

**Friday,  
16th January, 1885**

**ABSTRACT OF THE PROCEEDINGS**

**OF THE**

**Council of the Governor General of India,**

**LAWS AND REGULATIONS**

**Vol. XXIV**

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ABSTRACT OF THE PROCEEDINGS

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS

1885

VOL. XXIV



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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.*

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• The Council met at Government House on Friday, the 16th January, 1885.

**PRESENT :**

His Excellency the Viceroy and Governor General of India, K.P., G.C.B.,  
G.C.M.G., P.C., 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. C. 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., C.I.E.

The Hon'ble Mahārājā Luchmessur Singh, Bahādur, of Durbhunga.

The Hon'ble J. W. Quinton.

The Hon'ble T. M. Gibbon, C.I.E.

The Hon'ble Amīr Alī.

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

The Hon'ble H. J. Reynolds.

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

The Hon'ble Peāri Mohan Mukerji.

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

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL,  
1885.**

The Hon'ble MR. ILBERT introduced the 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, and moved that it be referred to a Select Committee consisting of the Hon'ble Sir S. Bayley, Messrs. Hunter, Amīr Alī and Goodrich and the Mover.

The Hon'ble MR. AMIR ALI said :—" Though I shall have an opportunity of submitting certain proposals which I have informally mentioned to the hon'ble the Law Member for the purpose of extending the operation of this Bill, I

think it desirable that I should say a few words in Council to indicate the direction to which my proposals tend, and to draw some degree of public attention towards them. As the Bill stands at present, its operation is confined exclusively to those classes of the community who are subject to the Indian Succession Act. I do not exactly understand the reason for confining the operation of the Bill to those classes, and it has been strongly represented to me to urge upon this legislature the desirability of extending the benefits of such provisions, the want of which is felt almost every day throughout the Mufassal, to all Her Majesty's subjects in India. When it is remembered what an important position the law of intestate succession holds in both the Hindu and Muhammadan systems of jurisprudence, and the difficulties which arise regarding questions of the dates of births and deaths of individuals, I think the demand will not be considered to be unreasonable. Besides, amongst Muhammadans questions relating to the custody of children are connected materially with the question of the age of children; and though amongst Hindus the method of keeping a record of the date of birth is more regular than amongst Muhammadans, still as far as both the communities are concerned the evidential value of such records as are produced in Courts has been very much questioned, and I may mention that, in the case of candidates going to England to study for the Civil Service, difficulties have frequently arisen regarding their age, which, I submit, would be avoided if Hindus and Muhammadans were allowed to have the benefit of this measure. Questions might arise with reference to the machinery under which such registration can be effected, but, as far as Muhammadans are concerned, there is at present a machinery existing under the Bengal Council Act I of 1876 for the optional registration of marriages which can be very usefully made to serve the purposes of registration of births and deaths also amongst Muhammadans. With reference to Hindus of course it will be a matter for the consideration of the Select Committee what special measures should be enforced in regard to them."

The Hon'ble MR. ILBERT said:—"Our desire is to extend the procedure for the voluntary registration of births and deaths to those classes of the community who are likely to avail themselves of it, and to whom it is likely to prove of material use. If there is any reason to believe that this procedure will be of use to the Muhammadan community, I am sure there will be every disposition on the part of the Government of India to extend it to Muhammadans as well as to the other classes who are named in the Bill. Perhaps the hon'ble member and his friends will bring the subject before the Local Governments, to whom

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this Bill will be referred, and then we shall be in a position to discuss the question when the Bill comes before the Select Committee for consideration."

The Hon'ble RAO SAHEB VISHVANATH NARAYAN MANDLIK said:—"It strikes me that the Bill as it has been introduced will be better adapted for the purposes for which it is intended than if its scope is extended as has been suggested by the Hon'ble Amír Ali. I am sorry I cannot see my way to support the changes indicated by Mr. Amír Ali, because, to speak nothing of financial considerations, there are other difficulties in the way. Indeed, so far as I know, the feelings of leading Hindu gentlemen all over India (outside Bengal perhaps) would be opposed to any system of registering marriages, births, &c. None but those mentioned by Mr. Ilbert has asked for it. The question of sending candidates for the Civil Service to England may be a very important one to the very few persons who are concerned, and even in their case there is no real difficulty; and it strikes me that, when we consider the number of people whom this Bill will affect, if its provisions are extended to Hindus and Muhammadans, and the cost of the machinery which will be required to bring the Bill into operation, and also the little value which would be set upon it by those classes,—I am now speaking the views of Hindus and Muhammadans of nearly all the provinces in India,—I think it is a matter of serious consideration whether, without a proper reference to the Governments of the various provinces, this Council would think of extending the scope of the Bill in the manner which has been suggested by the hon'ble member."

The Hon'ble MR. ILBERT explained that there was no proposal before the Council to extend the scope of the Bill at the present stage.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the local official Gazettes in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

#### ODDH ADDITIONAL JUDICIAL COMMISSIONER'S BILL.

The Hon'ble MR. QUINTON moved for leave to introduce a Bill to provide for the temporary appointment from time to time of an Additional Judicial Commissioner for Oudh. He said:—

"MY LORD,—Under the existing law relating to Civil Courts in Oudh the Court of the Judicial Commissioner consists of a single Judge. When that

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law (Act XIII of 1879) was passed, it was considered apparently that no great increase in the work of the Judicial Commissioner's Court was to be expected, and that a Court consisting of a single Judge would be strong enough to dispose of the business imposed by law on the Judicial Commissioner. These expectations have proved to be unfounded. The work of the Judicial Commissioner's Court has increased very materially, and arrears have accumulated in proportion. Civil appeals rose from 271 in 1879 to 566 in 1883, appeals of all descriptions from 765 in the former to 1,194 in the latter year, and the list of appeals of all sorts in arrears has now reached the unprecedented number of 699.

"The Lieutenant-Governor and Chief Commissioner is satisfied that this steady increase of arrears is not attributable to any lack of exertion or to any want of ability on the part of the presiding officer of the Court, but to the fact that the work is augmenting annually to a degree that carries its total quantity beyond the power and capacity of a single Judge to cope with properly. This opinion was shared in by the late Judicial Commissioner, Mr. Sparks, described by His Honour as an officer of remarkable industry and long experience in Oudh, who wrote, shortly before his retirement from the service, about a year ago, that the work that comes before the Judicial Commissioner is more than any one officer can dispose of satisfactorily, and that in the preceding year he began with 476 cases, and that at its close 587 were pending.

"I may also say that the mere number of appeals gives an inadequate indication of the pressure of business in the Court. In Oudh, civil suits deal with interests of greater magnitude, owing to the number of *tahsildar* properties, than elsewhere in Upper India, and frequent appeals go before the Privy Council. In 1882 the Judicial Commissioner was engaged for a whole month in trying one suit of this kind, nor does litigation of this class, involving claims to great estates and difficult questions of succession, appear likely to diminish in the Province.

"Under these circumstances the Council will, I hope, admit that an urgent case has been made out for strengthening the Court of the Judicial Commissioner and assisting that officer in the discharge of his more important functions.

"The Bill which I now move for leave to introduce proposes to effect these objects by empowering the Executive Government to make a temporary •

appointment from time to time of an Additional Judicial Commissioner for Oudh, and is in substance a revival of provisions to that effect which were legally in force in Oudh before the passing of the present Oudh Civil Courts Act."

∴ The Motion was put and agreed to.

The Hon'ble Mr. QUINTON also introduced the Bill.

The Hon'ble Mr. QUINTON also moved that the Bill and Statement of Objects and Reasons be published in the *North-Western Provinces and Oudh Government Gazette* in English and in such other languages as the Local Government might think fit. .

The Motion was put and agreed to.

#### LAHORE TRAMWAYS BILL.

The Hon'ble Mr. ILBERT moved for leave to introduce a Bill to authorize the making and to regulate the working of Street Tramways in Lahore. He said :—"The object of this Bill is merely to confirm and supplement an agreement entered into for making some tramways in Lahore, and it follows very closely the lines of the Rangoon Tramways Act which was passed last year."

The Motion was put and agreed to.

#### ACT XXII OF 1881 AMENDMENT BILL.

The Hon'ble Mr. QUINTON moved that the Bill to amend Act XXII of 1881 be referred to a Select Committee consisting of the Hon'ble Mr. Ilbert, Sir A. Colvin and the Mover, with instructions to report within a month. He said :—

"My LORD,—The Act which the Bill proposes to amend extends to the territories administered by the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg and Ajmer-Merwára.

"When the Bill was introduced I explained to the Council that it had been prepared at the instance of the Government of the North-Western Provinces and Oudh, and in reply to a question from Your Excellency's predecessor stated that before it passed out of Select Committee and came on finally in Council the views of the other Governments affected by it would be received.

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"I may now say that replies have already been sent in by all those Governments and Administrations, except one, and that those who have replied are all in favour of legislation in the direction of the Bill, but make suggestions as to modifications of detail which will be considered and dealt with by the Select Committee.

"As the matter is stated by the Government of the North-Western Provinces and Oudh to be one of some urgency, I propose that the Select Committee be directed to report within a month."

The Motion was put and agreed to.

The Council adjourned to Friday, the 23rd January, 1885.

FORT WILLIAM;  
The 22nd January, 1885. }

R. J. CROSTHWAITE,  
Offg. Secy. to the Government of India,  
Legislative Department.