

(1) Number of pages

(2) Date of receipt

(3) Initial of the Receiver

(1)

MADRAS RECORD OFFICE.

Government of Madras.

Legislative DEPARTMENT.

G.O. No.	12	Press
		Min.
Dated	22 October 1951.	

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
LEGISLATIVE DEPARTMENT.

READ—the following papers :—

Extract from the Proceedings of the Government of India, in the Legislative Department, No. 1605, dated Simla, 26th September 1891.

Read—

Office Memorandum No. 10-15-C, dated 8th April 1884, addressed to the Foreign, Home, Finance, Military, Public Works and Revenue and Agricultural Departments.
Circular No. 15-26-C, dated 8th April 1884, addressed to Local Governments and Administrations.
Office Memorandum from Public Works Department, No. 821-G, dated 9th July 1884.
Office Memorandum from Military Department, No. 774, dated 22nd August 1884.
Office Memoranda from Finance Department, No. 4085, dated 21st October 1884, and No. 4218, dated 28th October 1884.
Letter from Chief Commissioner of the Andaman and Nicobar Islands, No. 164, dated 10th May 1884.
Letter from the Government of Bengal, No. 18-J.D., dated 7th August 1884.
Letter from the Chief Commissioner of the Central Provinces, No. 4436-133, dated 6th September 1884.
Letter from Chief Commissioner of Ajmere, No. 85, dated 13th September 1884.
Letter from Chief Commissioner of Burma, No. 86-J.D., dated 19th September 1884.
Letter from the Government of Madras, No. 21, dated 2nd September 1884.
Letters from Chief Commissioner of Assam, Nos. 3746-J-1766, dated the 7th November 1885.
Letters from Chief Commissioner of Coorg, Nos. 1065-1, dated 18th November 1884, and No. 271-344, dated 23rd February 1885.
Letter from the Government of the Punjab, No. 3, dated 27th November 1884.
Letter from the Government of the North-Western Provinces and Oudh, No. 943-VII-201, dated 11th December 1886.
Letters from the Government of Bombay, Nos. 577, dated 22nd January 1885, and No. 1666, dated 27th March 1889.
Letter from the Chief Commissioner of Assam, No. 3746-J, dated 8th September 1890, addressed to the Secretary to the Government of India in the Home Department.

Resolution—

In the year 1872, Mr. Whitley Stokes, J. Esq., then Secretary to the Government of India in the Legislative Department, published a book entitled "Lists of the Unrepealed Acts, Regulations and Statutes applying to British India, Mysore, the Hyderabad Assigned Districts and British Colonies in Native States." Revised editions of this work were published from time to time, and the lists relating to Native territory are now published separately from those relating to British India. The latest edition of the lists relating to British India was issued in March 1884, under the title "Lists of Enactments in force in British India."

பாதுகாப்பு பிரதி-1

செப்பனிகுபவற் பெயர் : ரா. சிவா சிவன்
செப்பனிகுபவற்காக எடுத்துக்-11/08 - 2109
கொள்பெட்ட நாள்.

சுப்பார்க்கும்	சுப்பார்க்கும்	சுப்பார்க்கும்
முதல் முதிபாள	2ம் முதிபாள	உதவியாளர்
கையொப்பம்	கையொப்பம்	கையொப்பம்

2. The volume of "Lists of Enactments in force in British India" contains lists of—

- (1) Public General Statutes applying to British India:
- (2) General Rules and Orders made under General Statutes:
- (3) Orders made by Her Majesty the Queen in Council under General Statutes:
- (4) General Acts:
- (5) General Rules and Orders made under General Acts:
- (6) Bengal, Madras and Bombay Regulations, Local Acts of the Governor-General in Council, Acts of Local Councils, and Regulations made under the Statute 33 Vict., cap. 3, in force in each Province:
- (7) Enactments notified under Act I of 1865 for each non-regulation Province:
- (8) Enactments notified under the Scheduled Districts Act, 1874, for each Province:
- (9) Local Rules and Orders made for each Province under (a) General Statutes and (b) General Acts:
- (10) Local Rules having the force of law under section 25 of the Indian Councils Act, 1861, in each non-regulation Province:
- (11) Local and Personal Statutes relating to India:
- (12) Local Acts of a private nature passed by Indian Legislatures: and
- (13) Local Acts of a personal nature passed by the Governor-General in Council.

The volume forms an index, in chronological order, to the whole of the written law of British India, except that it contains no lists of rules or orders made under—

- (1) Bengal, Madras or Bombay Regulations,
- (2) Local Acts of the Governor-General in Council,
- (3) Acts of Local Councils, or
- (4) Regulations made under the Statute 33 Vict., cap. 3.

Books similar to the volume of "Lists of Enactments in force in British India" have been published by several Local Governments, in which rules and orders excluded from that volume are noted with more or less completeness. There is, therefore, now a fair record, in index form, of the greater part of the written law of British India.

3. Valuable, however, as that record is, it forms but a preliminary step towards the accomplishment of the larger scheme of publishing the whole of the written law *in extenso*. Some years ago the Government of India undertook to arrange the written law of British India in a series of volumes according to its local application.

* General Acts, 1834-88, 6 Vols., 1884-89.
North-West Provinces Code, 1 Vol., 1886.
Oudh Code, 1 Vol., 1886.
Madras Code, 1 Vol., 1888.
Punjab Code, 1 Vol., 1888.
Burma Code, 1 Vol., 1889.
Bengal Code, 2 Vols., 1889-90.
Baluchistan Code, 1 Vol., 1890.
Central Provinces Code, 1 Vol., 1891.
† North-Western Provinces and Oudh Code, 1 Vol.
Assam Code, 1 Vol.
Bombay Code, 1 Vol.
Ajmere Code, 1 Vol.
Coorg Code, 1 Vol.
The Statutes relating to India, 3 Vols.
General Acts from 1889, 1 Vol.

With this object seventeen volumes were published during the years 1875 to 1881, containing the Statutes relating to India, the General Acts applicable to the whole of British India, and the local Acts and Regulations in force in each province. This series of volumes has, during the past seven years, been under revision in the Legislative Department of the Government of India, and fifteen volumes* of the revised edition have been issued, leaving some nine† to complete the new series, which are in various stages of preparation. To complete the undertaking above-mentioned, it is necessary to publish a series of supplementary volumes

containing so much of the written law of British India as consists of rules and orders made under Statutes, Acts and Regulations.

4. It is true that rules and orders made under enactments, although they have as much the force of law as the enactments from which they derive effect, are often of minor importance; but this is not always so. In the case of some enactments (for example, the Opium Act, 1878, the Indian Arms Act, 1878, the Destruction of Records Act, 1879, the Local Authorities' Loan Act, 1879, the Indian Explosives Act, 1881, the Agriculturists' Loans Act, 1884), the provisions of the subsidiary rules and orders are really more important for practical purposes than the provisions of the enactments themselves; while, in the case of all enactments, the provisions of their subsidiary rules and orders form an integral portion of the law, without which the provisions of the principal enactments are more or less imperfect and incomplete.

5. Rules and orders made under enactments are now, with some exceptions, to be found only in the official Gazettes, and it is often difficult to ascertain how far they are still in force or to what extent they have been modified by subsequent notifications. The advantage of having all extant rules and orders published in a series of volumes will, therefore, be readily apparent. Further, the mere getting together of the mass of extant rules and orders and their amendments for publication in the proposed volumes will suggest consolidation; so that one result of the work will probably be the publication of consolidated notifications (like those recently framed by the Government of India under the Court-fees Act, 1870,* the Indian Stamp Act, 1879,† Act II of 1886‡ and the Native Passenger Ships Act, 1887§), and the consequent simplification of the law. The work should also lead to the formal cancellation of such rules and orders as have become obsolete, and of rules and orders which, having been made under Acts which have been repealed, are not kept in force by the saving clauses in the repealing Acts, which usually save such rules and orders only as are consistent with the new Act.

6. It is not practicable for the Government of India to undertake the publication of all the supplementary volumes which are required, nor does it seem necessary that it should do so. The Government of India, in the Legislative Department, propose to publish such rules and orders as are of general application, and the Governor-General in Council would be glad if Local Governments could arrange for the publication of those which are of local application only.

7. It is desirable that all the volumes in question should be prepared on a uniform system, and, to secure this, attention is invited to the following points:—

(1) The Government of India, in the Legislative Department, should publish a collection consisting of all general rules and orders now in force and of general application or applying to more than one Province, which have been made under (a) Statutes and (b) General Acts.

(2) Each Local Government should publish a complete collection of local rules and orders made for its own province under (a) Statutes, (b) General Acts, (c) Bengal, Madras or Bombay Regulations, (d) Local Acts of the Governor-General in Council, (e) Acts of the Local Council, and (f) Regulations made under the Statute 33 Vict., cap. 3.

(3) The collections should comprise only rules and orders having the force of law, that is, rules and orders which have been made under the authority of an enactment of the Legislature, and derive such force from that enactment.

(4) The general collection should contain only general rules and orders made by the Government of India and not locally restricted to any one province or district: the local collections should contain rules and orders made by the Government of India, of local application only, by Local Governments and their officers, and by local authorities, such as Municipal Committees. This plan will save a great deal of repetition. Rules and orders of general application should be printed (like the "General Acts") in one volume or series of volumes only, and not in the several volumes published for the different Provinces. As in the case of the General Acts and the Local Codes, local officers should be supplied with a copy of the general volumes and a copy of the local volumes published for their own Province. The general volumes should form a supplement to the "Collection of Statutes relating to India" and the "General Acts," and the local volumes supplements to the local codes.

(5) The rules and orders should be set out *in extenso*, in the chronological order of the enactments under the authority of which they were made, and a list of them should be prefixed to the collection, forming a table of contents. This list should be in the form of List 2 of Chapter II of the "Lists of Enactments in force in British India," Ed. 1884, but the entries in the fifth column need not be so full as in that list, and the sixth column should contain merely a reference to the page of the volume at which the rules or orders are printed. The numbers and dates of the notifications under which the rules or orders were published, and the year, Part and page of the Gazette in which the notifications were published, should be noted at the head of the rules or orders, in the text, and need not appear in the table of contents. Where rules or orders made under the authority of an enactment afterwards repealed are kept alive by the repealing enactment, they should, for the purposes of this clause, be treated as made under the repealing enactment, but the facts should be indicated in a footnote.

(6) To facilitate reference, and to obviate any inconvenience likely to arise from following the chronological order of the enactments instead of grouping the rules and orders according to subjects or departments, a short alphabetical index should be published at the end of each volume.

(7) Care should be taken to ascertain that any rules or orders which were made under a repealed enactment, and which it is proposed to include in the collections, are really kept in force by the repealing enactment. In cases of doubt, such rules or orders might be either printed in, or excluded from, the collections, at the discretion of the Government of India or the Local Government, as the case may be, but an explanatory footnote should always be inserted.

(8) The following classes of rules and orders (as well as all rules and orders of a merely temporary or special nature) should be excluded from the collections:—

(i) Rules and orders made by the High Courts (including the Chief Court of the Punjab, the Court of the Recorder of Rangoon and Judicial Commissioners) under their Letters Patent or the Courts Acts under which they are constituted, or under the Code of Criminal Procedure or the Code of Civil Procedure: (1)

(ii) Rules and orders made under enactments relating to Merchant Shipping, namely, the enactments printed in Mr. Pearson's Merchant Shipping Digest, 1884, and enactments of the same character, passed since that book was published, which will be published in the next edition thereof: (2)

(1) Such rules and orders are collected and published in compilations issued under the authority of the Courts.
(2) It is intended to compile in the Legislative Department of the Government of India a separate collection of such rules and orders, to form a supplement to Mr. Pearson's work.

(iii) Any other rules or orders which are published in a collected form elsewhere, or which for any reason it may be considered preferable to publish separately; for instance—

- (a) rules and orders made under enactments relating to Registration or Excise (1);
- (b) rules made under the Indian Post Office Act, XIV of 1866, or the Indian Telegraph Act, XIII of 1885 (2);
- (c) rules made under Forest Acts, namely, Act VII of 1878, Act XIX of 1881 and Madras Act V of 1882 (3);
- (d) rules made under the Indian Emigration Act, XXI of 1883 (4);
- (e) rules made under the Indian Marine Act, XIV of 1887 (5);
- (f) rules made under the Indian Reserve Forces Act, IV of 1888 (6);
- (g) rules made under the Inventions and Designs Act, V of 1888 (7);
- (h) the new Code of Cantonment Regulations, framed under Act XIII of 1889 (8);
- (i) rules and orders made under the Indian Railways Act, IV of 1889 (9), and

(iv) Any rules or orders which the Government of India or the Local Government, as the case may be, consider to be of too little general importance for publication in the collections; for instance, Orders made by Her Majesty the Queen in Council.

(9) All rules and orders which are excluded from any collection should be noted for ready reference. It would probably be convenient to enter them in the table of contents, with an explanatory note.

(10) Each volume should have a preface explaining that the book forms a Supplement to the "Collection of Statutes relating to India" and the "General Acts" or to the Code, as the case may be, and that the rules and orders published in it have the force of law; also explaining omissions and any other points which might be considered worthy of notice.

(11) The volumes should be of the same size, and as nearly as possible printed in the same way, as the revised edition of the Codes mentioned in paragraph 3 of this Resolution.

(12) The volumes published by the Legislative Department of the Government of India should be called "General Rules and Orders made under Enactments applying to British India." The volumes published by the Local Governments should be called "Local Rules and Orders made under Enactments applying to (name of Province)."

8. Ample materials exist for the preparation of these volumes. The volume of "Lists of Enactments in force in British India," Ed. 1884, contains lists of local rules and orders made for each Province under Statutes or General Acts. Books containing lists of rules and orders made under local Acts and Regulations had, before 1884, been published in the Punjab, the Central Provinces and Burma; and in Ajmere and the Andaman and Nicobar Islands books had been published in which both general and local rules and orders were set out *in extenso*. In paragraph 5 of Legislative Department Circular, dated 8th April 1884, other Local Governments (namely, the Governments of Madras, Bombay, Bengal, and the North-Western Provinces and Judh, and the Chief Commissioners of Coorg and Assam) were invited to publish lists of rules

(1) Such rules and orders are usually published in official manuals.
(2) The proper places for these rules are the Postal Guide and the Telegraph Guide.
(3) These are published in a compilation issued by the Government of India in the Revenue and Agricultural Department in the year 1889.
(4) These are published in a compilation issued by the Government of India in the Revenue and Agricultural Department in the year 1886.
(5) These have been embodied in the Marine Regulations published by the Government of India in the Military Department.
(6) These are published in a pamphlet published by the Government of India in the Military Department in the year 1888.
(7) The Government of India, in the Revenue and Agricultural Department, contemplates publishing a manual containing these rules.
(8) The draft Code is now under revision, and the Code will be published separately, in book form.
(9) The Government of India, in the Public Works Department, contemplates publishing these in book form.

and orders made under local Acts and Regulations, and this suggestion has been carried out in nearly all provinces. Separate letters will be addressed to Local Governments explaining how these materials might be utilised in the preparation of the volumes of Local Rules and Orders.

9. To ensure uniformity and the accurate observance of the directions laid down in paragraph 7 of this Resolution, the table of contents to each local volume should be submitted at an early stage to the Government of India, in the Legislative Department, for examination.

10. The volumes should, like the "General Acts" and local Codes, be re-issued at reasonable intervals. The exact time to elapse before a new edition is published must depend upon circumstances, but probably in ordinary cases four or five years would be sufficient. It would, however, be desirable to append to each volume a statement for noting up corrections and additions, similar to that appended to the Civil Service Regulations; and slips should be issued, at intervals of, perhaps, three months, showing what entries should be struck out and what added. Long notifications and sets of rules should not be printed in these slips: it would be sufficient to give a reference to the Gazette in which they are published, pending their incorporation in the next edition of the volume.

Order—

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

(Signed) L. PORTER,
Offg. Secy. to the Govt. of India.

To the Chief Secretary to the Government of Madras.

From L. PORTER, Esq., Officiating Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated Simla, the 28th September 1891, No. 1606.

Adverting to this Department Resolution, No. 1605, dated 26th instant, relative to the publication of volumes of rules and orders, I am directed to address you with regard to the utilisation of existing materials in the preparation of a collection of Local Rules and Orders made under Enactments applying to Madras.

2. In 1887 was published a pamphlet entitled "List of Notifications and Rules issued and published under the provisions of Acts and Regulations which have the force of law in the Presidency of Fort St. George. Revised up to July, 1887."

* Including Orders in Council under Statutes. This pamphlet contains a list* of rules and orders in force in the Madras Presidency, made under—

- (1) Statutes,
- (2) General Acts,
- (3) Local Acts of the Governor-General in Council, and
- (4) Acts of the Governor of Madras in Council.

The pamphlet contains merely this list. The rules and orders are not set out in extenso.

3. If a collection of Local Rules and Orders in force in the Presidency of Madras, such as is described in Resolution No. 1605, dated 26th instant, is published, the lists of Orders in Council, and of such of the rules and orders as are of general application, should be omitted from it, as they will be printed in the collection of General Rules and Orders to be prepared in this Department. In the Madras collection, the local rules and orders, which alone should be comprised in it, should be set out in extenso, in the order of the enactments under which they have effect.

5/12
Govt. of (1891) Madras.
LEGISLATIVE.

Issued

Recd.

Encl.

G.O., 22nd October 1891, No. 72.

OCTOBER.

Rules and Orders made under
Enactments.

Communicating to all the Departments of the Secretariat Resolution and letter of the Government of India relative to the publication of —, and intimating that the table of contents of the local volumes will be prepared in the Legislative Department.

4. This Department has under preparation, for the purposes of the collection of General Rules and Orders, a revised edition of List 2 of Chapter II of the "Lists of Enactments in force in British India," Ed. 1884. A copy of the list will be shortly sent to you as a guide in preparing the table of contents for the Madras collection, and as a means of ensuring account being taken of all rules and orders in force in Madras which are to be omitted from the general collection as being of local operation only.

ORDER—dated 22nd October 1891, No. 72, Legislative.

A list of Notifications and Rules having the force of law, revised up to July 1891, is at present under preparation in the Legislative Department. Upon its completion and upon the receipt of the copy of the revised "Lists of Enactments in force in British India," promised in paragraph 4 of Mr. Porter's letter, No. 1606, dated the 28th September 1891, the work of preparing the table of contents of each local volume will be taken in hand in the Legislative Department.

2. In the meantime, the Proceedings and Order of the Government of India and Mr. Porter's letter above referred to will be communicated to all Departments of the Secretariat.

(True Extract.)

A. BUTTERWORTH,
Ag. Under Secy. to Govt.

To all Departments of the Secretariat.

Exd. A. Raiff

FROM

L. PORTER, ESQ.,
Offg. Secretary to the Government of India,
LEGISLATIVE DEPARTMENT,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
MADRAS.

Simla, the 28th September, 1891.

SIR,

ADVERTING to this Department Resolution No. 1605, dated 26th instant, relative to the publication of volumes of rules and orders, I am directed to address you with regard to the utilisation of existing materials in the preparation of a collection of Local Rules and Orders made under Enactments applying to Madras.

2. In 1887 was published a pamphlet entitled "List of Notifications and Rules issued and published under the provisions of Acts and Regulations which have the force of law in the Presidency of Fort St. George. Revised up to July, 1887." This pamphlet contains a list of rules and orders* in force in the Madras Presidency, made under—

* Including Orders in Council under Statutes.

- (1) Statutes,
- (2) General Acts,
- (3) Local Acts of the Governor General in Council, and
- (4) Acts of the Governor of Madras in Council.

The pamphlet contains merely this list. The rules and orders are not set out *in extenso*.

3. If a collection of Local Rules and Orders in force in the Presidency of Madras, such as is described in Resolution No. 1605, dated 26th instant, is published, the lists of Orders in Council, and of such of the rules and orders as are of general application, should be omitted from it, as they will be printed in the collection of General Rules and Orders to be prepared in this Department. In the Madras collection, the local rules and orders, which alone should be comprised in it, should be set out *in extenso*, in the order of the enactments under which they have effect.

4. This Department has under preparation, for the purposes of the collection of General Rules and Orders, a revised edition of List 2 of Chapter II of the "Lists of Enactments in force in British India," Ed. 1884. A copy of the list will be shortly sent to you as a guide in preparing the table of contents for the Madras collection, and as a means of ensuring account being taken of all rules and orders in force in Madras which are to be omitted from the general collection as being of local operation only.

I have the honour to be,

SIR,

Your obedient servant,

L. Porter

Offg. Secretary to the Government of India.

Extract from the Proceedings of the Government of India in the Legislative Department, No. 1605, dated Simla, the 26th September, 1891.

READ—

- Office Memorandum No. 10-15-C, dated 8th April, 1884, addressed to the Foreign, Home, Finance, Military, Public Works and Revenue and Agricultural Departments.
- Circular No. 15-26-C, dated 8th April, 1884, addressed to Local Governments and Administrations.
- Office Memorandum from Public Works Department, No. 821-G, dated 9th July, 1884.
- Office Memorandum from Military Department, No. 774, dated 22nd August, 1884.
- Office Memoranda from Finance Department, No. 4085, dated 21st October, 1884, and No. 4218, dated 28th October, 1884.
- Letter from Chief Commissioner of the Andaman and Nicobar Islands, No. 164, dated 10th May, 1884.
- Letter from the Government of Bengal, No. 1823-J-D, dated 7th August, 1884.
- Letter from Chief Commissioner of the Central Provinces, No. 4436—133, dated 6th September, 1884.
- Letter from Chief Commissioner of Ajmere, No. 785, dated 13th September, 1884.
- Letter from Chief Commissioner of Burma, No. 586—8-L, dated 19th September, 1884.
- Letter from the Government of Madras, No. 214, dated 23rd September, 1884.
- Letters from Chief Commissioner of Assam, No. 3746-J—1766, dated the 7th November, 1884, and No. 209, dated the 6th February, 1885.
- Letters from Chief Commissioner of Coorg, No. 1065—145, dated 18th November, 1884, and No. 279—344, dated 23rd February, 1888.
- Letter from the Government of the Punjab, No. 1037, dated 27th November, 1884.
- Letter from the Government of the North-Western Provinces and Oudh, No. 943—VII—201, dated 11th December, 1886.
- Letters from the Government of Bombay, No. 577, dated 22nd January, 1885, and No. 1666, dated 27th March, 1889.
- Letter from the Chief Commissioner of Assam, No. 3746-J, dated 8th September, 1890, addressed to the Secretary to the Government of India in the Home Department.

RESOLUTION.—In the year 1872, Mr. Whitley Stokes, C.S.I., then Secretary to the Government of India in the Legislative Department, published a book entitled "Lists of the Unrepealed Acts, Regulations and Statutes applying to British India, Mysore, the Hyderabad Assigned Districts and British Cantonnments in Native States." Revised editions of this work were published from time to time, and the lists relating to Native territory are now published separately from those relating to British India. The latest edition of the lists relating to British India was issued in March, 1884, under the title "Lists of Enactments in force in British India."

2. The volume of "Lists of Enactments in force in British India" contains lists of—

- (1) Public General Statutes applying to British India:
- (2) General Rules and Orders made under General Statutes:

- (3) Orders made by Her Majesty the Queen in Council under General Statutes:
- (4) General Acts:
- (5) General Rules and Orders made under General Acts:
- (6) Bengal, Madras and Bombay Regulations, Local Acts of the Governor General in Council, Acts of Local Councils, and Regulations made under the Statute 33 Vict., cap. 3, in force in each Province:
- (7) Enactments notified under Act I of 1865 for each non-regulation Province:
- (8) Enactments notified under the Scheduled Districts Act, 1874, for each Province:
- (9) Local Rules and Orders made for each Province under (a) General Statutes and (b) General Acts:
- (10) Local Rules having the force of law under section 25 of the Indian Councils Act, 1861, in each non-regulation Province:
- (11) Local and Personal Statutes relating to India:
- (12) Local Acts of a private nature passed by Indian Legislatures: and
- (13) Local Acts of a personal nature passed by the Governor General in Council.

The volume forms an index, in chronological order, to the whole of the written law of British India, except that it contains no lists of rules or orders made under—

- (1) Bengal, Madras or Bombay Regulations,
- (2) Local Acts of the Governor General in Council,
- (3) Acts of Local Councils, or
- (4) Regulations made under the Statute 33 Vict., cap. 3.

Books similar to the volume of "Lists of Enactments in force in British India" have been published by several Local Governments, in which rules and orders excluded from that volume are noted with more or less completeness. There is, therefore, now a fair record, in index form, of the greater part of the written law of British India.

3. Valuable, however, as that record is, it forms but a preliminary step towards the accomplishment of the larger scheme of publishing the whole of the written law *in extenso*. Some years ago the Government of India undertook to arrange the written law of British India in a series of volumes according to its local application. With this object seventeen volumes were published during the years 1875 to 1881, containing the Statutes relating to India, the General Acts applicable to the whole of British India, and the local Acts and Regulations in force in each province. This series of volumes has, during the past seven

* General Acts, 1874-88, 6 Vols., 1884-89.
 North-Western Provinces Code, 1 Vol., 1886.
 Oudh Code, 1 Vol., 1886.
 Madras Code, 1 Vol., 1888.
 Punjab Code, 1 Vol., 1888.
 Burma Code, 1 Vol., 1889.
 Bengal Code, 2 Vols., 1889-90.
 Baluchistan Code, 1 Vol., 1890.
 Central Provinces Code, 1 Vol., 1891.
 † North-Western Provinces and Oudh Code, 1 Vol.
 Assam Code, 1 Vol.
 Bombay Code, 1 Vol.
 Ajmere Code, 1 Vol.
 Coorg Code, 1 Vol.
 The Statutes relating to India, 3 Vols.
 General Acts from 1889, 1 Vol.

years, been under revision in the Legislative Department of the Government of India, and fifteen volumes* of the revised edition have been issued, leaving some nine† to complete the new series which are in various stages of preparation. To complete the undertaking above-mentioned, it is necessary to publish a series of supplementary volumes containing so much of the written law of British India as consists of rules and orders made under Statutes, Acts and Regulations.

4. It is true that rules and orders made under enactments, although they have as much the force of law as the enactments from which they derive effect, are often of minor importance; but this is not always so. In the case of some enactments (for example, the Opium Act, 1878, the Indian Arms Act, 1878, the Destruction of Records Act, 1879, the Local Authorities Loan Act, 1879, the Indian Explosives Act, 1884, the Agriculturists' Loans Act, 1884,) the provisions of the subsidiary rules and orders are really more important for practical purposes than the provisions of the enactments themselves; while, in the case of all enactments, the provisions of their subsidiary rules and orders form an integral portion of the law, without which the provisions of the principal enactments are more or less imperfect and incomplete.

5. Rules and orders made under enactments are now, with some exceptions, to be found only in the official Gazettes, and it is often difficult to ascertain how far they are still in force or to what extent they have been modified by subsequent notifications. The advantage of having all extant rules and orders published in a series of volumes will, therefore, be readily apparent. Further, the more getting together of the mass of extant rules and orders and their amendments for publication in the proposed volumes will suggest consolidation; so that one result of the work will probably be the publication of consolidated notifications (like those recently framed by the Government of India under the Court-fees Act, 1870,* the Indian Stamp Act, 1879,† Act II of 1886‡ and the Native Passenger Ships Act, 1887§), and the consequent simplification of the law. The work should also lead to the formal cancellation of such rules and orders as have become obsolete, and of rules and orders which, having been made under Acts which have been repealed, are not kept in force by the saving clauses in the repealing Acts, which usually save such rules and orders only as are consistent with the new Act.

6. It is not practicable for the Government of India to undertake the publication of all the supplementary volumes which are required, nor does it seem necessary that it should do so. The Government of India in the Legislative Department propose to publish such rules and orders as are of general application, and the Governor General in Council would be glad if Local Governments could arrange for the publication of those which are of local application only.

7. It is desirable that all the volumes in question should be prepared on a uniform system, and to secure this attention is invited to the following points:—

- (1) The Government of India in the Legislative Department should publish a collection consisting of all general rules and orders now in force and of general application or applying to more than one Province, which have been made under (a) Statutes and (b) General Acts.
- (2) Each Local Government should publish a complete collection of local rules and orders made for its own Province under (a) Statutes, (b) General Acts, (c) Bengal, Madras or Bombay Regulations, (d) Local Acts of the Governor General in Council, (e) Acts of the Local Council, and (f) Regulations made under the Statute 33 Vict., cap. 3.
- (3) The collections should comprise only rules and orders having the force of law, that is, rules and orders which have been made under the authority of an enactment of the Legislature, and derive such force from that enactment.
- (4) The general collection should contain only general rules and orders made by the Government of India and not locally restricted to any one Province or District: the local collections should contain rules and orders made by the Government of India, of local application only, by Local Governments and their officers, and by local authorities.

such as Municipal Committees. This plan will save a great deal of repetition. Rules and orders of general application should be printed (like the "General Acts") in one volume or series of volumes only, and not in the several volumes published for the different Provinces. As in the case of the General Acts and the Local Codes, local officers should be supplied with a copy of the general volumes and a copy of the local volumes published for their own Province. The general volumes should form a supplement to the "Collection of Statutes relating to India" and the "General Acts," and the local volumes supplements to the Local Codes.

- (5) The rules and orders should be set out *in extenso*, in the chronological order of the enactments under the authority of which they were made, and a list of them should be prefixed to the collection, forming a table of contents. This list should be in the form of List 2 of Chapter II of the "Lists of Enactments in force in British India," Ed. 1884, but the entries in the fifth column need not be so full as in that list, and the sixth column should contain merely a reference to the page of the volume at which the rules or orders are printed. The numbers and dates of the notifications under which the rules or orders were published, and the year, part and page of the Gazette in which the notifications were published, should be noted at the head of the rules or orders, in the text, and need not appear in the table of contents. Where rules or orders made under the authority of an enactment afterwards repealed are kept alive by the repealing enactment, they should, for the purposes of this clause, be treated as made under the repealing enactment, but the facts should be indicated in a footnote.
- (6) To facilitate reference, and to obviate any inconvenience likely to arise from following the chronological order of the enactments instead of grouping the rules and orders according to subjects or departments, a short alphabetical index should be published at the end of each volume.
- (7) Care should be taken to ascertain that any rules or orders which were made under a repealed enactment, and which it is proposed to include in the collections, are really kept in force by the repealing enactment. In cases of doubt, such rules or orders might be either printed in, or excluded from, the collections, at the discretion of the Government of India or the Local Government, as the case may be, but an explanatory footnote should always be inserted.
- (8) The following classes of rules and orders (as well as all rules and orders of a merely temporary or special nature) should be excluded from the collections:—
 - (i) Rules and orders made by the High Courts (including the Chief Court of the Punjab, the Court of the Recorder of Rangoon and Judicial Commissioners) under their Letters Patent or the Courts Acts under which they are constituted, or under the Code of Criminal Procedure or the Code of Civil Procedure: ⁽¹⁾
 - (ii) Rules and orders made under enactments relating to Merchant Shipping, namely, the enactments printed in Mr. Pearson's Merchant Shipping Digest, 1884, and enactments of the same character, passed since that book was published, which will be published in the next edition thereof: ⁽²⁾

⁽¹⁾ Such rules and orders are collected and published in compilations issued under the authority of the Courts.
⁽²⁾ It is intended to compile in the Legislative Department of the Government of India a separate collection of such rules and orders, to form a supplement to Mr. Pearson's work.

(iii) Any other rules or orders which are published in a collected form elsewhere, or which for any reason it may be considered preferable to publish separately; for instance,—

- (a) rules and orders made under enactments relating to Registration or Excise ⁽¹⁾;
- (b) rules made under the Indian Post Office Act, XIV of 1866, or the Indian Telegraph Act, XIII of 1885 ⁽²⁾;
- (c) rules made under Forest Acts, namely, Act VII of 1878, Act XIX of 1881 and Madras Act V of 1882 ⁽³⁾;
- (d) rules made under the Indian Emigration Act, XXI of 1883 ⁽⁴⁾;
- (e) rules made under the Indian Marine Act, XIV of 1887 ⁽⁵⁾;
- (f) rules made under the Indian Reserve Forces Act, IV of 1888 ⁽⁶⁾;
- (g) rules made under the Inventions and Designs Act, V of 1888 ⁽⁷⁾;
- (h) the new Code of Cantonment Regulations, framed under Act XIII of 1889 ⁽⁸⁾;
- (i) rules and orders made under the Indian Railways Act, IV of 1890 ⁽⁹⁾; and.

(iv) Any rules or orders which the Government of India or the Local Government, as the case may be, consider to be of too little general importance for publication in the collections; for instance, Orders made by Her Majesty the Queen in Council.

- (9) All rules and orders which are excluded from any collection should be noted for ready reference. It would probably be convenient to enter them in the table of contents, with an explanatory note.
- (10) Each volume should have a preface explaining that the book forms a Supplement to the "Collection of Statutes relating to India" and the "General Acts" or to the ——— Code, as the case may be, and that the rules and orders published in it have the force of law; also explaining omissions and any other points which might be considered worthy of notice.
- (11) The volumes should be of the same size, and as nearly as possible printed in the same way, as the revised edition of the Codes mentioned in paragraph 3 of this Resolution.
- (12) The volumes published by the Legislative Department of the Government of India should be called "General Rules and Orders made

⁽¹⁾ Such rules and orders are usually published in official manuals.

⁽²⁾ The proper places for these rules are the Postal Guide and the Telegraph Guide.

⁽³⁾ These are published in a compilation issued by the Government of India in the Revenue and Agricultural Department in the year 1889.

⁽⁴⁾ These are published in a compilation issued by the Government of India in the Revenue and Agricultural Department in the year 1886.

⁽⁵⁾ These have been embodied in the Marine Regulations, published by the Government of India in the Military Department.

⁽⁶⁾ These are published in a pamphlet published by the Government of India in the Military Department in the year 1888.

⁽⁷⁾ The Government of India in the Revenue and Agricultural Department contemplates publishing a manual containing these rules.

⁽⁸⁾ The draft Code is now under revision, and the Code will be published separately, in book form.

⁽⁹⁾ The Government of India in the Public Works Department contemplates publishing these in book form.

under Enactments applying to British India." The volumes published by the Local Governments should be called "Local Rules and Orders made under Enactments applying to (name of Province)."

8. Ample materials exist for the preparation of these volumes. The volume of "Lists of Enactments in force in British India," Ed. 1884, contains lists of local rules and orders made for each Province under Statutes or General Acts. Books containing lists of rules and orders made under local Acts and Regulations had, before 1884, been published in the Punjab, the Central Provinces and Burma; and in Ajmere and the Andaman and Nicobar Islands books had been published in which both general and local rules and orders were set out *in extenso*. In paragraph 5 of Legislative Department Circular dated 8th April, 1884, other Local Governments (namely, the Governments of Madras, Bombay, Bengal, and the North-Western Provinces and Oudh, and the Chief Commissioners of Coorg and Assam) were invited to publish lists of rules and orders made under local Acts and Regulations, and this suggestion has been carried out in nearly all Provinces. Separate letters will be addressed to Local Governments explaining how these materials might be utilised in the preparation of the volumes of Local Rules and Orders.

9. To ensure uniformity and the accurate observance of the directions laid down in paragraph 7 of this Resolution, the table of contents to each local volume should be submitted at an early stage to the Government of India in the Legislative Department for examination.

8. The volumes should, like the "General Acts" and local Codes, be re-issued at reasonable intervals. The exact time to elapse before a new edition is published must depend upon circumstances, but probably in ordinary cases four or five years would be sufficient. It would, however, be desirable to append to each volume a statement for noting up corrections and additions, similar to that appended to the Civil Service Regulations; and slips should be issued, at intervals of, perhaps, three months, showing what entries should be struck out and what added. Long notifications and sets of rules should not be printed in these slips: it would be sufficient to give a reference to the Gazette in which they are published, pending their incorporation in the next edition of the volume.

ORDER.—Ordered that the foregoing Resolution be forwarded to Local Governments and Administrations for information and guidance, and to the several Departments of the Government of India for information.

L. Porter

Offg. Secretary to the Government of India.

To The Chief Secretary to the Government of India.

Indian DEPARTMENT.

From The Govt. of India,
Legislative Dept.

At the Govt.

Order 2220 of 1891, dated 22nd Sept.
A list of local rules and orders having the force of law revised up to July 1891 is at present under preparation in the Legislative Dept. Upon its completion in Sept. upon the receipt of the copy & upon the receipt of the revised "List of enactments in force in British India" provided in para. 4 of Mr. Porter's letter of 1606 dated the 28th Sept. 1891 the work of preparing the table of contents of each local volume will be taken in hand in the Leg. Dept.
In the mean time the Proceedings & Order of the Govt. of India & Mr. Porter's letter referred to will be considered by the Secretary to the Govt. of India.

No. 1606

Dated 28th Sept. 1891

Received

Enclosures

SUBJECT.

Directing that lists of local rules and orders of each rule and order as one of general application be omitted from the collection of local Rules and Orders in force in the Presidency and in the Chief Commissioner's Districts.

ORDINARY, PRINTED.

Legislative Department
G.O. PRINT 22 Cents / 91
No. 72

Send copy sent to Press 22/10/91

Refused for signature

Despatched in print 22/10/91

[Despatch Abstract]

Order and order made for
enactments. Commencing
to all the Departments of the
Secretariat, Resolution 11th
of the Government of India
relating to the publication of
the contents of the local
volumes will be prepared in
the Legislative Dept.

28-8-05
1-2-16
9-2-06
1-8-07

24/4/11

8-8-22 120
21-8-35