

*Thursday,
28th August, 1890*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

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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,

1890

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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 Vict., cap. 67.*

The Council met at Viceregal Lodge, Simla, on Thursday, the 28th August,
1890.

P R E S E N T :

The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E., R.E.,
presiding.

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

His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.

The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.

The Hon'ble Sir C. A. Elliott, K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble R. J. Crosthwaite, C.S.I.

The Hon'ble Bábá Khem Singh Bedi, C.I.E.

PAPER CURRENCY ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved that the Bill to amend the Indian Paper Currency Act, 1882, be taken into consideration. He said that the Bill was a very simple one, and merely provided for the substitution of the word "eighty" for "sixty" in section 19 of the present Act; it was, therefore, considered unnecessary to refer it to a Select Committee.

The Motion was put and agreed to.

The Hon'ble SIR DAVID BARBOUR also moved that the Bill be passed. He said that the question with which the Bill dealt had been before the public for some time. It had been widely discussed and generally approved. When he introduced the measure he explained its object and the grounds upon which it was proposed to take power to increase the amount of the Paper Currency reserve which might be invested in Government securities. He did not think that any further remarks were necessary on the present occasion.

The Motion was put and agreed to.

INDIAN EMIGRATION ACT, 1883, AMENDMENT BILL.

The Hon'ble MR. HUTCHINS moved that the Bill to amend the Indian Emigration Act, 1883, be referred to a Select Committee consisting of the Hon'ble Sir Andrew Scoble, the Hon'ble Mr. Crosthwaite, the Hon'ble Bábá Khem Singh Bedi and the Mover, with instructions to report within one month.

The Motion was put and agreed to.

[*Mr. Hutchins.*]

[28TH AUGUST,

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886,
AMENDMENT BILL.

The Hon'ble MR. HUTCHINS also moved for leave to introduce a Bill to amend the Births, Deaths and Marriages Registration Act, 1886. He said:—

“The main object of this measure is to extend the time within which certain registers of births, baptisms, namings, dedications, deaths or burials, not now admissible to prove such occurrences, may acquire a status which will permit extracts from them to be received in evidence by following the prescribed procedure. Under Chapter V of the Act they may be submitted to the Registrar General in view to their being scrutinized by Commissioners, and if found apparently faithful and accurate they will be certified under the hands of the Commissioners. Any extract from a register so certified will under section 35 be available for the purpose of establishing the occurrence to which it relates.

“The time limited in the Act for taking advantage of this special procedure is one year from the date on which the Act might be brought into force, and, though the Act received the assent of the Governor General in March, 1886, it was not brought into operation till the first day of October, 1888. It was naturally thought that this period of a whole twelvemonth, in addition to the time which might elapse between the publication of the Act and its coming into force, would give ample opportunity to the custodians of old registers to become acquainted with the provisions of the Act, to consider whether or not their registers are already admissible under the general law, and if they had any doubt as to their admissibility to send them to the Registrar General in view to their being certified and obtaining an evidential value. But unfortunately the true import of this chapter of the Act does not seem to have been generally appreciated, and but few persons took advantage of its provisions until after the limited time, the first day of October 1889, had expired. It is therefore proposed to extend the time up to the first day of April next, or rather more than six months from the date at which the Bill which I am about to lay on the table may be expected to become law. The matter has already been explained in a circular letter issued from the Home Department on the 23rd July, 1889, and a further endeavour will now be made to bring it to the notice of all persons having the custody of old registers in such a shape as will be readily comprehended.

“Divested of all complications and technicalities, it may be simply stated in this way. Under section 35 of the Indian Evidence Act, extracts are only receivable if the registers have been kept, either (1) by a public servant in the discharge

1890.]

[*Mr. Hutchins.*]

of his official duty, or (2) by some other person in the performance of a duty specially enjoined by law. Registers which come under either of these categories are admitted even now, and will therefore derive no advantage from the special procedure provided by Chapter V; and, indeed, as that chapter does not apply to registers which have been maintained under a special injunction of law, if any so kept are sent to a Registrar General he can do nothing but return them. Any person therefore having the custody of a register has merely to ask himself these two questions:—

“ Were the entries in this register made by a public servant in the discharge of his official duty?

“ If not, were they made under any special injunction of the law?

If they were not made either by a public servant as such, or under any special provision of law, then, if the custodian desires to obtain for them that evidential status without which his register will be mere waste paper, he must be careful to submit it to the Registrar General before the 1st April next.

“ As the Act is to be amended in this respect I propose to take advantage of the opportunity to remove a doubt which has been felt in some quarters, or perhaps I should rather say in one quarter, whether it is competent to the Governor General in Council under section 33 as it now stands to appoint separate Commissioners for the several Provinces. For many reasons this will be a far more convenient course than to have a single body of Commissioners for the whole of British India and the territories outside British India to which the Act applies.”

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also introduced the Bill.

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

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also moved, under rule 18 of the Rules for the Conduct of the Legislative Business of the Council of the Governor General, that the Bill be taken into consideration by the Council at its next meeting. It was, as he had already explained, of a very simple character, and he thought that it might be considered and passed at the next meeting of the Council.

The Motion was put and agreed to.

[*Sir David Barbour.*] [28TH AUGUST, 1890.]

INDIAN SALT ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved that the Bill to amend the Indian Salt Act, 1882, be referred to a Select Committee consisting of the Hon'ble Sir Andrew Scoble, the Hon'ble Bábá Khem Singh Bedi and the Mover, with instructions to report within one month.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 11th September, 1890.

SIMLA;
The 29th August, 1890.

S. HARVEY JAMES,
Secretary to the Government of India,
Legislative Department.