

COUNCILS ACT, 1892

14 of 1892

[20th June, 1892]

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COUNCILS ACT, 1892

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An Act to amend the Councils Act, 1861.

1. 1 :-

Provisions for increase of number of members of Indian Councils for making laws and regulations. Rep. 9 Edw. 7, c. 4, s. 8 (3).]

2. 2 :-

Modification of provisions of 24 and 25 Vict., c. 67, as to .business at legislative meetings. Rep. 9 Edw. 7, P. 4, s. 8(3).]

3. 3 :-

Meaning of 24 and 25 Vict., c. 67, s.22,3 and 4 Will. 4, c. 85, and 16 and 17 Vict., c. 95.-It is hereby declared that in the twenty-second section of the Councils Act, 1861, it was and is intended that the .words "Indian territories now under the dominion of Her Majesty" should be read and construed as if the words "or hereafter" were and had at the time of the passing of the said Act been inserted next after the word "now"; and further, that the Acts third and fourth William the Fourth, chapter eighty-five, and sixteenth and seventeenth Victoria, chapter ninety-five, respectively shall be read and construed as if at the date of the

enactment thereof respectively it was intended and had been enacted that the said Acts respectively should extend to and include the territories acquired after the dates thereof respectively by the East India Company, and should not be confined to the territories at the dates of the said enactments respectively in the possession and under the government of the said company.

4. Repeal :-

Power to fill up vacancy in number of additional members * * * * *

* (1) If any additional member of council, or any member of the council of a lieutenant-governor, * * * shall be absent from India or unable to attend to the duties of his office for a period of two consecutive months, it shall be lawful for the Governor General, the governor, or the lieutenant-governor to whose council such additional member may have been nominated (as the case may be) to declare, by a notification published in the Government Gazette, that the seat in council of such person has become vacant:

5. Powers of Indian provincial legislatures :-

The local legislature of any province in India may from time to time, by Acts passed under and subject to the provisions of the Councils Act, 1861, and with the previous sanction of the Governor General, but not otherwise, repeal or amend as to that province any law or regulation made either before or after the passing of this Act by any authority in India other than that local legislature: Provided that an act or a provision of an act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of the Councils Act, 1861, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor General under this section.

6. Definitions :-

In this Act- The expression "local legislature" means-

(1) The Governor in Council for the purpose of making laws and regulations of the respective provinces of Fort St. George and Bombay, and

(2) The council for the purpose of making laws and regulations of the lieutenant-governor of any province to which the provisions of the Councils Act, 1861, touching the making of laws or regulations have been or are hereafter extended or made applicable. The expression "province" means any presidency, division province, or territory over which the powers of any local legislature for the time

being extend.

7. Saving of powers of Governor General in Council :-

Nothing in, this Act shall detract from or diminish the powers of the Governor General in Council at meetings for the purpose of making laws and regulations.

8. Short title :-

This Act may be cited as the Indian Councils Act, 1892; and the Councils Act, 1861, and this Act may be cited together as the Councils Acts, 1861 and 1892.