Secto. II—48—21,640–18-1-17.

# Home (1917) Department.

## Miscellaneous

## Ordinary SERIES.

**G.O. No.** 1187

**DATED** 20 11 17

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[Despatch Abstract.]

Sacred returns of Baptisms and burials.

Communicating to the Registrar General of Births, Deaths and Marriages the opinion of the Advocate General on the subject of requiring ministers of religion in the Hyderabad State to submit the ———————— to the Registrar-General, Madras.

C.F. No. 2791 [illegible]
24.8.17

C.F.—29.

## HOME DEPARTMENT. (MISCELLANEOUS)

Recd
6.8.

Received 3-AUG-1917 191 . Registered ........ 191 .

REGISTRAR HOME DEPARTMENT GOVT. OF MADRAS

Subject.

Returns of sacred offices from Hyderabad.

17-3-1876 G.O.
798
606/05

ENCLOSURES.
No. 3 in duplicate
Spare copies one

No. E 1184-2

Station Madras , Dated the 31st July 1917.

DESPATCHED. 1 AUG 1917

From (Name) C. M. SCHMIDT, ESQ.,

(Designation) Registrar-General of Births, Deaths and Marriages

To The Secretary to the Government of Madras,

Home Department.

(Miscellaneous)

Sir,

While examining the question connected with the solemnisation of marriages without license by the Rev. R.C. Porter [G.O. 212 Home (Miscellaneous) 9th October 1916] it came to light that the minister in charge of the Union chapel, Podanur, had not forwarded to me the returns of baptisms and burials for several quarters. These returns are due with me quarterly with reference to the instructions issued along with the revised rules under the Indian Christian Marriage Act, 1872, [Notification No. 367 Public 18th August 1905, pages 636-642 of the Fort Saint George

G.O. 606 (R) 18.8.05

Gazette Part I dated the 22nd August 1905]. I therefore considered it advisable to invite the attention of all the functionaries concerned to the desirability of transmitting these returns punctually [My letter* No. E 67-1 dated the 30th November 1916.]. A copy of this letter was also forwarded to the Hon'ble the Resident at Hyderabad as such returns were being received from that State also. In reply to this letter the First Assistant writes.-

* Enclosure I

p 4 cf

> "* * Information as to the various missionary bodies "other than those of the churches of England, Scotland "and Rome, working in the Hyderabad state, is not "available in this office, and [that] if necessary, it "will have to be obtained from His Highness the "Nizam's Government.
>
> " 2. I am to point out however that the notification "of the Government of Madras No. 367 dated the 18th "August 1905 referred to in your letter, does not "apply to the Hyderabad state and to request ~~[illegible]~~ "therefore that you will be so good as to state, for "the information of the Hon'ble the Resident, the "law or rule under which licensed or unlicensed "ministers of religion, other than those of the "churches referred to above, are required to submit to you the returns of baptisms and burials of "European and Eurasian Christians in the Hyderabad "State"--

R

—[Letter No.4696/J dated 19th December 1916].

Copy not Sent

The transmission to the India office ~~[illegible]~~ CMS of the returns of sacred offices viz., Baptisms, Marriages and burials had its origin in the order of the Court of Directors dated the 25th July 1827 and I annex as enclosure II extracts of this and the subsequent orders on the subject. No order is, however, traceable on the subject of the transmission to me of the sacred returns from the ministers of religion in Hyderabad and I have the honour to request that the Government may be pleased to favour me with copy of the order, if any, on the subject.

pp 5-6 cf

2. I annex as enclosure III a list of the returns which I receive from Hyderabad, with the authority prescribing

p 7 cf

the transmission of each return.

3

I have the honour to be,

Sir,

Your most obedient servant,

CM Schmidt

Registrar-General of Births,
Deaths and Marriages.

38

Copy of letter Rd. E 67-1 dated the 30th Nove

C.M.Schmidt, Esq., Registrar-General of Births, Deaths and
Marriages, Madras.

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G.O. 600
18.8.05

The persons who are required to submit to me returns of baptisms and burials of European and Eurasian Christians are specified in instruction 2 in Notification No. 367, Public, 18th August 1905. So far as the persons referred to in sub-clauses (1) to (4) of this instruction are concerned, the returns received are complete; but this has not been the case as regards ministers, licensed and non-licensed, referred to in sub-clause (5). I have the honour to request therefore that you~~x~~ will be so good as to furnish me with a list of the several missionary bodies, other than those of the Churches of England, Scotland and Rome, working in your district together with the names of the principal stations of such bodies so that I may ensure that the functionaries at such stations transmit duly the returns of baptisms and burials of European and Eurasian Christians which take place in the churches and chapels under their charge.

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Enclosure II to Letter No E 1184-2 d 31.7.1917

5

I

Extractx from the Company's General letter to Fort Saint George, Public Department No.3 dated the 25th July 1827:-

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* * * *

* * * *

17. Inconvenience having been experienced from the want of the Registers of sacred offices performed by Laymen at the Out Stations of the several Presidencies in India, we desire that you furnish us with complete Returns of Baptisms Marriages and Funerals performed by Civil and Military Functionaries at those Stations where no Chaplain has resided commencing at as early a period as practicable; and that similar Returns be regularly sent to us in future quarterly.

* * * *

* * * *

--II-------

From the Offg: Secretary to the Government of India,
To - Secretary to the Government of Fort Saint George,
Dated 27th January 1854
No. 113.

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* * * *

Home Dept.
Ecclesiastical.

4. As the Hon'ble Court attach much importance to the possession of these returns for statistical and other purposes, and as it is therefore desirable that they should be as nearly as it may be possible to accomplish, complete registers of the Births, Marriages and Burials of European Christians of all denominations throughout British India, His Lordship in C

congregations within the period mentioned above. With this view these ministers should also be supplied with an adequate number of the forms.

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ECCLESIASTICAL DEPARTMENT.

Fort Saint George.

March 17, 1874.

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**Rules for submission of Quarterly Returns of Baptisms and burials of European Christians.**

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The Governor in Council having, under the Indian Christian Marriage Act of 1872, prescribed Rules for the submission of Returns of Marriages, deems it desirable to issue the following rules for the submission of Quarterly Returns of Baptisms and Burials of European Christians.

Quarterly Returns of Baptisms, Marriages, and Burials.

1. In addition to the Quarterly Marriage Returns required under the Indian Christian Marriage Act, 1872, the Government require the submission for statistical and other purposes, of Quarterly Returns of Baptisms and Burials of European Christians, i.e., of "all Christians of European birth or descent, or of mixed European and Native descent" in the forms specified in Appendices A to C.

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## Returns received by the Registrar-General, Madras, from

## Hyderabad

----

| | Name of Return | Authority |
|---|---|---|
| 1. | **Quarterly**: Copies of entries in the registers of births and deaths (from the Registrars of births & deaths .) | Section 24(2) in the Births, Deaths & Marriages Registration Act, 1886, and Government of India Notification No. 2714-I-Foreign, dated the 14th August 1890. |
| 2. | Certificates of marriages from marriage registrars. | Section 56 of the Indian Christian Marriage Act, 1872, and Government of India Notification - Foreign Department No. 3706-I-B dated 24th September 1907 (G.O. 798, Public, 12th October 1907) |
| 3. | Returns and Certificates of Indian Christian Marriages - under Parts I-III-and VI. | Section 62(2) of the Indian Christian Marriage Act, 1872, and Advocate-General's opinion in G.O. 627, Public , 3rd August 1907. |
| 4. | Returns of baptisms and burials | The authority is not traceable and it forms the subject matter of the present reference to the Government. |

Note: Returns of marriages of European Christians solemnised by licensed ministers are not received vide the Advocate-General's opinion to the effect that these returns need not be transmitted to the Registrar-General, Madras (G.O. 627, Public 3rd August 1907).

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8

Home (Misc) Dept.

Memo. No. 2791-1
28-8.17

With reference to his letter No. E. 1184-2 of the 31st July 1917, ~~regarding~~ enquiring whether there is any authority for requiring ministers of religion in Hyderabad to transmit to him returns of baptisms and burials, the Registrar General of Births, Deaths and Marriages is requested to state whether he has experienced similar difficulties in regard to such returns from Mysore and Coorg, and if so how they have been surmounted in practice.

CA
27.8.17

MDR
23.8.17

Pdck
24.8.17

25/8/17

Ex

Please issue at ooty and return file to me.

MDR
28.8.

To
The Regr. Genl. of B. D. & M.

29/8

Home (Misc.) Dept.

Memo [illegible]

With reference to his letter No. E 1184 dated the 31st July 1917, regarding enquiring whether there is any authority for requiring ministers of religion in Hyderabad to transmit to him returns of baptisms and burials, the Registrar General of Births, Deaths and Marriages is requested to state whether he has experienced any difficulty in regard to such returns from Mysore and Coorg [illegible]

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9

No. 8199 Home
4.9.17

C.F.—29.

HOME **DEPARTMENT.** (MISCELLANEOUS)

*Received* 20-SEP-1917 191 — REGISTRAR HOME DEPARTMENT GOVT. OF MADRAS

*Registered* Accd in nis. 28/9/17 191

Recd 26/9

*Subject.* 8

Returns of baptisms and burials from Hyderabad, Mysore and Coorg.

ENCLOSURES.
No. nil
Spare copies one

No. 68-1

*Station* Madras, *Dated the* 19th September 1917.

DESPATCHED 19 SEP 1917

From (Name) C. M. SCHMIDT ESQ.,

(Designation) Registrar-General of Births, Deaths and Marriages

To The Secretary to the Government of Madras,

Home Department.

(Miscellaneous)

Sir,

8 ante

In reply to Memorandum No. 2791-1, Home (Miscellaneous), dated the 28th August 1917 I have the honour to state that in respect of Mysore and Coorg also I have not been able to trace any authority for the submission to me of the returns of baptisms and burials by ministers other than those belonging to the churches of England, Scotland and Rome although the procedure has not, so far, been questioned. Their case is however analogous to that of Hyderabad.

2. From the returns of baptisms and burials filed

in my office I find that they were received from the ministers in question resident in Mysore and Coorg even before the Inspector-General was appointed Registrar-General i.e., when the returns were being submitted to the Secretariat and that the ministers concerned continued to submit the returns to the Registrar-General instead of to the Secretariat with reference to the instructions in paragraph 4 of G.O. No. 189 Public, dated 26th February 1889. Instructions regarding the preparation and reminders for the submission of the returns have been issued to them by the Registrar-General from time to time without any objections being raised on their part. In the case of Hyderabad also returns have been received from 1892 onwards without any objections being raised hitherto. A copy of my recent circular letter E 67-1 dated the 30th November 1916 [Enclosure 1 to my letter E 1184-2 dated the 31st July 1917] on which the First Assistant Resident, Hyderabad, has raised the present question was forwarded to the Chief Commissioner of Coorg who has furnished the information required and to the Assistant Resident, Mysore, who has not yet replied. Last year returns were received from the following stations and missions in Mysore, Coorg and Hyderabad

8

## Mysore

| | |
|---|---|
| Bangalore | Methodist Episcopal church |
| Bowringpet | |
| Bangalore | Methodist Wesleyan church |
| Hassan | |
| Kolar Gold Fields | |
| Mysore | |
| Tumkur | |

## Coorg

| | |
|---|---|
| Mercara | Basel Mission |
| Anandapur | |

---

## Hyderabad

Hyderabad - Methodist Episcopal church.

9

I have the honour to be,
Sir,
Your most obedient servant,

J. B. Setu Rao.

For Regr: Genl: of Births,
Deaths & Marriages.

4.8.17

12

Home (Mis) Dep

Memo. No. 2791-2 d/ 5-10-17

A copy of a letter from the Registrar General of Births, Deaths and Marriages, No. E. 1184-2 d/ the 31-7-17, together with copy of a letter No. 68-1 d/ the 19-9-17 regarding the transmission to him of returns of baptisms and burials by ministers of religion in Hyderabad is forwarded to the Hon'ble the Advocate-General, who is requested to be so good as to favour the Govt. with his advice as whether the Regs. Genl. is empowered to call ~~require~~ upon the minister of religion referred to transmit to him the returns in question

pp 1-3 CF

pp 9-11 CF

please send the file
[illegible] to the Mis. section
cit. M.O.

MS
5/10

To
The Govt. Solicitor
with pp 1-7 CF & 8-11 CF
Copy of G.O. 606 Pub. 18-8-05 (R)
" 189 " 26-2-89 (Q)

despatched with encls

9-10-17

R
8/x

CR
4-10-17

3-10-17

3-10-17

14-NOV-1917
GOVT. OF

# OPINION

In re. Government Memorandum No. 2791-2 (Home (Mis).
dated 5th October 1917.

---:0:---

11

There does not appear to be any enactment obliging ministers of religion in Hyderabad or elsewhere to keep Registers of baptisms and burials nor does there appear to be any provision of law empowering the Registrar-General to call upon such Ministers of religion to forward to him returns of baptisms and burials. The instructions or orders of Government bearing on the matter have not the force of law as they are not issued in exercise of Statutory - powers.

My answer to the question is in the negative.

S. Srinivasa Iyengar
Advocate-General.

Advocate-General's Office,
High Court, Madras, 12-11-1917.

(True Copy)

Henry Brightwell
Government Solicitor.

HOME (MISCELLANEOUS) DEPARTMENT

From

Henry Brightwell,
Government Solicitor,
Madras.

To

The Secretary to Government,
Home (Miscellaneous) Department,
Madras.

Dated 12th November 1917
Received

No.1480.

Forwarded with enclosures with reference to the Memorandum No. 2791-2 dated 5th October 1917 Home (Miscellaneous) Department.

Henry Brightwell

Government Solicitor.

G.O. 606 Pub D/ 18.8.05

519 ecl D/ 16.3.1874

902-04 Pub D/ 15.9.1888

689-91 Pub D/ 16.10.1890

637 Pub D/ 29.7.1894 Pub

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13

Home Department,
(Miscellaneous).

RETURNS OF SACRED OFFICES FROM HYDERABAD.

From the Registrar-General, Births, Deaths and Marriages No.1184 C, dated the 31st July 1917.

Registrar.

The Registrar-General of B.D and M, asks for the authority for requiring the transmission to him of the sacred returns of baptisms and burials from the ministers of religion in the Hyderabad State. It is stated that the Resident at Hyderabad has pointed out that the notification issued with this Government's order No. 606, Public, dated the 18th August 1905 which includes instructions for the submission of the returns in question do not apply to that State.

p.q.

2. The rules issued with the G.O. referred to above relate to the revised rules under the Indian Christian Marriage Act, XV of 1872. This Act was brought into force in 1872, and when the local Government framed rules for the working of the Act ~~then~~ the question whether the provisions of this Act may be invoked for the submission of the returns of baptisms and burials was considered and on the opinion of the then Advocate-General, it was decided that as the Act would not lend support to the procedure it would be better to issue the instruction for the submission of

Vide the Adv: Genl's opinion in G.O. 519 Ecl. D/ 16.3.1874 these returns separately as they had no legal basis.

3. The Births, Deaths and Marriages Registration Act, 1886 (VI of 1886) came into force in 1888, and one of the main objects of this Act was to provide for the registration of Births and Deaths among Europeans in India (please see para 2 of the statement of objects and reasons to the Act on page 14 of G.O.No.902-904, dated the 15th September 1888. The Act was advisedly extended throughout British India and to the dominions of Princes and States in India. Further it was a permissive legislation.

vide Sec 2 of the Act.

4. Under section 24 of the Act, it is the duty of Registrars of Births and Deaths to send certified copies of entries of births and deaths in register books to the Registrar General. In section 24(2) provision is made for the Governor-General in Council to appoint a Registrar-General to whom Registrars of Births and Deaths in Native States should submit the above entries. The Government of India have issued such a notification appointing the Registrar-General, Madras as the Officer to whom the entries in question should be sent. Under section 12 of the Act (VI of 1886) the Local Government may appoint Registrars of Births and Deaths under the Act for its territories. ~~The Local Government~~

vide para 2 of the Regr. Genl's letter on p 1 of G.O. 689-691 Pub dt 16.10.1890. H
& page 2 cf.

HAK 22.8

A.V.S 14-8

for

In addition to Registrars of Births and Deaths appointed under section 12, all Marriage Registrars appointed under section 7 of the Indian Christian Marriage Act, XV of 1872 are also performing the duties of Registrars of Births and Deaths under Act VI of 1886. But ministers of religion are not ordinarily appointed Marriage Registrars. vide G.o. No. 637 Pub. of 29-7-1891. It is thus clear that the instructions in section 24 of Act VI of 1886 (as to the submission of returns of births & deaths) apply only to Registrars of Births and Deaths under the Act and to Marriage Registrars under Act XV of 1872, and do not apply to such of the ministers of religion ~~are~~ as are not appointed Registrars of Births and Deaths.

vide item (ii) of notfn issued with G.o. 902 Pub of N. [illegible]. 1888. (Y)

5.

Under section 13 of Act VI of 1886, the Governor General in Council may appoint Registrars of Births and Deaths for Native States. Information is not however available as to the class of persons appointed in Hyderabad as Registrars of Births and Deaths. Presumably, the Same conditions prevail in Hyderabad as in this presidency, and if so, no authority seems to exist for requiring ministers of religion in Hyderabad other than those who may be appointed as Registrars of Births and Deaths to submit returns of births and deaths to the Regr. Genl of this presidency. From para 18 of the Statement of Objects and Reasons to the Act, it will appear that the terms births and baptisms, deaths and burials are for purposes of the Act interchangeable. The Regr. Genl. may accordingly be held to have authority under Section 24 (2) of the Act to require submission of returns of baptisms and burials from Registrars of Births and Deaths in Hyderabad. But this does not give him any authority to require the submission of such returns from ministers of religion who are not appointed Registrars of Births and Deaths. The instructions on page 9 of G.O. 606 of 18-8-05, para 2, sub-clause (5) are held to apply only to ministers of religion

vide. para 16 of G.O. 902 (X)
15-9-1888

(R)

17

within this presidency. In the circumstances, it would seem advisable to consult the Advocate General whether ministers of religion in Hyderabad may also be required to submit returns of baptisms and burials. Before consulting him, however, it seems desirable to enquire if similar difficulties have been experienced by the Regr. Genl. in regard to returns from Mysore and Coorg, and if so how they have been surmounted in practice.

Draft Memo. is submitted.

MDK
23.8.17

Pdek
24.8.17

CA
27.8.17

Wm
28/8/17

[Issued as Memo 2791-1 & 28.8.17].

Let the memo issue.

But I should like to see Gazette of India 1889, Pt. I, p. 621 & 1890, Part I, page 468.

Wm
28/8/17

Regr

Submitted. Please see the references on p. 468 of the Gazette Part I for 1889 and on p. 621 of that for 1890.

CA
7.9.17

Recd in R.O. on 5.9.17 for putting up [illegible] Gazette of India

5/9/17.

The G. of I. Gazettes should be returned to R.O.

put up

5.9.17 Pdek.

I see the chaplain of Chudderghat has been appointed as Registrar.

Wait for the reply

10/9/17

Memo to the Regr Genl. no. 2791-1 dy 28.8.17

3199 [From the Regr Genl. no. 68-1 dy 19.9.17.]

~~For the Registrar~~

~~The Regr. Genl.'s reply is subd.~~

28.9.17

Please see the Regr.-Genl.'s reply on pages 9-11 C.F. In the circumstances, the opinion of the Advocate-General may be obtained as suggested in the note on p 5 ante. A draft memo. is submitted.

3.10.17

4.10.17

5/10/17

Pdek. 3.10.17

[Memo to the Govt. Solicitor no. 2791-2 dy 5.10.17]

[3745] From the Govt. Solicitor no. 1480 dy 12.11.17.

Regr

Please see the opinion of Adv. Gen on p 13 cf.

A draft order is subd. for approval.

16.11.17.

19.11.17

20/11/17

Pdek. 17.11.17

21

8/17 Sectt. II—10 (a)—7-2-16.

Sacred returns of Baptisms and burials.

18

Home (mis) DEPARTMENT.

Communicating to the Regr. Genl. B, D & M. the opinion of the Advocate Genl. ~~[illegible]~~ on the subject of requiring ministers of religion in the Hyderabad State to submit the — to the Reg. Genl. Madras

READ AGAIN G.O. No. ........, dated ........191 .

" " " " ........, " ........191 .

*READ ALSO:—*

C. No. 2791, From the Regr. Genl. B, D & M, No. 1184, dated 31. 7. 1917.

Memo to the Regr. Genl. B D & M 2791-1 28. 8. 17

" " 3199, " " Regr. Genl. B. D. & M., " 68, " 19. 9 1917

Memo to the Govt. Solicitor 2791-2. 5. 10. 17.

" " 3745, " " Govt. Solicitor, " 1480, " 12. 11 1917.

ORDER.

No. 1187, dated 20. 11. 1917.

mis.

The Registrar General's enquiring whether there are any orders of this Govt. requiring the transmission to him of the returns of baptisms and burials by ministers of religion in the Hyderabad State will be answered in the negative.

2 The Opinion of the Hon'ble the Advocate General on the Subject is communicated to him ~~for information~~.

CR
19.11.17

[illegible]
20/11/17

A.W.
16.11.17

Adcr.
17.11.17

Despatched with [illegible]

To

the Regr. Genl. B, D & M.

Madras

21/11

*When given for copying*
*When copied* ________
*When examined* ________
*When signed* ________ 21/11
} 191 .

READ AGAIN G.O. No. , DATED
191 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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