



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

SATURDAY, 5TH SEPTEMBER 1863.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of the Governor of Bombay for the purpose of making Laws and Regulations, together with the Rules as amended by them, is published for general information :—

Report of the Select Committee appointed to consider and revise the Rules for the conduct of business at Meetings of the Council.

We, the undersigned, have considered the Rules for the conduct of business at meetings of the Council, and have the honour to submit herewith a Draft of the Rules as revised by us.

2. In recasting the Rules we have borne in mind the recent instructions of Her Majesty's Secretary of State, and we have also had before us the Rules of the Councils of the Governor General and of the Governor of Fort St. George. We have made it our object to assimilate our Rules, so far as it seemed desirable to do so, to the Rules of the above Councils, which have already been approved of by Her Majesty's Secretary of State.

3. In accordance with the instructions of Her Majesty's Secretary of State, we have expunged from the Bombay Rules the word "Session" wherever it occurred. We have been careful also to avoid using any expressions which might favour the idea that there is a Legislative Council separate and distinct from the Executive Council.

4. We have been careful, too, not to make the intimation as to the time and place of meetings of the Council a matter of rule. In doing this we have obeyed the instructions of Her Majesty's Secretary of State, who has expressed his wish that such intimation should come from the head of the Government.

5. With the view of placing all members of the Council on the same footing in regard to the introduction of Bills, we have framed a Rule which provides that the initiative step (*i. e.* obtaining leave) for the introduction of every Bill shall be taken at a meeting of the Council. This Rule will enable the Council to exercise a control over the introduction of all Bills. This power was not sufficiently recognized in the old Rules in regard to measures proposed by the Executive Government for the adoption of the Council; but is a power which should not, in our opinion, be considered a matter of mere form.

6. The following Rules will be found to have been retained with only slight modifications :— Nos. 4, 5, 6, 8, 10, 11, 15, 16, 19, 20, 21, 22, 24, 27, 28, 30, 32, 35, 37, 38, 41. They stand in the present rules as Nos. 2, 4, 5, 6, 9, 10, 17, 18, 19, 21, 22, 23, 24, 25, 28, 29, 31, 34, 38, 39, 41, respectively. Rules 3, 11, 12, 15, 16, are adapted from the Rules of the Governor General's Council. Rule No. 8 from the Madras Rules. Rule No. 20 is new, and all the others are either founded on our own Rules, or on the Rules of the Governor General's Council, and have been altered so as to adapt them to the instructions we have lately received from the Secretary of State. We have also followed the Madras plan of classifying the Rules. The arrangement will no doubt be a convenience in consulting the Rules.

7. We ought perhaps to mention prominently that we have omitted that part of Rule No. 10, now Rule No. 9, which provided that members should keep their seats when addressing the Council. We have followed the Madras Rules in making no provision for the manner in which a member should address the Council. We think that when the principle of a Bill is discussed, members should be allowed, if it be more convenient to them, to stand up while speaking. But when a Bill is discussed in detail by the whole Council, there seems to be a convenience in members keeping their seats while making their remarks, not on the principle but on the Sections of a Bill.

8. We have also deemed it desirable to provide that each Bill shall be read three times instead of only twice, and to propose some new provisions which shall more clearly define the different stages through which a Bill must pass before it is finally submitted for the assent of the Viceroy. We have also, in addition to the alteration mentioned in paragraph 5, proposed some slight alterations in the procedure which has hitherto been adopted by the Council in regard to Legislative measures under its consideration. Our proposals will be found under the head "Bills" (Rules 13 to 21). We trust that the procedure we have suggested will recommend itself to the Council.

(Signed)	W. R. MANSFIELD,
"	W. E. FRERE,
"	H. L. ANDERSON,
"	JUGONNATH SUNKERSETT,
"	M. H. SCOTT.

Poona, 3rd September 1863.

APPENDIX TO THE REPORT OF THE SELECT COMMITTEE.

RULES for regulating the Conduct of Business by the Council of the Governor of Bombay at Meetings of that Council held for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Victoria, Chapter 67, (as amended by the Select Committee).

MEETINGS.

1. The word "Council" as used in these Rules, shall mean the Council of the Governor of Bombay assembled for the purpose of making Laws and Regulations.

The word "President" as used in these Rules shall mean the Governor; or in his absence the senior Ordinary Member of Council present and presiding.

The word "Secretary" as used in these Rules shall mean the Secretary to the Government of Bombay in the Judicial Department. All acts, however, which the Secretary is required by these Rules to do, may be done by an Under-Secretary, Assistant-Secretary, or Deputy-Secretary to the Government of Bombay.

2. The Council will meet on such days and at such hours as the President shall direct.

3. The President may adjourn without any discussion, or vote any meeting or business, whether there be a quorum present or not, to any further day or to any part of the same day.

4. Any Member of the Council may propose the adjournment of any particular subject, or that, in accordance with the Rules herein-after in that behalf contained, the subject be referred to a Select Committee of the Council for inquiry or report; but the President alone shall propose the adjournment of the meeting.

5. Any business of the day not disposed of at any time of any adjournment of the Council shall stand for disposal on the next day on which the Council shall meet; and, unless

otherwise specially ordered, shall take priority of all other business on that day.

6. If at any time appointed for the holding of any meeting of the Council, or if, at any time after the commencement of business, the quorum required by Statute 24 and 25 Victoria, Chapter 67, Section 34, (that is to say, the Governor or some Ordinary Member of Council and four Members) be not present, the President, if the Governor or Ordinary Member of Council be present, shall adjourn the Council. But in their absence the Secretary shall make an entry in the Journal of the Council of the names of the Members present, and the meeting shall be thereby adjourned.

DISCUSSIONS.

7. The President shall preserve order, and all points of order shall be decided by him, no discussion thereupon being allowed.

8. Any Member may notice a violation of order by drawing the attention of the President to it. When a Member is thus addressing the President, any other Member who may be then speaking shall cease, until the point of order is settled.

9. A Member desiring to make any observations on any subject before the Council, shall address the President.

10. Any Member may speak at the request and on behalf of another Member who is unable to express himself in the English language.

11. On all matters brought before the Council, after the Member who makes a motion has spoken, each Member may make such observations as he thinks proper. After all the Members have had an opportunity of speaking, any Member may, with the permission of the President, speak once by way of explanation or reply.

12. When, for the purpose of explanation during discussion, or for any other sufficient reason, any Member shall have occasion to ask a question of another Member on any measure then under the consideration of the Council, he shall ask the question through the President.

BILLS.

13. Any Member may move at a meeting of the Council for leave to bring in a Bill, in accordance with the provisions of Section 19 of the Statute 24 and 25 Victoria, Chapter 67, provided that three days previous notice of the title and subject of the Bill has been given to the Secretary. On making such motion the Member moving shall be at liberty to state, as concisely as may be, the scope of the Bill, and the reasons in support of it; but he may defer this till the first reading unless the intro-

duction of the Bill be opposed. If the motion be carried in the affirmative, the Member shall send the Bill to the Secretary, with a full statement in writing of its objects and of the reasons for it, and any other papers which he may consider necessary whereupon it shall be held that the Bill has been introduced.

14. The Secretary shall forthwith cause the Bill, together with the Statement of Objects and Reasons, to be translated into such language or languages as shall be deemed requisite by the Council, and shall send a copy to each Member, and shall cause the same to be published in the *Bombay Government Gazette*.

15. No motion that a Bill be read the first time shall be made until seven days after a copy of the Bill and of the Statement of Objects and Reasons has been furnished to each Member.

16. On the day on which the first reading of a Bill is moved, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed.

17. Every Bill shall be read three times before it can be passed, and if the motion for the third reading be carried, the Bill on being so read, shall be considered as passed.

18. On the reading of a Bill the Secretary shall only read the Title of it, unless the Council requires that the Bill shall be more fully read.

19. If the motion for any reading of a Bill be negatived, such Bill shall be considered as rejected, and shall not be again introduced at any period before the expiration of six months from the date of such rejection.

20. If the motion for the first reading of a Bill shall be carried in the affirmative, such Bill shall be referred to a Select Committee for report. On that report being presented, the principle of the Bill as amended by the Select Committee may be discussed on the second reading. On the second reading being carried, the Council will proceed to consider the Bill in detail. The Council having so examined such Bill Clause by Clause, the Bill may then, or on some subsequent day, be read a third time.

21. If the motion for the third reading be carried, and the Bill be passed, the President shall sign a certificate at the foot of the Bill in the following form:—

“This Bill was passed at a meeting of the Council of the Governor of Bombay on the
day of *President*.”

The Bill shall then be laid before the Governor for the purposes required in Sections 39 and 40 of the Statute 24 and 25 Victoria, Chapter 67, and after it has been assented to

by the Governor General, it shall be published in the *Bombay Government Gazette*, under the signature of the Secretary.

SELECT COMMITTEES AND AMENDMENTS.

22. Select Committees may be appointed by the Council for any purpose connected with its business. The Council shall name a period within which a Select Committee shall make its report on any Bill or other matter connected with the business of the Council, which may be referred to such a Committee, and in fixing such time shall have regard to the nature and importance of the Bill or other matter so referred.

23. When a Bill is referred to a Select Committee for report, it shall form part of the question whether the Report shall be translated into any Native language or languages before the same shall be brought up.

24. The Council may, if necessary, extend the time for receiving the Report of any Select Committee.

25. Reports of Select Committees, when completed, shall be given to the Secretary, who shall forthwith cause them to be printed and translated if ordered, and shall send printed copies of such reports and translation to each Member of the Council. The Report and the Bill, or any Sections thereof, if altered, shall at the same time be published in the *Bombay Government Gazette*. When Reports are not translated, Honorable Members not acquainted with the English language may refer to the Oriental Translator to Government for an explanation of the said Reports, which, under the orders of the Honorable the Governor in Council, the Oriental Translator shall be bound to furnish.

26. The Report of a Select Committee on a Bill or other matter shall be taken into consideration as soon as may be practicable, but not until seven days after the Report has been sent to the Members.

27. Any Member wishing to propose an amendment affecting the principle of a Bill, shall send the amendment to the Secretary at least two days before the meeting of the Council at which the Bill is to be considered. The Secretary shall cause every such amendment to be printed, and shall send printed copies of such amendment to all the Members of the Council. When the amendment is moved in Council, it shall be determined whether the same shall be translated or not.

28. If, however, any amendment not affecting the principle or substance of a Bill as settled by a Select Committee be proposed without notice while the Council is sitting, the President shall decide whether such amendment shall be considered by the Council at the meet-

ing at which it is proposed, or be deferred to the next or any other subsequent meeting.

29. Amendments shall be considered in the order of the Sections to which they relate, except when an amendment in a Section renders an alteration in an earlier Section necessary.

30. If any amendment, not merely clerical, be made, while the Bill as presented by the Select Committee is under the consideration of the Council in detail, the motion for the third reading of the Bill shall not be made at the same meeting, but the Bill shall be brought forward again at a future meeting, and may then be read a third time, and passed with or without further amendment.

ORDER OF BUSINESS.

31. Before each meeting of the Council, the Secretary shall furnish each Member with a list of the business to be brought forward at such meeting.

32. Any Member may make a motion, having reference to the business of the Council. On every motion, whether it be for leave to bring in a Bill, or that a Bill be read a first, second, or third time, or for any other purpose, the question after being put shall be decided by a majority of votes. In case of a division the votes shall be taken by the Secretary in consecutive order from left to right, beginning with the Member who makes the motion.

33. Any Member may ask for any papers or returns connected with the business before the Council. The President shall determine either at the time or at the meeting of the Council next following, whether the papers or returns asked for shall be given.

34. Business shall be transacted in the following order, after the President has taken the chair:—

New Members shall be sworn in, or take the necessary affirmation.

The Secretary shall present any Petitions, Bills, and other communications which may have been received.

The Council will then proceed to consider the Bills and Orders of the Day in the order in which they stand on the list of business for the meeting of that day. Afterwards any Member may make any motion which it may be competent for him to make, consistently with the Statute 24 and 25 Victoria, Chapter 67, and these Rules. When the whole of the business for the day is disposed of, or when there is more business before the Council than it can dispose of on that day, the President shall declare the meeting adjourned to the next or some other convenient day.

35. Strangers may be admitted into the Council Chamber during the sittings of the

Council, on the order of the President. Application for orders of admission is to be made to the Secretary.

36. The President, on the motion of any Member, may direct at any time during a sitting of the Council that strangers withdraw.

BOOKS AND RECORDS.

37. A Journal shall be kept, in which all the proceedings of the Council shall be entered. The Journal shall be submitted after each meeting to the President for his confirmation and signature, and when signed shall be the record of the proceedings of the Council.

38. All documents ordered to be printed or recorded shall be referred to in the Journal, and, after being identified by the signature of the Secretary on the original document, shall be kept with the Records.

DUTIES OF THE SECRETARY.

39. A Secretary must be present at every meeting of the Council and of a Select Committee.

I. He shall take charge of the Records of the Council.

II. Keep the Journal of the Council and Select Committees.

III. Keep a Minute Book, in which he shall enter at the time all the proceedings of the Council and of the Select Com-

mittees in the order in which they occur, and the names of the Members present.

IV. Prepare for and superintend the printing of all Acts and Papers ordered to be printed.

V. Assist at all times the Council and all Committees, not only in framing Bills, but in all other works connected with their duty.

VI. Write all letters ordered by the Council, or by any Committee.

VII. A report of the proceedings of the Council at each of its meetings, including an abstract of the observations of the Members, shall be prepared by the Secretary, and published as soon as possible after the meeting.

40. After the passing of a Bill, the Secretary shall revise and complete the marginal notes thereof.

PETITIONS.

41. Petitions relating to Legislative matters preferred by private persons must be addressed to the Governor in Council, and, if in the Vernacular, be accompanied by translations. Ordinarily, no reply will be sent to a Petition; but the Secretary may be ordered, for special reasons, to make such communication to the Petitioner as the Council may direct.

42. The President, for sufficient reasons, may suspend any of the foregoing Rules.

By order of His Excellency the Governor of Bombay in Council,

H. M. BIRDWOOD,

Officiating Under-Secretary to Government.