

Legislative (1899) Department.

ORDINARY PRINTED.

G.O., No. 67

DATED 25th May 1899

INDEXED.



[Despatch Abstract.]

Madras Registration of Births and Deaths Act, 1899.

Communicating to the Rev. Secy. the assent
of H.E. the Viceroy and Governor General to the—
and directing the publication of the Act in
the Fort St George Gazette.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C No 207989							

Government {1899} of Madras. LEGISLATIVE.

Recd.

Regd.

} 1899.

Enclosures

Spare copies

G.O., No. 67, 25th May 1899.

MAY.

Madras Registration of Births and Deaths Act, 1899.

Communicating to the Revenue Department the assent of His Excellency the Viceroy and Governor-General to the — and directing the publication of the Act in the *Fort St. George Gazette*.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper:—

From J. M. MACPHERSON, Esq., C.S.I., Secretary to the Government of India, Legislative Department, to the Acting Secretary to the Government of Madras, Legislative Department, dated Simla, 5th May 1899, No. 940.

I am directed to return, herewith, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 48, dated the 13th April 1899.

ORDER—No. 67, Legislative, dated 25th May 1899.

The assent of His Excellency the Viceroy and Governor-General to the Act to make provision for the registration of births and deaths in rural tracts, will be communicated to the Revenue Department and the Act published in the *Fort St. George Gazette* in English and in the vernaculars.

2. The attention of the Revenue Department will be drawn to the provisions of section 2 of the Act in the matter of taking steps to bring the Act into operation.

(True Extract.)

M. HAMMICK,
Ag. Secretary to Government.

To the Revenue Department.
" Superintendent, Government Press.
" Translators to Government.

Legislative (1899) Department.

CURRENT No. 140

From The Govt of India
Legislative Dept.
Simla

Order 67 dated 25th May 1899.
PS.

The assent of His Excellency the Viceroy and Governor-General to the Act to make provision for the registration of births and deaths in rural tracts, will be communicated to the Revenue Department and the Act published in the *Fort St. George Gazette* in English and in the vernaculars.
2. The attention of the Revenue Department will be drawn to the provisions of section 2 of the Act in the matter of taking steps to bring the Act into operation.

No. 940

Dated 5-5-99

Received }
Registered } 15-5-99

Enclosures

Spare copies

SUBJECT.

Returning the copy of an Act to make provision for the Registration of Births & Deaths in Rural tracts, assented to by H.E. the Viceroy & Governor-General.

To the Revenue Dept
PS. Superintendent
19/5/99 Printed in the Govt. Press } with copies of Act.

BACK PAPERS.

G.O.	No.	Department.	Date.
4788	13488		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

FORT ST. GEORGE GAZETTE
SUPPLEMENT.

TUESDAY EVENING,
JUNE 6, 1899.



ACT OF THE GOVERNMENT OF MADRAS.

The following Act of the Governor of Fort St. George in Council received the assent of His Excellency the Governor on the 3rd April 1899 and that of His Excellency the Viceroy and Governor-General on the 3rd May 1899, and is hereby promulgated for general information :—

MADRAS ACT No. III 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 :—

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

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.

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

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 compulsory.

[PRICE, 9 pias.]

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.

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.

(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.

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.

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.

(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.

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.

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.

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.

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.

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,

Appointment of registrars.

Registrars to keep registers in the prescribed form. Registrars to live in their villages or wards.

District Collector to have registers printed and supplied.

Copy of such forms to be posted in the office of the registrar. Information of birth to be given within two weeks.

Proviso.

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

Information of death to be given within four days.

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.

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.

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.

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 be entered in 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.

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.

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.

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.

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.

17. Subject

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

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

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

A person giving oral information to write his name in the register.

When registrar to give extract free of charge.

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

Entry of name of child.

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.

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

(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.

Penalty for
omission to
give informa-
tion, &c.

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
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.

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.

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.

M. HAMMICK,
Acting Secretary to Government.

*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.

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 with-
drawal 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.

Interpreta-
tion 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 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.

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 pre-
scribed form.

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.

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 registers 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.

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.

Proviso.

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.

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.

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.

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—

(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.

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 in the register.

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.

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.

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.

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.

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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.

Clause 19 of the Bill
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

Penalty for omission to give information, &c.

(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.

Clause 20 of the Bill
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.

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.

Clause 22 of the Bill
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.

Power of Local Government to frame forms and make rules.

I certify this to be a true copy and that the Act received the assent of His Excellency the Governor of Madras on the 3rd April 1899.

I assent to this Law

Curzon of Kedleston

M. Hammick
Secretary to the Council.

Viceroy & Governor General

Simla
The 3rd May 1899.

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O. No. 189

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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N.B.—

A = Print in full.
B = Not to be printed.
F = Print abstract only.
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