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Legislative

~~Educational~~ (1898) Department.

ORDINARY MS.

G.O., No. 68

DATED 28. 10. 98.

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INDEXED.

C

[Despatch Abstract.]

Bill for the registration of births & deaths in rural tracts.

Referring to the Hon'ble the Advocate-General the draft for favour of remarks at an early date.

BACK PAPERS.

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Legis: Current No. 363

Government (1898) of Madras.

REVENUE.

E

Order No. 68 Legve d 28.10.98
thus: The draft Bill will be Referred to the Hon'ble the Advocate General for favour of remarks at an early date.
JH 28.10.98

Recd. 2[illegible] OCT. 1898
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1898. ~~7~~ dd 28/10/98 To the Hon'ble the Advocate Genl with spare copies
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Note. This reference to A.G. prior to introduction is a necessity & a mere matter of routine. An office note to Rev is also put up.

A. CRK 28/10/98

G.O., No. 595, 13th October 1898.

OCTOBER.

Registration of Births and Deaths.

Transferring to the Legislative Department, for necessary action, the draft Bill for the — in rural tracts in the Madras Presidency.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following letter from H. LUSON, Esq., Deputy Secretary to the Government of India (Home Department—Sanitary), to the Secretary to the Government of Madras, Revenue Department, dated Simla, the 4th August 1898, No. 1903 :—

I am directed to acknowledge the receipt of your letter No. 215, Revenue, dated the 21st April 1898, forwarding, for the consideration of the Government of India, a draft of a Bill for the registration of births and deaths in rural tracts in the Madras Presidency, and requesting the sanction of the Governor-General in Council to its introduction into the local Legislative Council.

2. In reply I am to convey the sanction of the Governor-General in Council to the introduction of the Bill as requested. The Government of India have observed that the Bill makes no express provision for the remuneration of the registrars of births and deaths, and that the order of the Collector under section 21 of the Bill appears to be intended to be final. In calling attention to these points, I am to say that the Governor-General in Council leaves it to the Government of Madras to decide whether alterations should not be made in the Bill in connection with them.

Order—No. 595, Revenue, dated 13th October 1898.

Miscellaneous.

The draft Bill for the registration of births and deaths in rural tracts will be transferred to the Legislative Department for necessary action.

(True Extract.)

Secretary to Government.

To the Legislative Department.

Exd. Shaik Karim.

50 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.

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).

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.

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).

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.

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).

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.

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.

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

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

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.

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

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.

Section 447, Act III of 1888 (Bombay).

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.

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

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.

Section 447, Act III of 1888 (Bombay).
„ 45 (*d*), Criminal Procedure Code.

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—

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

(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.

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

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.

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

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.

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

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.

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

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

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.

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

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.

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

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.

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).

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

(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

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

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

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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Letter of Government.

Statement with ditto

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