enue (1898) Department.

PRESS SERIES.

G.O., No. 214 & 215

DATED 21st April 1898.

595
1-P

[Despatch Abstract.]

Agreeing with remarks the suggestions made by the Board of Revenue in regard to the draft Bill for the registration of births & deaths in annual returns & forwarding it to the Govt. of India with the request that permission may be accorded for its introduction into the local Legislature Council.

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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| | 5 | | | | | | |

Proof for approval
dby, 14.7.09
Rec'd 14.7.09

# Revenue (1898) Department.

**CURRENT No.** 1576.

To lie over pending receipt of reply from the Bd (L.R).

2772/98

***From*** the Board of Revenue
Revenue Settlement, Land
Records and Agriculture
Madras

***Order***

No. 1264. Mis

***Dated*** 22nd February 1898.

***Received*** 24 —

***Registered*** 25 —

***Enclosures***

***Spare copies***

## SUBJECT.

Birth and Death Registration

Submitting Draft Government
Revenue Department, remar
of the Board of Revenue on the
draft bill for the registra
of births and deaths outside
Municipal towns.

BACK PAPERS.

| G.O. | No. | Department. | Date. |
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| 10 | 5 | R | 15-1-98 |

FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
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REVENUE BOARD OFFICE MADRAS

10

# Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture.)

Dated 22nd February 1898.

No. 1264 Miscellaneous.

Read Government Order, Revenue department, No 27, dated 15th January 1898

Resolution.

The Board begs to submit the following remarks on the draft bill for the registration of births and deaths.

2. Section 9. Notice of birth has to be given within 7 days of the event. In this Country, a child is usually not formally named till the 11th day. If 12 days or 2 weeks are fixed as the period within which registration is to be made, it will

will be possible to register the births and the name of the child at one and the same time.

3. Section 11. "or the priest who officiated at the funeral ceremony" might be inserted after the words "Undertaker or other person causing the corpse of the deceased person to be disposed of." The period within which notice of death should be given might be extended to 48 hours, so as to avoid any risk of hardship.

4. Section 14. The Registrar should not be compelled to act on written information. He should be given power to verify the report, if he distrusts it.

(True Extract)

Famine Secretary

To The Secretary to Government,
Revenue department.

26 Aug

# Revenue (1898) Department.

**CURRENT No.** 1886

**From** the Board of Revenue (Land Revenue).

**Order**

**No.** 663. Mis.

**Dated** 5th March 1898.
**Received** 8 —
**Registered** 8 —
**Enclosures**
**Spare copies**

## SUBJECT.

Submitting to Government remarks on the draft Bill for the registration of births and deaths outside Municipal Towns.

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
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## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
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28-1-97.

REVENUE BOARD OFFICE. MADRAS.

24

# Proceedings of the Board of Revenue

(Land Revenue),

Dated 5th March 1898.

No. 663. Miscellaneous.

READ — G. O. Revenue Department, No. 27 Rev., dated 15th January '98.

Resolution:— With reference to G. O. No. 27 Revenue dated 15th January '98, the Board submits the following remarks on the draft Bill for the registration of births and deaths outside Municipal Towns:—

2. Section 12. This section appears defective in several respects (a) Corpses may be found in the open fields or jungle as well as in roads, streets and lanes. (b) A defect by the Village Head, or Station House officer, to comply with this section is not made punishable under Section 19 of the Act, and a special law is not necessary to declare the

the duty — An administative order would answer the purpose. (C) The Board would prefer that the duty of reporting to the registrar should extend to corpses found in any place, or under any circumstances not covered by Section 11, and (following Section 10) should be made compulsory on any person finding the corpse, and on any person disposing of the corpse, or causing it to be disposed of. If this suggestion be accepted, non-compliance with the Section should be made punishable under Section 19 (1).

3. Section 14. It would seem desirable to give the registrar power to defer registration pending enquiry in cases where he has cause to distrust the correctness of the information. With reference to the concluding proviso of Section 14, the Board thinks that the drafting might be improved as follows:—

(a) For "Every person who has given the information contained in a register of births and deaths under this Act",

Read "Every person who has orally given to a registrar any information required under this Act."

(b) "No registration shall be deemed to be complete &c".

The Board would omit this sentence as superfluous since no special legal effect attaches to the completeness or incompleteness of the registration.

(c) First proviso. With reference to Section 8 which makes it incumbent on the registrar to fill up all necessary particulars in the register, the necessity of the first proviso to Section 14 would seem questionable.

(d) Second proviso. In place of this proviso the Board would suggest a clause to the following effect:—

"When any information required by this Act is communicated to the Registrar by any person in writing, and the Registrar sees no cause to distrust the genuineness and correctness of the communication he may proceed to fill up the register as directed in Section 8.

"If the Registrar in any case sees cause to distrust the information, whether written or oral, he may issue a summons for the attendance before him at a specified date of any person whose attendance he deems necessary for the purpose of verifying the information, and such person

person shall be bound to attend in obedience to such summons and to answer truthfully all relevant questions put to him touching the said information".

It is no doubt an objection to this proposal that no proper machinery exists for the service of ~~such~~ Ri summonses, but probably they would not be numerous and the Village Head might be ordered to lend the services of the Village manials for the purpose.

4. Section 19— The Board considers that the maximum penalty should be raised to Rs25, to provide for rare cases in which the offender happens to be wealthy and the offence to be unaccompanied by extenuating circumstances.

5. Section 21— No provision is made for appeals against orders under this section. The Board would allow an appeal as far as the District Collector and no further. The word from in the sixth line of this section should be for.

6. Section 22 (5). The Board would enter "or other" between clerical and errors. Erroneous entries are sure to occur and the Collector should have power to correct them.

/True Extract/

Reelan
Secretary.

To
The Secretary to Govt, R.D,

hdb

4 Cs

## DRAFT BILL.

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

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

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

3. In this Act, unless there be something repugnant in the subject or context, a "village" means any local area now recognised as a village, or which may hereafter be declared by Government to be a village, and included in any district or portion of a district to which the provisions of this Act have been extended.

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

4. On the publication of the notification referred to in section 2 of this Act, the District Collector shall cause to be proclaimed by notices posted at the village chavadi or other conspicuous place and by beat of drum in every village within the area so notified and by publication in the District Gazette that registration of births and deaths is compulsory in the district or part of the district concerned.

5. From the date on which such notification comes into force, the Collector shall cause a register of all births and deaths to be kept in each village, and for this purpose he may divide the village into such wards as he thinks fit, and shall appoint a person to be registrar of births and deaths within the village, if not divided into wards or, in the case of the division of the village into wards, for every ward he shall appoint a person to be registrar of births and deaths in such ward.

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

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

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 of the district, 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 Collector shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which take place in the village according to such forms and instructions as may, from time to time, be prescribed by the Governor in Council.

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

8. Every registrar shall inform himself carefully of every birth and of every death which happens in his village or ward after the coming into operation of the aforesaid notification, and shall register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms prescribed under section 7 touching every such birth and death as the case may be, which has not already been registered.

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

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).

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

9. The father or mother of every child born in the village, or, in the case of the default of the father and mother, the midwife or other person present at, or in attendance during the child birth, or in default of such midwife or person, the occupier of the house in which such child is born, or, in default of such occupier, the person having charge of the child shall, within (one week) 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.

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

Para 2 of G no 1576

G.O. 1011 4-12-97

Yes

S. 9 — The Board (Settlement) suggests that 12 days or two weeks may be substituted for the words "one week" underlined in red ink. As the new born child is not named for some time after its birth, it will be necessary, as the Section stands to register the birth first and to enter the name afterwards. Under the Board's proposal the registration of the birth and the entry of the name may be effected at the same time. This proposal may, it is thought, be approved

S. 11 — The Board (Settlement) proposes to insert at the places marked in red ink the words "or the priest who officiated at the ceremony". Mr. A Similar recommendation was made by Mr. Stokes on the margin of page 30 under G.O. 27 15-1-98; but the H.Ms passed no orders thereon.

The Board also proposes to substitute "forty-eight hours" for "twenty-four hours" in order to avoid hardship. This proposal appears to be unobjectionable.

S. 12. The Board (Land Rev) points out that a person may be found dead "in the open field or jungle", and that the section does not ~~[illegible]~~ impose the duty of reporting the death on any one. The defect may be removed by rewriting the second line of the section thus "any road, street, lane or open place within the village". ~~[illegible]~~

On the analogy of S. 10 the Board (Land Rev) would add a section apparently in lieu of S. 12 as follows: — "In case any person is found dead in any place, or under any

x Should similar rule stream thought one of the persons causing the corpse to be disposed of, viz the priest, should be made liable immediately upon person present at the death, or before the occupier or inmates of the house, or the nearest relative present at the death, or in attendance during the last illness of any person dying in the village, or, in case of the default of such relative, every person present at the death, or, in case of their default, the occupier of the house, or if the occupier be the person who shall have died, each inmate living in the house in which such death shall have happened, or, in case of the default of such inmate, the undertaker or other person causing the corpse of the deceased person to be disposed of, shall, within twenty-four hours, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to complete the forms prescribed under section 7.

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be bound to give information under this Act if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

12. In case any person is found dead in any road, street or lane within the village, it shall be the duty of the head of the village, 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.

Para 3 of G.O. no 1576

(1)

I am doubtful about this: I think a priest: & a Brahman hastily passed at the burning ground to officiate to be placed under this obligation. The burning ground he may know nothing of the people for whom he is called in to officiate. An Undertaker at any rate has this information.

D.F. 12/31

May be accepted D.F. Yes JG

Para 2 of G.O. no 1886

But it may be neither an open place nor a lane eg. it may be under a hedge in a field.
The Board's amendt. of the first two lines of the section may be accepted.
As to the Bd's proposal to place the duty

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

Section 447, Act III of 1888 (Bombay).

| | | | |
|---|---|---|---|
| (Bengal) | Act IV of 1873, section | | 8. |
| (Madras) | " I of 1884 | " | 299. |
| ( " ) | " IV " | " | 247 (2). |
| (Bengal) | " II of 1888 | " | 186. |
| (Bombay) | " III " | " | 449 (1). |

Section 447, Act III of 1888 (Bombay).

Sec 45(d) Cri. Pro Code D.F.



Provided also that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

10. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

11. The nearest relative present at the death, or in attendance during the last illness, of any person dying in the village, or, in case of the default of such relative, every person present at the death, or, in case of their default, the occupier of the house, or if the occupier be the person who shall have died, each inmate living in the house in which such death shall have happened, or, in case of the default of such inmate, the undertaker or other person causing the corpse of the deceased person to be disposed of, shall, within twenty-four hours, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to complete the forms prescribed under section 7.

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be bound to give information under this Act if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

12. In case any person is found dead in any road, street or lane within the village, it shall be the duty of the head of the village, or, the officer in charge of the police station within the limits of which the village is included, to give forthwith to the best of his knowledge and belief, to the registrar, such information of the particulars required to be registered concerning such death as the informant possesses.

13. Notwithstanding anything contained in sections 9 and 11 of this Act—

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

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

(2) In the case of persons being born or dying in any choultry, chattram, hotel, boarding house, lodging house, tavern, arrack or toddy shop or other place of public resort, it shall be the duty of the owner, keeper or person in charge thereof, to give the information required under sections 9 and 11 within the time and in the manner specified therein.

14. Every person who has given the information contained in any register of births and deaths 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. No registration shall be deemed to be complete or of any effect until such person shall have so signed it or affixed his mark in it.

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

Provided that the registrar may fill up and sign the register for any person who is unable to write.

Section 189, first proviso, Act II of 1888 (Bengal).

Provided also that, in the case of a person being born or dying in any hospital, the registration of the birth or death shall be deemed to be completed by the entry, in the register, of the written notice received from the Medical officer in charge of the said hospital prescribed in section 13 (1) without the signature of the Medical officer to the entry in such register. This proviso shall also apply in the case of information, touching any birth or death, given in writing by any person.

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

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

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

16. (1) Any clerical error which may, at any time, be discovered in a register of births or in a register of deaths may be corrected in accordance with rules made under section 22.

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first is somewhat difficult. finder of an unclaimed body is a last person who wishes to say anything about it. He has a natural dread of being accused in connection with it.. It is the legal duty of the Village Headman under Sec 45 (1) Cr. P.C. to report sudden, unnatural & suspicious deaths to the Police. It is a question whether the finder should be made liable am inclined to think that it is enough to leave the obligation where it is in the original section Place it: If so the 2nd modification will affect only the first two lines

Part 3 of Sec no 19(6) (a) and (d)

I agree

I think this is an improvement

Yes

do (b)

No harm in omitting it, it is legally superfluous

Madras Acts I and IV of 1884, S. 403(1) and 249(1) do (c)
Bengal Act II of 1888, S. 189

B may be omitted as a proviso, and the following words inserted in the main clause after the words "place of abode" :- "these particulars being in each case entered (or written) by the registrar."

"circumstances not covered by S. 11, it shall be the duty of any person finding the corpse and of any person disposing of it or causing it to be disposed of to give forthwith the" and it is thought that this amendment will be unnecessary if the second line of the section be amplified as suggested.

S. 14: This section requires the person who reports a birth or death to sign his name, description and place of abode in the register, and the second proviso exempts persons who furnishes information from doing so. The Board (Old and New) propose the omission of this proviso and the insertion of the disposition of the first line of the section. It is suggested that the first three lines may be rewritten as follows: "Every person who has orally given to a registrar any information required under this Act" The Board (Old and New) suggest the omission of the last sentence of the section marked A, as no special legal effect attaches to the completeness or incompleteness of the registration. This sentence is absent from the Madras Act and was adopted from the Bengal Act. Similarly, it recommends that the first proviso marked B may be left out, as the Registrar under S. 8 is bound to fill up all necessary particulars in the register. It is submitted, however, that the proviso refers to the entry of the "name, description, and place of abode" of the informant and that the duty of noting these particulars is not imposed on the registrar by S. 8. The proviso should, it is thought, stand.

Para 4 of C no 1576
of 3 " 1886

The proposed addition is quite inadmissible. Powers to defer registration pending summary inquiry would give rise to confusion & possibly to corruption. We can obviate hardship that the Registrar is sometimes away from his office by providing that the Registrar may appoint a Deputy to act for him when he cannot, himself, attend to it.

Madras Act II of 1884 S. 894 404
IV of 1886 S. 243-9
Bengal Act IV of 1873 101-109
III of 1886 S. 142-
Bombay Act III of 1886 S. 142- 453

Under Sec. 7, the Registrar is to inform himself carefully of the circumstances of the birth or death. Under Secs 9, 10, 11 & 13 the persons who know most about it are bound to give him true information, but there is nothing to enable him to ascertain that the information is true. If he sees no reason to believe that the information is untrue or if he has been unable to fill up all the columns from information received under Sec 7, he will register the matter without delay. It would be of no use for him to report to the Head Man, who would not have jurisdiction, & he is not bound & not have power to summon him. All that can be done in cases of exceptional

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

5

(2) Except as aforesaid, no alteration shall be made in any such register.

17. (1) When the birth of any child has been registered and the name, if any by which it was registered, is altered or, if it was registered without a name when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate, shall, without any erasure of the original entry, forthwith enter in the register book the name mentioned in the certificate as having been given to the child.

(2) The certificate shall be in such form as may from time to time be prescribed by the Governor in Council, and, in the case of a Christian, shall be signed by the minister of religion or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptized or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister of religion or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

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

18. Any person, may at all reasonable times, on payment of a fee of four annas for each visit, search, in the presence of the registrar, any register of births and deaths, and may on payment of a further fee of four annas require the registrar to give an extract under his hand from such register relating to any birth or death registered therein.

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

The registrar shall have the custody of the registers of births and deaths for the village or ward for which he has been appointed, and all extracts therefrom given under this section shall be certified by him as provided in section 76 of the Indian Evidence Act, 1872, and may be produced in proof of the entries of which they purport to be copies.

19. Any person who—

(1) neglects or refuses or intentionally omits to give any information which it is his duty to give under sections 9, 10, 11 and 13 (2) of this Act; or

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).

If section 12 has been modified so as to make the finder liable, he should be included in this clause. I don't think he should be made liable.

Sec 14. The Board raised the question whether the registrar, having reason to distrust the information furnished, should make any enquiry & if so whether in that case, he may defer registration, summon any person whose attendance he may deem necessary & examine such person. The Board consider that no proper machinery exists for the service of such summons, but think that the services of the village menials may be utilized under the orders of the Head of the village. This question was not discussed when the draft Act was under consideration, nor can any provision be found, on this point, in the Act providing for the registration of births in the Statistical Presidency towns & Baroda & Bombay.

The Registrar will have in many cases no difficulty in ascertaining the correct facts. If he finds that false information was given wilfully, he may report the fact to the Tahsildar, so that the informant may be prosecuted under S. 219 (2).

I should doubt the advisability of placing upon the Registrar the duty of inquiring formally into the truth of information which he distrusts. If he has reason to believe that such information is false, he should report to the Village Headman who will act as the police in matter if necessary. Instructions on this point may issue departmentally.

E.B.

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

(3) refuses or neglects to sign his name, description and place of abode or to put his mark in the register to such particulars in contravention of section 14 of this Act

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

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

20. No criminal complaint under the last preceding section shall be entertained by any magistrate which is not preferred under the orders of a Tahsildar or an officer superior to a Tahsildar.

21. The Collector may, of his own motion or on complaint and after enquiry, fine, suspend, dismiss or remove any registrar for misconduct or for neglect of duty or incapacity as such registrar or from non-residence in the village without the permission of the Collector, and shall record his reasons for so doing in writing.

22. The Governor in Council may from time to time make rules:—

(1) prescribing the forms of registers of births and deaths required to be kept under this Act, and the form of certificate referred to in section 17 (2);

(2) for the inspection and examination of the registers maintained under section 5;

(3) for the conduct of the duties of the registrar during his absence on other duty or on account of illness or other causes;

(4) for the custody, production and transfer of the registers and other records kept by registrars;

(5) for the correction of clerical errors which may be discovered in the registers of births or registers of deaths.

(6) generally, to carry out the provisions of this Act.

Para 4 of c
no 1086

flag V

The question is whether there is any reason to recede from the ant of the rule. This may perhaps be left to the Leg. Council

I wd not touch it. It was intentionally fixed Para 6 of c no 1086 at so low figure in case it is a novel offence

S. 19. No provides for the punishment of a casualty offender, in those cases there are no extenuating circumstances, the Board proposes that the maximum penalty should be Rs 25. In this connection attention is solicited to the remarks at pages 10 of the Office note under G.O. 476 21-9-96 from which the following extract is made:—

Mr. Arundel "I think the maximum penalty should be Rs 200 instead of Rs 100."

The Hon. Mr. Grove "Rs 50 will be enough".

The Hon. Sir Henry Stokes "Rs ten would be enough. I should say".

H.E "I think Rs 10 would be enough".

S. 21. The Board points out that no appeal provision for an against the orders to be passed under this section has been made. It would allow an appeal to the Collr of the district. The powers of the Collector under this section will be exercised by a Divisional officer, whose proceedings will be "subject, in all cases, and in the fullest manner, "to the Superintendence, control and revision of "the Collr" (vide clause 3, section 3, Reg VII of 1894) In this view no provision for appeal is needed.

S. 21. The Board points out a misprint in the Para 5 of c no 1006
sixth of this section. This will be corrected as shown
in the section.

S. 22. The Board would insert "or other" after
the word "clerical" in the first line of clause (5),
as erroneous entries are sure to occur. S. 16(1)
gives power to correct clerical errors and S. 16(2)
states that no other alteration shall be made. S.
17 makes provision for the alteration of matters
entered. In the draft of the Bill forwarded with
the office a clause was added for the correction
of an error of fact or substance, but the Board
directed its omission.

KD
9/3/98

"Other" is too wide
Perhaps better left
the Rechan clause

clause 16(2)
on page 42 under f.o.

27
15-1-98

No errors but clerical
errors need be brought to cor-
rection by the Registrar
In the case of any other
kind of error two months
may be required to correct

JG
15/3/98

## STATEMENT OF OBJECTS AND REASONS.

Since the passing of the Madras District Municipalities Act, 1884 (IV of 1884), the registration of births and deaths has been compulsory in municipal towns under the provisions of sections 243 to 249 of that Act. During the thirteen years that these provisions have been in operation, they have worked smoothly. It now appears to the Government that the time has come when power should be taken to bring into force similar provisions in non-municipal areas, in which at present the reporting of domestic occurrences is not legally obligatory. Until this is done, the registration of vital statistics in this Presidency taken as a whole must continue to be inaccurate and incomplete. The draft Bill accordingly takes power to extend the system of compulsory registration to the Presidency generally, but it is not proposed to do this at once. The Bill leaves it to the Government to bring its provisions into effect in particular areas at its discretion. The extension will be made cautiously and gradually; large villages or rather towns with a population of 5,000 and upwards, or what are called major Unions, being first brought under the operation of the proposed Act.

B.P. no 1264 dated 22-2-98 (Sett) (C no 157
" 663 5-3-98 (L.G) (C no 106

To Secy

In these Profs the Board reports on the draft Bill for the registration of births and deaths in reference to G.O. no 27 dated 15-1-98. As the remarks of the Board relate to points of detail, they are noted on an interleaved copy of the draft Bill opposite to the sections with which they do.

KD
9/3/98

Hon.

I have noted on the draft Bill.

When the Bill is finally approved by Hon. a despatch to the Secy State will be prepared & the Govt of India addressed to sanction the penal clauses.

14/3/98

Now get a clean proof of the Bill as revised & prepare desp to S. of S. letter to G of I & whatever is necessary

17.3.98

To Leave I..
JG
15/3/98

C: 15/3/98

To Secy

Please see the Bill marked B in which the alterations are carried out in red ink.

2. There are two points on which the Secretary's orders are required:—

(i) In S. 9 the Board proposed to alter "one week" into "twelve days or two weeks" page 3 of the Bill marked A
the words "two weeks" have been substituted

(ii) It is not clear whether the omission of the Second proviso to S. 14 has been approved. Page 5 ibid marked in red pencil.

Nobody has proposed the omission of the proviso. Should also that in the case of?

3. The revised Bill will be sent to the Press and the preparation of the necessary drafts will be taken in hand.

KG
17/3/98

Now get fresh proof of Bill, B, as revised

17/3/98

Please send clean copy as revised as early as practicable

17/3/98

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

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

Section 2 of Act IV of 1873 (Bengal).
" 243 " IV of 1881 (Madras).
" 181 " II of 1888 (Bengal).
" 442 " III " (Bombay).

## DRAFT BILL.

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

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

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

3. In this Act, unless there be something repugnant in the subject or context, a "village" means any local area now recognised as a village, or which may hereafter be declared by Government to be a village, and included in any district or portion of a district to which the provisions of this Act have been extended.

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

4. On the publication of the notification referred to in section 2 of this Act, the District Collector shall cause to be proclaimed by notices posted at the village chavadi or other conspicuous place and by beat of drum in every village within the area so notified and by publication in the District Gazette that registration of births and deaths is compulsory in the district or part of the district concerned.

5. From the date on which such notification comes into force, the Collector shall cause a register of all births and deaths to be kept in each village, and for this purpose he may divide the village into such wards as he thinks fit, and shall appoint a person to be registrar of births and deaths within the village, if not divided into wards or, in the case of the division of the village into wards, for every ward he shall appoint a person to be registrar of births and deaths in such ward.

6. Every such registrar shall, unless otherwise expressly authorised by the Collector in writing, reside within the village or ward of which he is the registrar, and shall cause his name, with the addition of registrar of births and deaths for the village or ward for which he is so appointed, written in the vernacular language of the district, to be placed in some conspicuous place on or near the outer door of his dwelling house.

Section 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 Collector shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which take place in the village according to such forms and instructions as may, from time to time, be prescribed by the Governor in Council.

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

8. Every registrar shall inform himself carefully of every birth and of every death which happens in his village or ward after the coming into operation of the aforesaid notification, and shall register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms prescribed under section 7 touching every such birth and death as the case may be, which has not already been registered.

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

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).

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

9. The father or mother of every child born in the village, or, in the case of the default of the father and mother, the midwife or other person present at, or in attendance during the child birth, or in default of such midwife or person, the occupier of the house in which such child is born, or, in default of such occupier, the person having charge of the child shall, within ~~one week~~ 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.

(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.

Section 447, Act III of 1888 (Bombay).

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

Section 447, Act III of 1888 (Bombay).

Section 45 (d) Criminal Procedure code.



Provided also that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

10. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars required to be registered, concerning the birth of such child as the informant possesses.

11. The nearest relative present at the death, or in attendance during the last illness, of any person dying in the village, or, in case of the default of such relative, every person present at the death, or, in case of their default, the occupier of the house, or if the occupier be the person who shall have died, each inmate living in the house in which such death shall have happened, or, in case of the default of such inmate, the undertaker or other person causing the corpse of the deceased person to be disposed of, shall, within ~~twenty-four~~ forty-eight hours, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to complete the forms prescribed under section 7.

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be bound to give information under this Act if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

12. In case any person is found dead in ~~any road, street or lane within the village~~, it shall be the duty of the head of the village, 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.

in which the body is found

any place, or under any circumstances not covered by Section 45

13. Notwithstanding anything contained in sections 9 and 11 of this Act—

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

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

(2) In the case of persons being born or dying in any choultry, chattram, hotel, boarding house, lodging house, tavern, arrack or toddy shop or other place of public resort, it shall be the duty of the owner, keeper or person in charge thereof, to give the information required under sections 9 and 11 within the time and in the manner specified therein.

14. Every person who has ~~given the information contained in any register of births and deaths~~ 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. (No registration shall be deemed to be complete or of any effect until such person shall have so signed it or affixed his mark in it.)

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

~~Provided~~ that the registrar may fill up and sign the register for any person who is unable to write.

Section 189, first proviso, Act II of 1888 (Bengal).

Provided ~~also~~ that, in the case of a person being born or dying in any hospital, the registration of the birth or death shall be deemed to be completed by the entry, in the register, of the written notice received from the Medical officer in charge of the said hospital prescribed in section 13 (1) without the signature of the Medical officer to the entry in such register. This proviso shall also apply in the case of information, touching any birth or death, given in writing by any person.

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

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

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

16. (1) Any clerical error which may, at any time, be discovered in a register of births or in a register of deaths may be corrected in accordance with rules made under section 22.



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

(2) Except as aforesaid, no alteration shall be made in any such register.

17. (1) When the birth of any child has been registered and the name, if any by which it was registered, is altered or, if it was registered without a name when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate, shall, without any erasure of the original entry, forthwith enter in the register book the name mentioned in the certificate as having been given to the child.

(2) The certificate shall be in such form as may from time to time be prescribed by the Governor in Council, and, in the case of a Christian, shall be signed by the minister of religion or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptized or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister of religion or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

18. Any person, may at all reasonable times, on payment of a fee of four annas for each visit, search, in the presence of the registrar, any register of births and deaths, and may on payment of a further fee of four annas require the registrar to give an extract under his hand from such register relating to any birth or death registered therein.

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

The registrar shall have the custody of the registers of births and deaths for the village or ward for which he has been appointed, and all extracts therefrom given under this section shall be certified by him as provided in section 76 of the Indian Evidence Act, 1872, and may be produced in proof of the entries of which they purport to be copies.

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

19. Any person who—

(1) neglects or refuses or intentionally omits to give any information which it is his duty to give under sections 9, 10, 11 and 13 (2) of this Act ; or

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).

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

(3) refuses or neglects to sign his name, description and place of abode or to put his mark in the register to such particulars in contravention of section 14 of this Act

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

20. No criminal complaint under the last preceding section shall be entertained by any magistrate which is not preferred under the orders of a Tahsildar or an officer superior to a Tahsildar.

21. The Collector may, of his own motion or on complaint and after enquiry, fine, suspend, dismiss or remove any registrar for misconduct or for neglect of duty or incapacity as such registrar or from non-residence in the village without the permission of the Collector, and shall record his reasons for so doing in writing.

22. The Governor in Council may from time to time make rules:—

(1) prescribing the forms of registers of births and deaths required to be kept under this Act, and the form of certificate referred to in section 17 (2);

(2) for the inspection and examination of the registers maintained under section 5;

(3) for the conduct of the duties of the registrar during his absence on other duty or on account of illness or other causes;

(4) for the custody, production and transfer of the registers and other records kept by registrars;

(5) for the correction of clerical errors which may be discovered in the registers of births or registers of deaths.

(6) generally, to carry out the provisions of this Act.

Section 219 (1) of Act IV of 1884 (Madras)

## STATEMENT OF OBJECTS AND REASONS.

Since the passing of the Madras District Municipalities Act, 1884 (IV of 1884), the registration of births and deaths has been compulsory in municipal towns under the provisions of sections 243 to 249 of that Act. During the thirteen years that these provisions have been in operation, they have worked smoothly. It now appears to the Government that the time has come when power should be taken to bring into force similar provisions in non-municipal areas, in which at present the reporting of domestic occurrences is not legally obligatory. Until this is done, the registration of vital statistics in this Presidency taken as a whole must continue to be inaccurate and incomplete The draft Bill accordingly takes power to extend the system of compulsory registration to the Presidency generally, but it is not proposed to do this at once. The Bill leaves it to the Government to bring its provisions into effect in particular areas at its discretion. The extension will be made cautiously and gradually; large villages or rather towns with a population of 5,000 and upwards, or what are called major Unions, being first brought under the operation of the proposed Act.

Please correct and send another proof

KD 22/3/98

## DRAFT BILL.

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

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

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

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

3. In this Act, unless there be something repugnant in the subject or context,

a "village" means any local area now recognised as a village, or which may hereafter be declared by Government to be a village, and included in any district or portion of a district to which the provisions of this Act have been extended.

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

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

4. On the publication of the notification referred to in section 2 of this Act, the District Collector shall cause to be proclaimed by notices posted at the village chavadi or other conspicuous place and by beat of drum in every village within the area so notified and by publication in the District Gazette that registration of births and deaths is compulsory in the district or part of the district concerned.

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

5. From the date on which such notification comes into force, the Collector shall cause a register of all births and deaths to be kept in each village, and for this purpose he may divide the village into such wards as he thinks fit, and shall appoint a person to be registrar of births and deaths within the village, if not divided into wards or, in the case of the division of the village into wards, for every ward he shall appoint a person to be registrar of births and deaths in such ward.

6. Every such registrar shall, unless otherwise expressly authorised by the Collector in writing, reside within the village or ward of which he is the registrar, and shall cause his name, with the addition of registrar of births and deaths for the village or ward for which he is so appointed, written in the vernacular language of the district, to be placed in some conspicuous place on or near the outer door of his dwelling house.

Section 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 Collector shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which take place in the village according to such forms and instructions as may, from time to time, be prescribed by the Governor in Council.

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

8. Every registrar shall inform himself carefully of every birth and of every death which happens in his village or ward after the coming into operation of the aforesaid notification, and shall register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms prescribed under section 7 touching every such birth and death as the case may be, which has not already been registered.

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

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).

9. The father or mother of every child born in the village, or, in the case of the default of the father and mother, the midwife or other person present at, or in attendance during the child birth, or in default of such midwife or person, the occupier of the house in which such child is born, or, in default of such occupier, the person having charge of the child shall, within two weeks next after the day of such birth, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to complete the forms prescribed under section 7.

Provided that a person not required to give information in the first instance but only in default of some other person, shall not be bound to give information under this Act if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

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

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



Provided also that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

10. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

11. The nearest relative present at the death, or in attendance during the last illness, of any person dying in the village, or, in case of the default of such relative, every person present at the death, or, in case of their default, the occupier of the house, or if the occupier be the person who shall have died, each inmate living in the house in which such death shall have happened, or, in case of the default of such inmate, the undertaker or other person causing the corpse of the deceased person to be disposed of, shall, within forty-eight hours, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to complete the forms prescribed under section 7.

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be bound to give information under this Act if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

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

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

Section 447, Act III of 1888 (Bombay).

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

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

13. Notwithstanding anything contained in sections 9 and 11 of this Act—

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

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

(2) In the case of persons being born or dying in any choultry, chattram, hotel, boarding house, lodging house, tavern, arrack or toddy shop or other place of public resort, it shall be the duty of the owner, keeper or person in charge thereof, to give the information required under sections 9 and 11 within the time and in the manner specified therein.

14. Every person who has orally given to a registrar any information required under this Act shall sign in the register his name, description and place of abode, and, if he cannot write, shall put his mark in the register to his name, description and place of abode, "these particulars being in such case entered by the registrar."

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

Provided that, in the case of a person being born or dying in any hospital, the registration of the birth or death shall be deemed to be completed by the entry, in the register, of the written notice received from the Medical officer in charge of the said hospital prescribed in section 13 (1) without the signature of the Medical officer to the entry in such register. This proviso shall also apply in the case of information, touching any birth or death, given in writing by any person.

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

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

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

16. (1) Any clerical error which may, at any time, be discovered in a register of births or in a register of deaths may be corrected in accordance with rules made under section 22.

(2) Except as aforesaid, no alteration shall be made in any such register.

17. (1) When the birth of any child has been registered and the name, if any by which it was registered, is altered or, if it was registered without a name when

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



a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate, shall, without any erasure of the original entry, forthwith enter in the register book the name mentioned in the certificate as having been given to the child.

(2) The certificate shall be in such form as may from time to time be prescribed by the Governor in Council, and, in the case of a Christian, shall be signed by the minister of religion or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptized or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister of religion or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

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

18. Any person, may at all reasonable times, on payment of a fee of four annas for each visit, search, in the presence of the registrar, any register of births and deaths, and may on payment of a further fee of four annas require the registrar to give an extract under his hand from such register relating to any birth or death registered therein.

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

The registrar shall have the custody of the registers of births and deaths for the village or ward for which he has been appointed, and all extracts therefrom given under this section shall be certified by him as provided in section 76 of the Indian Evidence Act, 1872, and may be produced in proof of the entries of which they purport to be copies.

19. Any person who—

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).

(1) neglects or refuses or intentionally omits to give any information which it is his duty to give under sections 9, 10, 11 and 13 (2) of this Act; or

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

(3) refuses or neglects to sign his name, description and place of abode or to put his mark in the register to such particulars in contravention of section 14 of this Act

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

20. No criminal complaint under the last preceding section shall be entertained by any magistrate which is not preferred under the orders of a Tahsildar or an officer superior to a Tahsildar.

21. The Collector may, of his own motion or on complaint and after enquiry, fine, suspend, dismiss or remove any registrar for misconduct or for neglect of duty or incapacity as such registrar or for non-residence in the village without the permission of the Collector, and shall record his reasons for so doing in writing.

22. The Governor in Council may from time to time make rules:—

(1) prescribing the forms of registers of births and deaths required to be kept under this Act, and the form of certificate referred to in section 17 (2);

(2) for the inspection and examination of the registers maintained under section 5;

(3) for the conduct of the duties of the registrar during his absence on other duty or on account of illness or other causes;

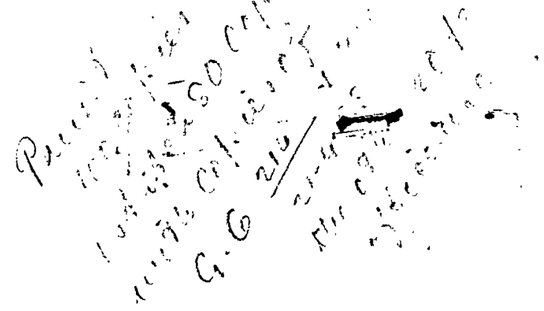
(4) for the custody, production and transfer of the registers and other records kept by registrars;

(5) for the correction of clerical errors which may be discovered in the registers of births or registers of deaths.

(6) generally, to carry out the provisions of this Act.

## STATEMENT OF OBJECTS AND REASONS.

Since the passing of the Madras District Municipalities Act, 1884 (IV of 1884), the registration of births and deaths has been compulsory in municipal towns under the provisions of sections 243 to 249 of that Act. During the thirteen years that these provisions have been in operation, they have worked smoothly. It now appears to the Government that the time has come when power should be taken to bring into force similar provisions in non-municipal areas, in which at present the reporting of domestic occurrences is not legally obligatory. Until this is done, the registration of vital statistics in this Presidency taken as a whole must continue to be inaccurate and incomplete. The draft Bill accordingly takes power to extend the system of compulsory registration to the Presidency generally, but it is not proposed to do this at once. The Bill leaves it to the Government to bring its provisions into effect in particular areas at its discretion. The extension will be made cautiously and gradually; large villages or rather towns with a population of 5,000 and upwards, or what are called major Unions, being first brought under the operation of the proposed Act.



## DRAFT BILL.

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

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

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

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

3. In this Act, unless there be something repugnant in the subject or context, a "village" means any local area now recognised as a village, or which may hereafter be declared by Government to be a village, and included in any district or portion of a district to which the provisions of this Act have been extended.

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

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

4. On the publication of the notification referred to in section 2 of this Act, the District Collector shall cause to be proclaimed by notices posted at the village chavadi or other conspicuous place and by beat of drum in every village within the area so notified and by publication in the District Gazette that registration of births and deaths is compulsory in the district or part of the district concerned.

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

5. From the date on which such notification comes into force, the Collector shall cause a register of all births and deaths to be kept in each village, and for this purpose he may divide the village into such wards as he thinks fit, and shall appoint a person to be registrar of births and deaths within the village, if not divided into wards or, in the case of the division of the village into wards, for every ward he shall appoint a person to be registrar of births and deaths in such ward.

6. Every such registrar shall, unless otherwise expressly authorised by the Collector in writing, reside within the village or ward of which he is the registrar, and shall cause his name, with the addition of registrar of births and deaths for the village or ward for which he is so appointed, written in the vernacular language of the district, to be placed in some conspicuous place on or near the outer door of his dwelling house.

Section 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 Collector shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which take place in the village according to such forms and instructions as may, from time to time, be prescribed by the Governor in Council.

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

8. Every registrar shall inform himself carefully of every birth and of every death which happens in his village or ward after the coming into operation of the aforesaid notification, and shall register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms prescribed under section 7 touching every such birth and death as the case may be, which has not already been registered.

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

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).

9. The father or mother of every child born in the village, or, in the case of the default of the father and mother, the midwife or other person present at, or in attendance during the child birth, or in default of such midwife or person, the occupier of the house in which such child is born, or, in default of such occupier, the person having charge of the child shall, within two weeks next after the day of such birth, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to complete the forms prescribed under section 7.

Provided that a person not required to give information in the first instance but only in default of some other person, shall not be bound to give information under this Act if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

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

(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.

Section 447, Act III of 1888 (Bombay).

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

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

Provided also that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

10. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

11. The nearest relative present at the death, or in attendance during the last illness, of any person dying in the village, or, in case of the default of such relative, every person present at the death, or, in case of their default, the occupier of the house, or if the occupier be the person who shall have died, each inmate living in the house in which such death shall have happened, or, in case of the default of such inmate, the undertaker or other person causing the corpse of the deceased person to be disposed of, shall, within forty-eight hours, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to complete the forms prescribed under section 7.

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be bound to give information under this Act if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

12. In case any person is found dead in any place, or under any circumstances not covered by section 11, it shall be the duty of the head of the village, in which the body is found, or the officer in charge of the police station within the limits of which the village is included, to give forthwith to the best of his knowledge and belief, to the registrar, such information of the particulars required to be registered concerning such death as the informant possesses.

13. Notwithstanding anything contained in sections 9 and 11 of this Act—

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

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

(2) In the case of persons being born or dying in any choultry, chattram, hotel, boarding house, lodging house, tavern, arrack or toddy shop or other place of public resort, it shall be the duty of the owner, keeper or person in charge thereof, to give the information required under sections 9 and 11 within the time and in the manner specified therein.

14. Every person who has orally given to a registrar any information required under this Act shall sign in the register his name, description and place of abode, and, if he cannot write, shall put his mark in the register to his name, description and place of abode, these particulars being in such case entered by the registrar.

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

Provided that, in the case of a person being born or dying in any hospital, the registration of the birth or death shall be deemed to be completed by the entry, in the register, of the written notice received from the Medical officer in charge of the said hospital prescribed in section 13 (1) without the signature of the Medical officer to the entry in such register. This proviso shall also apply in the case of information, touching any birth or death, given in writing by any person.

Section 189, second proviso, Act II of 1888 (Bengal).

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

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

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

16. (1) Any clerical error which may, at any time, be discovered in a register of births or in a register of deaths may be corrected in accordance with rules made under section 22.

(2) Except as aforesaid, no alteration shall be made in any such register.

17. (1) When the birth of any child has been registered and the name, if any by which it was registered, is altered or, if it was registered without a name when

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



a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate, shall, without any erasure of the original entry, forthwith enter in the register book the name mentioned in the certificate as having been given to the child.

(2) The certificate shall be in such form as may from time to time be prescribed by the Governor in Council, and, in the case of a Christian, shall be signed by the minister of religion or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptized or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister of religion or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

18. Any person, may at all reasonable times, on payment of a fee of four annas for each visit, search, in the presence of the registrar, any register of births and deaths, and may on payment of a further fee of four annas require the registrar to give an extract under his hand from such register relating to any birth or death registered therein.

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

The registrar shall have the custody of the registers of births and deaths for the village or ward for which he has been appointed, and all extracts therefrom given under this section shall be certified by him as provided in section 76 of the Indian Evidence Act, 1872, and may be produced in proof of the entries of which they purport to be copies.

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

19. Any person who—

(1) neglects or refuses or intentionally omits to give any information which it is his duty to give under sections 9, 10, 11 and 13 (2) of this Act; or

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

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).

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

(3) refuses or neglects to sign his name, description and place of abode or to put his mark in the register to such particulars in contravention of section 14 of this Act

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

20. No criminal complaint under the last preceding section shall be entertained by any magistrate which is not preferred under the orders of a Tahsildar or an officer superior to a Tahsildar.

21. The Collector may, of his own motion or on complaint and after enquiry, fine, suspend, dismiss or remove any registrar for misconduct or for neglect of duty or incapacity as such registrar or for non-residence in the village without the permission of the Collector, and shall record his reasons for so doing in writing.

22. The Governor in Council may from time to time make rules:—

(1) prescribing the forms of registers of births and deaths required to be kept under this Act, and the form of certificate referred to in section 17 (2);

(2) for the inspection and examination of the registers maintained under section 5;

(3) for the conduct of the duties of the registrar during his absence on other duty or on account of illness or other causes;

(4) for the custody, production and transfer of the registers and other records kept by registrars;

(5) for the correction of clerical errors which may be discovered in the registers of births or registers of deaths.

(6) generally, to carry out the provisions of this Act.

## STATEMENT OF OBJECTS AND REASONS.

Since the passing of the Madras District Municipalities Act, 1884 (IV of 1884), the registration of births and deaths has been compulsory in municipal towns under the provisions of sections 243 to 249 of that Act. During the thirteen years that these provisions have been in operation, they have worked smoothly. It now appears to the Government that the time has come when power should be taken to bring into force similar provisions in non-municipal areas, in which at present the reporting of domestic occurrences is not legally obligatory. Until this is done, the registration of vital statistics in this Presidency taken as a whole must continue to be inaccurate and incomplete. The draft Bill accordingly takes power to extend the system of compulsory registration to the Presidency generally, but it is not proposed to do this at once. The Bill leaves it to the Government to bring its provisions into effect in particular areas at its discretion. The extension will be made cautiously and gradually; large villages or rather towns with a population of 5,000 and upwards, or what are called major Unions, being first brought under the operation of the proposed Act.

B.P. No 1264 dated 22-2-98 (Sett) 2-157
" 663 5-3-98 (L.R.) 185

~~G.Nos. 1576 & 1656.~~

Page 4 of Bill A

G.O. No 214 & 21 dt April 1898.

The Government generally approve the suggestions made by the Board of Revenue in its Proceedings read above in regard to the draft Bill for the registration of births and deaths in rural tracts, subject to the following remarks:-

(i) S. 11 and para 5 of B.P. (Sett.) - It is inadvisable to impose the obligation of reporting deaths on the "priest who officiates at the funeral ceremony", ~~in certain cases he may know nothing of the event by the time he is called in to officiate.~~

Page 7 ibid

The Govt does not consider it advisable to impose actual obligation upon

(ii) S. 12 and para 2 (c) of B.P. (Land Revenue) - the finder of an unclaimed body ~~to give formal notice of the same to the village headman in connection therewith~~ It is the legal duty of the village headman under S. 45 (a) of the Criminal Procedure Code to report sudden, unnatural and suspicious deaths. The Government is inclined to think that the obligation may be left where the section of the draft Bill places it.

Ibid

(iii) The first proviso to S. 14 and para 3 (b) of B.P. (Land Rev.) -

The first proviso will be omitted as such; but as the registrar is not bound under s. 8 to enter the "name, "description and place of abode" of the informant, the words "these par- "ticulars being in such cases enter- "ed by the registrar" will be insert- ed at the end of the first sentence of the main clause.

(iv) Para 8 (a) of S.P. (Land Revenue)— Page 8 of Bill A

It is inadvisable to empower the registrar to defer issuing, & to issue summons and to hold a formal enquiry into the truth of the information if he distrusts the information furnished. Under s. 8 of the bill he has duty to inform himself carefully of every birth and of every death which happens in his village and it can seldom happen that he is unable to fill up the register at once. If however in any case he has reason to believe that the information furnished to him is false, or if he together with what he himself possesses leaves him unable to fill up all the columns of the register, he should report the matter to the Tansildar but this is a subject which can be dealt with subsequently by executive orders.

(v) S. 19 and para 4 of S.P. (L.R.) — Page 11 ibid

The maximum penalty was fixed at a low figure in consideration of the novelty of the offences under the pro- posed Act, and the Government does not think that it should be raised.

(vi) S. 21 and para 5 of S.P. (L.R) — ibid

No special provision for appeal against the Collector's order is ne- necessary. When the powers of the Col- lector under this section are exer- cised by a Divisional Officer, his proceedings will, under [illegible] Reg. VII of 1828, be subject, in the ordinary way to the decision of the Collector in all cases in the most direct manner [illegible] Page 12 of Bill A.

(vii) S. 22 and para 8 of S.P. (L.R.)

The Government considers that the Registrar should not be empowered to correct any but clerical errors, and that other errors should be reported for the orders of the Collector.

2. The draft Bill revised with re- ference to the foregoing remarks will be forwarded to the Government of Ind with the request that permission may be accorded for its introduction into the local Legislative Council.

KO
11/4/98

To the Board of Revenue, (Land Revenue.)
" " (Rev. Sett.)
" Legislative Department.

80/5

Letter No. 215
21-4-98

To

The Secy. to the Govt. of India,
Home Department (Sanitary).

Sir,

With reference to Mr. Arundel's letter No. 477 dated 21st September 1898, I am directed to forward for the consideration of the Government of India a draft of a Bill for the registration of births and deaths in rural tracts, and to request the sanction of the Governor General in Council for its introduction into the local Legislative Council.

2. The Bill is based on the enactments shown in the margin and the necessity therefor is explained in the statement of Objects and Reasons

Act I of 1904 (Madras) S 394-404
IV " " 243-9
IV of 1873 (Bengal) S 191
II of 1888 " S 101-109
III of 1888 (Bombay) S 442-453

KQ
11/4/98

30/2

No. 6 of 19th May 1898.

The Right Hon'ble the Secy
of State for India.

My Lord,

In accordance with the
procedure laid down in Lord Salisbury's
despatch no 9 dep legislative of 31.3.74
We have the honour to forward a
copy of a Bill for the registration
of Births and Deaths in rural
tracts together with a Statement
of Objects and Reasons for
the proposed legislation and the
papers noted below:-

G.O. nos 476-477 of 21.9.96.
" " 27 of 15.1.97
G.O. nos: 214-215 of 21-4-98

2. The necessity which exists
for the legislation contemplated
is explained in the Statement of objects
and Reasons.

KD
11/1/98

15/4/98

15/5

Dr. Richards
19.5.98

vide precedent in G.O no 5
26-6-91
legislative

Refer:

10

# FORT SAINT GEORGE.

*REVENUE* (1898) *DEPARTMENT.*

(Copy.)

**LETTER to the Right Honourable the Secretary of State for India.**

**No. 6 dated 19 May 1898.**

---

FORWARDING to the Right Hon'ble the Secretary of State for India a copy of a Bill for the registration of births and deaths in rural tracts.

# REVENUE DEPARTMENT.

To

The Right Honourable the SECRETARY of STATE for INDIA.

My Lord,

In accordance with the procedure laid down in Lord Salisbury's despatch No. 9, Legislative, dated 31st March 1874, we have the honour to forward a copy of a Bill for the registration of births and deaths in rural tracts, together with a Statement of Objects and Reasons for the proposed legislation and the papers noted below:—

G.O., Nos. 476–477, dated 21st September 1896.
" No. 27, dated 15th January 1898.
" Nos. 214–215, dated 21st April 1898.

2. The necessity which exists for the legislation contemplated is explained in the Statement of Objects and Reasons.

We have the honour to be,
My Lord,
Your Lordship's most obedient, humble servants,

(Signed) A. E. HAVELOCK.
( " ) H. W. BLISS.
( " ) J. GROSE.

Ootacamund,
May 1898.

Ed. A. F. Eccleston.

15 Copies.

HOME DEPARTMENT (SANITARY).

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*From* *The Government of Fort St. George.*

*Recd.* *Regd.* } 1898. *Enclosures* *Spare copies*

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**Letter, No. 215, 21st April 1898.**

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**APRIL.**

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FORWARDING, for the consideration of the Government of India, a draft of a Bill for the registration of births and deaths in rural tracts, and requesting sanction for its introduction into the Local Legislative Council.

## REVENUE DEPARTMENT.

From

The Hon'ble Mr. G. S. FORBES, I.C.S.,
Ag. Secretary to the Government of Madras,

To

The SECRETARY to the GOVERNMENT OF INDIA,
Home Department (Sanitary),

*Dated Ootacamund, 21st April* 1898.

Sir,

With reference to Mr. Arundel's letter, No. 477, dated 21st September 1896, I am directed to forward, for the consideration of the Government of India, a draft of a Bill for the registration of births and deaths in rural tracts, and to request the sanction of the Governor-General in Council for its introduction into the local Legislative Council.

Miscellaneous.

Act I of 1884 (Madras), s. 394–404.
" IV of 1884 ( " ) " 243–9.
" IV of 1873 (Bengal) " 8.
" II of 1888 ( " ) " 181–191.
" III of 1888 (Bombay) " 412–453.

2. The Bill is based on the enactments shown in the margin and the necessity therefor is explained in the Statement of Objects and Reasons.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed) G. S. FORBES,
Ag. Secretary to Government.

Rcd. A. F. Eccleston.

20 Copies.

# Government {1898} of Madras.

## REVENUE.

*Recd.* } 1898. *Enclosures*

*Regd.* *Spare copies*

**G.O., No. 214, 21st April 1898.**

## APRIL.

Approving, with remarks, the suggestions made by the Board of Revenue in regard to the draft Bill for the registration of births and deaths in rural tracts, and forwarding it to the Government of India with the request that permission may be accorded for its introduction into the Local Legislative Council.

GOVERNMENT OF MADRAS.

## REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), Mis. No. 1264, dated 22nd February 1898:—

*Read*—G.O., No. 27, Revenue, dated 15th January 1898.

ABSTRACT.—Forwarding a draft Bill for the registration of births and deaths outside Municipal towns, for the remarks of the Board of Revenue, with reference to paragraph 8 of G.O., No. 476, Revenue, dated 21st September 1896.

*Resolution*—Mis. No. 1264, dated 22nd February 1898.

The Board begs to submit the following remarks on the draft Bill for the registration of births and deaths:—

2. *Section* 9.—Notice of birth has to be given within seven days of the event. In this country a child is usually not formally named till the 11th day. If twelve days or two weeks are fixed as the period within which registration is to be made, it will be possible to register the birth and the name of the child at one and the same time.

3. *Section* 11.—"Or the priest who officiated at the funeral ceremony" might be inserted after the words "Undertaker or other person causing the corpse of the deceased person to be disposed of." The period within which notice of death should be given might be extended to 48 hours, so as to avoid any risk of hardship.

4. *Section* 14.—The registrar should not be compelled to act on written information. He should be given power to verify the report, if he distrusts it.

(True Copy and Extract.)

(Signed) L. E. BUCKLEY,
Famine Secretary.

To the Secretary to Government, Revenue Department.

READ—also the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 663, dated 5th March 1898:—

*Read*—G.O., No. 27, Revenue, dated 15th January 1898.

*Resolution*—Mis. No. 663, dated 5th March 1898.

With reference to G.O., No. 27, Revenue, dated 15th January 1898, the Board submits the following remarks on the draft Bill for the registration of births and deaths outside Municipal towns:—

2. *Section* 12.—This section appears defective in several respects: (*a*) corpses may be found in the open fields or jungle as well as in roads, streets and lanes; (*b*) neglect by the village head, or station-house officer, to comply with this section is not made punishable under section 19 of the Act, and a special law is not necessary to declare the duty—an administrative order would answer the purpose; (*c*) the Board would



prefer that the duty of reporting to the registrar should extend to corpses found in any place, or under any circumstances not covered by section 11, and (following section 10) should be made compulsory on any person finding the corpse, and on any person disposing of the corpse, or causing it to be disposed of. If this suggestion be accepted, non-compliance with the section should be made punishable under section 19 (1).

3. *Section* 14.—It would seem desirable to give the registrar power to defer registration pending enquiry in cases where he sees cause to distrust the correctness of the information. With reference to the concluding proviso of section 14, the Board thinks that the drafting might be improved as follows:—

(*a*) *For* "Every person who has given the information contained in a register of births and deaths under this Act," *read* "Every person who has orally given to a registrar any information required under this Act."

(*b*) "No registration shall be deemed to be complete, &c." The Board would omit this sentence as superfluous, since no special legal effect attaches to the completeness or incompleteness of the registration.

(*c*) *First proviso.*—With reference to section 8 which makes it incumbent on the registrar to fill up all necessary particulars in the register, the necessity of the first proviso to section 14 would seem questionable.

(*d*) *Second proviso.*—In place of this proviso the Board would suggest a clause to the following effect:—

"When any information required by this Act is communicated to the registrar by any person in writing, and the registrar sees no cause to distrust the genuineness and correctness of the communication he may proceed to fill up the register as directed in section 8.

"If the registrar in any case sees cause to distrust the information, whether written or oral, he may issue a summons for the attendance before him at a specified date of any person whose attendance he deems necessary for the purpose of verifying the information, and such person shall be bound to attend in obedience to such summons and to answer truthfully all relevant questions put to him touching the said information."

It is no doubt an objection to this proposal that no proper machinery exists for the service of such summonses, but probably they would not be numerous and the village head might be ordered to lend the services of the village menials for the purpose.

4. *Section* 19.—The Board considers that the maximum penalty should be raised to Rs. 25 to provide for rare cases in which the offender happens to be wealthy and the offence to be unaccompanied by extenuating circumstances.

5. *Section* 21.—No provision is made for appeals against orders under this section. The Board would allow an appeal as far as the District Collector and no further. The word *from* in the sixth line of this section should be *for*.

6. *Section* 22 (5).—The Board would enter "or other" between *clerical* and *errors*. Erroneous entries are sure to occur and the Collector should have power to correct them.

(True Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department.

ORDER—No. 214, Revenue, dated 21st April 1898.

Miscellaneous.

The Government generally approves the suggestions made by the Board of Revenue in its Proceedings read above in regard to the draft Bill for the registration of births and deaths in rural tracts, subject to the following remarks:—

(i) *Section* 11 *and paragraph* 3 *of Board's Proceedings* (*Settlement*).—It seems inadvisable to impose the obligation of reporting deaths on the "priest who officiates at the funeral ceremony".

(ii) *Section* 12 *and paragraph* 2 (*c*) *of Board's Proceedings* (*Land Revenue*).—The Government does not consider it advisable to impose a special obligation upon the finder of an unclaimed body. It is the legal duty of the village headman under section 45 (*d*) of the Criminal Procedure Code to report sudden, unnatural and suspicious deaths. The Government is inclined to think that the obligation may be left where the section of the draft Bill places it.

(iii) *The first proviso to section* 14 *and paragraph* 3 (*c*) *of Board's Proceedings* (*Land Revenue*).—The first proviso will be omitted as such; but as the registrar is not bound under section 8 to enter the "name, description and place of abode" of the informant, the words "these particulars being in such cases entered by the registrar" will be inserted at the end of the first sentence of the main clause.

(iv) *Paragraph* 3 (*d*) *of Board's Proceedings* (*Land Revenue*).—It is inadvisable to empower the registrar, if he distrusts the information furnished, to defer registry, and to issue summons and hold a formal enquiry into the truth of the information. Under section 8 of the Bill it is his duty to inform himself carefully of every birth and of every death which happens in his village, and it can seldom happen that he is unable to fill up the register at once. If, however, in any case he has reason to believe that the information furnished to him is false, or if such information together with what he himself possesses leaves him unable to fill up all the columns of the register, he should report the matter to the Tahsildar; but this is a subject which can be dealt with subsequently by executive orders.

(v) *Section* 19 *and paragraph* 4 *of Board's Proceedings* (*Land Revenue*).—The maximum penalty was fixed at a low figure in consideration of the novelty of the offence under the proposed Act, and the Government does not think that it should be raised.

(vi) *Section* 21 *and paragraph* 5 *of Board's Proceedings* (*Land Revenue*).—No special provision for appeal against the Collector's order is necessary. When the powers of the Collector under this section are exercised by a Divisional officer, his proceedings will, under Regulation VII of 1828, be subject, in the ordinary way, to the District Collector's revision.

(vii) *Section* 22 *and paragraph* 6 *of Board's Proceedings* (*Land Revenue*).—The Government considers that the registrar should not be empowered to correct any but clerical errors, and that other errors should be reported for the orders of the Collector.

The draft Bill, revised with reference to the foregoing remarks, will be forwarded to the Government of India with the request that permission may be accorded for its introduction into the local Legislative Council.

(True Extract.)

(Signed) G. S. FORBES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue):
„ the Board of Revenue (Revenue Settlement, Land Records and Agriculture).
„ the Legislative Department.

Exd. A. F. Eccleston.

80 Copies.

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

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

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

## DRAFT BILL.

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

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

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

3. In this Act, unless there be something repugnant in the subject or context, a "village" means any local area now recognised as a village, or which may hereafter be declared by Government to be a village, and included in any district or portion of a district to which the provisions of this Act have been extended.

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

4. On the publication of the notification referred to in section 2 of this Act, the District Collector shall cause to be proclaimed by notices posted at the village chavadi or other conspicuous place and by beat of drum in every village within the area so notified and by publication in the District Gazette that registration of births and deaths is compulsory in the district or part of the district concerned.

5. From the date on which such notification comes into force, the Collector shall cause a register of all births and deaths to be kept in each village, and for this purpose he may divide the village into such wards as he thinks fit, and shall appoint a person to be registrar of births and deaths within the village, if not divided into wards or, in the case of the division of the village into wards, for every ward he shall appoint a person to be registrar of births and deaths in such ward.

6. Every such registrar shall, unless otherwise expressly authorised by the Collector in writing, reside within the village or ward of which he is the registrar, and shall cause his name, with the addition of registrar of births and deaths for the village or ward for which he is so appointed, written in the vernacular language of the district, to be placed in some conspicuous place on or near the outer door of his dwelling house.

Section 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 Collector shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which take place in the village according to such forms and instructions as may, from time to time, be prescribed by the Governor in Council.

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

8. Every registrar shall inform himself carefully of every birth and of every death which happens in his village or ward after the coming into operation of the aforesaid notification, and shall register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms prescribed under section 7 touching every such birth and death as the case may be, which has not already been registered.

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

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).

9. The father or mother of every child born in the village, or, in the case of the default of the father and mother, the midwife or other person present at, or in attendance during the child birth, or in default of such midwife or person, the occupier of the house in which such child is born, or, in default of such occupier, the person having charge of the child shall, within two weeks next after the day of such birth, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to complete the forms prescribed under section 7.

Provided that a person not required to give information in the first instance but only in default of some other person, shall not be bound to give information under this Act if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

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

(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.

Provided also that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

Section 447, Act III of 1888 (Bombay).

10. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

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

11. The nearest relative present at the death, or in attendance during the last illness, of any person dying in the village, or, in case of the default of such relative, every person present at the death, or, in case of their default, the occupier of the house, or if the occupier be the person who shall have died, each inmate living in the house in which such death shall have happened, or, in case of the default of such inmate, the undertaker or other person causing the corpse of the deceased person to be disposed of, shall, within forty-eight hours, give or cause to be given, either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to complete the forms prescribed under section 7.

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be bound to give information under this Act if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

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

12. In case any person is found dead in any place, or under any circumstances not covered by section 11, it shall be the duty of the head of the village, in which the body is found, or the officer in charge of the police station within the limits of which the village is included, to give forthwith to the best of his knowledge and belief, to the registrar, such information of the particulars required to be registered concerning such death as the informant possesses.

13. Notwithstanding anything contained in sections 9 and 11 of this Act—

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

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

(2) In the case of persons being born or dying in any choultry, chattram, hotel, boarding house, lodging house, tavern, arrack or toddy shop or other place of public resort, it shall be the duty of the owner, keeper or person in charge thereof, to give the information required under sections 9 and 11 within the time and in the manner specified therein.

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

14. Every person who has orally given to a registrar any information required under this Act shall sign in the register his name, description and place of abode, and, if he cannot write, shall put his mark in the register to his name, description and place of abode, these particulars being in such case entered by the registrar.

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

Provided that, in the case of a person being born or dying in any hospital, the registration of the birth or death shall be deemed to be completed by the entry, in the register, of the written notice received from the Medical officer in charge of the said hospital prescribed in section 13 (1) without the signature of the Medical officer to the entry in such register. This proviso shall also apply in the case of information, touching any birth or death, given in writing by any person.

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

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

16. (1) Any clerical error which may, at any time, be discovered in a register of births or in a register of deaths may be corrected in accordance with rules made under section 22.

(2) Except as aforesaid, no alteration shall be made in any such register.

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

17. (1) When the birth of any child has been registered and the name, if any by which it was registered, is altered or, if it was registered without a name when



a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate, shall, without any erasure of the original entry, forthwith enter in the register book the name mentioned in the certificate as having been given to the child.

(2) The certificate shall be in such form as may from time to time be prescribed by the Governor in Council, and, in the case of a Christian, shall be signed by the minister of religion or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptized or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister of religion or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

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

18. Any person, may at all reasonable times, on payment of a fee of four annas for each visit, search, in the presence of the registrar, any register of births and deaths, and may on payment of a further fee of four annas require the registrar to give an extract under his hand from such register relating to any birth or death registered therein.

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

The registrar shall have the custody of the registers of births and deaths for the village or ward for which he has been appointed, and all extracts therefrom given under this section shall be certified by him as provided in section 76 of the Indian Evidence Act, 1872, and may be produced in proof of the entries of which they purport to be copies.

19. Any person who—

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).

(1) neglects or refuses or intentionally omits to give any information which it is his duty to give under sections 9, 10, 11 and 13 (2) of this Act; or

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

(3) refuses or neglects to sign his name, description and place of abode or to put his mark in the register to such particulars in contravention of section 14 of this Act

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

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

20. No criminal complaint under the last preceding section shall be entertained by any magistrate which is not preferred under the orders of a Tahsildar or an officer superior to a Tahsildar.

21. The Collector may, of his own motion or on complaint and after enquiry, fine, suspend, dismiss or remove any registrar for misconduct or for neglect of duty or incapacity as such registrar or for non-residence in the village without the permission of the Collector, and shall record his reasons for so doing in writing.

22. The Governor in Council may from time to time make rules:—

(1) prescribing the forms of registers of births and deaths required to be kept under this Act, and the form of certificate referred to in section 17 (2);

(2) for the inspection and examination of the registers maintained under section 5;

(3) for the conduct of the duties of the registrar during his absence on other duty or on account of illness or other causes;

(4) for the custody, production and transfer of the registers and other records kept by registrars;

(5) for the correction of clerical errors which may be discovered in the registers of births or registers of deaths.

(6) generally, to carry out the provisions of this Act.

## STATEMENT OF OBJECTS AND REASONS.

Since the passing of the Madras District Municipalities Act, 1884 (IV of 1884), the registration of births and deaths has been compulsory in municipal towns under the provisions of sections 243 to 249 of that Act. During the thirteen years that these provisions have been in operation, they have worked smoothly. It now appears to the Government that the time has come when power should be taken to bring into force similar provisions in non-municipal areas, in which at present the reporting of domestic occurrences is not legally obligatory. Until this is done, the registration of vital statistics in this Presidency taken as a whole must continue to be inaccurate and incomplete. The draft Bill accordingly takes power to extend the system of compulsory registration to the Presidency generally, but it is not proposed to do this at once. The Bill leaves it to the Government to bring its provisions into effect in particular areas at its discretion. The extension will be made cautiously and gradually; large villages or rather towns with a population of 5,000 and upwards, or what are called major Unions, being first brought under the operation of the proposed Act.

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