

(1) Number of pages _____

(2) Date of repair 11/5/40

(3) Initials of the Referee 67

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <u>1990</u>	Press <u>MD</u>
Dated <u>28. 11</u>	<u>1882</u>

Original

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper :—

Extract from the Proceedings of the Government of India in the Home Department (Public), dated Simla, 8th November 1882, No. 49—1741-1807.

Read—

Circular letter to all Local Governments and Administrations from the Government of India in the Legislative Department, No. 1030 to 1040, dated 8th September 1882.

Resolution—

In the circular letter above read Local Governments and Administrations were addressed on the subject of the possibility of giving greater publicity to measures which may from time to time be under the consideration of the Legislature before they are passed into law, and certain suggestions were made with a view to effect this object. In addition, however, to legislative measures properly so called, there is another important class of legislation which frequently affects the interests of the public to a greater or less extent, viz., that which takes the form of rules, regulations, or notifications having the force of law and issued by the executive authorities by virtue of powers conferred upon them under the provisions of some Act of the Legislature. In regard to these rules it appears to the Governor-General in Council doubtful whether sufficient efforts are in all cases made at present to elicit an expression of public opinion before they are brought into force, and some measure seems to be required whereby greater publicity may be given to the drafts of such rules.

2. In order to attain this end, His Excellency in Council considers that the ordinary procedure to be followed should be that any rules, regulations, or notifications which affect the outside public should, before being issued by Local Governments or Administrations, or in cases in which the previous approval or sanction of the Governor-General in Council is necessary, before submission to the Government of India, be published with a view to ascertain whether any valid objections can be taken thereto. Such publication might be effected in the local Official Gazettes and in one or two local newspapers (if any exist), English or vernacular, which circulate among the classes of persons whom the proposed rules are likely to affect. A similar course might, in the opinion of the Government of India, be adopted with advantage in the case of many rules or notifications affecting the outside public which it is proposed to issue, not under any Act or Regulation, but as executive orders. The practice which prevails in England under the Public Health Act, 1875 (38 and 39 Vic., Cap. 55), is described in Section 184 of that Act, a copy of which is appended to this Resolution. There may be some classes of rules which it is inexpedient or impracticable to publish before issue, but these will probably be found not to be numerous.

3. When any rules, regulations, or notifications of the classes referred to in this Resolution are submitted for the sanction of the Governor-General in Council, it should invariably be stated whether they have been published in accordance with the instructions now issued. If they have been so published, the result of such publication should be described; and, if they have not been published, the reasons for non-publication should be fully explained.

INCLOSURE.

Section 184 of 3 and 39 Vic., Cap. 55.

184. Bye-laws made by a local authority under this Act shall not take effect unless and until they have been submitted to, and confirmed by, the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper, nor shall any such bye-laws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such bye-laws relate one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed bye-laws has been kept at the office of the local authority, and has been open during office-hours thereof to the inspection of the rate-payers of the district to which such bye-laws relate without fee or reward.

The clerk of the local authority shall, on the application of any such rate-payer, furnish him with a copy of such proposed bye-laws or any part thereof on payment of sixpence for every hundred words contained in such copy.

A bye-law required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority.

Order—

Madras.
Bombay.
Bengal.
N.W.P. and Oudh.
Punjab.

Central Province
British Burma.
Coorg.
Assam.
Hyderabad.

Ordered that the foregoing Resolution be forwarded to the Local Governments and Administrations noted on the margin and to all departments of the Government of India for information and guidance.

(True Extract.)

(Signed)

A. MACKENZIE,
Secy. to the Govt. of India.

To the Secretary to the Government of Madras.

ORDER—dated 23th November 1882, No. 1990, Judicial.

Communicated to the Legislative Department and the Departments of the Secretariat for guidance.

(True Extract.)

Chief Secretary.

To the Legislative Department.
,, Secretariat Departments.

Ed. J. W. Fischer.

6-1-1882
Govt. of Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 28th November 1882, No. 1990.

NOVEMBER.

Legislation.

Communicating for guidance Resolution of the Government of India directing the publication in newspapers, &c., before issue of rules, regulations, or notifications which affect the outside public, with a view to ascertain whether any valid objections can be taken thereto.

119
No. 1991-1882.
Extract from the Proceedings of the Government of India in the Home Department
(Public),—dated Simla, the 8th November 1882.

READ—

Circular letter to all Local Governments and Administrations, from the Government of India in the Legislative Department, No. 1030 to 1040, dated the 8th September 1882.

RESOLUTION—

IN the Circular letter above read, Local Governments and Administrations were addressed on the subject of the possibility of giving greater publicity to measures which may from time to time be under the consideration of the legislature before they are passed into law, and certain suggestions were made with a view to effect this object. In addition, however, to legislative measures, properly so called, there is another important class of legislation which frequently affects the interests of the public to a greater or less extent, viz., that which takes the form of rules, regulations or notifications having the force of law, and issued by the executive authorities by virtue of powers conferred upon them under the provisions of some Act of the legislature. In regard to these rules it appears to the Governor General in Council doubtful whether sufficient expression of public opinion efforts are in all cases made at present to elicit, and some measure seems to be required before they are brought into force, and some measure seems to be required whereby greater publicity may be given to the effects of such rules.

2. In order to attain this end, His Excellency in Council considers that the ordinary procedure to be followed should be that any rules, regulations or notifications which affect the outside public should, before being issued by Local Governments or Administrations, or in cases in which the previous approval or sanction of the Governor General in Council is necessary, before submission to the Government of India, be published with a view to ascertain whether any valid objections can be taken thereto. Such publication might be effected in the local official Gazettes and in one or two local newspapers (if any exist), the local official Gazettes and in one or two local newspapers (if any exist), English or Vernacular, which circulate among the classes of persons whom the proposed rules are likely to affect. A similar course might, in the opinion of the Government of India, be adopted with advantage in the case of many rules or notifications affecting the outside public which it is proposed to issue not under any Act or Regulation, but as executive orders. The practice which prevails in England under the Public Health Act, 1875 (38 and 39 Vic., Cap. 55) is described in section 184 of that Act, a copy of which is appended to this Resolution. There may be some classes of rules which it is inexpedient or impracticable to publish before issue, but these will probably be found not to be numerous.

3. When any rules, regulations or notifications of the classes referred to in this Resolution are submitted for the sanction of the Governor General in Council, it should invariably be stated whether they have been published, in accordance with the instructions now issued. If they have been so published the result of such publication should be described; and if they have not been published, the reasons for non-publication should be fully explained.

ORDER—

Ordered, that the foregoing Resolution be forwarded to the Local Governments and Administrations noted on the margin and to all Departments of the Government of India for information and guidance.

(True Extract.)

A. M. S. M. S.

Secretary to the Government of India.

Govt. C. B. Press, Simla.—No. 671 H. D.—2-11-82.—316.

To The Secretary to the Govt. of Madras.

2 8/2
Enclosure

Section 184 of 38 and 39 Vic., Cap. 55.

184. Bye-laws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such bye-laws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such bye-laws relate, one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed bye-laws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the rate-payers of the district to which such bye-laws relate, without fee or reward.

• The clerk of the local authority shall, on the application of any such rate-payer, furnish him with a copy of such proposed bye-laws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A bye-law required to be confirmed by the Local Government Board shall not require confirmation, allowance or approval by any other authority.

Jud! (1882) Dehu

Legislation.

From
Report of India
Home Dept

3814

of 8 Nov 1882
Read 15/11/82
No. 49
1741-1807

Enclosure one
7 copies
Each of letter and

Publication of all
Rules, Regulations and
notifications in newspapers

28th Nov 1882 to 1890.

Order - 1

Journal - to the Leg.
Dept & the Dep. Secy.
and Secretaries, for
guidance.

Leg. Dept. 6 }
Secy. Dept. 21 }
Dep. Secy. 12 }
Dep. Secy. 12 }

15/11

27/11

11/11

[Despatch]

READ AGAIN Order of Government, dated
188 , No. Miscellaneous.

CLOSURES.

RENT No.

3814

EMENT WITH DITTO.

DER. AC. OF GOVERNMENT-A

TERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL
(not paged.)

Order 80.
Letter
Collection

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

PRESS.

Ind.? DEPARTMENT.
G.O. DATED *28th Nov/12*
No. *1990*.

First copy sent to Press. *28/11/12*

Returned for signature.

Despatched in print. *1/12*

[Despatch Abstract.]

*Legislation. Comp. for your
-dence, Res. of the S. Dis
-recty. the publication ^{in the papers?} before it
case, of rules, regulations or no
tifications which affect the in-
side public, with a view to ascer-
tain whether any valid objection
can be taken thereto.*