

Home Department (Miscellaneous)

G.O. NO. 941 dt 27-4-1920.

Records.

Maintained under the Births, Deaths and  
Marriages Registration Act VI of 1886 and  
certain Marriage Acts - Rules for destruction



ORIGINAL

NOTES  
PRINTED

# Government of Madras

HOME DEPARTMENT (MISCELLANEOUS)

G.O. No. 941, 27th April 1920

## Records

Maintained under the Births, Deaths and Marriages Registration Act VI of 1886 and certain Marriage Acts—Rules for destruction.

READ—the following paper :—

Letter—from C. M. SCHMIDT, Esq., Registrar-General of Births, Deaths and Marriages.

To—the Secretary to Government, Home (Miscellaneous) Department.

Dated—Madras, the 18th March 1920.

No.—C. 19.

The records maintained under the Births, Deaths and Marriages Registration Act, 1886, and the several Marriage Acts referred to in the margin and under the rules and notifications issued thereunder have hitherto been preserved permanently in the absence of any provision authorizing their destruction although some of the records are of a purely ephemeral nature and might well be destroyed. With reference to the Destruction of Records Act, 1917, I submit the annexed draft rule providing for the destruction of such of the records as have no permanent value.

ENCLOSURE—Draft rule.

Order—No. 941, Home (Miscellaneous), dated 27th April 1920.

The following notification will be published in the *Fort St. George Gazette* :—

### NOTIFICATION.

In exercise of the powers conferred on him by section 3 of the Destruction of Records Act, 1917, the Governor in Council makes the following rule for the destruction of records maintained by the Registrar-General of Births, Deaths and Marriages and by the Registrars of Marriages and Registrars of Births and Deaths under the several Acts enumerated below and the rules and orders issued thereunder.

The undermentioned records shall be destroyed after the expiry of the period noted against each—

| Serial number.                                             | Description of record.                                                 | Authority prescribing the record.                                                   | When the record may be destroyed.                |
|------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------|
| I—THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886. |                                                                        |                                                                                     |                                                  |
| 1                                                          | Register of refusals .. ..                                             | Rule 6 of the rules under the Births, Deaths and Marriages Registration Act, 1886.  | Thirty years after the date of the last entry.   |
| 2                                                          | Register of certificates of registration or copies of entries granted. | Rule 14 of the rules under the Births, Deaths and Marriages Registration Act, 1886. | Six years after the date of the last entry.      |
| 3                                                          | Certificates of no occurrence .. ..                                    | Rule 15 of the rules under the Births, Deaths and Marriages Registration Act, 1886. | Three years after the year to which they relate. |
| 4                                                          | Register of fees .. ..                                                 | Rule 21 of the rules under the Births, Deaths and Marriages Registration Act, 1886. | Six years after the date of the last entry.      |



| Serial number.                                | Description of record.                              | Authority prescribing the record.                                                                 | When the record may be destroyed.                |
|-----------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------|
| II—THE PARSEE MARRIAGE AND DIVORCE ACT, 1865. |                                                     |                                                                                                   |                                                  |
| 5                                             | Certificates of no occurrence ..                    | Resolution of the Government of India, Home (Judicial), No. 6-1074/85, dated the 9th August 1889. | Three years after the year to which they relate. |
| III—THE SPECIAL MARRIAGE ACT, 1872.           |                                                     |                                                                                                   |                                                  |
| 6                                             | Certificates of no occurrence ..                    | Resolution of the Government of India, Home (Judicial), No. 6-1074/85, dated the 9th August 1889. | Three years after the year to which they relate. |
| IV—THE INDIAN CHRISTIAN MARRIAGE ACT, 1872.   |                                                     |                                                                                                   |                                                  |
| 7                                             | Reports of no occurrence of marriage.               | Proviso to rule 6 of the rules under the Indian Christian Marriage Act, 1872.                     | Three years after the year to which they relate. |
| 8                                             | Certificates of no occurrence of baptism or burial. | Paragraph 7 of the instructions regarding the submission of sacred returns.                       | Three years after the year to which they relate. |

(True extract)

R. RAMACHANDRA RAO,  
Secretary to Government.

To the Registrar-General of Births, Deaths and Marriages.  
 „ all Collectors.  
 „ the Revenue Department.  
 „ the Local and Municipal Department.  
 „ the Political Department.  
 „ the Ecclesiastical Department.  
 „ the Superintendent of Stationery.  
 „ the Superintendent, Government Press, for publication in the Gazette.  
 „ the Local and Municipal (Legislative) Department.  
 „ the Publicity Officer.

## HOME (MISCELLANEOUS) DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 941, HOME (MISCELLANEOUS),  
DATED 27TH APRIL 1920.[SUBJECT.—*Destruction of records.*]

*From the Registrar-General of Births, Deaths and Marriages, No. C-19,  
dated 18th March 1920.*

The Registrar-General states that some of the records maintained under the several Acts referred to in the margin and under the rules and notifications issued thereunder, have not any permanent value to justify their being kept and maintained in perpetuity, and might well be destroyed after a prescribed period.

2. The principle to be observed in deciding whether any record is to be kept permanently or otherwise has been laid down by the Government of India in their letter No. 1780, dated 1st December 1919, printed in G.O. No. 3035, Home (Judicial), dated 24th December 1919. It is stated there as follows :—

“ If there is any provision of law requiring documents to be kept and maintained, and the period is indicated or definitely prescribed, rules for their destruction within such period cannot be made under section 3 of Act V of 1917. A decision as to whether there is a statutory obligation to keep and maintain documents must be based in each case on a consideration not only of the wording of the enactment relating to the particular document but also of the object which the document is intended to serve.”

3. In the light of this principle, the various registers and their period of maintenance suggested by the Registrar-General are examined below seriatim :—

I.—*Births, Deaths and Marriages Registration Act, 1886.*

(1) *Register of refusals.*—(Rule 6 of the rules). This register was formally recognised only in 1912 (please see paragraph 9 of the Registrar-General's letter at page 5 of G.O. No. 97, Public, dated 25th January 1912.) In it the Registrar records refusals to register births and deaths under Act VI of 1886. It is kept in the form in schedule E on page 85 of the Marriage Registrar's Manual. There is no mention either in the Act or the rule framed thereunder as to how long this register should be kept and maintained. The only point therefore to be considered here is the appeal against the refusal to register provided in rule 6 of the births and deaths registration rules. The Registrar-General fixes 30 years for the maintenance of this register, and this seems a sufficiently long period for any aggrieved party to obtain the records and move in the matter. It is submitted that the Registrar-General's recommendation in this respect may be agreed to.

(2) *Register of certificates of registration or copies of entries, granted.*—(Rule 14 of the rules and schedule G—on pages 4 and 7 of G.O. No. 557, Public, dated 9th May 1912). As these are only copies of the entries in the original register which is permanently maintained, their destruction after a period of six years may be allowed.

(3) and (4).—*Certificates of non-occurrence and register of fees.*—These items call for no remarks and may be accepted. The Registrar-General's proposal to destroy them at the end of three and six years respectively may be accepted.

II *Parsee Marriage and Divorce Act, 1865.*

III *Special Marriage Act, 1872.*

IV *Indian Christian Marriage Act, 1872.*



Records — ~~Rule for the destruction of certain records~~  
~~(Births, Deaths and marriages)~~  
 maintained under the Reg. Act VI of 1886 and certain  
 Marriage Acts — ~~Rule for destruction of~~  
~~Births and Deaths in the Fort St George Gazette~~

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

” ” ” ” ..... ” ..... 191 .

C. No. 1749, From the Regr. 81-7 B.D. HM., No. C 19, dated 18.3.1920.

” ” ..... ” ” ..... ” ..... ” ..... 191 .

” ” ..... ” ” ..... ” ” ..... ” ” ..... 191 .

No. 941, dated 27<sup>th</sup> April 1910.

~~Mis.~~  
~~P.J.~~

The following notification  
will be published in the  
Fort St. George Gazette: —

# Notification

26/4/20

P.T.O.

[G.O. No. 941, Home (Miscellaneous), dated 27th April 1920.]



DESTRUCTION RULE.

~~(Duplicate)~~  
\*\*\*\*\*

In exercise of the powers conferred on him by section 3 of the Destruction of Records Act, 1917, the Governor-in-Council makes the following rule for the destruction of records maintained by the Registrar-General of Births, Deaths and Marriage and by the Registrars of Marriages and Registrars of Births and Deaths under the several Acts enumerated below and the rules and orders issued thereunder:-

The undermentioned records shall be destroyed after the expiry of the period noted against each.

| Se-<br>rial<br>No. | Description of record. | Authority pres-<br>cribing the<br>record. | When the<br>record may be<br>destroyed. |
|--------------------|------------------------|-------------------------------------------|-----------------------------------------|
|--------------------|------------------------|-------------------------------------------|-----------------------------------------|

I

THE BIRTHS, DEATHS & MARRIAGES REGISTRATION ACT, 1886.

|    |                                                                        |                                                                                  |                                              |
|----|------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------|
| 1. | Register of refusals.                                                  | Rule 6 of the rules under the Births, Deaths & Marriages Registration Act, 1886. | 30 years after the date of last entry.       |
| 2. | Register of certificates of registration or copies of entries granted. | Rule 14 of do                                                                    | 6 years after the date of last entry.        |
| 3. | Certificates of no occurrence.                                         | Rule 15 of do                                                                    | 3 years after the year to which they relate. |
| 4. | Register of fees.                                                      | Rule 21 of do                                                                    | 6 years after the date of last entry.        |

II

THE PARSEE MARRIAGE AND DIVORCE ACT, 1865

|    |                                |                                                                                  |                                              |
|----|--------------------------------|----------------------------------------------------------------------------------|----------------------------------------------|
| 5. | Certificates of no occurrence. | Resolution of the Government of India Home (Judicial) dated the 9th August 1889. | 3 years after the year to which they relate. |
|----|--------------------------------|----------------------------------------------------------------------------------|----------------------------------------------|

III

THE SPECIAL MARRIAGE ACT, 1872.

|    |                                |    |    |
|----|--------------------------------|----|----|
| 6. | Certificates of no occurrence. | do | do |
|----|--------------------------------|----|----|



| Serial<br>No. | Description of record. | Authority prescribing the record | When the record may be destroyed |
|---------------|------------------------|----------------------------------|----------------------------------|
|---------------|------------------------|----------------------------------|----------------------------------|

THE INDIAN CHRISTIAN MARRIAGE ACT 1872.

- |    |                                                     |                                                                               |                                              |
|----|-----------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------|
| 7. | Reports of no occurrence of marriage.               | Proviso to Rule 6 of the rules under the Indian Christian Marriage Act, 1872. | 3 years after the year to which they relate. |
| 8. | Certificates of no occurrence of baptism or burial. | Paragraph 7 of the instructions regarding the submission of sacred returns.   | do                                           |

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To

The Reg. v. 81 of B.D. 1M

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12 MAY 1920  
MADRAS  
C.O. No. 941, 27th April 1920

**Records**

Maintained under the Births, Deaths and Marriages Registration Act VI of 1886 and certain Marriage Acts—Rules for destruction.

**READ**—the following paper :—

*Letter*—from U. M. SCHMIDT, Esq., Registrar-General of Births, Deaths and Marriages.

*To*—the Secretary to Government, Home (Miscellaneous) Department.

*Dated*—Madras, the 18th March 1920.

*No.*—C. 19.

The records maintained under the Births, Deaths and Marriages Registration Act, 1886, and the several Marriage Acts referred to in the margin and under the rules and notifications issued thereunder have hitherto been preserved permanently in the absence of any provision authorizing their destruction although some of the records are of a purely ephemeral nature and might well be destroyed. With reference to the Destruction of Records Act, 1917, I submit the annexed draft rule providing for the destruction of such of the records as have no permanent value.

ENCLOSURE—Draft rule.

**Order**—No. 941, Home (Miscellaneous), dated 27th April 1920.

The following notification will be published in the *Fort St. George Gazette* :—  
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| 5                                                                 | Certificates of no occurrence .. ..                                    | Resolution of the Government of India, Home (Judicial), No. 6-1074/85, dated the 9th August 1889. | Three years after the year to which they relate.             |
| <b>III—THE SPECIAL MARRIAGE ACT, 1872.</b>                        |                                                                        |                                                                                                   |                                                              |
| 6                                                                 | Certificates of no occurrence .. ..                                    | Resolution of the Government of India, Home (Judicial), No. 6-1074/85, dated the 9th August 1889. | Three years after the year to which they relate.             |
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(True extract)

R. RAMACHANDRA RAO,  
Secretary to Government.

To the Registrar-General of Births, Deaths and Marriages.  
 „ all Collectors.  
 „ the Revenue Department.  
 „ the Local and Municipal Department.  
 „ the Political Department.  
 „ the Ecclesiastical Department.  
 „ the Superintendent of Stationery.  
 the Superintendent, Government Press, for publication in the Gazette.  
 the Local and Municipal (Legislative) Department.  
 the Publicity Officer.



HOME (MISCELLANEOUS) DEPARTMENT.  
NOTES CONNECTED WITH G.O. No. 941, HOME (MISCELLANEOUS),  
DATED 27TH APRIL 1920.

[SUBJECT.—*Destruction of records.*]

*From the Registrar-General of Births, Deaths and Marriages, No. C-19,  
dated 18th March 1920.*

The Registrar-General states that some of the records maintained under the several Acts referred to in the margin and under the rules and notifications issued thereunder, have not any permanent value to justify their being kept and maintained in perpetuity, and might well be destroyed after a prescribed period.

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3. In the light of this principle, the various registers and their period of maintenance suggested by the Registrar-General are examined below seriatim:—

I *A—Births, Deaths and Marriages Registration Act, 1886.*

(1) *Register of refusals.*—(Rule 6 of the rules). This register was formally recognised only in 1912 (please see paragraph 9 of the Registrar-General's letter at page 5 of G.O. No. 97, Public, dated 25th January 1912.) In it the Registrar records refusals to register births and deaths under VI of 1886. It is kept in the form in schedule E on page 85 of the Marriage Registrar's Manual. There is no mention either in the Act or the rule framed thereunder as to how long this register should be kept and maintained. The only point therefore to be considered here is the appeal against the refusal register provided in rule 6 of the births and deaths registrar rules. The Registrar-General fixes 30 years for the maintenance of this register, and this seems a sufficiently long period for any aggrieved party to obtain the records and move in the matter. It is submitted that the Registrar-General's recommendation in this respect may be agreed to.

(2) *Register of certificates of registration or copies of entries, granted.*—(Rule 14 of the rules and schedule G—on pages 4 and 7 of G.O. No. 557, Public, dated 9th May 1912). As these are only copies of the entries in the original register which is permanently maintained, their destruction after a period of six years may be allowed.

(3) and (4).—*Certificates of non-occurrence and register of fees.*—These items call for no remarks and may be accepted. The Registrar-General's proposal to destroy them at the end of three and six years respectively may be accepted.

II *Parsee Marriage and Divorce Act, 1865.*

III *Special Marriage Act, 1872.*

IV *Indian Christian Marriage Act, 1872.*

4. The records under the above three Acts recommended for destruction after three years are only certificates of non-occurrence and hence the Registrar-General's proposals in this regard may also be accepted.



The/

2 NOTES TO G.O. No. 941, HOME (MISCELLANEOUS), 27TH APRIL 1920  
Registrar-General's proposals may be accepted *in toto* and the draft rule on pages 3 and 4, current file, issued in the form of an order.

[Mention is made of the Malabar Marriage Act on the margin of the Registrar-General's letter, but the draft rule submitted by him omits this Act altogether.]  
C.P.G.—30-3-20. B.R.—30-3-20. N. KAILASA SARMA—3-4-20.

The power to make rules is delegated to the Inspector-General and we have simply to approve of his making the rule.  
Draft.

R. RAMACHANDRA RAO—4-4-20.

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noted

In G.O. No. 1145, Home (Judicial), dated 2nd June 1917, the Inspector-General of Registration has been authorized to make rules for the disposal, by destruction or otherwise, of such documents in the possession or custody of Registrars and Sub-Registrars, as are, in his opinion, not of sufficient public value to justify their preservation. Though the wording of the order refers to the disposal of *documents in general* a perusal of the file shows that the Inspector-General has been authorized to dispose of only such records and books as are maintained under the Indian Registration Act or the rules framed thereunder. Please see also the wording of the amendment to the rules under section 69 of the Indian Registration Act in which the authorization conveyed to the Registrar-General in G.O. No. 1145, Home (Judicial), dated 2nd June 1917, is embodied [G.O. No. 1966, Home (Judicial), dated 17th September 1917]. A comparison of the form of the draft rule in G.O. No. 1966, Home (Judicial), dated 17th September 1917, and the draft in the present instance also shows that in the former case *the Inspector-General himself makes the rule* while the draft now submitted by him is in the name of the Governor in Council.

now/

It would therefore appear that the authorization conveyed in G.O. No. 1145, Home (Judicial), dated 2nd June 1917, is confined only to records maintained under the Indian Registration Act. If so, it is submitted for orders whether the Registrar-General of Births, Deaths and Marriages may also be similarly authorized in respect of the records and books maintained under the several *Marriage* Acts and Rules framed thereunder or if the draft rule may issue from this department as submitted by the Registrar-General.

now/

C.P.G.—9-4-20. S.A.—10-4-20. C. RAMANUJA ACHARIYAR—15-4-20.  
I see. The draft may issue in the name of Government. References by the Registrar-General of Births, Deaths and Marriages will be so few that it is not necessary to delegate.

R.R.—16-4-20.

A draft order is submitted for approval.  
C.P.G.—19-4-20. S.A.—21-4-20. C.R.—23-4-20. R.R.—26-4-20.  
A. R. K[NAPP]—26-4-20.

[G.O. No. 941, Home (Miscellaneous), dated 27th April 1920.]

Press Please strike off  
CR 5/5/20

C.V

X



## PRESS SLIP.

ORDINARY.

PREFERENCE.

URGENT (a).

Secy. II-38-1-17.

Home (Misc.) DEPARTMENT.

Current No. 1749 dated 19. 3. 1920.

G.O. No. 941, dated 27. 4. 1920.

Number of MS. pages sent

|                         |   |
|-------------------------|---|
| (b) Correspondence      | 7 |
| (b <sup>1</sup> ) Notes | 6 |

Brief subject... Destruction of Records.

| (c) Number of copies required when struck off (not including copies for volumes and editors' tables which are retained in the Press). | E. T. copies to supply requisitions for purchase by the public. | Complete correspondence and orders. | Notes. |
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(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b<sup>1</sup>) For rules regarding printing of notes, see rule 315 of the office Manual.

(c) The number of copies and the details of distribution should be filled in by the Superintendent or Referencer concerned.

(d) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for one week, and larger papers for two weeks only. The type of notes and of all confidential papers is distributed immediately after striking.

(e) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

## INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Registrar with a remark to that effect.

(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, only the first time when they appear on the left side, the initials alone being printed later.



TO PRESS, MADRAS ~~GOVT~~

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Type may be released after usual interval.

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Clerk.

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