

Legislative (1898) Department.

ORDINARY MS.

G.O., No. 29

DATED 14.5.1898

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[Despatch Abstract.]

Bill for the registration of Births and Deaths in rural tracts.

Recording papers Res Dept approving with remarks the suggestions made by the Board of Revenue in regard to the draft — and forwarding it to the Govt of India for sanction to its introduction into the Local Legislative Council

BACK PAPERS.

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Government {1898} of Madras. REVENUE.

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Please see p 46 Local Council pamphlet.

A dispatch is to be addressed to the Secy of State.

G.O., No. 214, 21st April 1898.

Done in Revenue
Secretary

APRIL.

Approving, with remarks, the suggestions made by the Board of Revenue in regard to the draft Bill for the registration of births and deaths in rural tracts, and forwarding it to the Government of India with the request that permission may be accorded for its introduction into the Local Legislative Council.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), Mis. No. 1264, dated 22nd February 1898:—

Read—G.O., No. 27, Revenue, dated 15th January 1898.

ABSTRACT—Forwarding a draft Bill for the registration of births and deaths outside Municipal towns, for the remarks of the Board of Revenue, with reference to paragraph 8 of G.O., No. 476, Revenue, dated 21st September 1896.

Resolution—Mis. No. 1264, dated 22nd February 1898.

The Board begs to submit the following remarks on the draft Bill for the registration of births and deaths:—

2. *Section 9*.—Notice of birth has to be given within seven days of the event. In this country a child is usually not formally named till the 11th day. If twelve days or two weeks are fixed as the period within which registration is to be made, it will be possible to register the birth and the name of the child at one and the same time.

3. *Section 11*.—"Or the priest who officiated at the funeral ceremony" might be inserted after the words "Undertaker or other person causing the corpse of the deceased person to be disposed of." The period within which notice of death should be given might be extended to 48 hours, so as to avoid any risk of hardship.

4. *Section 14*.—The registrar should not be compelled to act on written information. He should be given power to verify the report, if he distrusts it.

(True Copy and Extract.)

(Signed) L. E. BUCKLEY,
Famine Secretary.

To the Secretary to Government, Revenue Department.

Read—also the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 663, dated 5th March 1898:—

Read—G.O., No. 27, Revenue, dated 15th January 1898.

Resolution—Mis. No. 663, dated 5th March 1898.

With reference to G.O., No. 27, Revenue, dated 15th January 1898, the Board submits the following remarks on the draft Bill for the registration of births and deaths outside Municipal towns:—

2. *Section 12*.—This section appears defective in several respects: (a) corpses may be found in the open fields or jungle as well as in roads, streets and lanes; (b) neglect by the village head, or station-house officer, to comply with this section is not made punishable under section 19 of the Act, and a special law is not necessary to declare the duty—an administrative order would answer the purpose; (c) the Board would

prefer that the duty of reporting to the registrar should extend to corpses found in any place, or under any circumstances not covered by section 11, and (following section 10) should be made compulsory on any person finding the corpse, and on any person disposing of the corpse, or causing it to be disposed of. If this suggestion be accepted, non-compliance with the section should be made punishable under section 19 (1).

3. *Section 14*.—It would seem desirable to give the registrar power to defer registration pending enquiry in cases where he sees cause to distrust the correctness of the information. With reference to the concluding proviso of section 14, the Board thinks that the drafting might be improved as follows:—

(a) For "Every person who has given the information contained in a register of births and deaths under this Act," read "Every person who has orally given to a registrar any information required under this Act."

(b) "No registration shall be deemed to be complete, &c." The Board would omit this sentence as superfluous, since no special legal effect attaches to the completeness or incompleteness of the registration.

(c) *First proviso*.—With reference to section 8 which makes it incumbent on the registrar to fill up all necessary particulars in the register, the necessity of the first proviso to section 14 would seem questionable.

(d) *Second proviso*.—In place of this proviso the Board would suggest a clause to the following effect:—

"When any information required by this Act is communicated to the registrar by any person in writing, and the registrar sees no cause to distrust the genuineness and correctness of the communication he may proceed to fill up the register as directed in section 8.

"If the registrar in any case sees cause to distrust the information, whether written or oral, he may issue a summons for the attendance before him at a specified date of any person whose attendance he deems necessary for the purpose of verifying the information, and such person shall be bound to attend in obedience to such summons, and to answer truthfully all relevant questions put to him touching the said information."

It is no doubt an objection to this proposal that no proper machinery exists for the service of such summonses, but probably they would not be numerous and the village head might be ordered to lend the services of the village menials for the purpose.

4. *Section 19*.—The Board considers that the maximum penalty should be raised to Rs. 25 to provide for rare cases in which the offender happens to be wealthy and the offence to be unaccompanied by extenuating circumstances.

5. *Section 21*.—No provision is made for appeals against orders under this section. The Board would allow an appeal as far as the District Collector and no further. The word *from* in the sixth line of this section should be *for*.

6. *Section 22 (5)*.—The Board would enter "or other" between *clerical* and *errors*. Erroneous entries are sure to occur and the Collector should have power to correct them.

(True Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department.

ORDER—No. 214, Revenue, dated 21st April 1898.

Miscellaneous.

The Government generally approves the suggestions made by the Board of Revenue in its Proceedings read above in regard to the draft Bill for the registration of births and deaths in rural tracts, subject to the following remarks:—

(i) *Section 11 and paragraph 3 of Board's Proceedings (Settlement)*.—It seems inadvisable to impose the obligation of reporting deaths on the "priest who officiates at the funeral ceremony".

(ii) *Section 12 and paragraph 2 (c) of Board's Proceedings (Land Revenue).*—The Government does not consider it advisable to impose a special obligation upon the finder of an unclaimed body. It is the legal duty of the village headman under section 45 (d) of the Criminal Procedure Code to report sudden, unnatural and suspicious deaths. The Government is inclined to think that the obligation may be left where the section of the draft Bill places it.

(iii) *The first proviso to section 14 and paragraph 3 (c) of Board's Proceedings (Land Revenue).*—The first proviso will be omitted as such; but as the registrar is not bound under section 8 to enter the "name, description and place of abode" of the informant, the words "these particulars being in such cases entered by the registrar" will be inserted at the end of the first sentence of the main clause.

(iv) *Paragraph 3 (d) of Board's Proceedings (Land Revenue).*—It is inadvisable to empower the registrar, if he distrusts the information furnished, to defer registry, and to issue summons and hold a formal enquiry into the truth of the information. Under section 8 of the Bill it is his duty to inform himself carefully of every birth and of every death which happens in his village, and it can seldom happen that he is unable to fill up the register at once. If, however, in any case he has reason to believe that the information furnished to him is false, or if such information together with what he himself possesses leaves him unable to fill up all the columns of the register, he should report the matter to the Tahsildar; but this is a subject which can be dealt with subsequently by executive orders.

(v) *Section 19 and paragraph 4 of Board's Proceedings (Land Revenue).*—The maximum penalty was fixed at a low figure in consideration of the novelty of the offence under the proposed Act, and the Government does not think that it should be raised.

(vi) *Section 21 and paragraph 5 of Board's Proceedings (Land Revenue).*—No special provision for appeal against the Collector's order is necessary. When the powers of the Collector under this section are exercised by a Divisional officer, his proceedings will, under Regulation VII of 1828, be subject, in the ordinary way, to the District Collector's revision.

(vii) *Section 22 and paragraph 6 of Board's Proceedings (Land Revenue).*—The Government considers that the registrar should not be empowered to correct any but clerical errors, and that other errors should be reported for the orders of the Collector.

The draft Bill, revised with reference to the foregoing remarks, will be forwarded to the Government of India with the request that permission may be accorded for its introduction into the local Legislative Council.

(True Extract.)

Ag. Secretary to Government.

To the Board of Revenue (Land Revenue):

„ the Board of Revenue (Revenue Settlement, Land
Records and Agriculture).

„ the Legislative Department.

Ed. A. F. Eccleston.

80 Copies.

DRAFT BILL.

WHEREAS it is expedient to make provision for the registration of births and deaths in rural tracts; It is hereby enacted as follows:—

1. This Act may be called the "Madras Registration of Births and Deaths Act, 189." "

Section 1, Act IV of 1873 (Bengal).
„ 106 (1), Act V of 1884 (Madras).

2. The Government may, by notification, extend this Act, or any portion thereof, from a date to be specified in such notification, to any district or portion of a district situated outside the limits of the city of Madras and of the municipalities constituted under the Madras District Municipalities Act, 1884.

3. In this Act, unless there be something repugnant in the subject or context, a "village" means any local area now recognised as a village, or which may hereafter be declared by Government to be a village, and included in any district or portion of a district to which the provisions of this Act have been extended.

"Registrar" means a person appointed registrar of births and deaths under section 5 of this Act.

Section 106 (2), Act V of 1884 (Madras).

4. On the publication of the notification referred to in section 2 of this Act, the District Collector shall cause to be proclaimed by notices posted at the village chavadi or other conspicuous place and by beat of drum in every village within the area so notified and by publication in the District Gazette that registration of births and deaths is compulsory in the district or part of the district concerned.

Section 2 of Act IV of 1873 (Bengal).
„ 243 „ IV of 1884 (Madras).
„ 181 „ II of 1888 (Bengal).
„ 442 „ III „ (Bombay).

5. From the date on which such notification comes into force, the Collector shall cause a register of all births and deaths to be kept in each village, and for this purpose he may divide the village into such wards as he thinks fit, and shall appoint a person to be registrar of births and deaths within the village, if not divided into wards or, in the case of the division of the village into wards, for every ward he shall appoint a person to be registrar of births and deaths in such ward.

6. Every such registrar shall, unless otherwise expressly authorised by the Collector in writing, reside within the village or ward of which he is the registrar, and shall cause his name, with the addition of registrar of births and deaths for the village or ward for which he is so appointed, written in the vernacular language of the district, to be placed in some conspicuous place on or near the outer door of his dwelling house.

7. The Collector shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which take place in the village according to such forms and instructions as may, from time to time, be prescribed by the Governor in Council.

8. Every registrar shall inform himself carefully of every birth and of every death which happens in his village or ward after the coming into operation of the aforesaid notification, and shall register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms prescribed under section 7 touching every such birth and death as the case may be, which has not already been registered.

All such entries shall be made consecutively from the beginning to the end of the book.

9. The father or mother of every child born in the village, or, in the case of the default of the father and mother, the midwife or other person present at, or in attendance during the child birth, or in default of such midwife or person, the occupier of the house in which such child is born, or, in default of such occupier, the person having charge of the child shall, within two weeks next after the day of such birth, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to complete the forms prescribed under section 7.

Provided that a person not required to give information in the first instance but only in default of some other person, shall not be bound to give information under this Act if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

Section 3 of Act IV of 1873 (Bengal).
 " 395 " I of 1884 (Madras).
 " 244 (1) of Act IV of 1884 (Madras).
 " 182 of Act II of 1888 (Bengal).
 " 443 (1) of Act III of 1888 (Bombay).

Section 4 of Act IV of 1873 (Bengal).
 " 396 of Act I of 1884 (Madras).
 " 245 " IV " (").
 " 183 " II of 1888 (Bengal).
 " 444 " III " (Bombay).

Section 5 of Act IV of 1873 (Bengal).
 " 397 " I of 1884 (Madras).
 " 246 " IV " (").
 " 184 " II of 1888 (Bengal).
 " 445 (1) of Act III of 1888 (Bombay).

Section 5 (Bengal), Act IV of 1873.
 " 246 (Madras), Act IV of 1884.
 " 397 (") " I " "
 " 184 (Bengal) " II of 1888.
 " 445 (1) (Bombay), Act III of 1888.

(Bengal) Act IV of 1873, section 7.
 (Madras) " I of 1884 " 398.
 (") " IV " " 247 (1).
 (Bengal) " II of 1888, " 185.
 (Bombay) " III " " 446 (1).

(Bombay) section 446 (2), Act III of 1888.

Section 447, Act III of 1888 (Bombay).

(Bengal) Act IV of 1873, section 8.
 (Madras) " I of 1884 " 399.
 (") " IV " " 247 (2).
 (Bengal) " II of 1888 " 186.
 (Bombay) " III " " 449 (1).

Section 447, Act III of 1888 (Bombay).
 " 45 (a), Criminal Procedure Code.

Provided also that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

10. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

11. The nearest relative present at the death, or in attendance during the last illness, of any person dying in the village, or, in case of the default of such relative, every person present at the death, or, in case of their default, the occupier of the house, or if the occupier be the person who shall have died, each inmate living in the house in which such death shall have happened, or, in case of the default of such inmate, the undertaker or other person causing the corpse of the deceased person to be disposed of, shall, within forty-eight hours, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to complete the forms prescribed under section 7.

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be bound to give information under this Act if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

12. In case any person is found dead in any place, or under any circumstances not covered by section 11, it shall be the duty of the head of the village, in which the body is found, or the officer in charge of the police station within the limits of which the village is included, to give forthwith to the best of his knowledge and belief, to the registrar, such information of the particulars required to be registered concerning such death as the informant possesses.

13. Notwithstanding anything contained in sections 9 and 11 of this Act—

(1) In the case of persons being born or dying in any hospital, it shall be the duty of the Medical officer in charge forthwith to send a notice in writing to the registrar of the occurrence of any birth or death in the hospital under his charge containing the several particulars required to complete the forms prescribed under section 7;

(2) In the case of persons being born or dying in any choultry, chattram, hotel, boarding house, lodging house, tavern, arrack or toddy shop or other place of public resort, it shall be the duty of the owner, keeper or person in charge thereof, to give the information required under sections 9 and 11 within the time and in the manner specified therein.

14. Every person who has orally given to a registrar any information required under this Act shall sign in the register his name, description and place of abode, and, if he cannot write, shall put his mark in the register to his name, description and place of abode, these particulars being in such case entered by the registrar.

Provided that, in the case of a person being born or dying in any hospital, the registration of the birth or death shall be deemed to be completed by the entry, in the register, of the written notice received from the Medical officer in charge of the said hospital prescribed in section 13 (1) without the signature of the Medical officer to the entry in such register. This proviso shall also apply in the case of information, touching any birth or death, given in writing by any person.

15. The Registrar shall, as soon as the registration has been completed, give, on application, free of all charge, to the person who gives information of the birth of a child an extract under his hand from the register relating to such birth.

16. (1) Any clerical error which may, at any time, be discovered in a register of births or in a register of deaths may be corrected in accordance with rules made under section 22.

(2) Except as aforesaid, no alteration shall be made in any such register.

17. (1) When the birth of any child has been registered and the name, if any by which it was registered, is altered or, if it was registered without a name when

Section 400, Act I of 1884 (Madras).
" 248 (1), Act IV of 1884 (Madras).
" 186, second proviso, Act II of 1888 (Bengal).

Section 403 (1), Act I of 1884 (Madras).
" 249 (1), Act IV
" 189, Act II of 1888 (Bengal).

Section 189, second proviso, Act II of 1888 (Bengal).
Section 403 (2), Act I of 1884 (Madras).
" 249 (3), Act IV " "

Section 403 (2), Act I of 1884 (Madras).
" 249 " IV " "

Section 248-A, Act IV of 1884 (Madras).
" 453, Act III of 1888 (Bombay).

a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate, shall, without any erasure of the original entry, forthwith enter in the register book the name mentioned in the certificate as having been given to the child.

(2) The certificate shall be in such form as may from time to time be prescribed by the Governor in Council, and, in the case of a Christian, shall be signed by the minister of religion or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptized or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister of religion or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

18. Any person, may at all reasonable times, on payment of a fee of four annas for each visit, search, in the presence of the registrar, any register of births and deaths, and may on payment of a further fee of four annas require the registrar to give an extract under his hand from such register relating to any birth or death registered therein.

The registrar shall have the custody of the registers of births and deaths for the village or ward for which he has been appointed, and all extracts therefrom given under this section shall be certified by him as provided in section 76 of the Indian Evidence Act, 1872, and may be produced in proof of the entries of which they purport to be copies.

19. Any person who—

- (1) neglects or refuses or intentionally omits to give any information which it is his duty to give under sections 9, 10, 11 and 13 (2) of this Act; or
- (2) wilfully gives, or causes to be given, for the purpose of being inserted in any register of births or deaths, any false information touching any of the particulars required to be known and registered; or

Section 249 (4) of Act IV of 1884 (Madras).

Section 249 (5) of Act IV of 1884 (Madras).

Section 7 of Act IV of 1873 (Bengal).
" 8 of " IV of "
" 402 of " I of 1884 (Madras).
" 283 of " IV of "
" 188 of " II of 1888 (Bengal).
" 471 of " III of " Bombay).

- (3) refuses or neglects to sign his name, description and place of abode or to put his mark in the register to such particulars in contravention of section 14 of this Act

Section 249 (1) of Act IV of 1884 (Madras).

shall, on conviction before a magistrate, be liable to a fine not exceeding Rs. 10.

20. No criminal complaint under the last preceding section shall be entertained by any magistrate which is not preferred under the orders of a Tahsildar or an officer superior to a Tahsildar.

21. The Collector may, of his own motion or on complaint and after enquiry, fine, suspend, dismiss or remove any registrar for misconduct or for neglect of duty or incapacity as such registrar or for non-residence in the village without the permission of the Collector, and shall record his reasons for so doing in writing.

22. The Governor in Council may from time to time make rules:—

(1) prescribing the forms of registers of births and deaths required to be kept under this Act, and the form of certificate referred to in section 17 (2);

(2) for the inspection and examination of the registers maintained under section 5;

(3) for the conduct of the duties of the registrar during his absence on other duty or on account of illness or other causes;

(4) for the custody, production and transfer of the registers and other records kept by registrars;

(5) for the correction of clerical errors which may be discovered in the registers of births or registers of deaths.

(6) generally, to carry out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS.

Since the passing of the Madras District Municipalities Act, 1884 (IV of 1884), the registration of births and deaths has been compulsory in municipal towns under the provisions of sections 243 to 249 of that Act. During the thirteen years that these provisions have been in operation, they have worked smoothly. It now appears to the Government that the time has come when power should be taken to bring into force similar provisions in non-municipal areas, in which at present the reporting of domestic occurrences is not legally obligatory. Until this is done, the registration of vital statistics in this Presidency taken as a whole must continue to be inaccurate and incomplete. The draft Bill accordingly takes power to extend the system of compulsory registration to the Presidency generally, but it is not proposed to do this at once. The Bill leaves it to the Government to bring its provisions into effect in particular areas at its discretion. The extension will be made cautiously and gradually; large villages or rather towns with a population of 5,000 and upwards, or what are called major Unions, being first brought under the operation of the proposed Act.

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