to carry on its business in British India, but in what part of British India it intends to carry on its business. We have therefore provided that, when it is found expedient for a company to change its place of residence in India, proceedings may be taken under this Act for amending the memorandum of association in that respect. This involves a rather complicated procedure, in consequence of which a new clause has been added to section 9, providing for the transfer of all the proceedings of registration in connection with the company from the office of the Registrar in which they have hitherto been deposited to the office of the Registrar who has jurisdiction in respect to the new place of residence.

"A third point to which it is desirable that I should draw attention is that objection has been made in one or two quarters to the provision of section 10 of the Bill, by which, if a company fails to register the order of the Court within three months, the whole of the proceedings taken under the Bill become void,

1895.] [*Sir James Westland; Lieutenant-General Sir Henry Brackenbury.*]

It was pointed out that it might be possible that proceedings having been taken under this Act by the bulk of the shareholders against the wishes of the directors and of the managers, it would be possible, after all the proceedings had been taken and after the Court had pronounced on the subject, for the directors and the managers to allow the whole of the proceedings to drop by the simple expedient of failing to register. To prevent this we have provided that, if within a month of the time when this failure to register takes place, the Court is moved to revive its order, it will be at liberty to do so.

"These are the main alterations made by the Select Committee whose report I beg now to present."

INDIAN VOLUNTEERS ACT, 1869, AMENDMENT BILL.

The Hon'ble **LIEUTENANT-GENERAL SIR HENRY BRACKENBURY** moved for leave to introduce a Bill to amend the Indian Volunteers Act, 1869. He said:—"My Lord, in India as in Great Britain many loyal subjects of Her Majesty have, with the sanction of Government, enrolled themselves into volunteer corps. But the origin and the object of these corps are not the same in India as in England. In England the origin of volunteer corps dates from a time when England was threatened with invasion; and it is against invasion that the maintenance of the existing volunteer force in Great Britain is directed. The Act of 1863, under which the volunteers of Great Britain now serve, gives power to Her Majesty's Government to call out the volunteer corps of the respective counties or any of them for actual military service only in case of actual or apprehended invasion of any part of the United Kingdom. The Militia Act of 1882 enables Her Majesty to embody the militia in case of imminent national danger or of great emergency. This difference between the conditions under which the militia and volunteers can be called out in England has long been considered unsatisfactory by the military authorities; and a Select Committee of the House of Commons, which was appointed in May last to enquire into the working of the Volunteer Act, has reported its opinion that the conditions under which the volunteers can be called out should be assimilated to those affecting the militia, and that Her Majesty should be empowered to call out volunteers in case of imminent national danger or of great emergency.

"In India we have no militia, and the institution of volunteer corps dates its legal existence from the year 1857, when an Act to provide for the good order

and discipline of certain volunteer corps, and to invest them with certain powers, was passed by this Legislative Council. The preamble to that Act stated that 'whereas, in consequence of the rebellion and disturbance which unhappily exist in many parts of the British territory in India, many loyal subjects of Her Majesty have volunteered their services for the protection of life and property, and for the preservation of the peace, and have, with the sanction of Government, associated and enrolled themselves as military corps under the command of officers appointed for that purpose, it is necessary to provide for the good order and discipline of such corps, and to invest them with certain powers.'

"This Act was repealed in 1869, when Act XX of that year was passed. Its preamble left out the words relating to the existence of rebellion and disturbance in many parts of India, but in other respects remained the same, making it clear that the object for which the volunteers exist in India is the protection of life and property and the preservation of the peace. Section 24 of this Act of 1869 authorises any member of a volunteer corps, whenever he is on duty, to prevent any disturbance of the public peace and to disperse unlawful assemblies. From time to time under this Act local authorities call out corps or portions of corps of volunteers for these purposes, on which occasions they act as a military force, and are so considered, as shown by section 130 of the Code of Criminal Procedure; and, while acting under the requisition of a Magistrate under this section, they are protected by section 132 of the Code. Now, this power to call out the volunteers by local authorities has been found sufficient to meet all cases of purely local disturbances. But circumstances might arise under which it might become necessary to call out volunteers in greater numbers, for the preservation of the peace and the protection of life and property throughout a large and extended area. Under the existing Act no power for this purpose exists, and under the Bill which I am now asking leave to introduce power is given to the Governor General in Council to call out any corps of volunteers for actual military service in case of actual or apprehended emergency, thus enabling the volunteers to take that place which they are intended to hold as a supplement to the European military forces of the Crown in India. The volunteers thus called out would necessarily have to be paid and rationed and generally provided for in the same way as European troops, and the draft Bill gives the Governor General in Council power to make rules for the making of payments and the provision of supplies to the volunteers when on actual military service, and for the grant of pensions, gratuities, allowances and rewards to them.

1895.]

[Lieutenant-General Sir Henry Brackenbury.]

“ And as cases might occur in which volunteers called out by the local authorities for the preservation of the peace might be kept out for such a time as seriously to inconvenience them if they were not rationed and taken care of in the same way as other troops, and to entitle them in equity to be paid for the time of their absence on duty, power is given in the Bill to the Governor-General in Council to apply such rules or any part of them to any volunteers who may have been called out by any Magistrate or other authority for the preservation of the peace, and to direct by whom the cost of payments to be made and supplies to be provided under the rules shall be borne.

“ The rules to be made under the Bill have been drawn up and will be published with the Statement of Objects and Reasons. They give to the Indian volunteer when called out on actual military service all the advantages as regards pay, allowances, rations, pensions, gratuities and compassionate allowances which are enjoyed by British troops, with the single exception that whereas the regular officer draws his pay or retired pay together with wound or injury pension, the volunteer officer so disabled as to be incapable of returning to his former employment or employment of a similar nature will have the option of taking the half pay of his rank for life or wound or injury pension. In England the volunteer officers have not so great privileges. An officer of volunteers disabled on active service is entitled to half pay, but has no option of claiming instead the wound pension given to an officer of the regular service, which is in some cases higher than half pay. In England his widow, if he is killed, is entitled to the same pension as the widow of an officer of the regular service, but there is no provision for the grant of pension or compassionate allowance to his mother or children, as there is for those of officers of the regular forces. In England the volunteer non-commissioned officer or man, if disabled on actual military service, is entitled to the same pension or other benefits as a non-commissioned officer or soldier of Her Majesty's Army, but there is no provision for a gratuity to his widow or orphans if he be killed, as there is for the widow and orphans of the regular soldier. I do not know why these distinctions are made at home, and the Government of India is of opinion that they would be unjust in India. In this climate the ordinary peace training of the volunteer is certainly a greater tax upon a man than similar work in England. In England the volunteers are only liable to be called out in case of actual or apprehended invasion. We propose in this Bill to take power to call them out in case of actual or apprehended emergency; our existing Act recognises the preservation of the peace as one of the duties for which they are enrolled, and as a matter of fact they are called out in case of riots. In a word, in England the

[*Lieutenant-General Sir Henry Brackenbury.*] [14TH MARCH,

volunteers are not liable to any risk of fighting, except in the very remote case of the invasion of the United Kingdom by a foreign Power; while in India they have the risk of being injured in the suppression of riots, and will be liable to be called out not only in case of war with a foreign enemy, but in case of any serious internal disturbance. We have therefore thought that we are bound, in case of death or injury while on actual military service, to give to them and their families all the privileges enjoyed by the British troops by whose side they would act, with the single exception above named.

"These, my Lord, are the main features of the Bill which I now beg leave to introduce, and of the rules to be made under it; but the Bill contains other important matters.

"In the existing Act, No. XX of 1869, the expression 'whilst on actual duty' is constantly employed, but the expression 'actual duty' is nowhere defined. Therefore, in amending section 8 of the existing Act, which states that volunteers shall for all military offences of which they may be guilty whilst on actual duty be subject to the Army Act of 1881 so far as the same is applicable to officers, we have taken the opportunity of explaining the term 'actual duty.' Under the Bill volunteers will be deemed to be on actual duty—

- (a) when they are being trained or exercised either alone or with any portion of the regular forces;
- (b) when they are attached to or otherwise acting with any part of the regular forces;
- (c) when their corps is on actual military service;
- (d) when serving in aid of the civil power.

"The first three of these definitions are in accord with the recommendations made as regards the British volunteers by the Select Committee of the House of Commons. The fourth is in accord with the existing law and practice.

"Another important amendment which is made by the proposed Bill is to extend the area within which volunteers are liable to serve. Under section 16 of the existing Act no member of a corps of volunteers shall be bound, without his consent, to serve or proceed on duty beyond the limits within which he shall have voluntarily engaged to serve or proceed on duty in accordance with the terms upon which the corps to which he belongs shall have been constituted; and in case no such limits shall have been fixed, he shall not be liable to serve or proceed on duty beyond four miles from the place at which he was enrolled.

1895.]

[Lieutenant-General Sir Henry Brackenbury.]

As a matter of fact, such limits have not generally been fixed for volunteer corps, and the result is that, as a rule, under the existing Act volunteers are not liable to serve or proceed on duty beyond four miles from the place at which they were enrolled. This provision would very largely interfere with their efficiency in case of any serious internal disturbance. Cases have occurred within the last year or two in which volunteers have, without raising any demur, proceeded considerably more than four miles in the course of their duty for the preservation of the peace. But it has been considered desirable in the new Bill to make the limits those of the civil district in which the volunteer was enrolled, or, where a corps consists of volunteers enrolled in more civil districts than one (of which railway corps furnish notable examples), those of the territories comprised in those districts. In the case of naval volunteers the limits have been fixed as the port to which the corps belongs, such port being construed to include the city or town after which the corps is named, and its suburbs, and the navigable rivers, channels and fairways leading thereto.

“Another change which is made by the Bill is to give the commanding officers of volunteer corps the power to dismiss from the corps, for certain specified causes, any volunteer other than a commissioned officer. This measure, which is in conformity with the law in England, has been recommended to us by the Commander-in-Chief after consultation with a number of the most experienced commandants of volunteers. But no such dismissal by the commanding officer shall take place until the guilt of the volunteer shall have been established by evidence duly taken and recorded in the books of the corps under the signature of the commanding officer and the adjutant; and every such sentence of dismissal must be reported to and will be liable to revision by the Local Government, which may either reverse it or substitute fine for it, or pass such orders on the case as may in its opinion be just and proper.

“Such, my Lord, are the provisions of the Bill which I now ask leave to introduce. In it two notable changes in the position of the volunteer are introduced;—

- (1).—The area within which he is liable to serve is extended from that of a limit of four miles from the place at which he was enrolled to that of the district in which he was enrolled.
- (2).—He is made liable to be called out with his corps by the Governor General in Council in case of great emergency.

[*Lieutenant-General Sir Henry Brackenbury; Mr. James.*] [14TH MARCH,

"I doubt if there is a single volunteer in India who will not recognise the necessity of, and gladly accept, these new conditions. But, in order to avoid any possible cause of complaint, it is provided in the Bill that neither of these conditions shall apply to any volunteer who is enrolled before this Bill comes into force, unless he consents in writing to be bound by these new conditions.

"My Lord, the volunteer movement is one of which India may well be proud. The volunteer force of India now numbers nearly 29,000 of all ranks, of whom over 26,000 are efficient. Men of all ranks and positions cheerfully give up hours of the time, which in this climate, and under such conditions of hard work for all as prevail in this country, they might well claim for recreation or for rest. They do this without hope of gain, and from a pure spirit of loyalty and patriotism. And I have no doubt that the same spirit of loyalty and patriotism will induce them with practical unanimity to subscribe to the new conditions which will prevail when this Bill has become law, conditions which have been introduced with the sole view of enabling them to turn to the greatest advantage those habits of discipline, that training, and that military spirit which they have acquired, and which, should ever that great emergency arise under which the Governor General in Council calls them out for actual military service, will make them an invaluable support to the European forces of the Crown.

"I now move for leave to introduce a Bill to amend the Indian Volunteers Act, 1869."

The Hon'ble MR. JAMES said:—"As a volunteer reservist myself and Honorary Colonel of a volunteer corps, I can only say that I am sure volunteers in India will accept the Bill with feelings of loyalty and satisfaction."

The Motion was put and agreed to.

The Hon'ble LIEUTENANT-GENERAL SIR HENRY BRACKENBURY also introduced the Bill.

The Hon'ble LIEUTENANT-GENERAL SIR HENRY BRACKENBURY also moved that the Bill and Statement of Objects and Reasons be published in English in the Gazette of India and in the local official Gazettes.

The Motion was put and agreed to.

1895.]

[*Sir James Westland.*]

INLAND BONDED WAREHOUSES AND SALT BONDING BILL.

The Hon'ble SIR JAMES WESTLAND moved for leave to introduce a Bill to provide for the establishment of bonded warehouses at places other than customs-ports, and to afford facilities for the bonding of salt in such warehouses. He said:—"The object of this Bill is to give to the salt trade certain facilities which in some parts of India it does not at present possess. By far the larger part of the value of duty-paid salt in India is due to the duty that has been paid upon it, and it is therefore a considerable burden upon the trade if the arrangements are such as to impose any considerable interval between the payment of the duty and the time when the merchant passes it out into consumption. In Bombay and in Madras, where the salt-duty is levied on the excise-system and regulated by local Acts, the trade is relieved of this burden by the issue of salt on a credit system, of which the conditions are such that the merchant pays the duty to the Government about the time when he sells the salt to the retail dealer. But in Bengal, where nearly all the salt is imported by sea, and the levy of duty is regulated by the Sea Customs Law, the merchant is obliged to pay the duty at the port before he obtains the article for conveyance into the interior.

"An attempt was made to apply a remedy to this state of things in the Act by this Legislature, No. XXI of 1887, which authorized the licensing of warehouses in the interior, or at other places than sea-ports. The intention was that salt might thus be conveyed into the interior, and be warehoused there without previous payment of duty. But, as these warehouses had still to be operated under the law applicable to sea customs, delivery could not be made from them without the supervision of Customs-officers and full formalities of weighment, and the like. The expense attendant upon these arrangements has been sufficient to render the Act in question practically, if not wholly, inoperative.

"The object of the present Bill is, so far as salt is concerned, to apply the conditions of time-bonds to the warehouses which may be established under Act XXI of 1887. We take a time-bond from the merchant when we deliver the salt to him at Calcutta, and subject to certain conditions of inspection and the like leave him responsible for its subsequent transit, warehousing and disposal. We shall probably confine the establishment of these warehouses to places where police-stations exist, so that a responsible police-officer will be at hand, whose inspection will ensure all the control that is necessary, in addition to the time-bond, to afford security to the revenue.

[Sir James Westland; Babu Mohiny Mohun Roy.] [14TH MARCH, 1895.]

"Although the present Bill is, in one sense, a mere amplification, and not a reversal, of the provisions of Act XXI of 1887, it has been deemed more convenient to repeal that Act and re-enact its provisions in the present Bill.

"The law proposed is an enabling law. It is meant primarily for Bengal, but the wording has intentionally been made general, as it may be found convenient to apply its provisions elsewhere, and especially in Burma, which, like Bengal, depends mostly upon sea-borne salt."

The Motion was put and agreed to.

The Hon'ble SIR JAMES WESTLAND also introduced the Bill.

The Hon'ble SIR JAMES WESTLAND also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

BENGAL REGULATION VIII OF 1819 AMENDMENT BILL.

The Hon'ble MOHINY MOHUN ROY moved for leave to introduce a Bill to amend Bengal Regulation VIII of 1819 (*a Regulation to declare the Validity of certain Tenures and to define the relative Rights of Zamindars and Patni Taluqdars; also to establish a Process for the Sale of such Taluqs in Satisfaction of the Zamindar's Demand of Rent*). He said:—
"May it Please Your Excellency, this Bill applies only to Bengal, and its object is to enable a taluqdar, whose patni taluq has been sold under the procedure of Regulation VIII of 1819, to obtain without contentious litigation a reversal of sale on payment of the rent due to the zamindar, and a fair compensation to the purchaser. When the Bengal Tenancy Bill was under consideration in 1884, I put forward this scheme in a pamphlet entitled 'A review of the procedure sections of the Bengal Tenancy Bill.' It was adopted by the Legislature and embodied in section 174 of the Bengal Tenancy Act. Again, in 1890, after I had found from experience and enquiry that the new procedure for setting aside sale was working satisfactorily, I advocated its extension to sales in execution of Civil Court decrees and sales for arrears of revenue and other involuntary sales in Part VI of a series of articles on Law and Legislation in India. The new procedure was extended to sales in execution of Civil Court decrees by Act V of 1894. It would apply equally well

to sales under Regulation VIII of 1819, and save a great deal of contentious litigation.

“ The principle of the scheme is simply this : the law here interposes as a peace-maker and does substantial justice to all the parties concerned in the sale upon the footing of a compromise. The zamindar gets his rents. The purchaser gets a fair compensation for the detention of his money for one month. The defaulting taluqdar gets back his patni taluq upon very easy and reasonable terms. The right which clause 1, section 14 of Regulation VIII of 1819, gave him to bring a civil suit for reversal of the sale seems to be a questionable boon. Here the law incites him to litigation. It depreciates his property in more ways than one. It deters all prudent men from competing at the sale and thus diminishes competition; while those who compete reserve a liberal margin to cover the risk and cost of the coming litigation. If successful in it, he becomes more involved in debt. If unsuccessful, he is ruined. Is it good for anybody? It is not good for the purchaser. He is dragged into an unnecessary litigation and, at its close, often finds himself out of property and out of pocket in a considerable sum in costs. It is not good for the zamindar. The payment of his rent becomes a matter of great uncertainty, and he has often to bear his own and debtor's costs. Is it then like an ‘ill wind which blows no man good?’ Well, it is not exactly so. The legal profession certainly benefits by the litigation. Jeremy Bentham was of opinion that the chief object of all laws made by lawyers was to benefit the profession.

“ Here are two ways of attaining an object : one by litigation, costly, risky and uncertain; the other by a simple process of adjustment, which involves no cost, risk or uncertainty. There cannot be any doubt that the latter is best suited to the people of India. It is needless to say anything more in support of the simple procedure for setting aside sales under Regulation VIII of 1819, which this Bill proposes to enact.

“ I rejoice to find that my idea has been accepted by the Legislature regarding sales under the Bengal Tenancy Act, and regarding sales in execution of decrees under the Code of Civil Procedure. I rejoice no less to find that something is yet left for me to accomplish in this line.”

The Hon'ble SIR ANTONY MACDONNELL said:—“ I would ask leave, with Your Excellency's permission, to make some remarks on this subject as Member in charge of the Home Department, and I may explain that I do so in concert with my hon'ble friend Sir Alexander Miller. There is no doubt that my hon'ble

[*Sir Antony MacDonnell* ; *Sir James Westland*.] [14TH MARCH,

friend's intentions in introducing this Bill are very commendable, and, as he has stated, the principle on which he proceeds has been adopted in the Bengal Tenancy Act and also in the Act passed last year for the purpose of amending the Civil Procedure Code. But the patni taluq is an institution which is entirely peculiar to Bengal as may be clearly seen from the following passage which I quote from the preamble of the law relating to patni taluqs, Regulation VIII of 1819:—

'The following rules have accordingly been enacted by His Excellency the Most Noble the Governor General in Council to take effect from the date of their promulgation throughout the several districts of the Province of Bengal, including Midnapore.'

"So that the law relating to patni taluqs only applies to Bengal and has no effect whatever outside the confines of the Lower Provinces. It is therefore a question whether Your Excellency's Council should concern itself with legislation of such a purely local character. I myself am of opinion that a law relating to patni taluqs, or an amendment of that law, would be more fittingly considered in the local Council, where expert and special knowledge of the subject is forthcoming. I do not think that any information or experience gained in any other Province in India would be of the least use in considering whether this Bill ought to be accepted or not ; and, inasmuch as by the recent legislation of 1892 the functions of the local Legislative Councils have been enlarged and the number of Councillors increased, I think it is not desirable that this Council should trench upon the functions of local Councils more than can be possibly avoided.

"While therefore I have sympathy with the Hon'ble Member's proposals, I do think that they would be carried into effect much more efficiently in the local Legislative Council, and I would ask him whether he would under these circumstances consider it right to press his motion, or whether he should not rather take steps to give effect to his intentions in the local Legislative Council."

The Hon'ble SIR JAMES WESTLAND said :—"As my hon'ble colleague Sir Antony MacDonnell has pointed out, the Bill which the Hon'ble Member has moved for leave to introduce relates to a pure detail of revenue administration in Bengal. I do not wish to call in question the adequacy of Your Excellency's Council to discuss a matter of this sort. As a matter of fact, we at present are rich in Bengal Members. We have three Additional Members from that province ; two Members of Your Excellency's Council have special acquaintance with Bengal, and the Lieutenant-Governor of Bengal is a Member of the Council also. But my objection in this matter is an objection of principle, and not an objection with reference to this particular Bill. It seems to me that, if we

1895.]

[*Sir James Westland.*]

permit this Bill to be introduced, we run the risk of adopting similar measures in regard to other Provinces also, and it is obvious that we may find ourselves legislating here on some question of detail of the administration of Madras or Bombay, over the heads of the Local Governments who are responsible for such measures. My Lord, there are very definite rules laid down by Your Excellency for the constitution of Your Excellency's Council. There are also definite rules laid down for the constitution of the Legislative Council of the Lieutenant-Governor of Bengal. These rules have been framed with reference to the work which it is intended that these Councils respectively should perform, and it seems to me wrong in principle that after constituting the local Council in such a manner that it should possess special knowledge of the circumstances of Bengal, and of such details as those for the regulation of which this measure is to be introduced, we should take the matter out of their hands and discuss it in a differently-constituted Council. There is a particular reason which affects the introduction of this Bill into this Council, namely, that I believe there is pending before the Council of His Honour the Lieutenant-Governor at the present moment a Bill for the regulation of revenue-sales in Bengal. There was one last year—I do not know exactly what its history is—but it seems that it is not unlikely that a question exactly the same as that which is at present introduced with reference to patni taluqs may arise under that Bill also with reference to revenue-sales. It is evident, therefore, that unless the Legislative Council of His Honour the Lieutenant-Governor of Bengal happens to adopt very similar, or the same, opinions as we adopt in regard to this measure, there may be a conflict of authority in a matter in which, as I say, the Local Government is much more concerned than we are.

“ There is another point to which I desire to draw Your Excellency's attention. In administrative and legislative matters the work in this country is distributed, and there is no advantage in employing a higher authority in doing work which has been delegated to a lower authority. The Governor General in Council has power, no doubt, to regulate matters of detail within the Province of Bengal, which the Lieutenant-Governor of Bengal has also power to regulate, but it seems to me not unlikely that, if the Governor General in Council were unnecessarily to interfere in such matters of detail, the Lieutenant-Governor of Bengal might reasonably resent such interference. In the same way, if we interfere in a matter of this kind, which more immediately comes within the functions of the local Council of Bengal, that Council might not unreasonably resent our interference. On these grounds, my Lord, I will vote against the motion for the introduction of this Bill.”

[*Sir Alexander Miller ; Sir James Westland ;* [14TH MARCH, 1895.]*Babu Mohiny Mohun Roy.*]

The Hon'ble SIR ALEXANDER MILLER said:—"I have not the least opposition to offer to anything which has been said by my hon'ble colleague who has just spoken, but I should like to point out that he is under a slight mistake when he speaks of this as a matter connected with the collection of Government revenue. The Bill, as I understand it, merely refers to the sale of taluqs for rent due to the zamindar."

The Hon'ble SIR JAMES WESTLAND:—"It is a matter closely connected with the security of revenue ; and the sales are, as a matter of fact, held by the Collector of Revenue."

The Hon'ble SIR ALEXANDER MILLER:—"But not for the recovery of Government revenue. I merely wish to take the opportunity of saying that I entirely agree that, where the matter is within the competency of the local Council, I think the local Council should deal with it as far as possible."

The Hon'ble MOHINY MOHUN ROY:—"Under the circumstances I adopt the suggestion of the Hon'ble Sir Antony MacDonnell, and, with Your Excellency's permission, beg to move that I may be permitted to withdraw the motion."

The Motion of withdrawal was then put and agreed to.

The Council adjourned to Thursday, the 21st March, 1895.

CALCUTTA ;
The 19th March, 1895. }

J. M. MACPHERSON,
Offg. Secretary to the Govt. of India,
Legislative Department.