

Revenue (1898) Department.

PRESS SERIES.

G.O., No. 27

Dated 15th January
1898

21-15
21-15

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[Despatch Abstract.]

Draft bill for the registration of his the & death outside
Municipal Towns. Forwarding a - for the remarks of the
Bd. of Rev., with reference to paragraph 8 of G.O. No. 476,
Rev. of 21st Sept. 1896.

BACK PAPERS.

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

FORWARD PAPERS.

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

U.S. 26/10/1917
Please look through this draft Bill & see if there are any obvious flaws to be corrected before it is referred to the B.D. for remarks.

The Govt. of India is pressing for an answer.

26.10.96

Brief note on the form of the Draft Bill to provide for the Registration of Vital Statistics

Without attempting to go thoroughly into the matter, I note below a few criticisms, as directed by the Secretary.

I. The form in which the Bill has been drawn renders necessary much repetition of phrases such as "the villages to which the said notification applies".

This could be avoided by substituting for section 2 a section empowering the Local Govt. by notification to extend to "all or any of the provisions of this Act to any local area"; and, if necessary, further defining "village" as meaning "any village situated within a local area to which the provisions of this Act have been extended". - It would be simpler at the same time to define "Registrar

II There is no section empowering Govt. to make rules for the purpose of carrying out the Act.

I. There is no statement of the "particulars required to be registered" as touching births & deaths; & no power is given to Govt to issue rules prescribing the nature of such particulars, or that of the "forms to be supplied by the Collector" (Section 4)

IV. The penalty section (12) might prove ineffective, or, if effective, might be worked too harshly. The "explanation" is apparently intended to remedy the defect in the existing Municipal Act, which imposes a duty on "some" indefinite individual, & renders it possible for any person who is prosecuted to plead that no duty was specifically imposed on himself. - So also, here, section 7 imposes a duty first on the "father or the mother", & secondly on "some person who was present at or in attendance during the child-birth"; and ~~the~~ the information must in each case be given "within a week". What if the 'mother' honestly believes that the father has given information, or a person present during the child-birth thinks the parents will have done so, a matter of course? Such an

3 indiscriminate liability to prosecution appears undesirable; & the safeguard provided by section 13 does not ~~aff~~ seem sufficient. Again section 7 by implication excuses the parents if they are merely "ill", though the illness may not be such as to prevent them from causing information to be given.

Similar arguments apply to section 8 which imposes a duty on "some one" out of a number of persons, not on "all of them". Supposing a death takes place in a large hotel, muth or boarding house, is it right to impose such an obligation on every person resident therein?

It is difficult to say in what manner & upon what persons obligations of this character should be imposed, but it is submitted that provisions of this kind should be as definite as possible. A scrutiny of Acts in other provinces or the English law would no doubt indicate a satisfactory solution of the difficulty.

V. The order of the sections is open to criticism: e.g. section 9 should come before sections 7 & 8 & form

an exception thereto; i.e. sections 7 & 8
should begin "except in the cases referred to
in Section 9."

* There would be no need of (1) case.

VI. Section 11 should be split up into
two or more sections. - Clause (i) -
Why should every informant sign the
register? It would suffice to impose
the obligation on any informant required
by the Registrar to do so. - Clause (ii) -
Why should an extract be given ex-
cept on the demand of the informant.

VII. The wording of the Bill might be
rendered more precise, as well as
shortened, e.g. the expression "from time
to time" in section 2 is unnecessary,
with reference to the Madras General
Classes Act 1891.

The drafting of a Bill which would,
to some extent, if not, entirely, remove
the defects referred to would take
considerable time & labour; if it
is thought that this should be done
before the Bill is referred to the
Board for remarks, it is submitted
that the best plan would be to couch
para 8 of the P.O. in general terms, say,
thus: -

5
"8. The proposed Act should
consist of provisions corresponding
generally to those already in force
in municipal towns under Madras
Act. II of 1887, & should be capable
of extension to any specified local
area. A draft Bill will be
drawn up accordingly & forwarded
in due course to the Board of Revenue
for remarks."

Atm. 9.96 ²⁰/₁₄₋₉₋₈₆

Hon. Mr. Grose C.I.E. } again with reference
Hon. Mr. Bliss K.C.S. } to H.S. note in
with an this note below.

18/4/1897

The Hon. Mr. Grose C.I.E.

The Hon. Mr. Henry Bliss K.C.S.

H.E. the Governor.

* J.E. draft A

Draft B was prepared after
the Secretary had issued instructions
with regard to this note.

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18/4/1897

Supplements again to H.S. the Gov.
with reference to the notes of H.S.
under sections 7 and 8 below his
note of 13.9.97 on this subject.

Have revised sections 9 & 10 of the
draft Bill A.K.

29.9.97

In considering these papers, I see that only a
very limited extent was given by Hon. Members
and myself to the proposal to legislate for
compulsory registration of Births and Deaths in
rural tracts. The Bill now drafted is probably
as suitable as it can be made. The object, namely,
the improvement of vital statistics, is of course
a good one. But, I cannot help feeling a doubt
whether the people are yet ready for even
the modified legislation which is now
proposed. It will be a great improvement.

For orders

Draft of a Bill for making the registra-
tion of births and deaths compulsory in
rural tracts, revised in accordance with
the remarks of Mr. Davidson and the pen-
cil Notes of the Honourable Mr. Grose is
submitted.

2. Mr. Davidson's chief objection
was that sections 7 and 8 of the Bill
previously drafted in the Office imposed
a duty on "some" indefinite individual
and rendered it possible for any person
who was prosecuted to plead that no duty
was specifically imposed on himself.

The wording was adopted from the Madras
Acts I of 1884 and IV of 1884. The cor-
responding sections in the Bengal Act
IV of 1873 and II of 1888 have been si-
milarly worded. In the revised draft

Bill the wording of the Acts quoted
have been followed.

The duty of reporting births is
imposed,

In Madras, upon the father or mother
of the child, or, in the
case of the death, illness
absence or inability of the
father and mother, some
person who was present at,
or in attendance during,
the child birth (Madras Acts
I & IV of 1884)

In Bengal, Do, but for "some person
who was present at, or in
attendance during child
birth" is substituted
"the midwife assisting at
the birth of such child"
(Bengal Act IV of 1888)

tion 7)

Father or mother, or " the occupier of the house in which such child is born " (Bengal Act II of 1888, section 186.)

Under the Explanation to section 12 of the original draft Bill every person who is bound to furnish information but who fails to do so is liable to penalty.

But under the proviso to section 7 of Bengal Act IV of 1873 " not more than one person shall be punishable at the discretion of the magistrate for such refusal or neglect to give information ".

The duty of ^{reporting} ~~imposing~~ deaths is imposed upon,

In Madras, "Some one of the persons present at the death or in attendance during the last illness, of every person dying, or in case of the death, illness, inability or default of all such persons, the occupier of the building, or, if the occupier be the person who has died, some person living in the building in which such death has happened."

In Calcutta, the nearest male relative of the deceased present at the death or in attendance during the last illness of any person dying, or, in the absence of any such relative, the occupier of the house, or, if the occupier be the person who has died, some male inmate of the house in which such death has happened. (Bengal Act IV of 1873, section 8) ; the nearest relative present at

In Bombay, father & mother, and in default of the father & mother, occupier of the premises in which the child is born, and each person present at the birth and the person having the charge of the child (section 446 of Act III of 1888 B'way)

Sh: not this be indicated in the draft: Will. 2/8/97

of many and of paying into people's families and private concerns. It is expedient to do this much to increase the present? Will it not suffice for some years to come to get content with the present system, improving it as much as possible? That system, as described in the Note, seems simple and practical. And, if we have relatives, this is the next best. However, it should be fairly accurate. The proposed new system will, I suppose, be suitable and establishments, and will not involve which we can ill afford.

A.S.H.

13.9.97

Madras is very much behind in providing in this matter & the only help we can give is in compulsory registration. I thought in 1881 that the country was ripe for legislation, & I saw more than into the cautious & gradual

introduction as we propose there be no danger now, a very small sum will provide all the necessary help to the present set abt.

25/9/97

The expense would be much & high as it is, with full on the V.S. fund, which can bear it.

As to the general question of the advisability of making birth & death registration compulsory, I incline to agree with H.L. especially as we have so much unimproved more important legislation on hand just now that I really don't know how we shall get through it all. But I think we have gone too far to go back. More than a year has passed since I told India that we would legislate and

In Bombay, the nearest relatives present at the death or in attendance during the last illness of the deceased, and, in default of such relatives, of each person present at the death and of the occupier of the premises in which the death took place and, in default of the persons above mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of.

I think we must go on. When we have passed our Act, we shall no doubt proceed to apply it with considerable caution. Yes, I don't think any harm will be done. I have not heard of complaints of oppression or corruption arising from the requirement of compulsory registration in much towns & I don't see why such should follow on its institution in the larger towns in which a beginning would be made - many of these require little thing.

This has been done I understood sections 9 & 10 of the draft Bill.

the death or in attendance during the last illness of of any person dying, or, in case of the death, illness inability, absence 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 has died, some person living in the house in which such death has happened (Bengal Act II of 1888 section 186)

~~Also upon any medical man in attendance (Bengal Act II of 1888, section 187.)~~

As stated above in the case of births, under the Explanation to section 12 of the original draft Bill every person who is bound to furnish information and who fails to do so is liable to the penalty.

But under the proviso to section 8 of Bengal Act IV of 1873 " not more than one person shall be punishable for such refusal or neglect to give information and under the proviso to section 186 of Bengal Act II of 1888 " if any one person gives the required information all other persons are thereby released from the obligation imposed upon them ".

If thought necessary, sections 9 and 10 of the revised draft Bill may be redrafted on the model of Rule 2 of the Draft rules under the Cantonment Act ~~will~~ imposing the duty of reporting deaths in the first instance on " the

nearest relative present at the death " as in the City of Calcutta Municipal Act.

3. With regard to Mr. Davidson's objections to the arrangement of sections 7, 8 and 9 of the original draft Bill, the arrangement followed is that adopted in the Madras City and District Municipalities Act.

Section 11 (1) as now drafted, it is submitted, makes rearrangement of the sections unnecessary.

4. As to why every informant should sign the register, it is best not to leave it to the discretion of the Registrar as to who should sign and who not. To vest such an Officer in a rural tract with such discretion would lead to serious abuses. Either insist on signature being taken in all cases or in none at all. The former course operates as a check upon giving false information.

The section as originally drafted may stand.

5. The other suggestions made by Mr. Davidson have been carried out.

6. Time within which information of death should be given is as follows:-

In Calcutta City " forthwith "

" Bengal rural tracts " within 8 days " of death. "

" Madras town and rural tracts, " within 24 hours "

It is presumed that the Madras ^{provision} ~~Act~~ may stand.

7. Provision is made in the City of Madras Municipal Act and in the District Municipalities Act for Extract from

whole is better from, though I can't agree with my hon. colleague that the country is ripe for legislation of the kind - But I take it that it is a necessary incident of our x. 9, 10 and 11 (1) of revised draft Bill.

Position here that our measures shall always be more a step in advance of the popular demand and even of the popular acquiescence.

27/9/97

Let me return to Madras.

9.10.97

Offici. Let the same instructions and return to me after our return to Madras.

11/11/97

Submitted to the Council

27/10/97

"Bombay City," at or about the time that the corpse of the deceased person is disposed of."

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

as any birth has been registered, free of charge. There is no similar provision in regard to an extract from register of death. Should any such provision be made?

8. Following section 249 (4) of Madras Act IV of 1884, amount of ^{search} ~~such~~ fee is entered as eight annas in section 16 of the revised Bill.

The rate might be reduced to four annas in consideration of the fact that generally people in villages are not so well off as in towns.

9. Sections 19 and 20 of revised Bill are new.

10. There is no provision in the Madras Acts for the following matters made
(1) ~~Exempting the father of an illegitimate child from~~ ^{Exempting the father of an illegitimate child from} giving information respecting the birth of such child -

(2) As to who should give information respecting finding of a new-born child found exposed -

(3) Correction of clerical errors, and errors of facts or substance in Birth & Death Registers -

The provisions of the City of Bombay Municipal Act, III of 1885, may be adopted: viz: S. 446(2), 447 and 452(1)(2) respectively -

There is also no provision for reporting a death by the wife. I submit the Police No. report both cases. The manner of objection being inserted in the Act. ~~though the~~ ^{though the} Police of course need not be made subject to the permission for failure.

11/8/97

* Please see next sheet for draft of such a section as is proposed. Sections 446(2), 447, 452(1)(2) of the City of Bombay Municipal Act have been reproduced on that sheet for ready reference.

27/10/97

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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, to the best of ~~the~~^{his} knowledge and belief, to the Registrar within one week next after the finding of such person, such information of the particulars required to be registered concerning such death as the informant possesses.

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 ~~it~~ 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.

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 ~~or~~ ~~other municipal officer~~ ~~as aforesaid~~, 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.

Any clerical error which may at

S. 447, Act III of 1880 (B'lang)

S. 447, Act III of 1880 (B'lang)

S. 447, Act III of 1880 (B'lang)

This may be dealt with by

any time be discovered in a register of births or in a register of deaths may be corrected by any person authorised in that behalf by the Collector.

(2) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin without any alteration of the original entry, upon production to the Collector by the person requiring such error to be corrected of a declaration on oath setting forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such persons, by two credible persons having knowledge of the case and certified by such Magistrate to have been made in his presence.

I do not see any objection to the above section. But if they are put in an exemption in favour of the officials with whom I suppose the put in in section 17.

A ^{fresh} Bill (marked B) with the proposed sections inserted in the proper places is submitted

The rules.

1/287

(2)

His Excellency the Governor.

I have taken time to think over this Bill, and I consulted the following gentlemen as to the question whether it can be introduced without harassing the people, without rising alarm and disquiet and without opening a fresh door for fraud and corruption on the part of the Registrars. The gentlemen whom I have thus consulted are:- Mr. Chingul Rao, Mr. Viswanath Rao, Mr. Chinnai and Mr. Bose. They are all of opinion that a cautious and gradual introduction of the Bill would have none of these bad results, and they are in favour of it.

In matters of detail, Mr. Regar, Registrar, advised that the ^{entry} in cases of birth should be somewhat longer than a week, and that in cases of death, the return should be longer than 24 hours, consideration being given to the demands of the funeral ceremonies. He urged that provisions should be made

Re draft Bill to make registration of Births & Deaths Compulsory in rural tracts.

The papers connected with the draft Bill to make registration of Births and Deaths compulsory in rural tracts are recirculated to His Excellency with reference to his remarks dated the 9th Oct. 1897 on page 4 of the note below.

After going through the draft Bill His Excellency doubted whether the people were yet ready for the proposed legislation & questioned the expediency of such a measure at present. He also thought that new establishments would be required for which money could be ill afforded.

The Hon. Members consider that the expense will be very small and, such as it is, will fall on the Village Service Fund which can bear it. In regard to the question whether it is safe to pass an Act of the kind contemplated, Hon. Members are agreed in considering that with the cautious & gradual introduction of the measure there is no danger to be apprehended.

and should not be inflicted for a first offence; also, that women should not be compelled to appear in Court as before the Registrar. Mr. Bose strongly urges the giving of a month's publicity as possible to the Bill.

3/11/97
11/11/97

With this I quite agree.

I think, though, the bill is rather in advance of the times. (In the Dominion of Anand, no vital statistics are collected, see Statistics of Anand Year-book 1897, page 208).

But, if the fullest publicity is given to the Bill, I will accept Hon. Members' proposal that it be proceeded with.

11.5.12.97

Secy.

It has been decided in the above notes that the draft Bill for the registration of births and deaths in rural tracts should be proceeded with.

The alterations ^{ordered} by the Hon. Members in the third draft Bill marked B have been carried out fully. The following minor alterations require approval:-

(1) In section 4 the word "by" may be put in before "beat of drum". The sentence will then run as follows:-

"The District Collector shall cause to be proclaimed by notices posted at the ^{village} chavady or other conspicuous place and by beat of drum in each village affected etc."

^{of the Bill marked}
(2) In sec. 13(2) (page 5) the word "or" has to be inserted before "other place of public resort" added by the Hon. Member. The sentence will then read: "In any choultry, chutram, hotel, boarding-house, lodging-house, tavern, arack or toddy shop or other place of public resort."

^{of the Bill}
(3) In sec. 19 (page 9), the rupee

~~"in the village"~~ - "village" is defined. "Affected" is not a word used in such collocation ^{of the} within the dist. or portion of the dist. to which the Act has been extended

"in every village within the area so defined" is the best phraseology, I think

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In sec. 5 the addition "or registers" seems unnecessary, as under the E. C. Act the ^{right} includes the ^{right}

87

gures on the margin may be omitted. They
were inserted for the information of Hon.
Members.

of the Bill

(4) Sec. 22 (page 10). With reference

to the Hon. Member's direction at the end,
the following clause may be inserted:-

"(5) For the correction of clerical er-
rors that may be discovered in the regis-
ters of births or registers of death."

The present sub-section (5) will be altered
to sub-section (6).

2. The following suggestions were
made to His Excellency (vide H.E.'s re-
marks on page 15 of the note):-

(1) That a somewhat longer period
time than a week should be allowed for
the ^{reporting} registration of births. (sec. 9)

(2) That a longer time than a week
24 hours should be allowed for the ^{reporting} regis-
tration of deaths. (sec. 11);

(3) That penalty ^{is under the proposed Act} should be light;

(4) That ^{no} penalty should ~~not~~ be inflicted
for a first offence;

(5) That women should not be compelled
to appear in Court, or before the regis-

*Lucas: the words
"or the Rev. officer" may also
come out as well as the
words "in charge of a district".
"Collector" covers this*

S.H.

S.H.

*Shawcross
(S.H.)*

(6) That as much publicity as possi-
should be given to the Bill.

It is submitted that points (1), (2) &
will have to be considered when the Bill
is scrutinized in detail by the Select
Committee. Points (4) & (5) should be deal-
with by rules to be framed under sec. 22;
and that point (6) will receive attention
from the Legislative Dept. No action is,
therefore, called for at the present stage.

3. A statement of Objects and
Reasons has been prepared and is ^{up} put ^{up} before
for approval. In para 8 of G. O. No. 473
Revenue, d/ 21st Sept. 1896, it was proposed
to forward the Bill for the remarks of the
Board of Revenue. A draft order is accord-
ingly put up for approval.

KO
18/12/97
R 4/1/98

H.C.

Please see above

S.H. 7-1-8

gures on the margin may be omitted. They
were inserted for the information of Hon.
Members.

^{of the Bill}
(4) Sec. 22 (page 10). With reference
to the Hon. Member's direction at the end,
the following clause may be inserted:-

"(F) For the correction of clerical er-
rors that may be discovered in the regis-
ters of births or registers of death."
The present sub-section (F) will be altered
to sub-section (6).

2. The following suggestions were
made to His Excellency (vide H.E.'s re-
marks on page 15 of the note.):-

(1) That a somewhat longer period
time than a week should be allowed for
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to appear in Court, or before the regis-

*Insert the words
"or the Rev. officer" may also
come out as well as the
words "in charge of a district".
"Collector" covers this*
SJK

SJK

*Noted by the Hon. Secy. to Govt. and
the Hon. Secy. to the Board of Revenue
on 11/12/97*

(6) That as much publicity as possi-
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It is submitted that points (1), (2) &
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Board of Revenue. A draft order is accordingly
put up for approval.

*Increased
length*

KO
18/12/97
R 4/1/98
H.C.
Please see above
SJK 7.1.8

Finis d. 1. 1. 1.

NOTE.

On further consideration it is thought desirable to have a separate Act, instead of amending the Madras Local Boards Act (V of 1884). The Local Boards have nothing to do with the registration, which will be conducted under the Collector's orders.

S. 106(1), Act V of 1884

*Will have to be done
draft to be prepared
which will be submitted*

Act

10.11.96

S. 106(2) *ibid*

S. 243+245, Act IV
of 1884.

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, 1897.

2. The Governor in Council may, by notification in the Fort St. George Gazette, declare that registration of births and deaths shall be compulsory in any district or part of a district from a date to be specified in such notification, and may, from time to time in like manner, cancel or modify such declaration.

3. On the publication of the said notification, the Collector shall cause to be proclaimed by beat of drum and by publication in the District Gazette that registration of births and deaths is compulsory in the district or part of the district concerned.

4. From the date on which such notification comes into force, a register of all births and deaths shall be kept in each village, to which the said notification applies, in the forms supplied by the Collector. For this purpose the Collector may divide the village into such wards as he thinks fit

and

and shall appoint a person to be Registrar of Births and Deaths within the village, or in each of the wards into which the village may be divided.

5. Every Registrar shall reside within the village or ward of which he is 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 English and in the vernacular language of the district to be placed in some conspicuous place on or near the ~~out~~^{outer} door of his dwelling house.

Sec. 244(1) of Act IV of '84.

6. From the date on which such notification comes into force, every Registrar of the village, to which the notification applies, shall inform himself carefully of every birth and of every death, which happens in his village or ward. He shall learn and register as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered touching every such birth and death, which has not already been registered.

Section 246 of Act IV of '84.

7. From the date on which such notification comes into force, the father or mother of every child born in the villages to which ~~such~~^{the said} notification applies, or in the case of death, illness, absence or inability of the father and mother, some person who was present at, or in attendance during the child-birth, shall, within one week next

S. 247(1) ibid

after

the day of every such birth, give, or cause to be given, information to the registrar according to the best of his knowledge and belief, of the several particulars required to be known and registered touching the birth of such child.

8. Some one of the persons present at the death, or in attendance during the last illness, of every person dying in the villages to which the said notification applies, or, in case of the death, illness, inability or default of all such persons, the occupier of the building, or, if the occupier is the person who has died, some person living in the building in which such death has happened, shall, within twenty four hours, give information to the registrar, according to the best of his knowledge and belief, of the several particulars required to be known and registered touching the death of such person.

9. In the case of persons born or dying in any hospital situated in a village to which the said notification applies, it shall be the duty of the medical officer in charge forthwith to send a notice to the registrar of the occurrence of such birth or death.

10. Every person who conducts or performs the funeral ceremonies of any person who has died in the villages to which the said notification applies shall, whenever required, furnish to the

registrar

Sec. 247(2) of Act IV of '84.

Sec. 248(1) (ibid).

Sec. 248(2) (ibid).

19 registrar such information as he possesses as to the said several particulars.

11.(i) Every person who has given / Sec.249 of Act IV of '84. the information contained in any register of births or 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.

(ii) The registrar shall forthwith give, 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.

(iii) 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 9 without the signature of the medical officer to the entry in such register.

(iv) Any person may, at all reasonable times, on payment of a fee of annas ^{agw} 8 for each visit, search, in the presence of the registrar, any register of births and deaths, and may require the registrar to give an extract under his hand from such register relating to any birth or death registered therein. A fee of ^{agw} 8 annas shall be payable by such person in respect of each birth or death regarding which he re-

NOTE.

This section has been amended as directed. As only sections 7, 8, 10 & 11(i) of the Act are specified, the officer in charge of the hospital and the registrar will not be liable to prosecution under the Act.

20 24 requires an extract from the register to be given.

12. If any person, who is required by sections 7, 8 & 10 of the Act to furnish any information,

(i) omits to furnish the same or,

(ii) knowingly or negligently furnishes false information, or refuses to sign his name, description and place of abode, or to put his mark in the register to such particulars, as directed in sec. 11(i), such person shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees.

Explanation. If no information is furnished to the registrar as required by section 7 & 8 of the Act, every person who is bound to furnish information under these sections shall be liable to the fine prescribed in this section.

13. 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 his superior officer.

Statement of Objects and Reasons.

It has been pointed out that the registration of births and deaths in this Presidency compares unfavourably with ^{the} other Provinces. One main cause of this appears to be that in the rural tracts the heads of families are not, as in Municipal towns, bound by law to report every domestic occurrence to the officer appointed to conduct the registration of vital statistics.

2. The question of rendering registration compulsory by law was discussed in 1881, and was negatived as premature. During the fifteen years that have elapsed since then, there has been a great advance in general intelligence among the people owing to the extension of education and to the opening up of the country by roads and railways. There is therefore no objection to the extension of the compulsory system of registration to the rural tracts. It will be gradually and tentatively introduced, being confined, in the first instance, to large villages with a population of 5,000 persons and upwards.

3. To prevent the law from adding to the means of extortion possessed by the subordinate officials, hill tracts and backward localities will be excluded from the scope of the legislation, the penalty for failure to re-

port

report domestic occurrences will be fixed at a low figure, and provision will be made for prosecutions for -- breaches of the law being instituted only under the orders of Tahsildars, and Divisional officers.

4. The draft Bill follows sec. 106 of Act V of 1884 and sections 243 ^{to} and 249 of Act IV of 1884.

KP

9/9

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, 1892".
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 beyond the limits of the City of Madras, as defined by the Governor in Council under the City of Madras Municipal Act, 1883, and of the Municipalities constituted under the Madras District Municipalities Act, 1884.
3. In this Act, 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 beat of drum and by publication in the District Gazette that registration of births and deaths is compulsory in the district or part of the district comprised in such local area.
5. I will insert, in every village affected by this Act, a notice of the last illness of any person dying in the village.

1892

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

"I will substitute, 'outside the limits of the City of Madras.' Under Sec 3 of the General Clauses Act 'City of Madras' in any act that will be passed subsequent to May 31 means the Madras Municipality area."

29

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

When? I presume the proclamation to be made in every village affected by this Act.

I will add, notices posted in the village, already on other conspicuous places.

I have not and no other ruled for or

9. The father or mother of every child born in the village, or, in the case of death illness, ~~absence~~ ^{the} inability, or ^{absence} ~~default~~ of the father ^{and} mother, ^{the midwife} or other person who was present at, or ~~the midwife~~ 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 ~~any~~ such birth, give or cause to be given, either orally or in writing, information to the Registrar, according to the best of his knowledge and belief, of the several particulars required to be known and registered touching the birth of such child.

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 duly given.

I had leave in default of not out the death, illness, inability absence or

There will be a provision like Sec (446)(2) of the Bombay Act about the father of illegitimate children

25

10. The nearest relative present

Revised with reference to similar section in the Bombay & Calcutta City Municipality Acts & the Working Rule 2 of the Rules under the Sanitation Act

S. 243 & 245 of Act IV of 1884 (Madras)
 S. 2 of " 1873 (Bengal)
 S. 181 of II of 1885 (B'way)
 S. 442 of III " (B'way)
I had add, or registers
25

in that behalf, I had add, in writing.
 Section 244 of Act III of 1884 (Madras)
 " 375 " I " "
 " 3 " IV 1873 Bengal
 " 182 " II 1885 "
 " 443 (1) III " B'way

Section 245 of Act IV of 1884 (Madras)
 " 396 " I of 1884 (")
 " 183 " II of 1885 (Bengal)
 " 4 " IV of 1873 "
 " 444 III of 1885 (B'way)

S. 397 of Act I of 1884 Madras
 S. 246 of " IV of 1884 "
 S. 5 of Act IV of 1873 Bengal
 S. 184 of " II of 1885 "
 S. 445 (1) III " (B'way)

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 by the Registrar hereinafter mentioned, 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, 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 ^{themselves} expressly ^{authorized} ~~excepted~~ by the Collector, ~~must~~ reside within the village or ward of which he is 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.

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.

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} ~~such~~ Notification, and shall register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered

in the village, or, in case of death, illness, inability, absence, or 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, or the undertaker, or other person causing the corpse of the deceased person to be disposed of, or, in case of their default, every person who conducts or performs the funeral ceremonies of the person who has died, 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 be known and registered touching the death of such person.

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.

3
I will keep in the word, default
to cut out the death illness
inability absence or
Jg

I think the duty of reporting shall be
imposed on the priest who is referred
to here after these persons present
at the death:
1/3/28/97.

If Sections 9 & 10 as drafted on this
sheet are approved, the subsequent
pages will be numbered.

Section 246 (Madras) Act IV of 1884.
,, 397 do ,, I ,,
,, 5 (Bengal) ,, IV of 1873.
,, 184 ,, ,, II of 1888

~~Section 397 (Madras) Act I of 1894~~
~~(second clause)~~

(Madras) Act I of 1884, section 398
" " " " 247(1) and
(Bengal) Act IV of 1873, " 7
" " II of 1888, " 185
(B'hy) " III of 1888, " 446(1)

In amended section please
see half sheet attached

included under Section 9
of Bill marked B

I propose the amended sections
slightly altered.
Jg

Sections not to be introduced
imposing the duty of reporting
in the case of exposed new
burials or road side deaths or others
persons Jg
(Madras) Act I of 1884, section 399.
" " IV " " 247(2)
(Bengal) Act IV of 1873, section 8.
" " II of 1888, " 186
(B'hy) " III " 449(1)

In amended section please
see half sheet attached.

included under Section 11
of Bill marked B.

according to the forms prescribed above—
said touching every such birth and death
as the case may be, which has not al-
ready been registered.

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

9. The father or mother of every
child born in the village, or in the case
of the death, illness, absence or inabi-
lity of the father and mother, some per-
son who was present at, or in attendance
during the child birth, shall, within
one week next after the day of every such
birth, give or cause to be given, either
orally or in writing, information to the
Registrar, according to the best of his
own knowledge and belief, of the
several particulars required to be known
and registered touching the birth of such
child.

10. Some one of the persons pre-
sent at the death, or in attendance du-
ring the last illness of every person
dying in the village, or in default
death, illness, inability or default of
all such persons, the occupier of the
building, or, if the occupier be the per-
son who has died, some person living in
the building in which such death has
happened shall, within twenty four hours,
give or cause to be given, either orally
or in writing, information to the regis-
trar, according to the best of his know-
ledge and belief, of the several parti-
culars required to be known and regis-
tered touching the death of such person.

11. Notwithstanding anything contained in sections 9 & 10 of this Act, Section 13 Bill B

11. (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 be known and registered touching such birth or death.

12. Every person who conducts or performs the funeral ceremonies of any person who has died within the village shall, whenever required, furnish to the Registrar, or to any person authorised by him, such information as he possesses as to the said several particulars.

13. At any time within one year after the birth of a child the parent or other relative or guardian of the child may require the Registrar to enter in the Register of Births the name of such child.

14. Every person who has given the information contained in any Register of Births or Deaths under this Act shall sign 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.

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

Provided also that, in the case of a person being born or dying in any hos-

Section 24(1), Act IV of 1884 (Madras)
" 400, Act I " " "
" 186, " II of 1885 (Bengal) 2nd proviso of 1885
included under Section 11 of Bill marked B. I and will be provided or some building shop place of public resort, it shall be the duty of the person in charge of such hotel, boarding house, choultry, tavern or place

in the case of persons belonging to Choultry, Chattram or other public building, or dying in any hotel, boarding house, choultry, tavern or place of public resort, it shall be the duty of the person in charge of such hotel, boarding house, choultry, tavern or place to give the information required under sections 9 and 10 in the manner specified therein.

Section 248A, Act IV of 1884 (Madras)
" 453, " III 1885 (B'ly)
included under Section 17(1) of Bill marked B.

S. 249 (1), Act IV of 1884 (Madras)
S. 403 (1), " I " "
S. 189, " II 1885 (Bengal)

Sec. 14, Bill B

S. 189, Act II of 1885 (Bengal) 1st proviso

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 11 (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.

15. The Registrar shall, as soon as the registration has been completed, give, 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. Any person, may at all reasonable times, on payment of a fee of annas eight for each visit, search, in the presence of the Registrar, any Register of Births and Deaths on payment of a further fee of eight annas require the Registrar to give an extract under his hand from such register relating to any birth or death registered therein.

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.

17. Any person who (1) neglects or refuses or intentionally

Section 15, Bill B
S. 24(2), Act IV of 1884 (Madras)
S. 403(2) " I " "
I think the word "an application" will be inserted in this section for the word "line".
S. 249(4) of Act IV of 1884 (Madras)
I think four annas will be enough
Section 18 Bill B

S. 249(2) of Act IV of 1884 (Madras)

Section 19 Bill B
S. 402 of Act I of 1884 (Madras) Rs 20
S. 253, " IV of 1873 (Bengal) " 5
S. 8 " do " 5
S. 188 " II of 1885 " 20

omits to give any information which it is his duty to give under sections 9, 10 & 12 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 ten rupees.

Explanation:- If no information is furnished to the Registrar as required by sections 9 and 10 of this Act, every person who is bound to furnish such information shall be liable to the penalty prescribed in this section.

18. 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 his superior Officer.

19. The District Collector, or the Revenue Officer in charge of the division may, of his own motion or on complaint and after enquiry, fine, suspend ~~or~~ 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 and furnish a

S. 249(1) of act IV of 1884 (Madras) 1885

Section 20, Bill B

Section 21, Bill B.
No superior officer of a Registrar

19. No person shall be liable to ^{be} arrested for contravening any of the provisions of this Act; nor, in prosecutions instituted thereunder, shall ^{he} be compelled to appear in person before the Magistrate.

I doubt the expediency of this section. It is not in the Criminal Pro. Code and they are not in the present law. However

I do not think there would be any. The present law provides for the point in this in all other cases.

1/4/17.

35

copy of the same to the Registrar concerned.

20. 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

(2) for the inspection and examination of the Registers maintained under sections 5 and 7;

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

B

36

20

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."

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 beyond the limits of the City of Madras, ~~as defined by the Governor in Council under the City of Madras Municipal Act, 1883~~ and of the Municipalities constituted under the Madras District Municipalities Act, 1884.

3. In this Act, 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 beat of drum ^{in every village} and by publication in the District Gazette that registration of births and deaths is compulsory in the district or part of the district concerned.

- 1889 -

Section 1, Act IV of 1873 (Bengal)

Section 106(1), Act V of 1884 (Madras)

2 "outside" 2g

2 These words may be omitted & under Sec 3 of the Madras General Clauses Act 1891, "City of Madras" is defined to mean the area of the Madras Municipality. 2g

unless there be something repugnant in the subject or context

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

2 affected within the area 2g
A notice published in the Village Charvary or other conspicuous place 2g

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, 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 that behalf~~ 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.

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.

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,

Section 2 of Act IV of 1873, (Bengal)
Section 243 ~~and 244~~ of Act IV of 1884 (Madras)
Section 181 of Act II of 1888 (Bengal)
Section 442 of Act III of 1888 (Bombay)

if not divided into wards/

in writing/

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

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

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

Section 5 (Bengal) Act IV of 1873.

Section 246 (Madras) Act IV of 1884.

,, 397 (Bengal) ,, I ,,
,, 184 (Bengal) ,, II of 1888.
,, 445 (1) (Bombay) ,, III of 1888.

under Sec 7/

No "or" - you must make them both present/
(Bengal) Act IV of 1873, Section 7.
(Madras) ,, I of 1884, ,, 398.
,, ,, IV. ,, ,, 247 (1)
(Bengal) ,, II of 1888 ,, 185.
(Bombay) ,, III ,, ,, 446 (1)

these words may be omitted, when

to complete the forms prescribed under Sec 7/

This has been drafted on the model of the Rules under the Cantonment Act.

approved

(Bombay) Section 446 (1), Act III of 1888.

38

310

according to the forms prescribed ~~as afore~~ ~~said~~ 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.

9. The father ~~or~~ mother of every child born in the village, or, in the case of ~~the~~ ~~death, illness, inability, absence or~~ default of the father and mother, the midwife or person ~~who was~~ ^{other} 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} best of his knowledge and belief, of the several particulars

~~required (to be shown and registered) touching the birth of such child.~~

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

Provided also that in the case of an illegitimate child, 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 death, illness, inability, absence or 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, or, in case of their default, every person who conducts or performs the funeral ceremonies of the person who has died, shall within twenty four hours, give or cause to be given either orally or in writing, information to the Registrar, according

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)

These words may be omitted

I don't think these words are necessary

Completes the forms prescribed under Sec 7/29

This has been done on the model of the form in the Cantonment Act -

As per memo 29

Section 447, Act III of 1888 (Bombay)

Section 400, Act I of 1884, (Madras.)

,, 248 (1)	,, IV	,,
,, 186	,, II of 1888 (Bengal)	
	(2nd proviso)	

to complete the forms prescribed under Sec 7/29

"Or other public building" should be omitted here, if other place of public resort is intended after "shop."

to the best of his knowledge and belief, of the several particulars required ~~(to be known and registered touching the death of such person)~~.

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 10 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 be known and registered touching such birth or death)~~;

(2) in the case of persons being born ~~or dying~~ in any hotel, boarding house, lodging house, ~~club, or other place of public resort~~, *Choultry, Chattram or other public building*, *or a shop or other place of public resort*, *or other place of public resort*.

12. ~~There, it shall be the duty of the owner, keeper or~~
person in charge ^{thereof} of such hotel, boarding
~~house, choultry, tavern or place to give~~
the information required under sections
9 and ~~10~~ ¹¹ within the time and in the man-
ner specified therein.

14. Every person who has given
the information contained in any Register
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.

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

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 ~~11~~ (1) without
the signature of the Medical Officer to
the entry in such register. This proviso
shall also apply in the case of informa-
tion, touching any birth or death, given
in writing by any person.

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

(There are such things as
opium gardens
Jg)

Mr Davidson doubted if every
person who is required to sign, but I
of see no objection to this. Jg

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

Section 189 Act II of 1888 (Bengal)

1st: proviso.

Section 189 Act II of 1888 (Bengal)

2nd: proviso.

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

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

I wd want for application
Jg

I think this matter should
first be this Section the
regulated by rules a clause to
make that effect being inserted
in Sec. 72-III. Jg 1877.
Section 412 Act II of 1888, (Bombay)

in accordance with rules
made under Sec 22, 403 (2)
Jg

(3) Except as aforesaid, no altera-
tion shall be made in any such regis-
ter.

Section 248 A Act IV of 1884 (Madras)
Section 413 Act III of 1888 (Bombay)

gister 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 ~~by any person authori-
sed in that behalf by the Collector.~~

(2) An error of fact or substance in
any such register may be corrected by
any person authorised as aforesaid by
entry in the margin without any altera-
tion of the original entry, upon produc-
tion to the Collector by the person re-
quiring such error to be corrected of a
declaration on oath setting forth the
nature of the error and the true facts
of the case, made before a Magistrate
by two persons required by this Act to
give information concerning the birth
or death with reference to which the
error has been made or, in default of
such persons, by two credible persons
having knowledge of the case and certi-
fied by such Magistrate to have been
made in his presence.

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 per-
son procuring such name to be altered
or given may, within twelve months next
after the registration of the birth, de-
liver to the registrar such certificate
as hereinafter mentioned, and the regis-
trar, upon the receipt of that certifi-
cate, shall, without any erasure of the

original, forthwith enter in the register-
book the name mentioned in the certifi-
cate as having been given to the child.
(2) The certificate shall be in such
form as may from time to time be prescri-
bed by the Governor in Council, and, in
the case of a Christian, shall be signed
by the minister 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 or person who per-
forms 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 annas eight
for each visit, search, in the presence of
the Registrar, any Register of Births
and Deaths, and may on payment of a fur-
ther fee of ~~eight~~ annas require the Re-
gistrar to give an extract under his hand
from such register relating to any birth
or death registered therein.

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

Ref religion?

four

I think 4 annas wd be
enough.

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

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

Section 7 of Act IV of 1873, (Bengal)

„ 8 „ „ „
„ 402 „ I of 1884 (Madras) 20.
„ 283 „ IV „ „ 100
„ 188 „ II of 1888 (Bengal) 20.
„ 471 „ III „ (Bombay) 100

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

This may now come out with reference to the
provisions of sections 9 & 11

Say "An officer superior to Tahsil-
dar" The superior officer of a
Taluk or district. He would, his
appeal to a Mag. but it wd
be absurd not to let a
Mag. entertain a complaint
not preferred under the orders
of his superior

I wd omit District & in charge
of the Division. Collector is
defined in the General Clause Act.

(1) neglects or refuses or intention-
ally 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 re-
gistered; 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 ten
rupees.

~~Explanation:- If no information is fur-
nished to the Registrar as required by
sections 9, 10 and 11 of this Act, every
person who is bound to furnish such in-
formation shall be liable to the penalty
prescribed in this section.~~

20. No criminal complaint under
the last preceding section shall be en-
tertained by any Magistrate which is not
preferred under the orders of a Tahsil-
dar or his superior Officer.

21. The District Collector, or the
Revenue Officer (in charge of the Divi-
sion) may, of his own motion or on com-
plaint and after enquiry, fine, suspend,
dismiss or remove any Registrar for
misconduct or for neglect of duty or in-
capacity as such Registrar or for non-
residence in the village without the

original, forthwith enter in the register-
book the name mentioned in the certifi-
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false information touching any of the
particulars required to be known and re-
gistered; or

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Revenue Officer (in charge of the Divi-
sion) may, of his own motion or on com-
plaint and after enquiry, fine, suspend,
dismiss or remove any Registrar for
misconduct or for neglect of duty or in-
capacity 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 ~~and furnish a copy of the same to the Registrar concerned.~~

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(4);

(2) for the inspection and examination of the Registers maintained under sections 5 ~~and 7~~;

(3) for the conduct of the duties of the Registrar during ^{his} absence on other duty or ~~from~~ other causes;

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

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

*I think the words are unnecessary
It is a matter for Executive order*

*I add add between 4 & 5
for the correction of
registers under Sec 16(4)*

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

*I think the point is the
draft with by rules.*

STATEMENT OF OBJECTS AND REASONS

Since the passing of the

District Municipalities Act 1884 (IV

of 1884), the registration of births

and deaths has been compulsory in muni-

cipal towns under the provisions of

sections 243 to 249 of that Act.

*During the 13 years that ^{these provisions}
have been in operation they have
worked smoothly. It now appears
to the govt. that the time has come when
power sh^d. be taken to bring into
force similar provisions in non-
municipal areas, in which at
present the reporting of
deaths is not legally obligatory.*

*Until this is done
the result is that the registration
of vital statistics in this Presidency
is ^{unreliable} must ^{be} ~~be~~ ^{continue to be} ~~be~~ ^{inaccurate & incomplete}*

of vital statistics in this Presidency

taken as a whole, ^{is} ~~is~~ ^{unreliable} ~~unreliable~~ ^{inaccurate & incomplete}

Accordingly takes

draft Bill

accordingly takes

*Note
I don't know this?
It is certainly not
generally true. It
is rather necessary
to make comparison
of the figures.*

to extend the system of compulsory registration to the Pors generally but it is not proposed to do this at once.
The Bill leaves it to the Govt to bring its provisions into effect in particular areas at its discretion.

The extension will be made cautiously 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. that is

~~the Bill is not intended to be applied to the whole of the country at once~~
~~it is only intended to be applied to the towns and major Unions~~
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~~it is only intended to be applied to the towns and major Unions~~
KO
18/12/97
24/1/98
8.1.8

148
Draft Order. N. 27 of 15th Jan. 1898.

13/1/98

draft
A Bill for the registration of births and deaths outside Municipal towns
is forwarded for the remarks of the Board of Revenue together with a statement of objects and reasons with reference to para 8 of G. O. No. 476 Revenue, d/ 21st Sept. 1896.

8.2
7/1/98
To the Secy of Rev. (d/ra)
Secy of Rev. (d/ra) 21/1/98
50/3

Office
Get a very urgent proof of Bill & S. of O. OKs.
by Monday

157/18

Please see the proof put up, which has been examined. Attention is solicited to the alterations made on the margin of S. 17(2)

KD
18/1/98

Government (18' 8) of Madras.
REVENUE.

Recd.

Regd.

1898.

Enclosures

Spare copies

G.O., No. 27, 15th January 1898.

JANUARY.

Draft bill for the registration of births and deaths outside
Municipal towns.

Forwarding a —, for the remarks of the Board of Revenue, with reference to paragraph 8
of G.O., No. 476, Revenue, dated 21st September 1896.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

ORDER—No. 27, Revenue, dated 15th January 1898.

Miscellaneous.

A draft bill for the registration of births and deaths outside municipal towns is forwarded for the remarks of the Board of Revenue with reference to paragraph 8 of G.O., No. 476, Revenue, dated 21st September 1896.

(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).

Exd. Shaik Karim.

50 Copies.

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).

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.

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.

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.

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.

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).

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).

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.

(Bengal) Act IV of 1873, section 7.
 (Madras) " I of 1884 " 397.
 (") " 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).

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;

(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.

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

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.

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.

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

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

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

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

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

(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.

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

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

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

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

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 in capacity 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.

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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READ AGAIN G.O., No.
100

FILED

EXHIBIT No.

REFERENCE TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH INFO.

MARKS NOT FILLED UP, MARKS MEANT FOR DEPARTS
IN ORIGINAL.

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23-6-88

Revenue (1898) Department.

PRESS SERIES.

G.O., Nos 28429

Dated 17th January

[Despatch Abstract.]

Approving the proposal of the
United Planters' Association to send Mr. Newson
to Australia to collect & bring over to this
country a consignment of hardy birds &
stating that the Govt. is prepared to meet
a moiety of the cost.