THE INDIAN COUNCILS ACTS, 1861 & 1892, AND ALL COGNATE ACTS, WITH REGULATIONS, RULES, &c.

INDIAN COUNCILS ACTS, 1861 & 1892.

AND

ALL COGNATE ACTS :/

THE REGULATIONS UNDER SECTION 1 (4) OF THE INDIAN COUNCILS ACT, 1892, AND THE RULES TO GIVE EFFECT TO THE SAME :

THE RULES FOR THE CONDUCT OF BUSINESS, FOR THE DISCUSSION OF THE ANNUAL FINANCIAL STATE-MENT, AND THE ASKING OF QUESTIONS IN ALL THE INDIAN LEGISLATIVE COUNCILS.

TOGETHER WITH

A PRECIS OF LEGISLATIVE STANDING ORDERS

COMPILED BY

G. LEITH,

OFFG. ASST. SECY., LEG. DEPT., BENGAL.

Calcutta:

PRINTED BY D. E. CRANENBURGH, "LAW-PUBLISHING PRESS," 57, BOW-BAZAR STREET.

The Honlite Lardaa Paupahrao madhororos Vinchurken

CONTENTS.

PART I.—Indian Councils Acts, 1861 and 1892; and other Acts of the Imperial Parliament relating to the Council of the Governor-General of India and the Local Councils of the several Presidencies and Provinces of India ...

PART II.—The Regulations made by the Governor-General in Council under Section 1 (4) of the Indian Councils Act, 1892, for Bombay, Madras, Bengal, and the North-Western Provinces respectively, and approved by the Secretary of State in Council, and the Rules to give effect to the same ... 41

PART III.—Rules for the Conduct of the Legislative Business, for the Discussion of the Financial Statement, and the Asking of Questions in the Supreme and Local Legislative Councils ...

PART IV.—Legislative Standing Orders

PAGE.

81

... 141

GENERAL INDEX.

• •

• • •		·			· P	AGE.
Additional Member(s)-				· •		
Governor-General's Council—				1		•
Summoning of	•••	- 518			•••	6
Resignation of	•••		***			7
Period of appointment of	•••	***	***	2.5 ••••	5 * 1 *	7
Lieutenant-Governor and Ch	ief Com	mr., wl	nen, of,			28
Number of, may be increased	l	***	•••			35
Vacancy in number of	•••	• • • •	•••	•••		38
Local Councils—				۰.		
To be appointed for two years	s	•••	·••• .	in.		16
Advocate-General shall be		***		***	444	16
Resignation of			•••	414	***	іб
Who may be nominated		•••		•••		36
Vacancy in number of	•••	•••		•	***	38
Bombay Council—						
How many official				***		43
Nomination of	***	•••	**1			43
Who may be recommended a	s				. • # # •	44
Vacancy in number of	•••	•••			•••	44
Madras Council—					· · · · ·	
How many official	•••	***	•••		***	55
Nomination of	•••			•••		55
Who may be recommended a	s		•••	•••	•••	56
Vacancy in number of	•••	•••	***	•••	•••	56
ADJOURNMENT, Governor-General	's Coun	cil, pow	er as to			8
ADVOCATE-GENERAL to be Addition	nal Me	mber of	Counc	il	444	16
ANNUAL FINANCIAL STATEMENT-	-see Fin	ancial	Statem	ent.		
ARMY, Restrictions as to measures	affectin	g the	· • •		9	, 20
ASSENT to Laws and Regulations i	n GG.	's Coun	cil	•••	•••	10
2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	, Local	Counci	ls		-+ =+	18
Bengal Council-	• • •	•			• •	
Regulations under I. C. Act,	1892, s.	I (4)	•••	***	•••	бі
How many Councillors may t	oe nomin	nated	44 í	-114 -		62
-						

GENERAL INDEX.

	e i	• P	AGE.
Bengal Council (contd.)-			•.
Who may recommend Councillors	•••		62
Vacancies how filled	•••	***	63
Rules for giving effect to Regulations under I.C. Act, 1	892		65
,, ,, the conduct of Business in			I I2
", ", discussing the Financial Statement in	•••	•••	137
", " asking questions in	•••	***	137
BOUNDARIES, GG. in Council may fix and alter, of provi	nces	•••	22
BOMBAY COUNCIL-			
Regulations under I. C. Act, 1892, s. 1(4)	***		43
How many Councillors may be nominated			43
Who may recommend Councillors			43
Vacancies how filled			44
Rules for giving effect to Regulations under I. C. Act, I			45
,, ,, the conduct of Business in			93
, discussing the Financial Statement in			134
, , asking questions in	•••		134
CHIEF COMMISSIONER when Additional Member of GG.'			28
COMMANDER-IN-CHIEF may be Extraordinary ,, ,, ,,	s Couii		
COMMANDER-IN-CHIEF may be Extraordinary ,, ,, ,, COPYRIGHT, Local Councils not to legislate as to, without sa	nction	•••	3
•		•••	20 20
CURRENCY, 1, 11 11 11 11 11 11 11	33	•••	20
CUSTOMS, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,	13 aiorita	••••	20
	ajonity	. 01	
b. F tan	***		28
DISALLOWANCE by Crown of Laws and Regulations		10) , 1 9
, , , Ordinances		•••	13
DISCIPLINE, Restriction as to measures regarding, of Arm	у	••• 9	, 20
Discussion of Financial Statement—		ž	
in Governor-General's Council, Rules regarding			131
"Bombay " "	•••	•••	134
,, Madras ,, ,, ,,	***		134
Bengal """"""""""""""""""""""""""""""""""""	***	•••	137
"North-West Provinces " " "	•••	****	137
DISSENT-see Difference.			
EUROPEAN BRITISH SUBJECTS-			•
Local Council's jurisdiction over, in certain cases		•••	31
Committal of, to High Court	•••	`	31
Local Councils to amend and repeal Laws regarding	141		32

May increase Bengal and NW. P. Councils 35 May make Regulations for nomination of Additional Members. 36 GOVERNOR-GENERAL'S COUNCIL Composition of	
Who may be, of Governor-General's Council	
Power to make Rules regarding discussion of 36 Rules for discussion of, in GG.'s Council 131 ",",",",",",",",",",",",",",",",",",",	
Rules for discussion of, in GG.'s Council <td< td=""><td></td></td<>	
Rules for discussion of, in GG.'s Council <td< td=""><td>Power to make Rules regarding discussion of</td></td<>	Power to make Rules regarding discussion of
 ",",",",",",", Bombay ",	그는 것을 가지 않는 것을 수 있는 것을 수 있다. 것을 것 같이 같이 것을 것 같이 않는 것을 수 있는 것을 수 있는 것 같이 않았다. 것 같은 것 같이 같이 않는 것 같이 않았다. 것 같이 같이 않았다. 것 같이 않았다. 것 같이 않았다. 것 않았다. 않았다. 것 않았다. 것 않았다. 것 않았다. 것 않았다. 것 않았다. 않았다. 않았다. 것 않았다. 않았다. 않았다. 것 않았다. 않았다. 않았다. 것 않았다. 않았다. 않았다. 않았다. 않았다. 것 않았다. 않았다. 것 않았다. 않았다. 것 않았다. 않았다. 것 않았다. 것 않았다. 않았다. 않았다. 것 않았다. 않았다. 것 않았다. 않았다. 않았다. 않았다. 않 않았다. 않았다. 않았다. 않
, , , , , , , , , , , , , , , , , , ,	
 FOREIGN STATES— Restriction as to measures regarding Provision as to Council when, on tour Absence of, from Meeting Power of, to make rules for conduct of business To assent to Laws and Regulations of Local Council To establish Local Councils May establish new provinces, and appoint Lieutenant-Governors Nors Nors<td></td>	
""""""""""""""""""""""""""""""""""""	
FOREIGN STATES— Restriction as to measures regarding Provision as to Council when, on tour Provision as to Council when, on tour Absence of, from Meeting Power of, to make rules for conduct of business To assent to Laws and Regulations of Local Council To establish Local Councils May establish new provinces, and appoint Lieutenant-Gover- nors Nors Supply of Office of, under certain circumstances Procedure when, differs from majority of Council May fix and alter limits of Provinces May increase Bengal and NW. P. Councils May make Regulations for nomination of Additional Members. GOVERNOR-GENERAL'S COUNCIL— Composition of May make Regulations for nomination of Additional Members. 36 GOVERNOR-GENERAL'S COUNCIL— Composition of May make Regulations for nomination of Additional Members. 36 GOVERNOR-GENERAL'S COUNCIL— Composition of May make Regulations for nomination of Additional Members. 36 GOVERNOR-GENERAL'S COUNCIL— Composition of May May make appointment of Members	
Restriction as to measures regarding,,,,,,,	
GOVERNOR-GENERAL— Provision as to Council when, on tour	
Provision as to Council when, on tour	
Absence of, from Meeting	Provision as to Council when, on tour
Power of, to make rules for conduct of business	
To assent to Laws and Regulations of Local Council 19 To establish Local Councils 21 May establish new provinces, and appoint Lieutenant-Gover- nors	
To establish Local Councils	
May establish new provinces, and appoint Lieutenant-Gover- nors	
nors	
Acting, may make appointment known by proclamation Supply of Office of, under certain circumstances Procedure when, differs from majority of Council 28 GOVERNOR-GENERAL IN COUNCIL— May fix and alter limits of Provinces 22 May increase Bengal and NW. P. Councils 35 May make Regulations for nomination of Additional Members. 36 GOVERNOR-GENERAL'S COUNCIL— Composition of	
Supply of Office of, under certain circumstances Procedure when, differs from majority of Council 28 GOVERNOR-GENERAL IN COUNCIL— May fix and alter limits of Provinces 22 May increase Bengal and NW. P. Councils 35 May make Regulations for nomination of Additional Members. 36 GOVERNOR-GENERAL'S COUNCIL— Composition of 33 Extraordinary Member of, who may be 36 Provisional appointment of Members of	
Procedure when, differs from majority of Council 28 GOVERNOR-GENERAL IN COUNCIL— May fix and alter limits of Provinces 22 May increase Bengal and NW. P. Councils 35 May make Regulations for nomination of Additional Members. 36 GOVERNOR-GENERAL'S COUNCIL— Composition of	Supply of Office of, under certain circumstances
GOVERNOR-GENERAL IN COUNCIL— May fix and alter limits of Provinces	
May fix and alter limits of Provinces 22 May increase Bengal and NW. P. Councils 35 May make Regulations for nomination of Additional Members. 36 GOVERNOR-GENERAL'S COUNCIL Composition of	
May increase Bengal and NW. P. Councils 35 May make Regulations for nomination of Additional Members. 36 GOVERNOR-GENERAL'S COUNCIL— Composition of	
May make Regulations for nomination of Additional Members. 36 GOVERNOR-GENERAL'S COUNCIL Composition of	-
Governor-General's Council- Composition of	
Composition of	
Extraordinary Member of, who may be 3 Provisional appointment of Members of 4 Power of, to assemble anywhere in India 6 Temporary appointments to 14, 34 Number of Ordinary Members of, may be increased 33 , , , , , , , , , , , , , , , , , ,	
Provisional appointment of Members of 4 Power of, to assemble anywhere in India 6 Temporary appointments to 14, 34 Number of Ordinary Members of, may be increased 33 ,, , , , , , , , , , , , , , , , , ,	
Power of, to assemble anywhere in India 6 Temporary appointments to 14, 34 Number of Ordinary Members of, may be increased 33 ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,,	Extraordinary Member of, who may be 3
Temporary appointments to 14, 34 Number of Ordinary Members of, may be increased 33 ,, ,, ,, ,, ,, decreased 33 GOVERNOR-GENERAL'S COUNCIL [Legislative]— Additional Members of 6 ,, , , period of appointment of 7	
Number of Ordinary Members of, may be increased 33 ,, ,, ,, ,, ,, 33 GOVERNOR-GENERAL'S COUNCIL [Legislative]— 33 33 Additional Members of 6 ,, ,, period of appointment of 7	
", ", ", ", ", ", decreased	
GOVERNOR-GENERAL'S COUNCIL [Legislative]— Additional Members of	
Additional Members of 6 ,, ,, period of appointment of 7	
", ", period of appointment of 7	コート・シート しんしょう アイト・シート しんしょう アイト アイアイ かいかい ないない ないない ないない
	· · · · · · · · · · · · · · · · · · ·
,, ,, resignation of	그는 그는 것은 것을 알려요. 그는 것은 것을 가지 않는 것을 많은 것을 하는 것을 가지 않는 것을 많이 많이 많이 없다. 것은 것을 가지 않는 것을 많이 많이 많이 없다. 것은 것을 많이 많이 많이 없다. 것은 것을 많이 많이 많이 없다. 것은 것을 많이 없다. 것은 것은 것을 많이 없다. 것은 것은 것은 것은 것은 것을 많이 없다. 것은
المتحدة فستحتج بالمستحد التواجر والمائي المراجب المراجب المراجب المراجب المراجب والمراجب والمراجب والمراجب والم	" " resignation of 7

• • •	· P	AGE.
GOVERNOR-GENERAL'S COUNCIL [Legislative] (contd.)-		· · ·
Who to preside in absence of Governor-General	• •••	8
Power to appoint and adjourn Meetings of		8
, make rules for conduct of business of		9
Restrictions as to business to be transacted at		9
What assent necessary to Laws and Regulations made b	y	10
Extent of power of, to make Laws and Regulations	• •••	11
Number of Additional Members of, may be increased		35
Vacancy in number of Additional Members of		38
Rules for the conduct of business of		83
""" discussion of Financial Statement in		131
", " asking of questions in		131
Indian Councils Act, 1861—	5. ·	u
Proclamation introducing		I
	-	2
GG.'s Council, Composition of, s. 3 '		3
Continuance of present Members, s. 4	· ···	3
Provisional appointments, s. 5		4
Provision as to Council when GG. on tour, s. 6		4
Absence of GG. from meeting, s. 7		5
GG. to make rules for conduct of business, s. 8		5 6
Power of Council to assemble anywhere in India, s. 9	• • • • •	6
Additional Momburs of C. C. 's Council a to	• •••	6
	appoint-	Ū
,, ,, ,, ,, ,, ,, period of a ment of, s	• •	-
resignation of		7
	•	7
No law invalid through paucity of non-official members,	, S. 14	7
Who to preside in absence of GG.—quorum, s. 15	***	8、
GG.'s Legislative Council—		0
Provision as to first meeting of, s. 16	16 W#4	8
Power to appoint and adjourn meetings of, s. 17		8
Power to make rules for conduct of business of, s. 1	8	9
Business to be transacted at, s. 19	• • •••	- 9
What assent necessary to Laws and Regulation	s made	
-by, s. 20	• •••	IO
Laws and Regulations of, disallowance of, by Crow	n, s. 21.	10
Power of, to make Laws and Regulations, s. 22	• • • •	11
Governor-General may make Ordinances, s. 23		12
Laws affecting prerogative of the Crown, s. 24		13

IAN COUNCILS ACT, 1861 (contd.)-	and distants
Laws for Non-regulation Provinces valid, s. 25	13
Ordinary Members' leave of absence, s. 26	<u>14</u>
Temporary vacancies in Council, s. 27	14
Bombay and Madras Rules for conduct of business, s. 28	3 15
" " " " Additional Members, s. 29	16
ocal Councils—	
Additional Members' appointment for two years, s.	30 16
,, resignation of, s. 31	A
No law invalid through paucity of non-official Me	-
s. 33	16
Who to preside in absence of Governor or Lieut	enant-
Governor, s. 34	17
Governor-General to fix first meeting of, s. 35	17
Governors to appoint and adjourn meetings, s. 36	17
" " make rules for conduct of business,	
Business to be transacted at, s. 38	18
Laws and Regulations, Governors to assent to; s. 39	18
,, ,, ,, GO. ,, ,, s. 40	(4) (4) (4) (4)
,, ,, ,, Crown may disallow, s. 4r	19
,, ,, Extent of power to make, s.	
Except with sanction of GG., not to make laws for	
tain purposes, s. 43	20
Governor-General may establish, in Bengal and	
where, s. 44	21
Constitution of, s. 45	· 21
Governor-General may constitute new provinces	
appoint Lieutenant-Governors, s. 46	22
Governor-General in Council may fix and alter lin	
provinces, s. 47	
Provisions affecting Madras and Bombay to apply	
s. 48	
Previous assent of Crown necessary to validate certain	32 n Pro-
clamations, s. 49	
Supply of vacancy in Office of Governor-General in	23 certain
circumstances, s. 50	
Acting Governor-General may make appointment know	24

PAGE	•
Indian Councils Act, 1861 (contd.)-	
Nothing in Act to derogate from powers of Crown or Secretary of State, s. 52	
Manning of tangent time Council 11	-
Meaning of term " in Council, " s. 53 25	;
Indian Councils Act, 1892-	
Number of additional members of Council may be increased,	
S. I 35	\$
, Rules regarding discussion of Financial Statement and	_
asking questions, s. 2	,
Meaning of 24 and 25 Vict., c. 67, s. 22; 3 and 4 Will. IV., c.	
85; and 16 and 17 Vict., c. 95; s. 3 37	
Vacancy in number of additional members, s. 4 38 Barrara of Ladian Descriptional Logicletures of the	
Powers of Indian Provincial Legislatures, s. 5 39	
Definitions, s. 6	
Saving of powers of Governor-General in Council, s. 7 39	
Short title, s. 8 40	•
Indian Subjects-	
Power to make laws for, beyond Indian territory 26	,
" " appoint, to certain offices without Civil Service Com-	
missioners' certificate 29	1
LEAVE OF ABSENCE to ordinary members of Council 14	
LEGAL MEMBER, Appointment of, as ordinary member of Governor-	1
General's Council 3	ŀ
LEGISLATIVE STANDING ORDERS 143	
LIEUTENANT-GOVERNOR, when, additional member of Governor-	
General's Council 6, 28	I
LOCAL COUNCILS—see Indian Councils A&, 1861, Local Councils.	
Power to confer jurisdiction over European British Subjects to	
Magistrates in certain cases 31	
", " amend and repeal certain laws 32	
Number of members of, may be increased 35	
Vacancy in number of additional members of 33	
Power to deal with laws made by other authorities 39	
LOCAL LEGISLATURE, Meaning of, in l. C. Act, 1892 39	
MADRAS LEGISLATIVE COUNCIL—	
Regulations under I. C. Act, 1892, s. 1 (4) 55	i
Additional members of, who may nominate 59	

	PAGE.
MADRAS LEGISLATIVE COUNCIL (contd.)-	
Rules giving effect to Regs. under I. C. Act, 1892, s. 1 (4)	• 59
, for the conduct of business in	. 103
", " discussing Financial Statement in …	. 134
", " asking questions in	. 134
NAVY, restriction as to measures affecting	. 9, 20
Non-official Members-	
in GG.'s Council, proportion of	
	š. 7 7
in Local Council, no law invalid by reason of paucity of	• 7 of 16
NON-REGULATION PROVINCES, Laws made for, declared valid	. 13
North-Western Provinces Council-	. .
Regulations under I. C. Act, 1892, s. 1 (4)	• 74
How many Councillors may be nominated to	• 74
Who may recommend Councillors	74
Vacancies how to be filled	. 75
Rules giving effect to Regulations under I. C. Act, 1892,	S.
I (4)	78
Rules for the conduct of business	. 123
", " discussing Financial Statement in	. 137
", " asking questions in	. 137
ORDINANCES, Governor-General may make, in urgent cases	. 12
ORDINARY MEMBERS-	
of GG.'s Council, who shall be	• 3
Leave of absence to	. 14
Vacancy in office of	. 14
of GG.'s Council, number of, may be increased	. 33
,, ,, ,, ,, ,, ,, ,, ,, ,, decreased	. 30
PATENTS-	s
Local Councils not to make laws regulating, withou	t
sanction	. 20
and the second	
PENAL CODE-	
Local Councils not to make laws altering, without sanction	. 20
Post-Local Councils not to make laws affecting, without sanction	20.
PREROGATIVE OF THE CROWN, no law invalid by reason only that	t
it affects	. 13

vii

viii	GENERAL INDEX.	
		PAGE.
PRI	ESIDENT-	•
•	in Governor-General's Council, who to be, in absence	:
	of GG	8
χ	in Local Councils, who to be, in absence of Governor or	•
	Lieutenant-Governor	17
Pro	OCLAMATION-	
	Introducing I. C. Act, 1861	I
	GG. in Council may by, create Local Councils	21
	1 33 33 33 33 33 33 new Provinces	22
- V -	", ", fix and alter limits of Provinces	22
	Certain, only valid after assent of Crown	23
· . · ·	Acting GG. may make appointment known by	24
	GG. in Council may by, increase Bengal and NW. P.	
	Councils	35
PRO	DVINCE-	~
	Meaning of, in I. C. Act, 1892	39
PUE	BLIC DEBT, REVENUE, restrictions as to measures regarding	9, 20]
•	BLIC WORKS MEMBER, what law to apply to	33
		00
201	estions— Review to make subs regarding the asking of	26
	Power to make rules regarding the asking of Rules for asking, in GG.'s Council	36
	Pombau	131
•	Madaga	134 134
,		134
	N M D	137
	,, ,, ,, ,, NW. Р. ,, оким in GG.'s Legislative Council	-37
REG	SULATIONS-	
	Power to make, for certain parts of British India	27
	Governor-General in Council may make, with regard to	_
	nomination of additional members	36
	Bombay, under I. C. Act, 1892, s. 1 (4)	43
	Madras ,, ,, ,, ,, ,, ,, ,,	55 б1
	Bengal ,, ,, ,, ,, ,, ,,	
י - תי	NW. P. " " " " " " " "	74 9, 20
KEL D-	IGION, restrictions as to measures regarding EAL, power to, or amend certain sections of 3 & 4 Will.	-
KEP		26
	IV., c. 85	
•	Power of Local Councils to, laws made by other authorities	27

Rules-	• •
Power of GG. to make, for conduct of Council business 6	
,, ,, ,, ,, ,, ,, Legislative Council busi-	. '
neșs 9	
", " Governors ", ", ", ", ", ", ", ", 15,18	.*
,, to make, regarding Financial Statement and the asking	
of questions	
for giving effect to Regs. under I. C. A., 1892, Bombay 45	j
,, ,, ,, ,, ,, ,, ,, ,, ,, Madras - 59	•
,, ,, ,, ,, ,, ,, ,, ,, Bengal 65	
,, ,, ,, ,, ,, ,, ,, NW. P. 78	
,, the conduct of business, GG.'s Legislative Council 83	
,, ,, ,, Bombay Legislative Council 93	91450 -
" " " " Madras Legislative Council … 103	-
,, ,, ,, Bengal Legislative Council 112	
,, ,, ,, ,, NW. P. Legislative Council 123	
SECRETARY OF STATE-	
Power of, to disallow rules 9	
,, ,, ,, declare provisions of 33 Vict., c. 3, s. 1, applicable	
to any area 27	
STANDING ORDERS (LEGISLATIVE) 143	Ĩ,
STATUTES	
42 & 25 Vict., c. 67 1	
32 & 33 ,, ,, 98 26	
33 ,, ,, 3 27	
34 & 35 ,, ,; 34	4
37 & 38 ,, ,, 91	
55 & 56 ,, ,, 14 35	
STATUTORY CIVIL SERVICE-	•
Provisions relating to 29	
Telegraph—	
Local Councils not to legislate with regard to, without sanction. 2	
TEMPORARY APPOINTMENTS, GG.'S Council 14, 34	
VACANCY—	
in office of Ordinary Member 14	
,, ,, ,, Additional ,, Bombay 44	
,, ,, ,, ,, ,, Madras 56	
,, ,, ,, Member, Bengal 63	
,, ,, ,, ,, NW. P 75	