

**Friday,
2nd January, 1885**

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXIV

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Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS

1885

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*Abstract of the Proceedings of the Council of the Governor General of India,
assembled for the purpose of making Laws and Regulations under the
provisions of the Act of Parliament 24 & 25 Vic., cap. 67.*

The Council met at Government House on Friday, the 2nd January, 1885.

PRESENT :

His Excellency the Viceroy and Governor General of India, K.P., G.C.B.,
G.C.M.G., P.C., F.R.S., D.C.L., G.M.S.I., G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of Bengal, K.C.S.I., C.I.E.

His Excellency, the Commander-in-Chief, G.C.B., C.I.E.

The Hon'ble J. Gibbs, C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. O. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. O. Hope, C.S.I., C.I.E.

The Hon'ble Sir A. Colvin, K.C.M.G.

The Hon'ble J. W. Quinton.

The Hon'ble Amír Ali.

The Hon'ble W. W. Hunter, LL.D., C.S.I., C.I.E.

The Hon'ble H. J. Reynolds.

The Hon'ble Rao Sahib Vishvanath Narayan Mandlik, C.S.I.

The Hon'ble Peári Mohan Mukerji.

The Hon'ble H. St. A. Goodrich.

**BURMA STEAM-BOILERS AND PRIME-MOVERS ACT, 1882,
AMENDMENT BILL.**

The Hon'ble MR. ILBERT moved that the Report of the Select Committee
on the Bill to amend the Burma Steam-boilers and Prime-movers Act, 1882,
be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL, 1885.

The Hon'ble MR. ILBERT also moved for leave to introduce a Bill to provide for the voluntary registration of certain births and deaths, for the establishment of General Registry Offices for keeping registers of certain births, deaths and marriages, and for certain other purposes. He said :—

“The objects of this Bill are three. The first is to establish a system of voluntary registration of births and deaths happening amongst certain classes of the community; the second is to improve the system of registering marriages solemnized under the two Marriage Acts of 1872; and the third is to provide a machinery for giving evidential value to entries in certain registers or records of baptisms, marriages, deaths and burials which are in existence but which are not kept under the authority of any particular law.

“The first of these subjects has been under the consideration of the Government of India for a great many years; it first came up, I believe, in the year 1869, and since then the attention of the Government has been repeatedly directed to it by various Christian religious bodies. The present state of the law is this. The Indian Statute-book does not contain any general law for the registration of births and deaths. There are several Municipal and other local Acts under which births and deaths are registered, but in the first place these Acts are of a strictly local character and leave a great part of the country unprovided for, and in the next place their provisions are directed primarily to statistical purposes, and the entries made under them are not of such a character as to make them of much value as evidence of particular births and deaths. Now, this state of things has not unfrequently caused serious inconvenience. For instance, references are from time to time made to the Secretary of State and the Government of India for proofs of age or proofs of death in cases affecting individual interests of great importance, such as rights to property; and when such references are made, we often find it difficult to supply the evidence required. Then His Excellency the Commander-in-Chief tells me that European soldiers often find great difficulty in obtaining such evidence of the age of their children as will enable them to draw the allowances granted by the State to soldiers' children. Of course the most thoroughgoing remedy for this state of things would be to pass a general law for the compulsory registration of births and deaths throughout British India, but the general opinion is that the country is not yet ripe for a measure of that kind, and there appear to be serious objections to the passing of a law

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[*Mr. Ilbert.*]

for the compulsory registration of births and deaths which would be confined in its application to Christians or Europeans or any other particular classes of Her Majesty's subjects. This being so, we propose to content ourselves with passing a permissive law under which no one will be required to register, but ample facilities for registering births and deaths will be given to any one who desires to have unimpeachable evidence of such events. When I say no one will be required to register births or deaths, it will be understood that this permissive law will be outside of, and will not interfere with, the provisions for compulsory registration contained in the various local Acts to which I have referred. The classes to which it is proposed to apply these provisions of this Bill are the classes to which the present Indian Succession Act applies, that is to say, not only Europeans and Christians, but also East Indians, Jews, Armenians and Parsis. These are the only classes who would be likely to make any extensive use of this law. If it is found that the provisions of the law are generally appreciated, it will be possible to give them a wider application hereafter.

"So much as regards the registration of births and deaths. Then, as to marriages. The two Marriage Acts to which I have referred are Act XV of 1872, the Indian Christian Marriage Act, and Act III of 1872, which has not been christened with a short title, but which was passed with special reference to the celebration of marriages amongst the Brahmo community. The chief defect in these two Acts is that they do not provide for an index being kept to the registers of marriages, and it is obvious that without an index the value of a register is materially impaired. It is part of our scheme for registering births and deaths under this Bill to establish a central registry office to which copies of the registers of births and deaths are to be sent, and in which an index is to be kept for public reference; and we propose to utilize this machinery for the evidence of marriages by requiring copies of registers kept under the two Marriage Acts of 1872 to which I have referred to be sent up and indexed in the same way in the same registry office.

"Then, lastly, there are at present a number of informal registers or records of baptisms, deaths, burials and marriages which have not been kept under the requirements of any law, and are therefore probably not admissible as evidence in judicial proceedings, although many of them have been faithfully and correctly kept up. It would be dangerous to pass a law giving evidential value to all entries in these records, and what we propose to do is to follow the precedent which has been set by English legislation on the same subject, and to appoint Commissioners whose functions it will be to examine all the registers

SUNDRY.

[Mr. Ilbert.]

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of this nature which may be sent up for examination within a specified period after the passing of the Bill. These Commissioners are to prepare an index of such registers as they may declare to be admissible, and copies of registers so declared are to be admissible in evidence."

The Motion was put and agreed to.

SUNDRY BILLS.

The Hon'ble MR. ILBERT also moved that the Hon'ble Messrs. Evans and Goodrich be added to the Select Committee on the Bill to amend the Transfer of Property Act, 1882.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Hon'ble Mr. Goodrich be added to the Select Committee on the Bill to facilitate the construction of Telegraphs, and to amend the Indian Telegraph Act, 1876.

The Motion was put and agreed to.

The Council adjourned to Friday, the 16th January, 1885.

FORT WILLIAM;
Ths 6th January, 1885.

D. FITZPATRICK,
*Secretary to the Government of India,
Legislative Department.*