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MADRAS RECORD OFFICE

Government of Madras

Public

DEPARTMENT

G.O. No.	'84	Presy
~~B.P.~~ No.		Mis.
Dated	27 th January	1891
		195

Not to be folded or roughly handled

Very Urgent Registration Department.
(Births, Deaths and Marriages.)
G. No. 45.

From
M. R. R. S. Srinivasa Raghavaya-gar Ayya,
Dewan Bahadur,
Registrar General of Births, Deaths
and Marriages,
Madras.

To
The Honorable J. F. Rice,
Chief Secretary to Government,
Public Department,
Fort St. George.

Madras, the 22nd January 1891.

Sir,

I have the honor to submit
for the orders of Government a
copy of a letter dated the 19th Instant
from the Reverend Mr De Silva
in which, at the instance of the
Most Reverend Archbishop Colgan,
he requests instructions on certain
points

is in connection with the
issuance of registers of Marriages,
Births, Burials &c for examination
of the commission appointed under
Section 35 A(1) of Act VI of 1886 as
amended by Act VI of 1890. Mr
De'Silva has been appointed a
Commissioner under the above section
by the Notification of the Govern-
ment of India in the Judicial
Department, dated 17th October 1890. G.O. 76/11/90

2. The registers coming within
the provision of Section 32 of Act
VI of 1886 are "registers kept other-
wise than in pursuance of a
duty enjoined by the law of the
country in which they were kept;"
and Mr De'Silva enquires whether
the registers of Births, Deaths and
Marriages kept by Roman Catho-
lic clergymen under the Ecclesi-
astical law to which they are
subject, may not be considered
to be registers maintained in pur-
suance of a duty enjoined by law

So

to ascertain the necessity for
their vaccination by the commission
to render them admissible in evi-
dence in Courts of justice under
Section 35 of the Indian Evidence
Act. The same question was
raised by the Reverend Mr. W. Ware
in his letter dated 8th February 1890,
No 859, printed in G.O. dated 18th
April 1890, No 294, wherein he
pointed out that the Clergy in
India have always made their
entries in the registers. The belief
(1) that they as public officers, were
under the same legal obligation
to make correct entries as the
Clergy in England, and (2) that
the entries when made had the
same authority as in England.
The Government of India, however,
in the letter to the Lord Bishop of
Calcutta printed in the G.O. above
referred to has stated that the
only registers kept by clergymen,
which can be regarded as being
kept

kept in pursuance of a duty enjoined
by law are those kept under
section 27 of the Indian Christian
Marriage Act, 1872, and under
Act V of 1865 which the former
Act superseded; and following
this opinion of the Government of
India, it seems to me that the
first question put by Mr De'Silva
must be answered in the negative.

3. In this connection I beg to
state that in my letter dated 9th
May 1890, No. G. 159, I brought to
notice that no registers of baptisms,
burials and marriages had been
received from Clergymen of the
Church of England for validation
under section 32 of Act VI of 1886, ~
and Government after communi-
cating with the Reverend the
Arch Deacon was pleased to de-
cide in G.O. dated 10th June 1890,
No. 413, Public, that the matter was
to be dealt with by the Commission.
With reference to this order, I beg
respectfully to point out, that if
it

G.O. 721/5/90
25/3/91

it is the duty of Government to
the question whether registers of
Baptisms or marriages and Burials
kept by Anglican Clergymen, with
in the view of section 32 of Act
VI of 1886 should be decided by the
Commissioners, and there will be a
difficulty in getting the registers
validated in case they decide that
the registers require validation, as the
time allowed by law for their trans-
mission to the Registrar General
under section 32 of Act VI of 1886 as
amended by Act XVI of 1890 will
then have expired. It is, however,
as pointed out by the Government of
India in its letter printed in G.O.
dated 7th August 1889, No. 661, Public,
entirely at the option of the custodians
of the registers to send them or not
for validation.

4. Referring to the second and third
questions asked by Mr De'Silva, I
beg to state as follows.

(a) The first Indian Act which
imposed on clergymen solemnizing
Christian

Christian Marriage ^{Act of}
registering them was Act ~~XXV~~ of 1864
which came into force on the 1st
July 1864; and under the opinion
expressed by the Government of
India and already referred to, all
registers of marriages solemnized be-
fore that date require validation.

(b) As regards registers of
baptisms and burials there is no
law requiring their registration, and
it seems to me that all such re-
gisters up to 31st March 1891 may be
forwarded under section 32 of Act
VI of 1886 for validation. In G.O.
dated 6th August 1889, No. 657, Public,
Government has ruled that registers
in actual use need not be sent to
the Registrar General until after the
expiry of the period to which they re-
late. Registers sent, however, after
the date, 31st March 1891, prescribed
by Act ~~XXV~~ of 1890 for validation,
cannot, however, be received.

5. Again Mr De'Silva asks
what provision has been made
for the voluntary registration required

by

by Act ~~XXV~~ of 1890, in
in those places, notably Madras,
where Catholic Missionaries have
not been appointed Registrars for
carrying out the provisions of the
Act. The answer is that the Re-
gistrars of Assurances and Marriage
Registrars in each district have been
appointed as Registrars of Births and
Deaths under Act VI of 1886, and
persons wishing to have a birth or
death registered must give the re-
quired notice to the Registrars above
mentioned and follow the procedure
prescribed in section 22. It would
doubtless facilitate registration of
births and deaths if Roman Catho-
lic Clergymen were appointed
Registrars of Births and Deaths for
Roman Catholic Christians, but in
Mysore the Roman Catholic Clergy-
men who had been appointed Re-
gistrars resigned their appointments in
a body. In the case of Clergymen
of the Church of England also it has
been decided in G.O. dated 18th April
1890, No. 294, Public, that they need
not

Books of
Births and Deaths. Order No. II of 1886.

6. Lastly Mr De Silva - asks - whether the registers sent to me for verification may be forwarded "Service hearing." This may, of course, be done. Where it may be cheaper to send the registers duly secured by Railway that course may be adopted.

7. I beg that very early orders may be passed on this reference as the time allowed for the transmission of registers expires on the 31st March 1891 as Mr De Silva informs me that it is a matter of some difficulty to collect the registers all over the country and forward them.

I have the honor to be,
Sir

Your most obedient servant,

Summava Raghavayengar
Registrar General of
Births, Deaths and Marriages.

Exd. Dm/H

Catholic Cathedral, Madras

19th January 1891

To

Mr. R. Py

S. Srinivasa Raghavayengar B. A.

Deewan Bahadur

Registrar General of Births,

Marriages and Deaths

Madras.

Sir,

By the notification of the Government of India, Judicial Department, dated Simla 17th October 1890, No: 1523, I have been appointed Commissioner for the purpose of examining ^{and verifying} records or registers sent to you under section 32 of Act VII of 1886, I am directed by His Grace the Archbishop of Madras, at whose instance I was appointed, to obtain from ^{you} answers to the following, to enable me to discharge the duties required of me.

Section 32, Chapter V of the Act declares that any person being in custody of any register or record of Birth, Baptism, naming, dedication, death or burial, or of any register or record of marriage of persons of the classes referred to in Act III of

1872,

1872, (and if such registers are kept otherwise than in the performance of a duty specially enjoined by the Law of the land, may send the registers to the Office of the Registrar General, I have the honor to enquire:—

1. Whether the recognized rule or law in every Diocese, which requires every clergyman to keep such registers of Births, marriages and Deaths, may not be considered as coming under the wording of the Act viz: "in the performance of a duty specially enjoined by the Law of the Land." This will obviate the necessity of any registers hitherto kept being sent, as they are already kept and are required to be kept by a law.

2. Whether if such registers have to be sent, if it is necessary to send any registers of marriages kept prior to 1864 (amended by an Act of 1865 and again by the Indian Christian marriage Act of 1872) when I believe the first marriage Act was enacted for Christians.

3. Whether if these registers have to be sent, all registers of Births, Baptisms, Deaths and Burial, have to be sent that have been kept up to date.

I am also directed to enquire whether the

General Registers sent to you for verification, may be sent "Service Clearing," as I feel sure that the missionaries will not be prepared to undergo the expense of postage in the transmission of these registers.

The Act having now come into force, I am to enquire, what provision is made for the voluntary registration required by the Act, and after the 1st April 1891, in those places, notably in the Town of Madras, where Catholic missionaries have not been appointed Registrars for carrying out the provisions of the Act.

I have the honor to be,
Sir,

Your Obedient servant,
(Signed) Edw. H. DeBilva
Commissioner for verifying
Registers under Act VI
of 1886

(True Copy)

Shri M. Raghunathaiah
Registrar - General of Births,
Deaths, and Marriages.

Exd. ms

Ct 206.

Public (1891) Department
(Registration of Births, Deaths
and Marriages)

How.

For Orders.

The Registrar General deals very fully with the questions put by Mr. de Silva. The only point on which there appears to be any doubt is that of the Registers being sent service bearing - The only section under which this could be done is § 379 of the Post Office Guide but it is submitted that it is doubtful whether the registers can be considered as "relating to the affairs of Govt" - Para 3 of the Registrar General's letter is submitted for orders -

Ch.
24/1/91

I suppose the meaning of G.O. 10 July 90 is that if registers are sent to the Govt. they will have to decide whether they are such as can be validated or not, which seems right enough. No registers have been sent or are likely to be sent so there is an end of it. I think the registers might be sent service bearing. The validity of § 23 of the Registrar is a public interest.
P. 23/1/91
24/1/91

From CHIEF SECRETARY
23 JAN 91

The Registrar General of
Births, Deaths and Marriages,
Madras.

To

The Chief Secretary to
Government,
Fort St. George.

Dated 22nd }
Received } January 1891.

G. No. 45.

Enclosure (one)

Subject.

Requesting orders in
regard to certain questions
raised by the Rev. C. H. de Silva
in connection with the
submission of registers
under Section 32 of Act II
of 1886.

Papers to be read in Proceedings:—

Again G.O., dated 18 , No.
Again G.O., dated 18 , No.
Current No, of 18 , dated from

Current No. 206 of 1890, dated 22nd Jan from Registrar General of
Births Deaths and Marriages.

Order 24th Jan. 91. No. 84

The Government accepts the views expressed by the Registrar General of Births Deaths and Marriages on the questions raised by the Rev. Mr. de Silva.
2. With reference to para 3 of his letter, the Registrar General will be informed that under G.O. 10th June 1890 No. 4113 it will be for the Commission to decide, if registers are sent to them whether they are such as can be validated or not.

In Orders whether the order should be communicated to the various heads of the various religious bodies.
C.S. 26/1/91
27/Jan

To The Registrar General of Births Deaths & Marriages

26/1/91
27/1/91

Registrar General's Office

is Verification of Registrations

H.W.

V. E.

Part of the
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ORDINARY, MS.

Public DEPARTMENT.

G.O., DATED 27. 1. 91

No. 84.

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When given for copying

[Despatch Abstract.]

*Re the Rev. Mr. de Silva's
questions in connection
with the transmission of
Registers of marriages, Baptisms
Burials &c.*

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