

*Thursday,
4th February, 1897*

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

LAWS AND REGULATIONS

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ABSTRACT OF THE PROCEEDINGS
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ASSEMBLED FOR THE PURPOSE OF MAKING
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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 4th February, 1897.

PRESENT :

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

His Honour Sir Alexander Mackenzie, K.C.S.I., Lieutenant-Governor of Bengal.

His Excellency Sir G. S. White, G.C.I.E., K.C.B., V.C., Commander-in-Chief in India.

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

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

The Hon'ble M. D. Chalmers.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E.

The Hon'ble A. C. Trevor, C.S.I.

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

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

The Hon'ble M. R. Ry. P. Ananda Charlu, Rai Bahadur.

The Hon'ble G. P. Glendinning.

The Hon'ble Nawab Amir-ud-Din Ahmad Khan, C.I.E., Bahadur, Fakhar-uddoulah, Chief of Loharu.

The Hon'ble Sir Lakshmishwar Singh, K.C.I.E., Maharaja Bahadur of Durbhanga.

The Hon'ble Rao Sahib Balwant Rao Bhuskute.

The Hon'ble P. Playfair, C.I.E.

The Hon'ble Rahimtula Muhammad Sayani, M.A., LL.B.

The Hon'ble Pandit Bishambar Nath.

The Hon'ble Joy Gobind Law.

The Hon'ble C. C. Stevens, C.S.I.

The Hon'ble Sir H. T. Prinsep, Kt.

FISHERIES BILL.

The Hon'ble SIR JOHN WOODBURN moved that the Report of the Select Committee on the Bill to provide for certain matters relating to Fisheries in British India be taken into consideration. He said :—" The Bill as introduced was designed for the protection and development of the fish supply in India,

a very important article of diet to large classes of the people; and it was divided into two parts. The first part had for its object the prevention and prohibition of certain wasteful and wanton methods of fish capture, and the provision of a regulation giving a certain amount of control over methods for the capture of fish. The other part of the Bill concerned itself with the protection of the rights of private owners and private fisheries. The Bill was circulated to Local Governments according to the usual practice, and in reply the Government has received strong advice that the second portion of the Bill should not be proceeded with. It was represented that no complaints had been made by the owners of private fisheries, or applications for special protection, and that, although the protection of the fish supply was a most desirable object, there was no sufficient evidence at that time before the Local Governments of such general and considerable diminution of the fish supply throughout India at large as to justify any material interference with the customs of the people.

"It was argued that throughout India there were immemorial practices among the poorer classes of the people of fishing in waters which could certainly not be described as public waters, but that these practices amounted to privileges which might, or might not, be absolute rights, but which were much prized by the people, and that the withdrawal of the permission to carry on these practices would be resented as an infringement of long standing privileges. It was represented that, if we passed enactments to restrict these privileges, action, if not immediately taken, would be taken before long, and we were strongly advised that the circumstances of the case did not warrant such a material interference with the customs and practices of the people. These arguments were accepted by the Government of India. They have been endorsed by the Select Committee and I may say that I personally share very heartily the conclusions at which the Government of India and the Select Committee have arrived. The Select Committee was therefore practically concerned solely with the first part of the Bill which concerns the control of methods for the capture of fish. The Bill prohibits the use of dynamite and poisoning in all waters, methods which are very injurious, because they destroy a quantity of fish which is out of all proportion to the requirements of the fisher himself. They destroy probably not only more edible fish than he requires, at the moment, and also multitudes of fry and small fish which are not edible at all. The Committee have agreed that these methods of capture should be almost, without exception, totally prohibited. They pressed upon me a provision that in thinly inhabited parts of the country where fishing by

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poison in small pools in the remote recesses of the forest is practised by the people, it should not be absolutely interdicted. I consented to this provision with a great deal of reluctance, because I do not myself know any part of India, however thinly inhabited, in which the requirements of the people living in the neighbourhood cannot be met by the use of nets. But I am willing to leave it to the Local Governments to decide in each case of the kind whether or not the practice should be permitted. The use of dynamite has not the support or sanction of any custom whatsoever. The rules and regulations for the capture of fish in the public rivers have been largely simplified. The most important of them is the regulation of the size of the meshes of the nets used in fishing. We are advised that, if the meshes are of sufficient size to permit the escape of fry and small fish, that the addition to the fish supply in the main rivers will be very considerable, for example, in the Mahanuddy in the Central Provinces where the supply of fish has without question very materially diminished of recent years. We have not proposed to take power to introduce any regulations that are in force in our own waters in any private waters without the consent of the owners. It is in the fish supply of the main rivers on which the supply of India at large depends, and we are quite content with a simple measure which regulates fishing in public waters and which altogether prohibits everywhere a system of fishing by dynamite and poison."

The Hon'ble SIR HENRY PRINSEP said :—" I would venture to make one suggestion, which seems to me to be of importance, in one portion of this Bill. I do not think it is worth an amendment, but I do not wish in any way to prevent the passing of the Bill. I wish to direct attention to the second clause of section 6 of the Bill which empowers the Local Government to apply the rules with the consent in writing of the owner of a private water and of all persons having for the time being any exclusive right of fishery therein. This clearly indicates the desire of the Government not to take any interference with the private rights of fishery and to take such interference only with the consent of all those concerned in the matter. It seems to me that no sufficient protection is given to the Government for any action under that section. Either that portion of the Bill will be a dead-letter or the Local Government will be reluctant to act, or, if the Government should be willing to incur the risk, it is not unlikely that they will find themselves attacked by some person who has not given his consent. It seems to me, therefore, that there should be some protection to the Local Government, if it desires to act in this matter, either by enacting that there should be some

[*Sir Henry Prinsep ; the Lieutenant-Governor ;**Sir John Woodburn.*]

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enquiry by some competent officer, or that, if after a notification made by the Local Government there is no objection thereto, the Local Government should be empowered to act without any possibility of an objection being raised in the future. I am content to leave the matter in the hands of the Hon'ble Member in charge of the Bill."

His Honour THE LIEUTENANT-GOVERNOR said :—"Objections have been taken in some of the Calcutta papers to this Bill on the ground that it interferes with zamindari rights. I am unable myself to agree in that objection because I cannot conceive it possible that the prohibition of the use of explosives can be held to interfere with any substantial rights of any zamindar. The provisions of the section dealing with poisonous matter are now in such a shape that they enable the Local Government to make exceptions where exceptions are required, which ought to satisfy objectors to that provision. I may also remark that this Bill leaves untouched the local Act, II of 1889, on which the original Bill was modelled, so that the poaching sections as they are termed will remain in force in Bengal, and, if they are of any use to the zamindars, they will still continue to enjoy the benefits of those sections. They may also probably furnish a useful object lesson. They are not much used at present, but, if they are found to work successfully, no doubt the Government will have in time such a body of evidence before it as will enable it to extend the sections to other parts of India."

The HON'BLE SIR JOHN WOODBURN said :—"The Hon'ble Sir Henry Prinsep is quite right in taking exception to the provisions of section 6, clause (2). Probably it would not give the Government a complete right if it introduced regulations of the kind under consideration in the lands of village communities. But I do not myself contemplate the probability of regulations of the kind being introduced in such waters. As I said before, the Government is quite content to introduce its own regulations in its own waters, extending them only to those parts of the country which are held by single owners who have the wisdom and prudence to consider that rules of the same kind will be beneficial to their own tenantry."

"The Lieutenant-Governor is also quite right in saying that the provisions of his local Act are left untouched by this Bill. I had an opportunity to consider with his Government the extent to which the provisions of that local Bill have been applied in the Province. Apparently up to the present very little action

[*Sir John Woodburn ; Mr. Chalmers.*] [4TH FEBRUARY, 1897.]

has been taken, and I should personally be glad to see that hesitation to take action is continued."

The motion was put and agreed to.

The Hon'ble SIR JOHN WOODBURN moved that the Bill, as amended, be passed.

The motion was put and agreed to.

REFORMATORY SCHOOLS BILL.

The Hon'ble SIR JOHN WOODBURN moved that the Hon'ble Sir Henry Prinsep be added to the Select Committee on the Bill to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders.

The motion was put and agreed to.

RULES OF BUSINESS.

The Hon'ble MR. CHALMERS moved that the Report of the Select Committee appointed to consider certain amendments in the Rules for the Conduct of the Business of the Legislative Council of the Governor General of India be taken into consideration. He said : — " The amendments are all small amendments, and are, I think, sufficiently explained in the memorandum which accompanies them.

" I do not propose therefore to make any observations unless some Hon'ble Member wishes for an explanation. I may further mention that instead of merely amending the Rules we have published the whole in one set, so that the whole body of the Rules may be contained in a single document."

The motion was put and agreed to.

The Hon'ble MR. CHALMERS moved that the Rules, as amended, be passed.

The motion was put and agreed to.

EPIDEMIC DISEASES BILL.

The Hon'ble SIR JOHN WOODBURN presented the Report of the Select Committee on the Bill to provide for the better prevention of the spread of Dangerous Epidemic Disease.

The Hon'ble SIR JOHN WOODBURN moved His Excellency the President to suspend the Rules of Business to admit of the Report of the Select Committee being taken into consideration.

The PRESIDENT declared the Rules to be suspended,

The Hon'ble SIR JOHN WOODBURN moved that the Report of the Select Committee be taken into consideration. He said :—" The Select Committee have made very few changes in the Bill, which I had the honour to introduce on Thursday. Those changes are explained in the short report which is in the hands of Hon'ble Members. These I will read, while Hon'ble Members follow.

" We have had useful criticism from the Government of Bombay and from the Medical Board of Calcutta, all of whose suggestions have been embodied in the amendments I have described. But from non-official bodies we have received hardly any suggestions at all, and from the remarks of the public press I understand that the general feeling of the public supports the Government in their sense of the cogency of the circumstances.

" This morning I received a memorandum from the Editor of an intelligent and interesting native newspaper complaining that the Bill was being passed too hurriedly and conveyed no explanation of the Regulations that were to be made under the Bill. I am afraid that it is imperative that, if anything be done at all, it be done at once. As to the Regulations themselves, I explained last Thursday that section 2, sub-section (1), was in effect the simple reproduction of the existing law as regards the City of Bombay. In the Municipal Act for Bombay, as indeed in that for Calcutta also, a very wide discretion is given to the local authority as to the action to be taken in certain grave and critical circumstances. Exactly the same powers are given to local authorities generally by the present Bill. It is true that they are indefinite, but in those grave and critical circumstances the public must trust the discretion of their executive, and in the action of the Municipal Commissioner of Bombay they have evidence that every possible consideration will be given to the convenience of the public.

" But there are circumstances in which the safety of the people must overcome all considerations of private convenience. Should the Council be pleased to pass this Bill to-day, a notification will at once issue to all the Maritime Governments, arming them with authority to inspect all outward-bound vessels and detain any on which there is any reason to suspect the presence of plague.

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Detentions of the kind cannot be pleasant to the passengers, but it is a precaution our Governments are bound to take, if the commercial relations with the other States of the world are to be maintained, on which in the present circumstances of India so much depend. In this connection I may say that it will be suggested to His Honour the Lieutenant-Governor of Bengal that some assistance should be given to the Health Officer of the Port of Calcutta either through the Protector of Emigrants or in some other way.

"The second matter on which, should the Bill pass, authority will at once be given to all Local Governments is under section 2 (2) (b) as to the inspection of travellers by railway. The Government of India are satisfied that, if this inspection is to be of any use at all, it must be a real and efficient inspection. A cursory survey, possibly at night, of the occupants of a compartment has proved not to be enough, and on the advice of the Director General of the Medical Service, the travellers at the inspecting stations will be all required to leave their carriages and be inspected on the platform. This is inconvenient especially at night inspections, but under present circumstances cannot be avoided. The Local Governments will be asked as to the points at which these inspections should take place, but it is obvious that the principal junctions are the most convenient points to intercept converging or diverging streams of passengers. It will interest Hon'ble Members here to know that on the routes between Bombay and Calcutta it will be suggested that the inspections take place at Kalian, Bhusawal, Bilaspur, Naini and Asansol. At Asansol as at every other specially important point there will be a commissioned European medical officer; at almost all inspecting stations medical officers of a higher status than are now employed will be detailed; and every assistance will be given by the Government of India to Local Governments in the way of necessary additions to their medical staff.

"The inspections may entail a delay of 20 minutes to half an hour at each inspecting station, but the Public Works Department who have been consulted have arranged to carry out any necessary changes in the train services.

"It has been suggested that all travellers from Bombay should be detained in quarantine camps on the way to Calcutta. I venture to think that an arrangement of that kind would be completely avoided. A traveller from Bombay has only to book to Allahabad. On his renewed journey it would be impossible to detain him any more than the genuine travellers from Meerut and the Punjab. The case is serious, but not so serious as to warrant the entire interruption of railway traffic to Calcutta from Upper India.

[*Sir John Woodburn ; Babu Joy Gobind Law ;* [4TH FEBRUARY,
Mr. Sayani.]

If travellers develop the fever after completion of the journey, it rests with the local authority to take the next step. If they will insist on the evacuation of every house in which a case occurs and its thorough cleansing and sanitation before it is permitted again to be occupied, we have reason to believe on the advice and authority of the Director General that the spread of the fever can be kept in thorough check. We will assist the local authorities meanwhile in preventing the entry of any traveller who shows any suspicious symptoms whatever. Of the necessary camps and hospitals, many of them are already ready. The Local Governments will be asked to prepare the others with promptitude. In these arrangements the health of the inspecting stations will be carefully considered, and, for example, at Asansol the isolation sheds will not be in Asansol itself, but at some place in the neighbourhood to be selected by the Local Government.

"At the European Conference which is about to take place at Venice India will be represented by Dr. Cleghorn, the Director General of the Medical Service, the highest authority the Government of India could depute, not merely from his rank and experience in the profession, but from the local knowledge he has acquired by his personal visits to the infected centres at Bombay and Kurrachee, and the views he entertains that the plague is almost entirely due to local conditions, and is not yet at least materially infectious or contagious, will be communicated to the Conference with all the weight of his high standing and special knowledge."

The Hon'ble BABU JOY GOBIND LAW said:—"My Lord, in connection with this Bill I wish to say a few words. There is a good deal of alarm in the town in respect of the pilgrimages to Mecca. I see from the papers that the Madras Government has asked the sanction of the Government of India for stopping pilgrimages altogether from Madras, and it would allay the alarm very much if an assurance could be given by the Government that pilgrimages would be prohibited from Calcutta also. I need hardly say that pilgrimage is a great danger and requires drastic remedies. It is no doubt a serious thing to prohibit pilgrimages, but then the danger is so great that any measures that may be taken to guard against it would be welcomed by the people."

The Hon'ble MR. SAYANI said:—"My Lord, I do not propose to take up the time of this Council by offering lengthy observations on this Bill. It is true that this Bill has been hurriedly introduced in this Council and that it is intended to pass it by suspending the ordinary rules. It is also true that this Bill does not provide a definition of the diseases against which it is intended to provide, and

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that it is possible that this want of a definition may lead to mistakes. It is also true that the powers intended to be conferred by this Bill are of a far-reaching character and are at the same time vague. It is also true that in ordinary times and under ordinary circumstances the rules should be strictly adhered to and full opportunity should be given both to the public at large and to the parties likely to be affected by provisions of this Bill for full consideration and discussion, and also for making such representations as may be deemed necessary or desirable. It is also true that it is incumbent on this Council to define clearly and carefully the nature of the disease in respect to which measures are to be adopted and powers are to be conferred to enforce such measures, and that such powers should not be of a vague character, but should be clearly and carefully defined, and that every precaution should be taken to prevent not only evil use being made of such powers, but also the possibility of any indiscreet exercise of them. But, my Lord, the circumstances in the present case are of an extraordinary and exceptional character. Government deem it essential in public interest that this Bill should at once become law, and they urge that no time may be lost in clothing them with legal authority to deal with the plague, and ask for plenary powers to do so; and it is considered that it will be difficult, perhaps even impossible, to insert definitions which may not be successfully used to defeat the object of this Bill which is well known. Under these circumstances the duty of this Council is clear. It is to grant to Government what they ask for and to leave to Government the responsibility.

"It must be admitted that a measure like this Bill must necessarily entail hardship on some persons, but it must also be admitted that in the interests of public health and of public welfare, immediate and vigorous measures should be adopted, and that, if on account of such measures there arises some hardship, the same should be cheerfully borne in the interests of the public generally. So far as Bombay City and Bombay Presidency are concerned, from the experience we have had so far, it may be safely concluded that there is every hope that the powers intended to be given by this Bill, wide as they are, will be exercised with a due regard to the feelings of the people, and that there will be no valid ground for complaint. And here I consider it to be my duty to state publicly that the sincere thanks of the people of my Presidency are due to His Excellency Lord Sandhurst, for his constant and unceasing as also calm and sympathetic efforts towards getting under control and preventing the spread of the plague, now unfortunately prevailing in my city and in some parts of my Presidency; and it is to be hoped that the powers intended to be conferred by this Bill will very much strengthen His Excellency's hands as well as allow him free scope in dealing with

[*Mr. Sayani ; Rao Sahib B. Bhuskute.*] [4TH FEBRUARY,

the plague ; and as His Excellency is on the spot and knows well how to act best in the matter, his efforts will, I am sure, soon be crowned with success.

" My Lord, this Bill, wide as it is, is necessarily a temporary measure,—in fact, it is at best a palliative. It is my humble but sincere prayer that under merciful Providence this Bill may have the desired effect and that the efforts of those working under it may soon prove effectual, and that the plague may be got under control. But, my Lord, no evil can be completely eradicated unless and until the root of that evil is first eradicated. I trust, therefore, that as soon as convenient, Government will be pleased to devise measures with a view to eradicate the plague and to render its occurrence impossible. It will be readily admitted that it is incumbent on Government not only to ensure the safety of the country from the plague, but also to secure the country from what is equally as bad as, if not worse than, the plague, namely, the possibility of an utter collapse of its commerce, for a continuous liability to plague will, in addition to entailing human misery, mean, if I may be permitted to use the phrase, excommunication of India from the commercial union of the world. I will not discuss here the nature of such measures ; I have no doubt an opportunity will be given to the public to offer suggestions ; also that an exhaustive inquiry will be made into the causes of the plague. But I cannot help remarking that even this boasted metropolis of India in which this Council is now discussing this Bill is not free from the reproach of having higgledy-piggledy habitations, more fit to be denominated nurseries of disease rather than human dwellings, which might well be removed in the interests of health and even to the benefit of the Municipal coffers without any permanent loss to the owners, and that even in circles which ought to know better, there is a want of a proper appreciation of ordinary facts, such as the necessity of free sunshine and free air, the simultaneous appearance of drought, famine or scarcity and diseased grain, of famine and plague ; the necessity of segregating the grain and keeping the place dry ; the necessity of removing certain articles from the thickly-populated parts of the city to the open places outside, and other facts of a similar nature.

" In conclusion, I beg to support this Bill and hope that it will have the desired effect."

The Hon'ble RAO SAHIB B. BHUSKUTE said :—" My Lord, the Bill as it has been modified by the Select Committee hardly needs any comments. Whenever dangerous epidemics break out, the anxiety to which the native mind is subjected is inconceivably excruciating. Owing to want of proper sanitary arrangements, the outbreak first manifests itself in the quarters of the poor, and

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eventually rages there with fury. In times of scare a slight error or oversight in legislation, however well meant, renders those for whom it is meant utterly panic-stricken and unnecessarily uneasy.

"Consolation in death to which every individual has a right can only be had when a sufferer is in the midst of his relatives surrounded and tended by them. But in cases of fearful contagious epidemics an individual sufferer must be deprived of this inviolable right for the better preservation of those very persons who are so dear to him, not to think of the other members of his community. This is no doubt a painful necessity and it must be obeyed. But the harsher the legislation the greater is the probability of its evasion; and evasion would propagate a further spread of the disease.

"In the face of such insurmountable difficulties the best course would be what has been so laudably taken by the Select Committee of requiring or empowering through Your Excellency any person to take efficient measures for the eradication of any such disease. Just as in matters of taxation Your Excellency's Government would indicate the line and let alone the Local Governments in matters of detail, so also in matters like these, the guiding principle of Your Lordship's Government has been the same. In the present emergency such a step was infinitely desirable. If to meet it laws were made in this Chamber independent of Local Governments, those who have better opportunities for ascertaining details and for acting in unison with the desires and requirements of the people, and that, too, with no further severity, would have been made accessory to the spirit of this Bill. Their freedom of action would have been a little curtailed. Moreover, the people would have had no chance of communicating with their law-makers, and of having had a satisfactory arrangement in keeping with the existing state of things.

"No doubt the provision contained in section 2, clause 3, of the original Bill aimed at obviating the difficulties I have referred to. But even in that case, the Local Governments could not have effected an agreeable compromise with the people threatened. But, as it is, there is no use dwelling upon what would have been. The present Bill embodies measures of a general character which would give satisfaction to all. I would, however, wish that there would be no necessity for its application either in the nearest or in the remotest future.

"The heartfelt thanks of all those unfortunate individual sufferers who may be threatened with diseases the Bill aims at preventing are due to the Select Committee in general and to the Hon'ble Mover in particular."

[*Kai Bahadur Ananda Charlu ; The President.*] [4TH FEBRUARY,

The Hon'ble RAI BAHADUR ANANDA CHARLU said:—"I suppose this is the time when my amendments have to be spoken to. I wish to ask Your Lordship's leave to withdraw the first two amendments set against my name on the paper. There is also a large portion of the third amendment which I would ask Your Lordship to be allowed to drop. There is, however, some portion of it, which I would desire to retain. That portion is that in clause 2, sub-clause (2), paragraph (b), between the words "in hospital" and "or otherwise" the words "temporary accommodation" may be inserted. I have explained the object of it to the Hon'ble Mover and I have his concurrence for submitting it to you.

"There are some other observations which I have to make on the Bill if this is the proper time to proceed with them."

His Excellency THE PRESIDENT said:—"I think the Hon'ble Mover is taking it the wrong way. What we are discussing now is the motion which has been made to take the Report of the Select Committee into consideration. Afterwards the Hon'ble Member can move his amendment."

The Hon'ble RAI BAHADUR ANANDA CHARLU said:—"My observations on the Bill is this, that I certainly support the favourable consideration of the Report."

"This Bill is the outcome of a grave emergency and equally grave is the objection that it is introduced at a time of wide-spread panic. At best, therefore, we have to make a choice between two evils. Influential as is the opinion on both sides, one may say that the passing of the measure is more likely to do good than withholding it, having regard to the changes made by the Select Committee.

"I take it that the working of the Bill will mainly rest with Local Governments, which are in touch with the local leaders and which therefore would be readily accessible to those local leaders. This removes all hitch, all possible overdoing or delayed redress. I take it also that the Government of India has reserved the privilege of *working* the Bill only as a matter of last resort.

"I was aware that the word 'otherwise' in the clause relating to segregation was elastic enough to include 'camps and accommodations that private persons might provide.' But I thought it best to indicate the direction in which the public at large would have it exemplified. I have no doubt that care would be taken to work this part of the Act with the least possible friction with the people, their feelings or their wishes.

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[*Rai Bahadur Ananda Charlu ; Maharaja of Durbhanga.*]

"It is of supreme importance whose suspicion should lead to steps being taken in this direction. It is *here* that undue harassment and consequent breaches of peace are most widely feared. The introduction of the words 'the inspecting officer' is a decided improvement on the Bill as it originally was. There is still an element of vagueness in it. What is most expedient, to allay public excitement in this respect, is that the persons invested with the power of inspection must be men who have something to lose in the way of reputation or status. Decently qualified medical men would be the lowest grade of persons who should hold this sacred trust. As to this, the Bill leaves this open, I say no more."

The Hon'ble the MAHARAJA OF DURBHANGA said:—"My Lord, I desire to congratulate Your Lordship's Government on having introduced this measure for the prevention of the spread of dangerous epidemic disease. It is a measure worthy of a great and enlightened Government which watches with anxious solicitude over the health and the happiness of the people. It is a part of that noble and beneficent policy which has recently found expression in that magnificent system of organisation which has been formed throughout the country to meet what has rightly been described as the greatest famine of this century. My Lord, war, pestilence and famine are the scourges of life—call them visitations of Providence if you like. A Government which sets about in right earnest to meet famine and pestilence, to mitigate the miseries of famine-stricken sufferers, and to prevent the spread of the plague is entitled to the lasting gratitude of the community over which it presides. I therefore give expression to the sense of the community when I say that we are deeply grateful to Your Lordship's Government for the Bill which is now before us. I could only wish that it had been introduced earlier, and that when it became definitely known that the plague had appeared in Bombay, decisive steps had been taken to root it out by establishing a cordon round the infected area or by taking such other measures as might have been deemed necessary by sanitary experts. I quite see that the matter is urgent, and that it does not admit of postponement. I for one, having regard to the gravity of the situation, would be the last person to counsel the adjournment of this important measure. But I cannot help remarking that, if the Bill had been introduced earlier, the opinions of representative men and of representative non-official bodies might have been obtained and valuable suggestions placed at our disposal which would have been of material help in legislating upon this novel and somewhat difficult subject. Nor is the fact to be overlooked that opposition from a certain class who hold very strong religious views is inevitable. Discussion would

have allayed the spirit of opposition, and the course of legislation been rendered somewhat more smooth and easy. Under the circumstances, I am bound to say that it would have been a great advantage if this Bill could have been introduced at the very beginning of the session. Full opportunity would then have been afforded for the thorough discussion of the measure in all its bearings. I need hardly observe that a measure like this, in order that it may be successful, must enlist the sympathies of the people. Supported by popular feelings, the sanitarian may achieve great results, but he is doomed to failure if he has to work in the teeth of popular opposition. But, my Lord, I have no misgivings in the matter. The people of India are so law-abiding, so fully sensible of what is conducive to their best interests, that they will not throw difficulties in the way of the Government in the working of a measure like this if the officers of Government can bring home to their minds that the precautions which are taken are necessary to safeguard them against the visitation of one of the most dreadful scourges that have ever afflicted the human race. But, as I have mentioned before, there is a class of people who view with feelings of the greatest aversion some of the sanitary precautions necessary for the prevention of the disease. There are many instances where persons purposely neglect to report cases of contagious disease in their family on account of the great dislike they have to the removal of the invalid from their dwellings to a hospital. Consequently the objects that we have in view in these cases are frustrated. Everything should, therefore, be done to explain to the people the objects that the Government has in view, and to prevent any unnecessary misapprehension or irritation. It is essential for the successful working of the measure that it should receive the hearty co-operation of not only the educated classes but also the masses. Everything should be done to smooth any feelings of opposition, and in this respect we would have received some valuable suggestions if we had more time to consult the different non-official representative bodies. I am sure, my Lord, that this Bill, passed under circumstances of a pressing necessity, which will admit of no delay, is only a tentative measure ; that changes which experience may suggest will, from time to time, be promptly introduced, and that the suggestions of municipalities and other public bodies will, in the working of the measure, receive the consideration to which they are entitled, specially as regards the creation of barriers to protect local areas."

The Hon'ble MR. CHALMERS said :—" Perhaps I may say one word with reference to what has fallen from the Hon'ble the Maharaja of Durbhanga. The considerations he has put forward are just those which we have felt ourselves. It is exactly because we have not had time to consult local

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[*Mr. Chalmers; the Lieutenant-Governor.*]

bodies to get at local feeling, and to consult the leaders, that the Bill has necessarily had to be drafted in a vague form. The Regulations to be made under the Bill are left to be made hereafter as emergencies may arise or as necessity may require, but in making those Regulations we hope that we shall have the assistance of the people, and that we shall have the assistance of the leaders of the people and of the Local Governments, who will all co-operate with us and will make suggestions which will eventuate in the actual practical steps to be taken. Of course, we are legislating for India at large. Some parts of India may be exposed to a very different kind of peril to what other parts are exposed. If we had to provide precise measures to be expressed in the Bill itself, we might be providing measures much too drastic in some places and not drastic enough in other places. The disease is a sudden emergency which has arisen. It is urgent in some places; it is less urgent in others. The measures to be taken will have to depend on what may arise in each particular place, and will be taken with local knowledge, local experience and with reference to the particular circumstances which may arise. I quite sympathise with what the Maharaja of Durbhanga has said, that, if we had been warned in time, we might have proceeded sooner; but even then I think we should have been in the same difficulty. You cannot provide by hard-and-fast rules for emergencies which have to be met on the spot, at the moment, and in a particular way which cannot be foreseen."

His Honour THE LIEUTENANT-GOVERNOR said:—"My Lord, this is a question of such supreme importance to the city in which we are now sitting, and to the Province over which I have the honour to preside, that I trust I may be pardoned, if in reviewing the discussions and the Bill itself I enter upon some topics which would have been more appropriately touched upon at the time when leave was asked to bring in the Bill. I was not, however, present at the Council on that day, and I trust Your Lordship will excuse me if I travel somewhat beyond the limits of an ordinary debate on the Select Committee's Report. I welcome the Bill heartily, and I only regret that it was not introduced sooner. When Calcutta was first threatened with plague, or rather when the plague first broke out in Bombay and the possibility of Calcutta being attacked became apparent, I took, as Your Lordship is aware, every step that occurred to me to guard against its approach. I recognised that the law as it stood was hardly sufficient to cover the whole of the circumstances that might arise in such an eventuality. But when I appointed the Medical Board in Calcutta and gave them full powers, I assured them that, should the plague break out, any steps whatever that they might feel it necessary to take would receive the

sanction of Government even should it become necessary to resort to special legislation. This Bill will, I am happy to see, prevent the necessity of my having any recourse to special legislation in the Bengal Council; for the Bill deals, as I read it, not merely with passengers by sea and with passengers by rail, but it also gives very effective powers to the Government of India and Local Governments to take any measures which appear to be necessary to deal with the emergency of plague should it occur. Dealing first with the question of passengers by rail, I should like to observe here that that was one of the very first points regarding which I took action. On the 1st of October last I addressed the Government of Bombay—I addressed His Excellency the Governor personally—asking whether I could feel assured that, if the plague increased in Bombay, Government would take effective measures to prevent the departure of any infected passengers from that city, and I was assured that His Excellency was in communication with the Railway Administrations and that all that could be done would be done if the necessity appeared clear. Almost immediately after that I addressed the Governments of the Central Provinces and the North-Western Provinces, suggesting to them certain block stations at which passengers should be medically inspected. I was met by assurances from those Governments that steps would be taken to meet my views, and I arranged, in communication with the Medical Board, that we should have a second cordon, as it might be called, inside Bengal. There were to be examiners at Bhusawal, Warda, Itarsi, Allahabad and other stations in the Central Provinces and North-Western Provinces, and we arranged with the East Indian Railway to have inspections at Asansol. I also directed the Assistant Superintendents of Emigration, European officers, stationed at Asansol and Raniganj to assist the Railway officers in carrying out those inspections. Mr. Lyall, the Chief Commissioner of the Central Provinces, while undertaking to do what he could, informed me on the 13th October that he had addressed the Government of India suggesting that these were really matters of Imperial concern and should be taken in hand by the Government of India and not left to the disconnected efforts of Local Governments. And just about that same time the Government of India did address the leading Railway Administrations inviting them to take steps for the inspection of passengers at all stations in Bombay itself, and at all great changing stations and principal junctions. We were left under the impression that effective medical inspection was taking place. This has now, however, proved to be a mistake. What we have to recognise as regards this question of inspection is that no system of land quarantine or inspection,—and inspection really falls far short of quarantine—can be absolutely guaranteed to be effectual. The latest authority on the whole subject is a German writer, Dr.

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Scheube, who has spent many years of his life in the East and has published quite recently an extremely valuable book in German upon the whole question of oriental diseases. That book was only brought to my notice this morning, but I am endeavouring to arrange that the whole section dealing with the question of plague which I am given to understand is one of the most complete examinations of the subject that has yet appeared—I am endeavouring to arrange in communication with the German Consul or otherwise for a translation* of that section of the book and for its early publication for the guidance and information of all concerned. But that you may understand what writers of that authority demand in an effective quarantine, I may tell you that what he recommends is that there should be seven days' quarantine at the frontier, as he calls it, for all passengers and a military cordon round the affected locality; but this really assumes, first, that we are adequately provided with a frontier, that a frontier in fact exists,—he uses the expression from the point of view of the continental authorities—and, secondly, that the military cordon or agency on the frontier is itself proof against infection, and neither of these assumptions is in accordance with facts. The Bengal Government will, under the instructions of the Supreme Government, do all that it can to form what I may call an inner line in Bengal, but I do very strongly insist upon this that the nearer to the affected locality that the first line is drawn, the more effective the check is likely to be. Once you have passed out into the great Railway system of Upper India where passengers are flowing in from all directions, you are subjecting thousands and thousands of people to restrictions which are only required in the case of persons who come from affected areas. Therefore I should have been glad, if it had been possible, to draw the line of railway inspecting stations as near as possible to Bombay itself. There is no doubt that the arrangements of the Bombay Government as regards railway inspection have, I fear I must say, broken down. Crowds have poured out from Bombay all over India, who may possibly have carried infection with them, and we must of course endeavour as best we can to guard against the results of that dissemination. Where they have already got into big towns like Calcutta, it will be extremely difficult, if not impossible, to discover or trace them. I understand, for instance, that numbers of Sonars, who come from a certain ward in Calcutta and who work in Bombay, have come back to their homes during the last few weeks, and although I have issued special instructions that their neighbourhood, their families and themselves, as far as they can now be discovered, should be carefully watched, yet it certainly is an uncomfortable thing to know that so many possible sources of infection have come into the city unchecked. You must also recognise that the difficulties connected with this

medical inspection will be by no means small. You will have to segregate all suspected cases. Each day's 'receipts', if I may use the expression, will have to be kept separate because, for instance, if a case of plague breaks out among the gang you separate on Monday, it would be very hard that the gang which arrives on Tuesday should be held to be contaminated by being mixed up with them. To mitigate the hardship to the passengers, very elaborate arrangements will have to be made for the detailed working of these camps. I have summoned a meeting of my Medical Board for Saturday, which I purpose to attend myself and to discuss with them the detailed arrangements which we will endeavour to make as complete as possible; but I must say this, that with the many avenues of traffic, the rivers, the roads, as well as the rail, I should not be surprised if these measures should fail, and, therefore, it is that I welcome the other provisions of the Bill of which comparatively little notice has been taken to-day. For instance, the Bengal Municipal Act which is in force outside Calcutta and which applies to such large, crowded and insanitary stations as Patna, Dacca and Howrah, contains no provisions dealing with disease at all. No one can be isolated, no one can be sent to hospital, no one need report disease, there are no provisions for cleansing houses, destroying huts, disinfecting or destroying clothing, or providing special conveniences under that Act, and in Howrah at the present time there is nothing to prevent a plague patient from using a ticca gharry or to require the owner of the gharry to disinfect it. Without bringing the Municipal Act of Bengal under amendment, this Bill, which I trust the Council will pass to-day, will give us the necessary power to lay down proper regulations on that subject in those towns. Then, as regards Calcutta itself, the Medical Board have already prepared, as most of the Council are aware, a series of draft Regulations under section 324 of the Act which are to be brought into force with the sanction of the Medical Board whenever plague appears. There was some difficulty in getting these regulations passed through the Municipal Corporation, and they are not, it appears to me, in all points complete or satisfactory. It will be possible for us under this Act to complete those regulations where they are deficient, and I shall not myself hesitate to do so. I have received this morning a letter from the Corporation in which it is admitted that the law is insufficient to enable them to deal with the various matters referred to in the reports of the sanitary officers which most of the members have seen, such as overcrowded houses, neglected latrines and huts, accumulations of filth, insanitary cowsheds and stables, and the disposal of house refuse. It is true that this report is only the Report of a Sub-Committee of the Corporation, and under the

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system in which business is managed there it is quite possible that the Sub-Committee's Report may be set aside by one of the other numerous Committees, or by the Corporation itself, but it has been forwarded to me under the Chairman's signature, and, as such, I feel bound to receive and accept it. This Act will enable the Government of Bengal to deal with shortcomings of that description pending that general revision and amendment of the Calcutta Act and the constitution of the Calcutta Corporation, which the more and more I see of it the more and more am I convinced is urgently called for.

"One word as to sea quarantine. We long ago put into operation the regulations for dealing with ships coming to Calcutta. The present Act will enable us to deal with the case of the pilgrims to which my friend, the Hon'ble Babu Joy Gobind Law, referred. I confess that, personally, I rather sympathise with his view, that in view of the enormous importance of not allowing a single plague case to get out of India westward, we might well do as the Dutch Government or other Governments would have done and stop the pilgrimage altogether; but that is a very large question, on which I am somewhat surprised that the Hon'ble Mr. Sayani or some other Mahomedan Member did not see fit to make any remarks. If that step is not taken, what the Act will enable us to do will be this. It will enable us to say that no pilgrim shall leave Calcutta unless he has been under medical observation for a reasonable period of time (Dr. Scheube says, seven days is sufficient ordinarily), and we hope that we shall probably be able to make arrangements for having pilgrims brought together for the purpose of that observation, which at present it is not possible to do without special arrangements. They come in undistinguished from ordinary passengers to Howrah from Bombay. Some of them who have been sent back from Bombay I have arranged to stop at Naihatti without allowing them to come near Calcutta at all; those who are not in possession of means for bearing the extra expense involved in securing a passage from Calcutta to the Hedjaz. Many of them went on to Bombay hoping to get away from there and have come back, having spent their money, and those we have sent home direct. Those coming into Calcutta, thanks to Sir John Lambert, we endeavour to keep an eye on and in touch with through pilgrim brokers; but my own view is that the best plan would be to bring them all together in some place like one of the Colonial Depôts at Garden Reach and have them under strict observation.

"I think, my Lord, I need say little more. We are all interested in doing all that we can to prevent the extension of the plague throughout India,

[*The Lieutenant-Governor ; Sir John Woodburn.*] [4TH FEBRUARY,

and especially in preventing its extension to our seaports. A good deal has been said to-day about the Regulations under the law conflicting with native customs and prejudices, and, it was said in the corporation here that many of the natives would rather die of the plague than allow themselves to be segregated or removed. My Lord, we hope that under the good advice and influence of leaders of the community those fears may be brought within reasonable exercise, because it is perfectly certain that we could not allow the whole town to run the risk of plague infection merely because the source of that infection happened to be a woman. I think that segregation can be enforced with every due regard to purdah requirements. We have lady doctors, lady nurses and female nurses of various creeds, whose services we can indent for, and I have no doubt the Medical Board, if it becomes necessary to enforce segregation, will lay down such Regulations as will prevent any infringement of Oriental decorum in the matter; but the powers of effective segregation appear to be absolutely essential, for nothing is clearer than this, that mere sanitary measures, when once disease gets hold of a town, are not sufficient to prevent its spread. In conclusion, my Lord, I may say that this is a matter which we all have deeply at heart, and that no pains will be spared by myself or the officers who serve under me in giving effect to the policy of the Government of India in connection with this measure."

The Hon'ble SIR JOHN WOODBURN said :—"Complaint has been made by His Honour the Lieutenant-Governor and by the Maharaja of Durbhanga that the Government of India did not take earlier action in the matter of introducing legislation. The medical advice on which the Government of India throughout relied in the earlier stages of the plague was that the plague was identical with that of Hong Kong, and would, like the Hong Kong plague, confine itself to the limits in which it broke out; that cases might occur among travellers who passed from Bombay into the interior, but that the plague would not establish itself in interior stations. That anticipation of our advisers has proved to be incorrect, but it is only within the last three weeks that it has been made clear that in places like Poona and Ahmedabad the plague did spread, and the Government of India was traditionally reluctant to arm itself with extraordinary powers until the necessity for those special powers had been established. The necessity has been established and action has been taken. I do not think the Government of Bengal has much reason to complain of the arrangements, preliminary and temporary, which have been made for the detection of cases of plague on the way from Bombay. The Sonars and other people have arrived, but to the best of my information there have been

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no cases of plague in Calcutta up to the present time. I trust, with His Honour the Lieutenant-Governor and with the other gentlemen who have spoken, that the additional precautions which are now being taken will prove more effective than they were in the past. I admit that they were not effective, but I hope that the result may yet be that we shall be able to confine to the Western Presidency cases of absolutely epidemic plague. I welcome the assurance of the Lieutenant-Governor that he and his officers will take every measure that is necessary in the way of segregation camps and otherwise to ensure that the plague shall not establish itself here or in this Presidency. I have said already that I do not anticipate the quarantine Regulations will be absolutely efficient ; that cases will occur in which detection will be difficult, and that people affected with the malady will pass the barrier, but I have also the hope, which I repeat on the authority of the Director General of the Medical Service, that, if measures such as have been indicated are taken in those Municipalities in which a plague case may assert itself, the eradication of the plague centre can be made.

" My hon'ble friend Mr. Ananda Charlu spoke of the anxiety with which he regarded the provision of medical inspection at the different inspecting stations. I have said that at the more important ones we shall have in every case European Medical Officers, and at every other station we shall have the assurance of Local Governments that the officer detailed for the duty is of sufficient experience and perfectly efficient for the work. On the question of the movement of pilgrims I am afraid that my friend, the Hon'ble Mr. Sayani, will not be quite of the same opinion as the Hon'ble Babu Joy Gobind Law. The Government of India is traditionally unwilling to interfere with religious practices and prejudices, and as by far the greater majority of the pilgrims to Mecca come from Upper India and the regions behind, it seems unnecessary to prohibit altogether the passage of pilgrims provided they come from a locality not in itself an affected one. I was informed only a week ago that there were 300 Muhammadan pilgrims in Bombay who had arrived there in anticipation of going to Mecca, and it was proposed that these pilgrims should be allowed to go to Calcutta. We sent an instant reply to the Bombay Government that the passage of these pilgrims should be stopped and that arrangements must be made for the segregation of these 300 pilgrims in an observation camp at Nassik or some other place from which they should not be allowed to proceed to Calcutta until the Medical officers had inspected and passed them. I am sorry to hear from His Honour the Lieutenant-Governor of Bengal that apparently some of these Bombay pilgrims have succeeded in

[*Rai Bahadur Ananda Charlu ; Sir John Woodburn ; Pandit**Bishambar Nath.*]

[4TH FEBRUARY.

evading the authorities and have escaped. I hope the measures which have been taken by the Bombay Government in consequence of the desire expressed by the Government of India will be effective in preventing any further pilgrims coming to Calcutta until they can proceed with safety."

The motion was put and agreed to.

The Hon'ble RAI BAHADUR ANANDA CHARLU moved that in clause 2, sub-clause (2), paragraph (b), of the Bill, between the words "in hospital" and "or otherwise," the words "temporary accommodation" be inserted. He said:—"I have in my previous remarks explained the necessity for this small amendment. The word 'otherwise' is wide enough in extent, but in giving an interpretation of the word it is desirable that an indication should be made by specifying other methods than hospital. In that view it was thought proper that I should have these words inserted, and I have explained my views to the hon'ble mover, and I believe I have his concurrence."

The Hon'ble SIR JOHN WOODBURN said:—"I have no objection to the amendment which Mr. Charlu proposes. He had not seen the revised Bill as it passed the Select Committee. I am sorry that Mr. Charlu was not a member of the Select Committee himself, for on other Bills he has given us much useful assistance. With the one exception which he has now proposed to the Council, all his other amendments had been already included in the amendments of the Select Committee."

The Hon'ble PANDIT BISHAMBAR NATH said:—"I beg to submit that, although the amendment is a small one, its adoption is calculated to be useful to the working of the measure which it is proposed to pass into law to-day. His Honour the Lieutenant-Governor of Bengal has no doubt been pleased to assure us that the details of the measure will be worked very smoothly and with a due regard to the decorum of Oriental customs and prejudices. I am also aware, my Lord, that the expression 'otherwise,' as used in the part of the clause referred to, is very elastic and is comprehensive enough, but in order to avoid all friction, suspicion and discontent, it is safe and proper that the amendment proposed by the Hon'ble Mr. Ananda Charlu should be adopted as a safeguard. Your Excellency is aware, I believe, of the peculiar prejudices and habits prevailing chiefly in my part of the country. I refer to the North-Western Provinces and Oudh, where segregation and isolation in such cases would always be looked upon by the people with feelings of terror and fear, and there are many people in that part of the country, especially the

[*Pandit Bishambar Nath ; Mr. Sayani ; Sir John Woodburn.*]

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Muhammadans, who are bound by the customs and observances relating to purdah, that on no account will they be willing to subject themselves calmly and quietly to the process of segregation and isolation. Therefore, my Lord, it is, I think, advisable that some latitude may be given in the exercise of the power of segregation and isolation. What I mean to submit is this: that where segregation is to be enforced as a precautionary measure, the people affected by disease may not be forcibly removed to hospitals, but that camps provided by the people or the community concerned may be allowed to be used for the exercise of the measure. That will afford some relief to the people, and they will not then regard this measure, which is indeed a beneficial one, as one calculated to excite too much needless terror. With these observations I again repeat the request that the amendment, though a small one, may be adopted if there can be no possible objection to its adoption."

The Hon'ble MR. SAYANI said:—"Perhaps Your Lordship will allow me to take this opportunity to speak to one matter which was referred to by His Honour the Lieutenant-Governor of Bengal and the Hon'ble Sir John Woodburn. It is the pilgrimage matter. Naturally I did not say anything about pilgrimage because it is a delicate matter. It is one of the commandments that pilgrimage should be performed, but at the same time it is not incumbent on any one to perform a pilgrimage unless he has the means not only of supporting his family during the time, but also of supporting himself while he is travelling from the place he is in to the place of the pilgrimage. There is also another consideration and that is this: that although it is the duty of a good Moslem to go and perform a pilgrimage, still the traditional law says that, if a person is in a place where there is plague, he should not leave that place and also that, if there is plague at the place where he desires to go, and if his own country is safe, that he should not leave his country to go to that place. Therefore the reasonable thing to do is that the persons desirous of performing the pilgrimage might be persuaded to put off their intention till the danger has passed."

The Hon'ble SIR JOHN WOODBURN:—"That has been done already through the Local Governments."

The motion was put and agreed to.

The remaining amendments, of which notice was given by the Hon'ble Rai Bahadur Ananda Charlu, were not proposed.

EPIDEMIC DISEASES; GENERAL CLAUSES.

[*Sir John Woodburn; Mr. Chalmers.*]

[4TH FEBRUARY,

The Hon'ble SIR JOHN WOODBURN moved that the Bill, as amended, be passed.

The motion was put and agreed to.

GENERAL CLAUSES BILL.

The Hon'ble MR. CHALMERS moved for leave to introduce a Bill to consolidate and extend the General Clauses Acts, 1868 and 1887. He said:— "It is not necessary to say much in asking for leave to introduce this Bill because the Bill is not intended in any way to change the existing law. The object of the Bill, like the Acts that it proposes to consolidate, is simply to shorten the language of future statutory enactments and, as far as possible, to provide for uniformity of expression where we have identity of subject matter. I think everyone will agree with me that it is convenient that both these Acts, which are already on the Statute-book, should be consolidated, so that we should have our Legislative Dictionary and our Rules for the construction of Acts in one and the same enactment. But I propose to go rather further, and, in support of going further, I may perhaps add a few words and may deal for a moment with the history of legislation of this kind. The first Act of the kind was passed in England. It was an Act called Lord Brougham's Act, and was passed, I think, in 1851. That Act contained definitions of certain words which were continually used and defined in Acts of Parliament, and further contained one or two convenient rules of construction. Lord Brougham's Act was adopted and somewhat extended by the Indian Act of 1868. The Acts in both countries were found to be convenient and to work well, and, in 1887, the second Indian General Clauses Act was passed, further extending the same principle. That Act was drafted by my friend Sir Courtenay Ilbert, now Parliamentary Counsel to the Treasury at home. When he went home, he carried the principle rather further, and he drafted the English Interpretation Act of 1889 which carries on the same principle. In this Bill I propose, first, to consolidate our two Indian Acts and then to adopt such of the provisions of the English Interpretation Act of 1889 as are applicable to Indian legislation and Indian circumstances. I may say that, before putting the draft into its final form, I consulted Sir Courtenay Ilbert about it, and he most kindly gave me the benefit of his criticisms and advice on the provisions of this Bill. The English Act was very carefully considered by a strong Committee of the Lawyers of the House of Lords and its provisions were very carefully sifted, and although Sir Courtenay Ilbert gave me his advice on the point privately, I am very glad to publicly acknowledge the help and assistance he has given me.

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[Mr. Chalmers; Mr. James.]

"About the actual provisions of the Bill I think I need say very little. It will of course go to Select Committee, and I shall have the benefit of the criticisms of the legal Members of this Council on the actual wording. The first operative clause is clause 3. Clause 3 contains a number of definitions. They are all terms which are constantly used in Acts. It is convenient to have one *primâ facie* meaning for every term which is in constant use, and in all Acts, where possible, the same words should have the same meaning; but of course the definitions are only *primâ facie* definitions. The clause provides that in future Acts these particular terms will have the meaning given to them unless a special Act otherwise provides, but of course in any particular Act you can always give a special definition if it is required for the purposes of that particular Act. Clause 4 saves the effect given by the past Interpretation Acts to past legislation. As regards the general principles of construction, it is convenient that the effect of a repeal should be enacted once for all; that people should know when an Act is repealed what the effect of the repeal is, and it is convenient also as far as possible that Indian and English legislation should move on the same lines, and that a repeal in England should have the same effect as a repeal in India. We have adopted instead of the old Indian clause the fuller clause of the English Act. Further on in the Bill we have reproduced certain clauses which we generally insert in Acts but which it is inconvenient to insert in every Act. It is far better to have them enacted as a general rule unless they are negatived; such, for instance, as when the Government is empowered to appoint a particular person it may appoint him either by name or by the name of his office. That is the clause which we very frequently insert. We have thought it convenient to have it as the general rule unless it is negatived. I think I may sum up what I have been describing by saying that this Bill is not one for creating new legislation, but that it may be described as a Drafting Accidents Prevention Bill."

The Hon'ble MR. JAMES said :—"I should like to say just one word. I hope that when the Bill is considered in Select Committee, two little English words will be satisfactorily defined. These little words are 'may' and 'shall.' The Legislature has frequently said that certain officers 'may' do such and such things. The Courts on the contrary lay down that they 'shall' do such and such things. Conversely, the Legislature says that certain officers 'shall' do such things. The Courts construe the word as 'may' or under certain circumstances 'shall not.' If these two words can be more accurately construed, it would be a great satisfaction to those who have to carry out the law."

The motion was put and agreed to.

GENERAL CLAUSES.

[*Mr. Chalmers.*] [4TH FEBRUARY, 1897.]

The Hon'ble MR. CHALMERS introduced the Bill.

The Hon'ble MR. CHALMERS 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.

The Council adjourned to Thursday, the 11th February, 1897.

J. M. MACPHERSON,

CALCUTTA;
The 5th February, 1897. }

Secretary to the Government of India,
Legislative Department.