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Educational (1899) Department.

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G.O., No. 47-48

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[Despatch Abstract.]

Forwarding to the Govt of India the Registration of Births & Deaths Act for the assent of H.E. the Viceroy & Governor-General.

T. 13-4-99.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Press

Put this in Act form, all matter in pica, & show proof.
Norman

Pto
14/3/99

No. 5 OF 1898.

An

BILL Act

TO

Make provision for the registration of Births and Deaths in rural tracts.

(As amended by the Select Committee.)

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

Preamble

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

Title

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

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

to any local area beyond

may also by notification exclude any such local area from the operation of the Act or any portion thereof

, which for purposes of Revenue Administration is

in which local area this Act or any portion thereof is in force

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

Extending this Act or any portion thereof to any local area

3. In this Act, unless there is something repugnant in the subject or context, "village" means any local area now recognised as a village, or which may hereafter be declared by *the Local* 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.~~

Interpretation clause
"village"

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

"Registrar"

4. On the publication of a notification *under* section 2 ~~of this Act~~, the District Collector shall cause to be proclaimed *in the vernacular language* 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 *said area*.

District Collector to proclaim that registration will be compulsory

the date from which

will be

birth or death containing the several particulars required to ~~complete~~ the forms prescribed under section 7.

(2) In case of *a child* being born or of a person dying in any choultry, chattram, hotel, boarding house, lodging house, tavern, arrack or toddy shop or 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 8 and 10 in the manner specified therein within *forty-eight hours of the birth or death as the case may be.*

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

13. 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 403 (2), Act I of 1884 (Madras).
„ 249 „ IV „ „

14. 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.

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).

15. Every registrar shall without fee or reward *register all information furnished to him under sections* 8 *to* 13, *and it shall also be his duty to* inform himself carefully of every birth and of every death which *takes place* in his village or ward after the coming into operation of the aforesaid notification, and *he* shall *ascertain and* register, as soon as conveniently may be after the event, 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 248-A, Act IV of 1884 (Madras).
„ 453, Act III of 1888 (Bombay).

16. When the birth of any child has been registered without name, the parent or guardian of such child may, within twelve months next after the registration of birth, *require* the registrar *to enter in the register the name of such child*; and the registrar shall *thereupon* enter the name, *and shall initial and date the entry.*

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

17. *Subject to any rules which the Local Government may make*, any person, may at all reasonable times, on payment of a fee of four annas for each visit, search any register of births and deaths, and may on payment of a further fee of four annas *obtain* an extract from such register relating to any birth or death registered therein.

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

All extracts given under this section shall be certified 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).

18. Any person who—

(1) neglects or refuses to give any information which it is his duty to give under sections 8, 9, 10, and sub-section (2) of section 12 of this Act; or

(2) gives, or causes to be given, for the purpose of being inserted in any register of births or deaths, any information *which is false and which he knows or believes to be false* touching any of the particulars required to be known and registered; or

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

(3) refuses to sign his name, description and place of abode or to put his mark in the register to such particulars in contravention of section 13 of this Act

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

Provided that for an offence under clause (1) *of this section not more than one person shall be punishable in respect of the same birth or death.*

19. 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. *Such Tahsildar or officer shall have discretion to order a prosecution or not as he thinks fit.*

20. 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.

21. 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;

(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 cause;

5. (1) From the date on which such notification comes into force, the *District* Collector shall appoint a person to be registrar of births and deaths *for each* village, or *may* if he sees fit divide any village into wards and appoint a person to be registrar of births and deaths *for each* ward.

(2) *Every registrar so appointed* shall keep *in the prescribed form* a register of births and deaths *for his village or ward as the case may be.*

Section 2 of Act IV of 1873 (Bengal).
„ 243 „ IV of 1884 (Madras).
„ 181 „ II of 1888 (Bengal).
„ 442 „ III „ (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, to be placed in some conspicuous place on or near the outer door of his dwelling house.

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).

7. The *District* Collector shall cause to be printed and *supplied* a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed by the *Local Government.*

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

8. The father of every child or in case of the *death, illness, absence or inability of the* father, the midwife *assisting* at the birth and in her default *every adult male member of the family resident in the house and any* person having charge of the child, or *in default of the above* the mother, 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.

Provided also that, in the case of an illegitimate child, it shall be the duty of the mother of such child to give information under this Act, and 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

Section 5 (Bengal), Act IV of 1873.
„ 246 (Madras) „ 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.

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).

9. 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).

10. The nearest *adult male* 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 *adult male* person present at the death, or, in case of their default, the occupier of the house, or *in his default every adult male person* living in the house in which such death *has* happened, or, in case of the default of such inmate, the person *undertaking the disposal of* the corpse shall, within *four days from the date of death* 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.

11. In case any person is found dead in any place, or under any circumstances not covered by section 10, 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.

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

12. Notwithstanding anything contained in sections 8 and 10 of this Act—

(1) In case of *a child* being born or of a person dying in any hospital, it shall be the duty of the Medical officer in charge forthwith to send to the registrar a notice in writing of the occurrence of *such*

birth or death containing the several particulars required to ~~complete~~ the forms prescribed under section 7.

(2) In case of *a child* being born or of a person dying in any choultry, chattram, hotel, boarding house, lodging house, tavern, arrack or toddy shop or 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 8 and 10 in the manner specified therein within *forty-eight hours of the birth or death as the case may be.*

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

13. 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 403 (2), Act I of 1884 (Madras).
„ 249 „ IV „ „

14. 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.

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).

15. Every registrar shall without fee or reward *register all information furnished to him under sections* 8 *to* 13, *and it shall also be his duty to* inform himself carefully of every birth and of every death which *takes place* in his village or ward after the coming into operation of the aforesaid notification, and *he* shall *ascertain and* register, as soon as conveniently may be after the event, 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 248-A, Act IV of 1884 (Madras).
„ 453, Act III of 1888 (Bombay).

16. When the birth of any child has been registered without name, the parent or guardian of such child may, within twelve months next after the registration of birth, *require* the registrar *to enter in the register the name of such child*; and the registrar shall *thereupon* enter the name, *and shall initial and date the entry.*

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

17. *Subject to any rules which the Local Government may make*, any person, may at all reasonable times, on payment of a fee of four annas for each visit, search any register of births and deaths, and may on payment of a further fee of four annas *obtain* an extract from such register relating to any birth or death registered therein.

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

All extracts given under this section shall be certified 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).

18. Any person who—

(1) neglects or refuses to give any information which it is his duty to give under sections 8, 9, 10, and sub-section (2) of section 12 of this Act; or

(2) gives, or causes to be given, for the purpose of being inserted in any register of births or deaths, any information *which is false and which he knows or believes to be false* touching any of the particulars required to be known and registered; or

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

(3) refuses to sign his name, description and place of abode or to put his mark in the register to such particulars in contravention of section 13 of this Act

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

Provided that for an offence under clause (1) *of this section not more than one person shall be punishable in respect of the same birth or death.*

19. 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. *Such Tahsildar or officer shall have discretion to order a prosecution or not as he thinks fit.*

20. 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.

21. 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;

(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 cause;

(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.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

A

BILL

TO

Make provision for the registration of Births and Deaths in rural tracts.

(As amended by the Select Committee.)

[120—21-2-99.]

Madras Act No V.E 1899

An Act to make provision for the Registration of Births and Deaths in Rural Tracts.

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

1. This Act may be called the "Madras Registration of Births and Deaths Act, 1899." Title.

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

2. The Local Government may, by notification, extend this Act, or any portion thereof, to any local area beyond the limits of the city of Madras and of the municipalities constituted under the Madras District Municipalities Act, 1884, and may also by notification exclude any such local area from the operation of the Act or any portion thereof. Extension and withdrawal of Act.

3. In this Act, unless there is something repugnant in the subject or context, "village" means any local area, which for purposes of Revenue Administration is now recognised as a village, or which may hereafter be declared by the Local Government to be a village, and in which local area this Act or any portion thereof is in force. Interpretation clause. "Village."

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

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

4. On the publication of a notification under section 2 extending this Act or any portion thereof to any local area, the District Collector shall cause to be proclaimed in the vernacular language 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 the date from which registration of births and deaths will be compulsory in the said area. District Collector to proclaim that registration will be compulsory.

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

5. (1) On the publication of such notification, the Collector shall appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each village, or may if he sees fit divide any village into wards and appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each ward. Appointment of registrars.

(2) Every registrar so appointed shall keep in the prescribed form a register of births and deaths for his village or ward as the case may be. Registrars to keep register in the prescribed form.

Section 3 of Act IV of 1873 (Bengal). Section 395 of Act I of 1884 (Madras). Section 244 (1) of Act IV of 1884 (Madras). Section 182 of Act II of 1888 (Bengal). Section 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, to be placed in some conspicuous place on or near the outer door of his office. Registrars to live in their villages or wards.

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Please send a clean proof soon—

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Print all marginal references in one uniform way—

For instance — section — act — (madras)

Section 4 of Act IV of 1873 (Bengal). Section 396 of Act I of 1884 (Madras). Section 245 of Act IV of 1884 (Madras). Section 183 of Act II of 1886 (Bengal). Section 444 of Act III of 1888 (Bombay).

7. (1) The District Collector shall cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed by the Local Government. District Collector to have register books printed and supplied.

(2) A copy of all such forms in the vernacular language shall be posted in some conspicuous place on or near the outer door of the office of every registrar. Copy of such forms to be posted in the office of the registrar.

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

8. The father of every child or in case of the death, illness, absence or inability of the father, the midwife assisting at the birth and in her default every adult male member of the family resident in the house in which the child was born and any person having charge of the child, or in default of the above the mother, 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 be entered in the forms prescribed under section 7. Information of birth to be given within two weeks.

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 he had reasonable cause to suppose that the information had been or would be duly given by such other person. Provisos.

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

Provided also that, in the case of an illegitimate child, it shall in the first instance be the duty of the mother of such child to give information under this Act, and 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 unless such person shall sign the register together with the mother.

Section 447, Act III of 1888 (Bombay).

9. 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. Information to be given respecting new-born child found exposed.

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

10. The nearest adult male relative present at the death, or in attendance during the last illness, of any person dying in a village, or, in case of the default of such relative, every adult male person present at the death, or, in case of their default, the occupier of the house, or in his default every adult male person living in the house in which such death has happened, or, in case of the default of such inmate, the person undertaking the disposal of the corpse shall, within four days from the date of death, 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 be entered in the forms prescribed under section 7. Information of death to be given within four days.

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 he had reasonable cause to suppose that the information had been or would be duly given by such other person.

Section 45 (*d*), Criminal Procedure Code.

11. In case any person is found dead in a village under circumstances not covered by section 10, it shall be the duty of the head of the village 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.

Head of the village bound to give information regarding other deaths.

12. Notwithstanding anything contained in sections 8 and 10 of this Act—

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

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

In case of births and deaths in hospital, Medical officer in charge to send notice to the registrar.

(2) In case of a child being born or of a person dying in any choultry, chattram, hotel, boarding house, lodging house, tavern, arrack or toddy shop or 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 8 and 10 in the manner specified therein within forty-eight hours of the birth or death as the case may be.

In case of births and deaths in choultries, &c., keeper or person in charge to give the information required.

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

13. Every person who has orally given to a registrar any information required under this Act shall write 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.

A person giving information to write his name, &c., or put his mark thereto in the register.

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

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

When registrar to give extract free of charge.

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

15. Every registrar shall without fee or reward register all information furnished to him under sections 8 to 13, and it shall also be his duty to inform himself carefully of every birth and of every death which takes place in his village or ward and he shall ascertain and register, as soon as conveniently may be after the event, 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.

Registrar to register information without fee or reward and inform himself of every birth and death.

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

16. When the birth of any child has been registered without name, the parent or guardian of such child may, within twelve months next after the registration of birth, require the registrar to enter in the register the name of such child; and the registrar shall thereupon enter the name, and shall initial and date the entry.

Entry of name of child.

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

17. Subject to any rules which the Local Government may make under section 20, any person, may at all reasonable times, on payment of a fee of four annas for each visit, search any register of births and deaths, and may on payment of a further fee of four annas obtain an extract from such register relating to any birth or death registered therein.

Search of birth and death registers.

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

All extracts given under this section shall be certified 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.

18. Any person who—

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

(1) fails without reasonable cause to give any information which it is his duty to give under sections 8, 9, 10, 11 and 12 of this Act; or

(2) gives, or causes to be given, for the purpose of being inserted in any register of births or deaths, any information which is false and which he knows or believes to be false touching any of the particulars required to be known and registered; or

Penalty for omission to give information, &c., as required by the provisions of this Act.

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

(3) refuses to write his name, description and place of abode or to put his mark in the register as required by section 13

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

19. (1) No prosecution in respect of any offence punishable under this Act shall be instituted except under the order of the Tahsildar having jurisdiction over the village in which the offence was committed or of an officer to whom the Tahsildar is subordinate.

Prosecutions under the Act not to be instituted except under the order of a Tahsildar or an officer superior.

The District Collector or any officer generally or specially empowered by him in this behalf may stay such prosecution.

(2) In prosecutions for offences under the provisions of this Act, the accused person may appear by an agent, and may of right be defended by an agent.

Accused persons may appear and be defended by agents.

Provided that the Magistrate may at any stage of the proceedings for reasons to be recorded in writing, direct the personal attendance of the accused.

20. The Local Government may, after previous publication, make rules—

Power of Local Government to frame forms and make rules.

(1) prescribing the forms of registers of births and deaths required to be kept under this Act;

(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 cause;

(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.

VE
2 copies in blue
foolscap paper at
once please
VRV 27.5.99

PK

MADRAS ACT No. OF 1899.

An Act to make provision for the Registration of Births and Deaths in Rural Tracts.

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

1. This Act may be called the "Madras Registration of Births and Deaths Act, 1899." Title.

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

2. The Local Government may, by notification, extend this Act, or any portion thereof, to any local area beyond the limits of the city of Madras and of the municipalities constituted under the Madras District Municipalities Act, 1884, and may also by notification exclude any such local area from the operation of the Act or any portion thereof. Extension and withdrawal of Act.

3. In this Act, unless there is something repugnant in the subject or context:— Interpretation clause.

"Village" means any local area, which for purposes of Revenue Administration is now recognised as a village, or which may hereafter be declared by the Local Government to be a village, and in which local area this Act or any portion thereof is in force. "Village."

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

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

4. On the publication of a notification under section 2 extending this Act or any portion thereof to any local area, the District Collector shall cause to be proclaimed in the vernacular language 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 the date from which registration of births and deaths will be compulsory in the said area. District Collector to proclaim that registration will be compulsory.

Section 2, Act IV of 1873 (Bengal). Section 243, Act IV of 1884 (Madras). Section 161, Act II of 1888 (Bengal). Section 442, Act III of 1888 (Bombay).

5. (1) On the publication of such notification, the Collector shall appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each village, or may if he sees fit divide any village into wards and appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each ward. Appointment of registrars.

(2) Every registrar so appointed shall keep in the prescribed form a register of births and deaths for his village or ward as the case may be. Registrars to keep registers in the prescribed form.

Section 3, Act IV of 1873 (Bengal). Section 395, Act I of 1884 (Madras). Section 244 (1), Act IV of 1884 (Madras). Section 182, Act II of 1888 (Bengal). Section 443 (1), 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, to be placed in some conspicuous place on or near the outer door of his office. Registrars to live in their villages or wards.

Section 4, Act IV of 1873 (Bengal). Section 396, Act I of 1884 (Madras). Section 245, Act IV of 1884 (Madras). Section 183, Act II of 1885 (Bengal). Section 444, Act III of 1888 (Bombay).

7. (1) The District Collector shall cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed by the Local Government.

District Collector to have register ~~books~~ printed and supplied.

(2) A copy of such forms in the vernacular language shall be posted in some conspicuous place on or near the outer door of the office of every registrar.

Copy of such forms to be posted in the office of the registrar.

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

8. The father of every child or in case of the death, illness, absence or inability of the father, the midwife assisting at the birth and in her default every adult male member of the family resident in the house in which the child was born and any person having charge of the child, or in default of the above the mother, 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 be entered in the forms prescribed under section 7.

Information of birth to be given within two weeks.

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 he had reasonable cause to suppose that the information had been or would be duly given by such other person.

Provisos.

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

Provided also that, in the case of an illegitimate child, it shall in the first instance be the duty of the mother of such child to give information under this Act, and 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 unless such person shall sign the register together with the mother.

Section 447, Act III of 1888 (Bombay).

9. 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.

Information to be given respecting new-born child found exposed.

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

10. The nearest adult male relative present at the death, or in attendance during the last illness, of any person dying in a village, or, in case of the default of such relative, every adult male person present at the death, or, in case of their default, the occupier of the house, or in his default every adult male person living in the house in which such death has happened, or, in case of the default of such inmate, the person undertaking the disposal of the corpse shall, within four days from the date of death, 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 be entered in the forms prescribed under section 7.

Information of death to be given within four days.

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 he had reasonable cause to suppose that the information had been or would be duly given by such other person.

Section 45 (*d*), Criminal Procedure Code.

11. In case any person is found dead in a village under circumstances not covered by section 10, it shall be the duty of the head of the village 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.

Head of the village bound to give information regarding other deaths.

12. Notwithstanding anything contained in sections 8 and 10 of this Act—

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

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

In case of births and deaths in hospital, Medical officer in charge to send notice to the registrar.

(2) In case of a child being born or of a person dying in any choultry, chattram, hotel, boarding house, lodging house, tavern, arrack or toddy shop or 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 8 and 10 in the manner specified therein within forty-eight hours of the birth or death as the case may be.

In case of births and deaths in choultries, &c., keeper or person in charge to give the information required.

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

13. Every person who has orally given to a registrar any information required under this Act shall write 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.

A person giving oral information to write his name, ~~&c., or put his mark thereto~~ in the register.

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

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

When registrar to give extract free of charge.

Section 5, Act IV of 1873 (Bengal). Section 397, Act I of 1884 (Madras). Section 246, Act IV of 1884 (Madras). Section 134, Act II of 1888 (Bengal). Section 445 (1), Act III of 1888 (Bombay).

15. Every registrar shall without fee or reward register all information furnished to him under sections 8 to 13, and it shall also be his duty to inform himself carefully of every birth and of every death which takes place in his village or ward and he shall ascertain and register, as soon as conveniently may be after the event, 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.

Registrar to register information without fee or reward and inform himself of every birth and death.

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

16. When the birth of any child has been registered without name, the parent or guardian of such child may, within twelve months next after the registration of birth, require the registrar to enter in the register the name of such child; and the registrar shall thereupon enter the name, and shall initial and date the entry.

Entry of name of child.

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

17. Subject to any rules which the Local Government may make under section 20, any person may at all reasonable times, on payment of a fee of four annas for each visit, search any register of births and deaths, and may on payment of a further fee of four annas obtain an extract from such register relating to any birth or death registered therein.

Search of birth and death registers.

All extracts given under this section shall be certified 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 249 (5), Act IV of 1884 (Madras).

18. Any person who—

Penalty for omission to give information, &c., as required by the provisions of this Act.

(1) fails without reasonable cause to give any information which it is his duty to give under sections 8, 9, 10, 11 and 12 of this Act; or

(2) gives, or causes to be given, for the purpose of being inserted in any register of births or deaths, any information which is false and which he knows or believes to be false touching any of the particulars required to be known and registered; or

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

(3) refuses to write his name, description and place of abode or to put his mark in the register as required by section 13

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

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

Prosecutions under the Act not to be instituted except under the order of a Tahsildar or an officer superior to him. Accused persons may appear and be defended by agents.

19. (1) No prosecution in respect of any offence punishable under this Act shall be instituted except under the order of the Tahsildar having jurisdiction over the village in which the offence was committed or of an officer to whom the Tahsildar is subordinate.

The District Collector or any officer generally or specially empowered by him in this behalf may stay such prosecution.

(2) In prosecutions for offences under the provisions of this Act, the accused person may appear by an agent, and may of right be defended by an agent.

Provided that the Magistrate may at any stage of the proceedings for reasons to be recorded in writing, direct the personal attendance of the accused.

Power of Local Government to frame forms and make rules.

20. The Local Government may, after previous publication, make rules—

(1) prescribing the forms of registers of births and deaths required to be kept under this Act;

(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 cause;

(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.

G.
47-A.
250—15-11-97.

GOVERNMENT OF MADRAS

Fort St. George,
29 March 1899

From

A. Trumenheere Esq.
Secretary to the ~~Government of~~ Madras Legislative Council

To

H.A. Sim Esq.
Private Secretary to His Excellency
the Governor.

Legislative Department.

Sir,

R No. 43.

In forwarding a copy of the Act specified in the margin, I have the honour to ~~state~~ that the Act was passed by the Madras Council for making Laws and Regulations on the 9 instant, and to request that you will be good enough to submit it to His Excellency the Governor for his assent in accordance with Council Rule No 53.

An Act to make provision for the registration of Births & Deaths in rural tracts

Assented to.
J.H.H
3.4.99

I have the honour to be
Sir
Your most obedient servant

A Trumenheere

Secretary to the Madras Legislative Council

MADRAS ACT No. OF 1899.

An Act to make provision for the Registration of Births and Deaths in Rural Tracts.

Preamble.

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

Title.

1. This Act may be called the "Madras Registration of Births and Deaths Act, 1899."

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

Extension and withdrawal of Act.

2. The Local Government may, by notification, extend this Act, or any portion thereof, to any local area beyond the limits of the city of Madras and of the municipalities constituted under the Madras District Municipalities Act, 1884, and may also by notification exclude any such local area from the operation of the Act or any portion thereof.

Interpretation clause. "Village."

3. In this Act, unless there is something repugnant in the subject or context:— "Village" means any local area, which for purposes of Revenue Administration is now recognised as a village, or which may hereafter be declared by the Local Government to be a village and in which local area this Act or any portion thereof is in force.

"Registrar."

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

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

District Collector to proclaim that registration will be compulsory.

4. On the publication of a notification under section 2 extending this Act or any portion thereof to any local area, the District Collector shall cause to be proclaimed in the vernacular language 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 the date from which registration of births and deaths will be compulsory in the said area.

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

Appointment of registrars.

5. (1) On the publication of such notification, the Collector shall appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each village, or may if he sees fit divide any village into wards and appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each ward.

Registrars to keep registers in the prescribed form.

(2) Every registrar so appointed shall keep in the prescribed form a register of births and deaths for his village or ward as the case may be.

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

Registrars to live in their villages or wards.

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, to be placed in some conspicuous place on or near the outer door of his office.

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

All extracts given under this section shall be certified 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.

Penalty for omission to give information, &c.

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

18. Any person who—

(1) fails without reasonable cause to give any information which it is his duty to give under sections 8, 9, 10, 11 and 12 of this Act; or

(2) gives, or causes to be given, for the purpose of being inserted in any register of births or deaths, any information which is false and which he knows or believes to be false touching any of the particulars required to be known and registered; or

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

(3) refuses to write his name, description and place of abode or to put his mark in the register as required by section 13

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

Prosecutions not to be instituted except under the order of a Tahsildar or an officer superior to him. Accused persons may appear and be defended by agents.

Section 70-I, Stamp Act, 1899.

19. (1) No prosecution in respect of any offence punishable under this Act shall be instituted except under the order of the Tahsildar having jurisdiction over the village in which the offence was committed or of an officer to whom the Tahsildar is subordinate.

The District Collector or any officer generally or specially empowered by him in this behalf may stay such prosecution.

(2) In prosecutions for offences under the provisions of this Act, the accused person may appear by an agent and may of right be defended by an agent.

Provided that the Magistrate may at any stage of the proceedings for reasons to be recorded in writing direct the personal attendance of the accused.

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20. The Local Government may, after previous publication, make rules—

(1) prescribing the forms of registers of births and deaths required to be kept under this Act;

(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 cause;

(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.

In the name & on behalf of Her Majesty the Queen, Empress of India, I assent to this Act.

Madras
3rd April 1899

A. Havelock
Governor of Madras.

[E. & L. / 1]
500—19-11-98.

Legislative DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., No.	, dated	189 .
Again G.O , No.	, dated	189 .
Current No.	of 189 , dated	, from
" "	" 189 , "	, "
" "	" 189 , "	, "

ORDER. 47 d/13.4.99

The following letter will be despatched to the Government of India Legislative Department

dd 20/4/99

Letter, to No. 48 d/13.4.99

The Secretary to the Government of India, Legl Dept

Sir,

I am directed to forward a copy of the marginally noted Act which was passed by the Madras Legislative Council on the 9th March 1899 and received the assent of His Excellency the Governor on the 3rd instant, and to request that it may be submitted to His Excellency the Governor-General for his assent.

2. Twenty-five copies of each of the papers specified in the margin are

Despd 20/4/99

Sent for 22/4/99

An Act to make provision for the registration of births & deaths in rural tracts

Desp/

1. Bill as introduced with Statement of objects & Reasons.
2. Report of the Select Committee & [illegible] to the Sel. t

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189

AGAIN G.O., No. 189 , DATED

URRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
OF GOVERNMENT.								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only
Q = Copy heading only.