

Pulgo R No 11162, 22-10-92

ORDINARY. PRINTED.

Public DEPARTMENT.
G.O. DATED 13.-10-93.
No. 838.

INDEXED.

First copy sent to Press.

Returned for signature.

Despatched in print. 26/10.

[Despatch Abstract.]

Births Deaths & Marriages
Registration Act VI of 1906

Copy of the Register full
of Births Deaths &
Marriages and to the Com-
missioners appointed to
verify the registers sent
to the Registrar-General
resolution of the Govt
of India acknowledging
with remarks, the ser-
vices of the Commissioners
& directing that the
Registrar-General be
the Secretary of the Madras
Missionary Conference intima-
ting that no further regis-
ters should be recorded to
be extending the time allowed
for the submission of registers
for verification.

13TH OCTOBER 1893, No. 838, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper:—

From C. J. LYALL, Esq., C.S.I., C.I.E., Secretary to the Government of India,
Home Department (Judicial), to the Chief Secretary to the Government of
Madras, dated Simla, the 29th September 1893, No. 23 Judicial—1231.

I am directed to acknowledge the receipt of your letters, marginally noted, on the subject of the examination and verification of the registers and records sent, No 432, dated the 24th June 1892. „ 131 „ the 22nd February 1892. under section 32 of the Births, Deaths and Marriages Registration Act, VI of

1886, as amended by Act XVI of 1890, to the Registrar-General of Births, Deaths and Marriages for the Madras Presidency.

2. In forwarding with your letter of the 24th June 1892 the report of the Commissioners appointed for the Madras Presidency for the purpose of examining and verifying the registers and records sent in under section 32 of Act VI of 1886, you invite particular attention to the matters brought to notice in paragraph 4 of the report, and request that, should there be no objection, the necessary steps may be taken in view to its being declared that the validation by the Commissioners of the registers shall have the same legal force as regards entries relating to Mysore subjects, as it has with regard to entries relating to British subjects.

3. In reply I am to forward, for the information of His Excellency the Governor in Council, a copy of a Resolution recorded in this department, acknowledging the services of the Commissioners appointed

trans-General. It is also suggested in the Resolution that Local Governments, in exercise of the power conferred by section 35 (2) of the Act, should, by notification, authorize the persons to whose custody certain of the registers have been returned after examination and verification by the Commissioners, to certify copies of entries from the registers given by them under section 35 (1). This suggestion, if it is found practicable, will dispose of the difficulty brought to notice at the end of paragraph 4 of the report of the Commissioners for the Madras Presidency, and make it unnecessary to consider further the question whether the registers themselves should be declared admissible in evidence under section 35 of the Act.

4. As regards the validation of entries relating to Mysore subjects, I am to say that the Commissioners are correct in the view that they were only competent to authenticate the registers sent from Mysore, so far as they related to British subjects. In order to extend this authentication to entries relating to subjects of the Mysore State so as to declare copies of such entries to be admissible in evidence, legislation would be required both in British India, as regards British Indian Courts, and in Mysore, as regards Mysore Courts. The Governor-General in Council has come to the conclusion that the facts before him do not show sufficient ground for such action.

5. With your letter of the 22nd February 1892 you forward a petition from the Secretary to the Madras Missionary Conference, addressed to the Government of India, appealing against an order of the Madras Government declining to move the Government of India to extend further the time allowed for the submission of registers for verification. I am directed to say that, after consulting other Local Governments

$A = \{A_1, A_2, \dots, A_n\}$
 $B = \{B_1, B_2, \dots, B_m\}$
 $P = \{P_1, P_2, \dots, P_k\}$ only
 $Q = \{Q_1, Q_2, \dots, Q_l\}$
 $R = \{R_1, R_2, \dots, R_p\}$

and Administrations, the Government of India are of opinion that further legislation should not be resorted to in the matter. I am to request that the Secretary to the Madras Missionary Conference may be informed accordingly.

ENCLOSURE.

EXTRACT from the Proceedings of the Government of India in the Home Department (Judicial), under date Simla, the 29th September 1893, No. 22 Judicial—1223-1230.

Read again—

Home Department Notifications Nos. 1523, 1525, 1527, 1529, 1531 and 1533, dated the 17th October 1890.

Home Department Notification No. 1557, dated the 20th October 1890,

" " " " 189, " the 11th February 1891,

" " " " 305, " the 4th March 1892,

appointing, in exercise of the power conferred by sections 33 (1) and 35-A (1) of the Births, Deaths and Marriages Registration Act, VI of 1886, as amended by Act XVI of 1890, certain persons in the several Presidencies and Provinces to be Commissioners for the purpose of examining and verifying the registers or records sent under section 32 of the Act to the Registrars-General of Births, Deaths and Marriages.

Circular letter addressed to the Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh, Burma and Assam, Nos. 1466-1471, dated the 9th November 1891. Enquiring whether the work of the Commissioners had been finished.

Read also—

Letter from the Government of Madras, No. 432, dated the 24th June 1892.

Letter from the Government of Bombay, No. 4108, dated the 27th November 1891.

Letter from the Government of Bengal, No. 715, dated the 14th March 1892.

Letter from the Government of the North-Western Provinces and Oudh, No. 303, dated the 21st April 1892.

Letter from the Government of the North-Western Provinces and Oudh, No. 534, dated the 18th June 1892.

Letter from the Government of the Punjab, No. 572, dated the 11th June 1891.

Letter from the Chief Commissioner of the Central Provinces, No. C ¹²⁰/₁₁, dated the 9th May 1891.

Letter from the Chief Commissioner of Burma, No. 721 ^{2-F}/₄, dated the 23rd December 1892.

Letter from the Chief Commissioner of Assam, No. 1098-G., dated the 9th February 1892.

Resolution—

The replies of Local Governments and Administrations cited in the preamble show that the Commissioners completed the examination and verification of the registers and records submitted under section 32 of the Births, Deaths and Marriages Registration Act, VI of 1886, as amended by Act XVI of 1890, to the Registrars-General of Births, Deaths and

Marriages, on the dates shown in the margin.
2. The work of the Commissioners having terminated on the dates specified, the Governor-General in Council desires to convey his thanks to the members of the several Commissions for the thorough and satisfactory manner in which it has been done.

Madras, 9th May 1892.
Bombay, 9th September 1891.
Bengal, 29th February 1892.
North-Western Provinces and Oudh, 24th March 1892.
Punjab, 2nd May 1891.
Central Provinces, 24th April 1891.
Burma, 22nd November 1892.
Assam, 14th January 1892.

3. In the report of the Commissioners appointed for the Madras Presidency it is observed that section 35, sub-section (2) of Act VI of 1886, while declaring that certified copies of entries in registers verified by the Commissioners are admissible in evidence, is silent as regards the admissibility of the registers themselves. The Governor-General in Council considers that, inasmuch as an entry in a register can always be proved by a copy, it is unnecessary that legislation should be resorted to to make the registers themselves admissible in evidence. It is desirable, however, that special arrangements should be made to enable persons interested readily to obtain copies of entries in registers and records which have been returned to private custodians: and the Governor-General in Council would suggest that Local Governments should, in exercise of the power conferred by section 35 (2) of the Act, authorize, by notification, the persons to whose custody the several registers have been returned, after examination and verification by the Commissioners, to certify copies of entries from the registers given by them under section 35 (1).

Order—

Ordered that a copy of this Resolution be forwarded to the Local Governments and Administrations noted in the margin for information, and with the request that the thanks of the Governor-General in Council may be conveyed to the Commissioners.

Government of Bombay.
Government of Bengal.
Government of the North-Western Provinces and Oudh.
Government of the Punjab.
Chief Commissioner, Central Provinces.
Chief Commissioner, Burma.
Chief Commissioner, Assam.

(True Extract.)

(Signed) C. J. LYALL,
Secy. to the Govt. of India.

ORDER—dated 13th October 1893, No. 838, Public.

Communicated to the Registrar-General of Births, Deaths and Marriages and to the Commissioners who conducted the investigations in this Presidency, with special reference to paragraph 2 of the Resolution.

2. Adverting to paragraph 3 of the foregoing letter, it is observed that action as indicated has already been taken under section 35 (2) of Act VI of 1886.

3. Paragraph 5 will be communicated to the Secretary to the Madras Missionary Conference with reference to G.O., dated 22nd February 1892, No. 130.

4. Copy of these Proceedings and of G.O., dated 24th June 1892, No. 431, will be forwarded to the Resident in Mysore for information.

(True Extract.)

Chief Secretary.

To the Resident in Mysore with C. L. and with one enclosure.
" the Registrar-General of Births, Deaths and Marriages.
" the Revd. E. H. deSilva.
" H. C. King, Esq.
" the Revd. J. C. Peattie.
" the Secretary, Madras Missionary Conference—*Extract.*
" the Registrar of the Diocese.

Edw. J. Moscs.

Gobt. of {1893} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 13th Oct. 1893, No. 838.

OCTOBER.

Births, Deaths and Marriages
Registration Act VI of 1886.

Communicating to the Registrar-General of Births, Deaths and Marriages and to the Commissioners appointed to verify the registers sent to the Registrar-General, Resolution of the Government of India acknowledging, with remarks, the services of the Commissioners, and directing that paragraph 5 of the Resolution be communicated to the Secretary to the Madras Missionary Conference intimating that the Government of India are of opinion that no further legislation should be resorted to for extending further the time allowed for the submission of registers for verification.

23rd Oct 1893
No. 1231.



J. LYALL, Esq, C.S.I., C.I.E.,

Secretary to the Government of India,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF
MADRAS.

Home Department.
Judicial.

Simla, the 29th September 1893.

SIR,

I AM directed to acknowledge the receipt of your letters marginally noted, on the subject of the examination and verification of the registers and records sent, under section 32 of the Births, Deaths and Marriages Registration Act, VI of 1886, as amended by Act XVI of 1890, to the Registrar General of Births, Deaths and Marriages for the Madras Presidency.

2. In forwarding with your letter of the 24th June 1892 the report of the Commissioners appointed for the Madras Presidency for the purpose of examining and verifying the registers and records sent in under section 32 of Act VI of 1886, you invite particular attention to the matters brought to notice in paragraph 4 of the report, and request that, should there be no objection, the necessary steps may be taken in view to its being declared that the validation by the Commissioners of the registers shall have the same legal force as regards entries relating to Mysore subjects, as it has with regard to entries relating to British subjects.

3. In reply I am to forward, for the information of His Excellency the Governor in Council, a copy of a Resolution recorded in this Department, acknowledging the services of the Commissioners appointed to verify the registers sent to the Registrars General. It is also suggested in the Resolution that Local Governments, in exercise of the power conferred by section 35 (2) of the Act, should, by notification, authorize the persons to whose custody certain of the registers have been returned after examination and verification by the Commissioners, to certify copies of entries from the registers given by them under section 35 (1). This suggestion, if it is found practicable, will dispose of the difficulty brought to notice at the end of paragraph 4 of the Report of the Commissioners for the Madras Presidency, and make it unnecessary to consider further the question whether the registers themselves should be declared admissible in evidence under section 35 of the Act.

4. As regards the validation of entries relating to Mysore subjects, I am to say that the Commissioners are correct in the view that they were only competent to authenticate the registers sent from Mysore, so far as they related to British subjects. In order to extend this authentication to entries relating to subjects of the Mysore State so as to declare copies of such entries to be admissible in evidence, legislation would be required both in British India, as regards British

Indian Courts, and in Mysore, as regards Mysore Courts. The Governor General in Council has come to the conclusion that the facts before him do not show sufficient ground for such action.

5. With your letter of the 22nd February 1892 you forward a petition from the Secretary to the Madras Missionary Conference, addressed to the Government of India, appealing against an order of the Madras Government declining to move the Government of India to extend further the time allowed for the submission of registers for verification. I am directed to say that, after consulting other Local Governments and Administrations, the Government of India are of opinion that further legislation should not be resorted to in the matter. I am to request that the Secretary to the Madras Missionary Conference may be informed accordingly.

I have the honour to be,

SIR,

Your most obedient Servant,



Secretary to the Government of India.

22 Feb
No. 1123-1124

Extract from the Proceedings of the Government of India in the Home Department, (Judicial),—under date Simla, the 29th September 1893.

READ again—

Home Department Notifications Nos. 1523, 1525, 1527, 1529, 1531 and 1533, dated the 17th October 1890.

Home Department Notification No. 1557, dated the 20th October 1890.

No. 189, dated the 11th February 1891.

No. 305, dated the 4th March 1892.

appointing, in exercise of the power conferred by sections 33 (1) and 35-A(1) of the Births, Deaths and Marriages Registration Act, VI of 1886, as amended by Act XVI of 1890, certain persons in the several Presidencies and Provinces to be Commissioners for the purpose of examining and verifying the registers or records sent under section 32 of the Act to the Registrars General of Births, Deaths and Marriages.

Circular letter addressed to the Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh, Burma, and Assam, Nos. 1466—1471, dated the 9th November 1891. Enquiring whether the work of the Commissioners had been finished.

READ also—

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Letter from the Government of the North-Western Provinces and Oudh, No. 534, dated the 18th June 1892.

Letter from the Government of the Punjab, No. 572, dated the 11th June 1891.

Letter from the Chief Commissioner of the Central Provinces, No. C-120/11, dated the 9th May 1891.

Letter from the Chief Commissioner of Burma, No. 721^{2-F}/₄, dated the 23rd December 1892.

Letter from the Chief Commissioner of Assam, No. 1098-G., dated the 9th February 1892.

RESOLUTION.

THE replies of Local Governments and Administrations cited in the preamble show that the Commissioners completed the examination and verification of the registers and records submitted under section 32 of the Births, Deaths and Marriages Registration Act, VI of 1886, as amended by Act XVI of 1890, to the Registrars General of Births, Deaths and Marriages, on the dates shown in the margin.

Madras: 9th May 1892.
Bombay: 9th September 1891.
Bengal: 29th February 1892.
North-Western Provinces and Oudh: 24th March 1892.
Punjab: 2nd May 1891.
Central Provinces: 24th April 1891.
Burma: 22nd November 1892.
Assam: 14th January 1892.

2. The work of the Commissioners having terminated on the dates specified, the Governor General in Council desires to convey his thanks to the members of the several Commissions for the thorough and satisfactory manner in which it has been done.

3. In the report of the Commissioners appointed for the Madras Presidency it is observed that section 35, sub-section (2) of Act VI of 1886, while declaring that certified copies of entries in registers verified by the Commissioners are

admissible in evidence, is silent as regards the admissibility of the registers themselves. The Governor General in Council considers that, inasmuch as an entry in a register can always be proved by a copy, it is unnecessary that legislation should be resorted to to make the registers themselves admissible in evidence. It is desirable, however, that special arrangements should be made to enable persons interested readily to obtain copies of entries in registers and records which have been returned to private custodians: and the Governor General in Council would suggest that Local Governments should, in exercise of the power conferred by section 35 (2) of the Act, authorize, by notification, the persons to whose custody the several registers have been returned, after examination and verification by the Commissioners, to certify copies of entries from the registers given by them under section 35 (1).

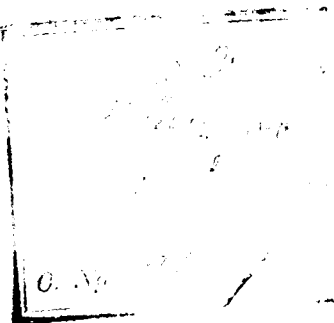
Government of Bombay.
Government of Bengal.
Government of the North-Western Provinces
and Oudh.
Government of the Punjab.
Chief Commissioner, Central Provinces.
Chief Commissioner, Burma.
Chief Commissioner, Assam.

ORDER.—Ordered that a copy of this Resolution be forwarded to the Local Governments and Administrations noted in the margin for information, and with the request that the thanks of the Governor General in Council may be conveyed to the Commissioners.

[True Extract.]

C. J. LYALL,

Secretary to the Government of India.



From

The Secretary to Government of India
At one Dept.

No. 28226
1231.

Dated 29th September 1893
Recd 5th October

Enc one.

7 S.C. to Council

7 S.C. to Enc one of C.O. 2689.

Forwarding a copy of Resolution
recorded in that Dept. acknow.
cedging the services of the
Commissioners appointed to
verify the registers sent to the
Registrar General of Births, Deaths
and Marriages for the Madras
Presidency

Publ 431-328 24-6-92 cont
" 130-312 22-2-92 hum
H.M. 13th Oct 1893.
Order No. 838 No. 1104.

Comm. to the Regr. Genl. of
Births & Ds. and to the
Commrs who conducted the
investigations in this Presy.
with special reference to
para: 2 of the Resolution.

2. Adverting to para: 3 of
the foregoing letter it is observed
that action als indicated has
already been taken under
Section 35(2) of Act VI of
1886. G.O. 816.9.92, No. 650.
" 3.12.92, " 840. 1886.

3. Para: 5 will be comm.
to the Secy to the Madras
Missionary Conference
with reference to G.O. dy
22.2.92, No. 130.

4. Copy of these Provs. of
G.O. dy 24.6.92, No. 431, will be
forwarded to the Resident
in Mysore for information.

3.5.13.
8/10.

10710793

To the Resr. in Mysore with C.L.
with one Encl.

" R. G. of B. D. & M. 6

" Revd: E. H. de Silva 3

H.C. King Esq. 3

The Revd: J. C. Peattie 3

" Secy M. M. Conf. 3

" Regr. of the Diocese 3

Dep
26/9

25/9