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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th January 1885, and was referred to a Select Committee:—

No. 1 of 1885.

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL, 1885.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTION.

1. Short title and commencement.
2. Local extent.
3. Definitions.
4. Saving of local laws.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

5. Establishment of general registry offices and appointment of Registrars General.
6. Indexes to be kept at general registry office.
7. Indexes to be open to inspection.
8. Copies of entries to be admissible in evidence.

VI.—1

SECTION.

9. Superintendence of Registrars by Registrar General.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

10. Persons whose births and deaths are registrable.

B.—Registration Establishment.

11. Power for Local Government to appoint Registrars for its territories.
12. Power for Governor General in Council to appoint Registrars of Births and Deaths for Native States.
13. Office and attendance of Registrar.
14. Absence of Registrar from his district or vacancy in his office.
15. Register books to be supplied and preservation of records to be provided for.

C.—Mode of Registration.

16. Duty of Registrar to enter births and deaths of which notice is given in register.
17. Persons authorized to give notice of birth.
18. Persons authorized to give notice of death.
19. Entry of birth or death to be signed by person giving notice.
20. Grant of certificate of registration of birth or death.
21. Duty of Registrars as to sending certified copies of entries in register books to Registrar General.

SECTION.

22. Searches and copies of entries in register books.

D.—Penalties.

- 23. Penalty for wilfully giving false information.
- 24. Penalty for omission to enter birth or death in register, or loss of register.

E.—Correction of Errors.

- 25. Correction of entry in register of births and deaths.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS, 1872.

- 26. Addition of new section after section 13, Act III of 1872.
- 27. Amendment of the Indian Christian Marriage Act, 1872.

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter I.—Preliminary—Sections 1-4. Chapter II.—General Registry Offices of Births, Deaths and Marriages.—Sections 5-6.)

A Bill to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

WHEREAS it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons; for the more effectual registration of those births and deaths and of the marriages registered under Act III of 1872 or the Indian Christian Marriage Act, 1872, and for the establishment of general registry offices for keeping registers of those births, deaths and marriages;

And whereas it is also expedient to provide for the collection and preservation of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of the country in which the register was kept, and to declare that copies of the entries in those registers shall be admissible in evidence;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Births, Deaths and Marriages Registration Act, 1885; and

(2) It shall come into force on such day as the Governor General in Council, by notification in the *Gazette of India*, directs.

2. This Act extends to the whole of British India, and, so far only as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty.

In this Act, unless there is something repugnant in the subject or

Definitions.

“prescribed” means prescribed by a rule made by the Governor General in Council under this Act; and

SECTION.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

- 28. Permission to persons having custody of certain records to send them within one year to Registrar General.
- 29. Appointment of Commissioners to examine registers.
- 30. Duties of Commissioners.
- 31. Searches of lists prepared by Commissioners and grant of certified copies of entries.

CHAPTER VI.

RULES.

- 32. Power for Governor General in Council to make rules.
- 33. Procedure for making and publication of rules.

“Registrar of Births and Deaths” means a Registrar of Births and Deaths appointed under this Act.

4. Nothing in this Act, or in any rule made under this Act, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

Establishment of general registry offices and appointment of Registrars General. 5 (1) Each Local Government— [Cf. 6 & 7 Wm. IV, c 86, s. 2.]

(a) shall establish a general registry office, for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under Act III of 1872 (to provide a form of marriage in certain cases), or the Indian Christian Marriage Act, 1872, as may be sent to it under this Act, or under either of the two last-mentioned Acts as amended by this Act; and

(b) may, from time to time appoint to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration.

(2) Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, establish two general registry offices and appoint two Registrars General of Births, Deaths and Marriages for the territories under his administration; one of such general registry offices and of such Registrars General being established and appointed for Sindh and the other for the other territories under the administration of the Governor of Bombay in Council. [Cf. Act III of 1877, s. 4.]

6. Each Registrar General of Births, Deaths and Marriages shall cause indexes to be kept at general registry office. and Marriages shall cause indexes of all the certified copies of registers sent to his office under this Act, Act III of 1872, or the Indian Christian Marriage Act, 1872, as [Cf 6 & 7 Wm. IV, c. 87, ss. 37 & 38. See also Act III of 1877, s. 77.] XV of 1872.

XV of 1872.

[Act XV of 1872, s. 1.]

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter II.—General Registry Offices of Births, Deaths and Marriages.—Sections 7-9.)

(Chapter III.—Registration of Births and Deaths.—Sections 10-16.)

amended by this Act, to be made and kept in his office in the prescribed form.

7. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which they relate shall be given to all persons applying for them.

8. A copy of an entry given under the last foregoing section shall be signed by the Registrar General of Births, Deaths and Marriages, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

9. Each Registrar General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths in the territories for which he is appointed.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

10. The persons whose births and deaths shall be registrable under this chapter are as follows, namely:—

(a) in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion;

(b) in the dominions of Princes and States in India in alliance with Her Majesty, subjects of Her Majesty being members of a like race, sect or tribe or professing the Christian religion.

B.—Registration Establishment.

11. (1) The Local Government may, from time to time, appoint, either by name or by virtue of their office, so many persons as it thinks fit to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may, from time to time, define.

(2) The Local Government may suspend, remove or dismiss any person appointed under this section and appoint another person in his stead.

(3) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

12. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, appoint, either by name or by virtue of

their office, so many persons as he thinks fit to be Registrars of Births and Deaths for such local areas within the territories of any Prince or State in India in alliance with Her Majesty as he may, from time to time, define.

13. (1) Every Registrar of Births and Deaths shall have an office in the local area for which he is appointed.

(2) Every Registrar of Births and Deaths to whom the Local Government may direct this subsection to apply, shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General of Births, Deaths and Marriages may, from time to time, direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office, his name, with the addition of Registrar of Births and Deaths for the local area for which he is appointed, and the days and hours of his attendance.

14. (1) When any Registrar of Births and Deaths to whom the Local Government may direct this section to apply, not being a Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay, is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(2) When any such Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(3) The Registrar General of Births, Deaths and Marriages shall report all appointments made under this section to the Local Government.

15. The Local Government shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

C.—Mode of Registration.

16. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book.

[Cf. 37 & 38 Vic., c. 88, s. 26.]

[Cf. Act III of 1877, s. 10, also 37 & 38 Vic., c. 88, ss. 24 & 25.]

[Cf. Act III of 1877, s. 13.]

[Cf. 6 & 7 Wm. IV, c. 86, ss. 17 & 18; also Act III of 1877, s. 16.]

Power for Governor General in Council to appoint Registrars of Births and Deaths for Native States.

time to time, by notification in the *Gazette of India*, appoint, either by name or by virtue of

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter III.—Registration of Births and Deaths.—Sections 17-25.)

[Cf. 37 & 38
Vic., c. 88,
s. 10.]

17. The following persons are hereby authorized to give notice of a birth, namely, the father or mother of the child, or, in default of the father or mother, the occupier of the house in which to his knowledge the child is born, or any person present at the birth, or the person having charge of the child.

Churches of England, Rome and Scotland, the Registrar may send the certified copies in the first instance to his ecclesiastical superior, who shall send them to the proper Registrar General of Births, Deaths and Marriages.

In this sub-section, "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

[Cf. 37 & 38
Vic., c. 88,
s. 10.]

18. The following persons are hereby authorized to give notice of a death, namely:—

(a) In the case of any person dying in a house after the date on which this Act comes into force, the nearest relatives of the deceased present at the death or in attendance during the last illness of the deceased, or, in default of such relatives, any other relative of the deceased dwelling or being in the local area of the Registrar of Births and Death within which the deceased was at the time of his death, or, in default of such relatives, any person present at the death, or the occupier of the house in which to his knowledge the death took place, or, in default of the persons hereinbefore in this section mentioned, any inmate of that house; and

(2) The provisions of sub-section (1) shall apply to every Registrar of Births and Deaths in the territories of any Prince or State in India in alliance with Her Majesty, with this modification, that the certified copies referred to in that sub-section shall be sent to such one of the Registrars General of Births, Deaths and Marriages as the Governor General in Council, from time to time, by notification in the *Gazette of India*, appoints in this behalf. [Act XV of 1872, s. 56.]

[Cf. 37 & 38
Vic., c. 88,
s. 11.]

(b) in the case of any person dying in a place which is not a house, or of a dead body being found elsewhere than in a house after the date on which this Act comes into force, any relative of the deceased person having knowledge of any of the particulars required to be registered concerning the death, or, in default of such relative, any person present at the death, or finding, or taking charge of, the body.

22. (1) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times allow searches and copies of entries in register books. [Cf. 6 & 7 Wm. IV, c. 86, s. 35; also Act XV of 1872, s. 79.]

searches to be made in the register books kept by him, and give a copy of any entry in the same.

(2) Every copy of an entry in a register book given under this section shall be signed by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

D.—Penalties.

19. (1) When an entry of a birth or death has been made by the Registrar of Births and Deaths as required by section 16, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar.

23. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years and with fine. [Cf. 6 & 7 Wm. IV, c. 86, s. 41; 37 & 38 Vic., c. 88, s. 40; Act XV of 1872, s. 66.]

(2) Until the entry has been so signed, the birth or death shall not be deemed to be registered under this Act.

24. If any Registrar of Births and Deaths refuses, or without reasonable cause omits, to make an entry in the proper register of any birth or death which he ought so to enter under this Act, or if any person having the custody of any register book of births or deaths carelessly loses or injures or allows the injury of the book, he shall be punished with fine which may extend to five hundred rupees. [37 & 38 Vic., c. 88, s. 35.]

[Cf. 37 & 38
Vic., c. 88,
s. 11.]

20. The Registrar of Births and Deaths shall, on application made at registration of birth or death, grant of certificate of registration of birth or death, any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

E.—Correction of Errors.

[Cf. 6 & 7
Wm. IV, c.
86, ss. 32 &
34; also Act
III of 1877, s.
56.]

21. (1) Every Registrar of Births and Deaths in British India shall send to the Registrar General of Births, Deaths and Marriages for the territories within which the local area for which he is appointed is situate, at the prescribed intervals, a true copy, certified by him under his hand, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals:

(2) If a Registrar of Births and Deaths discovers any error in the form or substance of any entry of a birth or death in any register kept by him under this Act, he may, in the presence of the persons who gave the notice of the birth or death, or, in case of their death or absence, in the presence of two other credible witnesses, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction. [Cf. 6 & 7 Wm. IV, c. 86, s. 44; 37 & 38 Vic., c. 88, s. 36. See also Act XV of 1872, s. 78.]

Provided that, in the case of Registrars of Births and Deaths who are clergymen of the

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter IV.—Amendment of Marriage Acts, 1872.—Sections 26-27. Chapter V.—Special Provisions as to certain existing Registers.—Sections 28-30.)

(2) Every entry made under this section must be attested by the witnesses in whose presence it was made.

(3) If a certified copy of the entry has already been sent to the Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS, 1872.

26. After section 13 of Act III of 1872 (to provide a form of marriage in certain cases), the following section shall be inserted:—

“13A. The Registrar shall send to the Registrar General of Births, Deaths and Marriages for the territories within which his district is situate, at such intervals as the Governor General in Council, from time to time, directs, a true copy certified by him under his hand, in such form as the Governor General in Council, from time to time, prescribes, of all entries made by him in the said marriage-certificate book since the last of such intervals.”

Amendment of the Indian Christian Marriage Act, 1872.

27. In the Indian Christian Marriage Act, 1872, the following amendments shall be

made, namely:—

- (a) at the end of section 3 the words “Registrar General of Births, Deaths and Marriages” means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1885,” shall be added;
- (b) for the words “Secretary to the Local Government”, wherever they occur, and for the words “Secretary to a Local Government” in section 79, the words “Registrar General of Births, Deaths and Marriages” shall be substituted;
- (c) for the words “at such places as the Local Government directs” in section 62, the words “in the office of the Registrar General of Births, Deaths and Marriages for the territories of the Local Government by which the person who keeps the register-book was licensed” shall be substituted;
- (d) in section 81, after the words “Registrar General of Births, Deaths and Marriages” the words “in England” shall be added.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

28. If any person in British India, or in the dominions of any Prince or State in India in alliance with Her Majesty, has for the time being the custody of any register or record of birth, baptism, naming, dedication, death or burial of any persons of the classes specified in section 10, or of any register or record of marriage of persons of the class of those to whom Act III of 1872 or the Indian Christian Marriage Act, 1872, applies, and, if such register or record has been made by him otherwise than in performance of a duty specially enjoined by the law of the country in which the register or record was kept, he may, within one year from the date on which this Act comes into force, send the register or record to the office of the Registrar General of Births, Deaths and Marriages for the territories within which he resides, or, if he resides within the dominions of any such Prince or State as aforesaid, to such one of the Registrars General as aforesaid as the Governor General in Council, by notification in the *Gazette of India*, from time to time, directs in this behalf.

29. (1) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar General of Births, Deaths and Marriages under the last foregoing section.

(2) The Commissioners so appointed shall hold office for such period as the Governor General in Council, by the order of appointment, or any subsequent order, directs.

30 (1) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar General of Births, Deaths and Marriages under section 28,

and shall, from time to time, deliver to the Registrar General a descriptive list or lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful.

(2) The list or lists shall contain the prescribed particulars and refer to the registers or records, or to the portions of the registers or records, in the prescribed manner.

(3) The Commissioners shall also certify in writing, upon some part of every separate book or volume containing any such register or record, or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that

XV of 1872.

[Cf. 3 & 4 Vic., c. 92, s. 1.]

XV of 1872.

[Cf. 3 & 4 Vic., c. 94, s. 2.]

[Cf. 3 & 4 Vic., c. 92, ss. 2 and 4.]

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter V.—Special Provisions as to certain existing Registers.—Section 31.
Chapter VI.—Rules.—Sections 32-33.)

it is one of the registers or records, or portions of registers or records, referred to in the said list or lists.

[Cf. 3 & 4
Vic., c. 92, s.
5.]

31. (1) Subject to the payment of the prescribed fees the descriptive list or lists of registers or records, or portions of registers or records delivered by the Commissioners to the Registrar General of Births, Deaths and Marriages shall be, at all reasonable times, open to inspection by any person applying to inspect them, and copies of entries in those registers or records shall be given to all persons applying for them.

(2) A copy of an entry given under this section shall be signed by the Registrar General of Births, Deaths and Marriages, and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

CHAPTER VI.

RULES.

[Cf. 37 & 38
Vic., c. 88,
s. 27; also
Act XV of
1872, s. 82.]

32. The Governor General in Council may, from time to time, make Power for Governor General in Council to make rules—

- (a) to fix the fees payable under this Act;
- (b) to prescribe the forms required for the purposes of this Act;
- (c) to prescribe the time within which, and the mode in which, persons authorized under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice;

(d) to prescribe the registers to be kept, and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send true copies of the entries of births and deaths in the registers kept by them;

(e) to prescribe the particulars which the descriptive list or lists to be prepared by the Commissioners appointed under Chapter V are to contain, and the manner in which they are to refer to the records or registers, or portions of records or registers to which they relate; and

(f) generally to carry out the purposes of this Act.

33. (1) The Governor General in Council shall, before making rules under the last foregoing section, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

(2) There shall be published with the draft a note specifying a date at or after which the draft will be taken into consideration.

(3) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(4) Every rule made under this section shall be published in the *Gazette of India*, and the publication in the *Gazette of India* of a rule purporting to be made under the last foregoing section shall be conclusive evidence that it has been duly made.

STATEMENT OF OBJECTS AND REASONS.

It is proposed by this Bill (1) to establish a system of voluntary registration of births and deaths for the benefit of such classes of the community as would be likely to avail themselves of such registration, (2) to establish general registry offices for keeping registers of the births and deaths so registered, and of marriages registered under Act III of 1872 or the Indian Christian Marriage Act, 1872 (XV of 1872), and (3) to provide machinery for giving evidential value to certain existing registers of births, baptisms, deaths, burials and marriages, which have been kept under no law.

2. The subject of the registration of births and deaths among Europeans in India has been long under the consideration of the Government, whose attention has, moreover, been frequently directed to it by memorials from various Christian religious bodies urging very strongly the need for legislation.

3. The Indian Statute-book contains at present no general law for the registration of births and deaths. There are, indeed, enactments which provide for the registration of births and deaths within certain specified areas, principally municipalities and cantonments, but, in the first place, these enactments are strictly local in their nature, leaving the greater portion of the country unprovided for, and, in the next place, their provisions, being directed primarily to statistical purposes, are not of such a nature as to make the registers of births and deaths kept under them of value for purposes of evidence.

4. As to the numerous registers of baptisms and burials which are kept by ministers of religion in all parts of the country, it is doubtful how far they can be relied on for giving accurately the requisite particulars as to births and deaths, and most of them would, moreover, be inadmissible in evidence.

5. This being the state of the law, and considering the importance of the subject generally, and the memorials above referred to, and having regard to the fact that references are frequently made to

the Secretary of State for India and to the Government of India for proof of age or of deaths in connection with questions involving large individual interests such a rights to property, the Government of India is of opinion that it is expedient to enact a permissive law under which full facilities for registering births and deaths should be given to persons valuing unimpeachable evidence of these events.

6. As to the second object of the Bill, it is obvious that no system of registration of births and deaths can be complete or of practical value unless it provides for the establishment, at certain centres, of general offices where the information registered at the various local offices shall be collected and so arranged as to be readily available for public reference.

7. In this connection, the attention of the Government of India has been directed to the unsatisfactory nature of the system of registration of marriages under the Indian Christian Marriage Act, 1872, and Act III of 1872.

Documentary evidence of all marriages under the former Act is, by the provisions of the Act or the orders thereunder, sent to the Secretary to the Local Government, who is also empowered to grant certified copies which are receivable in evidence. It would seem, therefore, at first sight, that nothing further was required. But, as a matter of fact, not only are no arrangements made for maintaining an index to the marriages the records of which are retained in the local Secretariat, but the greater portion of the marriage records which are received in the local Secretariat have, under section 81 of the Act and the orders in force, to be sent on *in original* to the Government of India in the Home Department for transmission to the Secretary of State; so that the greater number of the marriage records which reach the local Secretariat do not remain there for purposes of reference, and such as do remain are, owing to the absence of an index, practically valueless.

As to Act III of 1872, this Act makes no provision for the marriages solemnized under it being reported to any central authority. The marriage-certificate books for which it provides are retained by the Registrar, who is not even required to index them. Their value as records of the marriages to which they refer is accordingly much diminished.

8. The Government of India have, therefore, availed themselves of the opportunity of the proposed legislation for the registration of births and deaths to remove these defects in the marriage-registration law, by providing for general registry offices for keeping registers, not only of the births and deaths which may be registered under the proposed law, but also of marriages which may be registered under Act III of 1872 or the Indian Christian Marriage Act, 1872.

9. The present Bill extends (section 2) to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty.

10. As there seems to be no way of utilizing for the special purposes in view the compulsory system of registration of births and deaths which is prescribed by the local laws referred to in paragraph 3 above, or of separating the registration of the limited classes affected by the Bill from that of the general population which is required under those laws, it has been found necessary to save the laws providing for the registration of births and deaths within particular local areas at present in force or which may hereafter be passed; and this is done by section 4. The result of this section will, therefore, be that the persons to whom the provisions of the Bill relating to the registration of births and deaths are applicable will be bound, as heretofore, to satisfy the statistical requirements of such local Acts, and will be at liberty to re-register births and deaths under the Bill for evidential purposes.

11. Chapter II provides (section 5) for the establishment by the Local Governments of general registry offices of births, deaths and marriages, and the appointment of Registrars General of Births, Deaths, and Marriages. By section 6 indexes are to be kept at the general registry offices of all the certified copies of registers which may be sent to them under the Bill or under Act III of 1872 or the Indian Christian Marriage Act, 1872. These indexes (section 7) are to be opened to public inspection, and copies of the entries in the certified copies of the registers to which they relate are to be given to all persons applying for them; and such copies are (section 8) to be admissible in evidence. By section 9 the Registrar General is given the superintendence of the Registrars of Births and Deaths.

12. Chapter III deals with the subject of registration of births and deaths. Section 10 defines the persons whose births and deaths are registrable as, in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion, and in Native States all like persons who are British subjects. These provisions of the Bill will therefore, generally speaking, apply to East Indians, Jews, Armenians and Parsis as well as to Europeans and Native Christians. These are believed to be the only classes of persons in the country who are likely to avail themselves of the benefits of a law of this nature.

13. The chapter then provides for a registration establishment, empowering (sections 11 and 12) the Local Government in British India and the Governor General in Council in Native States to appoint either by name or by virtue of their office fit persons to be Registrars of Births and Deaths for definite local areas. It is proposed to appoint under the general powers given by these sections persons authorized or licensed to perform marriages under either Act III of 1872 or the Indian Christian Marriage Act, 1872, and, in order to provide for the receipt of notices from persons who may prefer not to resort to the Marriage Registrars, other suitable persons, one of whom it is intended should be appointed for each local area for which a person who is also a Marriage Registrar is appointed. It is to the latter class of Registrars that sections 13 and 14, which lay down certain provisions as to the

office of such Registrars, and for the filling up temporary vacancies in the office of such Registrars, are intended to apply. Section 15 provides for the supply of register books and the preservation of records.

14. The chapter next treats of the mode of registration. It imposes (section 16) a duty on every Registrar of Births and Deaths to make an entry in his register book of all births and deaths of which notice may be given to him within the prescribed time and in the prescribed mode by a person authorized to give him such notice. It then (sections 17 and 18) specifies the persons who shall be authorized to give notice of births and deaths respectively.

Section 19 provides that the entry of the birth or death is to be signed by the person giving notice, and declares that until it is so signed the birth or death shall not be deemed to be registered. By section 20 every Registrar of Births and Deaths is required to give on application made at the time of registering any birth or death by the person giving notice of the same, and on payment by him of the prescribed fee, a certificate of having registered the birth or death.

Section 21 provides for the sending by every Registrar of Births and Deaths at prescribed intervals to the Registrar General of Births, Deaths and Marriages of certified copies of all entries in his register books. In the case of Registrars in British India, the copies are to be sent to the Registrar General within whose jurisdiction the local areas for which the Registrar is appointed is situate, an exception being made in the case of Registrars who are clergymen of the Churches of England, Rome and Scotland, who may send them to their ecclesiastical superiors to be forwarded by them to the Registrar General. In the case of Registrars in Native States, the copies are to be sent to such one of the Registrars General as the Governor General in Council may, by notification in the *Gazette of India*, direct in this behalf. Section 22 provides for searches, and grant of copies of entries in register books which shall be admissible in evidence.

15. Sections 23 and 24 prescribe penalties of imprisonment which may extend to three years and fine for wilfully giving false information to a Registrar of Births and Deaths, and of fine, which may extend to five hundred rupees, for Registrars of Births and Deaths omitting to enter births or deaths in the register or losing or injuring register books.

16. Lastly, section 25 prescribes the procedure by which errors in the form or substance of any entry in a register book of births and deaths may be corrected.

17. Chapter IV (sections 26 and 27) makes the amendments in Act III of 1872 and the Indian Christian Marriage Act, 1872, which are necessary in order to make the provisions of these Acts fit in with the scheme of the Bill, under which certified copies of entries in the registers kept under these Acts are in future to be sent to the Registrar General of Births, Deaths and Marriages.

18. Chapter V deals with the last of the three subjects referred to in the first paragraph of this Statement. As noted above, registers of births or baptisms and deaths or burials are at present kept in all parts of the country by ministers of religion. Registers of marriages were also similarly kept before the marriage-registration law came into force. Most of these registers are, as the law now stands, inadmissible in evidence, and possibly many of them should never be admitted in evidence owing to the irregular manner in which they have been compiled. At the same time, others are probably fit for admission as public registers. Under these circumstances, it seems advisable to follow the analogy of what was done in England (see 3 & 4 Vic., c. 92) and provide a procedure under which such of these registers as are worthy of recognition may be validated and certified copies of entries made in them declared admissible in evidence. This is accordingly done by Chapter V.

19. That chapter first (section 28) declares that any person having custody of any such records may, within one year from the date on which the Bill comes into force, send them to the Registrar General of Births, Deaths and Marriages for the territories within which the person resides, or, if he resides in a Native State, to such one of those Registrars General as the Governor General in Council, by notification, directs. It then (section 29) provides for the appointment by the Governor General in Council of Commissioners to examine the registers so sent to the various Registrars General, and prescribes (section 30) the duties of the Commissioners, which are to inquire into the state, custody and authenticity of every register submitted to them, and to prepare lists of all such registers or portions of registers as they find to be accurate and faithful, and to certify upon some part of every book or volume containing any such register or portion of a register as is referred to in any such list that it is one of the registers referred to in the list. Section 31 permits, on payment of a fee, searches to be made of the lists so prepared, and provides for the grant of certified copies of the entries in the registers which shall be admissible in evidence.

20. Finally, Chapter VI (sections 32 and 33) empowers the Governor General in Council to make rules with regard to certain matters connected with the purposes of the Act, and prescribes the usual procedure for the making and publication of such rules.

The 2nd January 1885,

(Signed) C. P. ILBERT,

R. J. CROSTHWAITE,

Officiating Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 29th January 1885.]

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th January 1885, and was referred to a Select Committee:—

No. 1 of 1885.

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL, 1885.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTION.

1. Short title and commencement.
2. Local extent.
3. Definitions.
4. Saving of local laws.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

5. Establishment of general registry offices and appointment of Registrars General.
6. Indexes to be kept at general registry office.
7. Indexes to be open to inspection.
8. Copies of entries to be admissible in evidence.
9. Superintendence of Registrars by Registrar General.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

10. Persons whose births and deaths are registrable.

VI.—2—1

SECTION.

B.—Registration Establishment.

11. Power for Local Government to appoint Registrars for its territories.
12. Power for Governor General in Council to appoint Registrars of Births and Deaths for Native States.
13. Office and attendance of Registrar.
14. Absence of Registrar from his district or vacancy in his office.
15. Register books to be supplied and preservation of records to be provided for.

C.—Mode of Registration.

16. Duty of Registrar to enter births and deaths of which notice is given in register.
17. Persons authorized to give notice of birth.
18. Persons authorized to give notice of death.
19. Entry of birth or death to be signed by person giving notice.
20. Grant of certificate of registration of birth or death.
21. Duty of Registrars as to sending certified copies of entries in register books to Registrar General.
22. Searches and copies of entries in register books.

D.—Penalties.

23. Penalty for wilfully giving false information.
24. Penalty for omission to enter birth or death in register, or loss of register.

E.—Correction of Errors.

25. Correction of entry in register of births and deaths.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS, 1872.

26. Addition of new section after section 13, Act III of 1872.
27. Amendment of the Indian Christian Marriage Act, 1872.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

SECTION.

- 28. Permission to persons having custody of certain records to send them within one year to Registrar General.
- 29. Appointment of Commissioners to examine registers.

SECTION.

- 30. Duties of Commissioners
- 31. Searches of lists prepared by Commissioners and grant of certified copies of entries.

CHAPTER VI.

RULES.

- 32. Power for Governor General in Council to make rules.
- 33. Procedure for making and publication of rules.

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter I.—Preliminary—Sections 1-4. Chapter II.—General Registry Offices of Births, Deaths and Marriages.—Sections 5-6).

A Bill to provide for the voluntary registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

WHEREAS it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under Act III of 1872 or the Indian Christian Marriage Act, 1872, and for the establishment of general registry offices for keeping registers of those births, deaths and marriages;

And whereas it is also expedient to provide for the collection and preservation of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of the country in which the register was kept, and to declare that copies of the entries in those registers shall be admissible in evidence;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement. I. (1) This Act may be called the Births, Deaths and Marriages Registration Act, 1885; and

(2) It shall come into force on such day as the Governor General in Council, by notification in the *Gazette of India*, directs.

Local extent. 2. This Act extends to the whole of British India, and, so far only as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty.

In this Act, unless there is something repugnant in the subject or context,—

Definitions. "prescribed" means prescribed by a rule made by the Governor General in Council under this Act; and

"Registrar of Births and Deaths" means a Registrar of Births and Deaths appointed under this Act.

4. Nothing in this Act, or in any rule made under this Act, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

Establishment of general registry offices and appointment of Registrars General. 5. (1) Each Local Government—

(a) shall establish a general registry office, for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under Act III of 1872 (to provide a form of marriage in certain cases), or the Indian Christian Marriage Act, 1872, as may be sent to it under this Act, or under either of the two last-mentioned Acts as amended by this Act; and

(b) may, from time to time appoint to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration.

(2) Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, establish two general registry offices and appoint two Registrars General of Births, Deaths and Marriages for the territories under his administration; one of such general registry offices and of such Registrars General being established and appointed for Sindh and the other for the other territories under the administration of the Governor of Bombay in Council.

6. Each Registrar General of Births, Deaths and Marriages shall cause indexes to be kept at general registry office. and Marriages shall cause indexes of all the certified copies of registers sent to his office under this Act, Act III of 1872, or the Indian Christian Marriage Act, 1872, as amended by this Act, to be made and kept in his office in the prescribed form.

XV of 1872.

[Cf. 6 & 7 Wm. IV, c. 86, s. 2.]

XV of 1872.

[Cf. Act III of 1877, s. 4.]

[Act XV of 1872, s. 1.]

[Cf. 6 & 7 Wm. IV, c. 67, ss. 37 & 38. See also Act III of 1877, s. 77.] XV of 1872.

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter II.—General Registry Offices of Births, Deaths and Marriages.—Sections 7-9.)
(Chapter III.—Registration of Births and Deaths.—Sections 10-16.)

7. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which they relate shall be given to all persons applying for them.

8. A copy of an entry given under the last foregoing section shall be signed by the Registrar General of Births, Deaths and Marriages, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

9. Each Registrar General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths in the territories for which he is appointed.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

10. The persons whose births and deaths shall be registrable under this chapter are as follows, namely:—

(a) in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion;

(b) in the dominions of Princes and States in India in alliance with Her Majesty, subjects of Her Majesty being members of a like race, sect or tribe or professing the Christian religion.

B.—Registration Establishment.

11. (1) The Local Government may, from time to time, appoint, either by name or by virtue of their office, so many persons as it thinks fit to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may, from time to time, define.

(2) The Local Government may suspend, remove or dismiss any person appointed under this section and appoint another person in his stead.

(3) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

12. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, appoint, either by name or by virtue of

their office, so many persons as he thinks fit to be Registrars of Births and Deaths for such local areas within the territories of any Prince or State in India in alliance with Her Majesty as he may, from time to time, define.

13. (1) Every Registrar of Births and Deaths shall have an office in the local area for which he is appointed.

(2) Every Registrar of Births and Deaths to whom the Local Government may direct this subsection to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General of Births, Deaths and Marriages may, from time to time, direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office, his name, with the addition of Registrar of Births and Deaths for the local area for which he is appointed, and the days and hours of his attendance.

14. (1) When any Registrar of Births and Deaths to whom the Local Government may direct this section to apply, not being a Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay, is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(2) When any such Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(3) The Registrar General of Births, Deaths and Marriages shall report all appointments made under this section to the Local Government.

15. The Local Government shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths; and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

16. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book.

C.—Mode of Registration.

17. (1) Every Registrar of Births and Deaths shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book.

(2) Every Registrar of Births and Deaths shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book.

X of 1865.

[Cf. Act III of 1877, s. 13.]

[Cf. 37 & 38 Vic., c. 88, s. 26.]

[Cf. Act III of 1877, s. 10, also 37 & 38 Vic., c. 88, ss. 24 & 25.]

[Cf. Act III of 1877, s. 13.]

[Cf. 6 & 7 Wm. IV, c. 86, ss. 17 & 18; also Act III of 1877, s. 16.]

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter III.—Registration of Births and Deaths.—Sections 17-25.)

[Cf. 37 & 38
Vic., c. 88,
s. 10.]

17. The following persons are hereby authorized to give notice of a birth, namely, the father or mother of the child, or, in default of the father or mother, the occupier of the house in which to his knowledge the child is born, or any person present at the birth, or the person having charge of the child.

18. The following persons are hereby authorized to give notice of a death, namely:—

(a) In the case of any person dying in a house after the date on which this Act comes into force, the nearest relatives of the deceased present at the death or in attendance during the last illness of the deceased, or, in default of such relatives, any other relative of the deceased dwelling or being in the local area of the Registrar of Births and Deaths within which the deceased was at the time of his death, or, in default of such relatives, any person present at the death, or the occupier of the house in which to his knowledge the death took place, or, in default of the persons hereinbefore in this section mentioned, any inmate of that house; and

(b) in the case of any person dying in a place which is not a house, or of a dead body being found elsewhere than in a house after the date on which this Act comes into force, any relative of the deceased person having knowledge of any of the particulars required to be registered concerning the death, or, in default of such relative, any person present at the death, or finding, or taking charge of, the body.

19. (1) When an entry of a birth or death has been made by the Registrar of Births and Deaths as required by section 16, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar.

(2) Until the entry has been so signed, the birth or death shall not be deemed to be registered under this Act.

20. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

21. (1) Every Registrar of Births and Deaths in British India shall send to the Registrar General of Births, Deaths and Marriages for the territories within which the local area for which he is appointed is situate, at the prescribed intervals, a true copy, certified by him under his hand, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals:

Provided that, in the case of Registrars of Births and Deaths who are clergymen of the

Churches of England, Rome and Scotland, the Registrar may send the certified copies in the first instance to his ecclesiastical superior, who shall send them to the proper Registrar General of Births, Deaths and Marriages.

In this sub-section, "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

(2) The provisions of sub-section (1) shall apply to every Registrar of Births and Deaths in the territories of any Prince or State in India in alliance with Her Majesty, with this modification, that the certified copies referred to in that sub-section shall be sent to such one of the Registrars General of Births, Deaths and Marriages as the Governor General in Council, from time to time, by notification in the *Gazette of India*, appoints in this behalf.

22. (1) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

(2) Every copy of an entry in a register book given under this section shall be signed by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

D.—Penalties.

23. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years and with fine.

24. If any Registrar of Births and Deaths refuses, or without reasonable cause omits, to make an entry in the proper register of any birth or death which he ought so to enter under this Act, or if any person having the custody of any register book of births or deaths carelessly loses or injures or allows the injury of the book, he shall be punished with fine which may extend to five hundred rupees.

E.—Correction of Errors.

25. (1) If a Registrar of Births and Deaths discovers any error in the form or substance of any entry of a birth or death in any register kept by him under this Act, he may, in the presence of the persons who gave the notice of the birth or death, or, in case of their death or absence, in the presence of two other credible witnesses, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction.

[Cf. 37 & 38
Vic., c. 88,
s. 10.]

[Cf. 37 & 38
Vic., c. 88,
s. 11.]

[Cf. 37 & 38
Vic., c. 88,
s. 30.]

[Cf. 6 & 7
Wm. IV, c.
86, ss. 32 &
34; also Act
III of 1877, s.
56.]

[Act XV of
1872, s. 56.]

[Cf. 6 & 7
Wm. IV, c. 86,
s. 35; also Act XV of
1872, s. 79.]

[Cf. 6 & 7
Wm. IV,
c. 86, s. 41;
37 & 38 Vic.,
c. 88, s. 40;
Act XV of
1872, s. 66.]

[37 & 38 Vic.,
c. 88, s. 35.]

[Cf. 6 & 7
Wm. IV,
c. 86, s. 41;
37 & 38 Vic.,
c. 88, s. 36.
See also Act
XV of 1872,
s. 78.]

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter IV.—Amendment of Marriage Acts, 1872.—Sections 26-27. Chapter V.—Special Provisions as to certain existing Registers.—Sections 28-30).

(2) Every entry made under this section must be attested by the witnesses in whose presence it was made.

(3) If a certified copy of the entry has already been sent to the Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS, 1872.

26. After section 13 of Act III of 1872 (to provide a form of marriage in certain cases), the following section shall be inserted:—

Addition of new section after section 13, Act III of 1872.

“13A. The Registrar shall send to the Registrar General of Births, Deaths and Marriages for the territories within which his district is situate, at such intervals as the Governor General in Council, from time to time, directs, a true copy certified by him under his hand, in such form as the Governor General in Council, from time to time, prescribes, of all entries made by him in the said marriage-certificate book since the last of such intervals.”

Transmission of certified copies of entries in marriage-certificate book to the Registrar General of Births, Deaths and Marriages.

General in Council, from time to time, directs, a true copy certified by him under his hand, in such form as the Governor General in Council, from time to time, prescribes, of all entries made by him in the said marriage-certificate book since the last of such intervals.”

27. In the Indian Christian Marriage Act, 1872, the following amendments shall be made, namely:—

Amendment of the Indian Christian Marriage Act, 1872.

(a) at the end of section 3 the words “Registrar General of Births, Deaths and Marriages” means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1883,” shall be added;

(b) for the words “Secretary to the Local Government”, wherever they occur, and for the words “Secretary to a Local Government” in section 79, the words “Registrar General of Births, Deaths and Marriages” shall be substituted;

(c) for the words “at such places as the Local Government directs” in section 62, the words “in the office of the Registrar General of Births, Deaths and Marriages for the territories of the Local Government by which the person who keeps the register-book was licensed” shall be substituted;

(d) in section 81, after the words “Registrar General of Births, Deaths and Marriages” the words “in England” shall be added.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

28. If any person in British India, or in the dominions of any Prince or State in India in alliance with Her Majesty, has for the time being the custody of any register or record of birth, baptism, naming, dedication, death or burial of any persons of the classes specified in section 10, or of any register or record of marriage of persons of the class of those to whom Act III of 1872 or the Indian Christian Marriage Act, 1872, applies, and if such register or record has been made by him otherwise than in performance of a duty specially enjoined by the law of the country in which the register or record was kept, he may, within one year from the date on which this Act comes into force, send the register or record to the office of the Registrar General of Births, Deaths and Marriages for the territories within which he resides, or, if he resides within the dominions of any such Prince or State as aforesaid, to such one of the Registrars General as aforesaid as the Governor General in Council, by notification in the *Gazette of India*, from time to time, directs in this behalf.

[Cf. 3 & 4 Vic., c. 92, s. 1.]

XV of 1872.

29. (1) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar General of Births, Deaths and Marriages under the last foregoing section.

Appointment of Commissioners to examine registers.

[Cf. 3 & 4 Vic., c. 94, s. 2.]

(2) The Commissioners so appointed shall hold office for such period as the Governor General in Council, by the order of appointment, or any subsequent order, directs.

30. (1) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar General of Births, Deaths and Marriages under section 28,

[Cf. 3 & 4 Vic., c. 92, ss. 2 and 4.]

and shall, from time to time, deliver to the Registrar General a descriptive list or lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful.

(2) The list or lists shall contain the prescribed particulars and refer to the registers or records, or to the portions of the registers or records, in the prescribed manner.

(3) The Commissioners shall also certify in writing, upon some part of every separate book or volume containing any such register or record, or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter V.—Special Provisions as to certain existing Registers.—Section 31.
Chapter VI.—Rules.—Sections 32-33).

it is one of the registers or records, or portions of registers or records, referred to in the said list or lists.

[Cl. 3 & 4
Vic., c. 32, s.
5.]

31. (1) Subject to the payment of the prescribed fees the descriptive list or lists of registers or records, or portions of registers or records delivered by the Commissioners to the Registrar General of Births, Deaths and Marriages shall be, at all reasonable times, open to inspection by any person applying to inspect them, and copies of entries in those registers or records shall be given to all persons applying for them.

(2) A copy of an entry given under this section shall be signed by the Registrar General of Births, Deaths and Marriages, and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

CHAPTER VI.

RULES.

[Cl. 37 & 38
Vic., c. 38,
s. 27; also
Act XV of
1872, s. 82.]

32. The Governor General in Council may, from time to time, make rules—
Power for Governor General in Council to make rules—

- (a) to fix the fees payable under this Act ;
- (b) to prescribe the forms required for the purposes of this Act ;
- (c) to prescribe the time within which, and the mode in which, persons authorized under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice ;

(d) to prescribe the registers to be kept, and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send true copies of the entries of births and deaths in the registers kept by them ;

(e) to prescribe the particulars which the descriptive list or lists to be prepared by the Commissioners appointed under Chapter V are to contain, and the manner in which they are to refer to the records or registers, or portions of records or registers to which they relate ; and

(f) generally to carry out the purposes of this Act.

33. (1) The Governor General in Council shall, before making rules under the last foregoing section, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

(2) There shall be published with the draft a note specifying a date at or after which the draft will be taken into consideration.

(3) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(4) Every rule made under this section shall be published in the *Gazette of India*, and the publication in the *Gazette of India* of a rule purporting to be made under the last foregoing section shall be conclusive evidence that it has been duly made.

STATEMENT OF OBJECTS AND REASONS.

It is proposed by this Bill (1) to establish a system of voluntary registration of births and deaths for the benefit of such classes of the community as would be likely to avail themselves of such registration, (2) to establish general registry offices for keeping registers of the births and deaths so registered, and of marriages registered under Act III of 1872 or the Indian Christian Marriage Act, 1872 (XV of 1872), and (3) to provide machinery for giving evidential value to certain existing registers of births, baptisms, deaths, burials and marriages, which have been kept under no law.

2. The subject of the registration of births and deaths among Europeans in India has been long under the consideration of the Government, whose attention has, moreover, been frequently directed to it by memorials from various Christian religious bodies urging very strongly the need for legislation.

3. The Indian Statute-book contains at present no general law for the registration of births and deaths. There are, indeed, enactments which provide for the registration of births and deaths within certain specified areas, principally municipalities and cantonments, but, in the first place, these enactments are strictly local in their nature, leaving the greater portion of the country unprovided for, and, in the next place, their provisions, being directed primarily to statistical purposes, are not of such a nature as to make the registers of births and deaths kept under them of value for purposes of evidence.

4. As to the numerous registers of baptisms and burials which are kept by ministers of religion in all parts of the country, it is doubtful how far they can be relied on for giving accurately the requisite particulars as to births and deaths, and most of them would, moreover, be inadmissible in evidence.

5. This being the state of the law, and considering the importance of the subject generally, and the memorials above referred to, and having regard to the fact that references are frequently made to

the Secretary of State for India and to the Government of India for proof of age or of deaths in connection with questions involving large individual interests such as rights to property, the Government of India is of opinion that it is expedient to enact a permissive law under which full facilities for registering births and deaths should be given to persons valuing unimpeachable evidence of these events.

6. As to the second object of the Bill, it is obvious that no system of registration of births and deaths can be complete or of practical value unless it provides for the establishment, at certain centres, of general offices where the information registered at the various local offices shall be collected and so arranged as to be readily available for public reference.

7. In this connection, the attention of the Government of India has been directed to the unsatisfactory nature of the system of registration of marriages under the Indian Christian Marriage Act, 1872, and Act III of 1872.

Documentary evidence of all marriages under the former Act is, by the provisions of the Act or the orders thereunder, sent to the Secretary to the Local Government, who is also empowered to grant certified copies which are receivable in evidence. It would seem, therefore, at first sight, that nothing further was required. But, as a matter of fact, not only are no arrangements made for maintaining an index to the marriages the records of which are retained in the local Secretariat, but the greater portion of the marriage records which are received in the local Secretariat have, under section 81 of the Act and the orders in force, to be sent on *in original* to the Government of India in the Home Department for transmission to the Secretary of State; so that the greater number of the marriage records which reach the local Secretariat do not remain there for purposes of reference, and such as do remain are, owing to the absence of an index, practically valueless.

As to Act III of 1872, this Act makes no provision for the marriages solemnized under it being reported to any central authority. The marriage-certificate books for which it provides are retained by the Registrar, who is not even required to index them. Their value as records of the marriages to which they refer is accordingly much diminished.

8. The Government of India have, therefore, availed themselves of the opportunity of the proposed legislation for the registration of births and deaths to remove these defects in the marriage-registration law, by providing for general registry offices for keeping registers, not only of the births and deaths which may be registered under the proposed law, but also of marriages which may be registered under Act III of 1872 or the Indian Christian Marriage Act, 1872.

9. The present Bill extends (section 2) to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty.

10. As there seems to be no way of utilizing for the special purposes in view the compulsory system of registration of births and deaths which is prescribed by the local laws referred to in paragraph 3 above, or of separating the registration of the limited classes affected by the Bill from that of the general population which is required under those laws, it has been found necessary to save the laws providing for the registration of births and deaths within particular local areas at present in force or which may hereafter be passed; and this is done by section 4. The result of this section will, therefore, be that the persons to whom the provisions of the Bill relating to the registration of births and deaths are applicable will be bound, as heretofore, to satisfy the statistical requirements of such local Acts, and will be at liberty to re-register births and deaths under the Bill for evidential purposes.

11. Chapter II provides (section 5) for the establishment by the Local Governments of general registry offices of births, deaths and marriages, and the appointment of Registrars General of Births, Deaths, and Marriages. By section 6 indexes are to be kept at the general registry offices of all the certified copies of registers which may be sent to them under the Bill or under Act III of 1872 or the Indian Christian Marriage Act, 1872. These indexes (section 7) are to be opened to public inspection, and copies of the entries in the certified copies of the registers to which they relate are to be given to all persons applying for them; and such copies are (section 8) to be admissible in evidence. By section 9 the Registrar General is given the superintendence of the Registrars of Births and Deaths.

12. Chapter III deals with the subject of registration of births and deaths. Section 10 defines the persons whose births and deaths are registrable as, in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion, and in Native States all like persons who are British subjects. These provisions of the Bill will therefore, generally speaking, apply to East Indians, Jews, Armenians and Parsis as well as to Europeans and Native Christians. These are believed to be the only classes of persons in the country who are likely to avail themselves of the benefits of a law of this nature.

13. The chapter then provides for a registration establishment, empowering (sections 11 and 12) the Local Government in British India and the Governor General in Council in Native States to appoint either by name or by virtue of their office fit persons to be Registrars of Births and Deaths for definite local areas. It is proposed to appoint under the general powers given by these sections persons authorized or licensed to perform marriages under either Act III of 1872 or the Indian Christian Marriage Act, 1872, and, in order to provide for the receipt of notices from persons who may prefer not to resort to the Marriage Registrars, other suitable persons, one of whom it is intended should be appointed for each local area for which a person who is also a Marriage Registrar is appointed. It is to the latter class of Registrars that sections 13 and 14, which lay down certain provisions as to the

office of such Registrars, and for the filling up temporary vacancies in the office of such Registrars, are intended to apply. Section 15 provides for the supply of register books and the preservation of records.

14. The chapter next treats of the mode of registration. It imposes (section 16) a duty on every Registrar of Births and Deaths to make an entry in his register book of all births and deaths of which notice may be given to him within the prescribed time and in the prescribed mode by a person authorized to give him such notice. It then (sections 17 and 18) specifies the persons who shall be authorized to give notice of births and deaths respectively.

Section 19 provides that the entry of the birth or death is to be signed by the person giving notice, and declares that until it is so signed the birth or death shall not be deemed to be registered. By section 20 every Registrar of Births and Deaths is required to give on application made at the time of registering any birth or death by the person giving notice of the same, and on payment by him of the prescribed fee, a certificate of having registered the birth or death.

Section 21 provides for the sending by every Registrar of Births and Deaths at prescribed intervals to the Registrar General of Births, Deaths and Marriages of certified copies of all entries in his register books. In the case of Registrars in British India, the copies are to be sent to the Registrar General within whose jurisdiction the local areas for which the Registrar is appointed is situate, an exception being made in the case of Registrars who are clergymen of the Churches of England, Rome and Scotland, who may send them to their ecclesiastical superiors to be forwarded by them to the Registrar General. In the case of Registrars in Native States, the copies are to be sent to such one of the Registrars General as the Governor General in Council may, by notification in the *Gazette of India*, direct in this behalf. Section 22 provides for searches, and grant of copies of entries in register books which shall be admissible in evidence.

15. Sections 23 and 24 prescribe penalties of imprisonment which may extend to three years and fine for wilfully giving false information to a Registrar of Births and Deaths, and of fine, which may extend to five hundred rupees, for Registrars of Births and Deaths omitting to enter births or deaths in the register or losing or injuring register books.

16. Lastly, section 25 prescribes the procedure by which errors in the form or substance of any entry in a register book of births and deaths may be corrected.

17. Chapter IV (sections 26 and 27) makes the amendments in Act III of 1872 and the Indian Christian Marriage Act, 1872, which are necessary in order to make the provisions of these Acts fit in with the scheme of the Bill, under which certified copies of entries in the registers kept under these Acts are in future to be sent to the Registrar General of Births, Deaths and Marriages.

18. Chapter V deals with the last of the three subjects referred to in the first paragraph of this Statement. As noted above, registers of births or baptisms and deaths or burials are at present kept in all parts of the country by ministers of religion. Registers of marriages were also similarly kept before the marriage-registration law came into force. Most of these registers are, as the law now stands, inadmissible in evidence, and possibly many of them should never be admitted in evidence owing to the irregular manner in which they have been compiled. At the same time, others are probably fit for admission as public registers. Under these circumstances, it seems advisable to follow the analogy of what was done in England (see 3 & 4 Vic., c. 92) and provide a procedure under which such of these registers as are worthy of recognition may be validated and certified copies of entries made in them declared admissible in evidence. This is accordingly done by Chapter V.

19. That chapter first (section 28) declares that any person having custody of any such records may, within one year from the date on which the Bill comes into force, send them to the Registrar General of Births, Deaths and Marriages for the territories within which the person resides, or, if he resides in a Native State, to such one of those Registrars General as the Governor General in Council, by notification, directs. It then (section 29) provides for the appointment by the Governor General in Council of Commissioners to examine the registers so sent to the various Registrars General, and prescribes (section 30) the duties of the Commissioners, which are to inquire into the state, custody and authenticity of every register submitted to them, and to prepare lists of all such registers or portions of registers as they find to be accurate and faithful, and to certify upon some part of every book or volume containing any such register or portion of a register as is referred to in any such list that it is one of the registers referred to in the list. Section 31 permits, on payment of a fee, searches to be made of the lists so prepared, and provides for the grant of certified copies of the entries in the registers which shall be admissible in evidence.

20. Finally, Chapter VI (sections 32 and 33) empowers the Governor General in Council to make rules with regard to certain matters connected with the purposes of the Act, and prescribes the usual procedure for the making and publication of such rules.

(Signed) C. P. ILBERT.

The 2nd January 1885.

R. J. CROSTHWAITE,

Officiating Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 5th February 1885.]

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th January 1885, and was referred to a Select Committee:—

No. 1 of 1885.

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL, 1885.

CONTENTS.

CHAPTER I. PRELIMINARY.

SECTION.

1. Short title and commencement.
2. Local extent.
3. Definitions.
4. Saving of local laws.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

5. Establishment of general registry offices and appointment of Registrars General.
6. Indexes to be kept at general registry office.
7. Indexes to be open to inspection.
8. Copies of entries to be admissible in evidence.
9. Superintendence of Registrars by Registrar General.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

10. Persons whose births and deaths are registrable.

VI.—2-3

SECTION.

B.—Registration Establishment.

11. Power for Local Government to appoint Registrars for its territories.
12. Power for Governor General in Council to appoint Registrars of Births and Deaths for Native States.
13. Office and attendance of Registrar.
14. Absence of Registrar from his district or vacancy in his office.
15. Register books to be supplied and preservation of records to be provided for.

C.—Mode of Registration.

16. Duty of Registrar to enter births and deaths of which notice is given in register.
17. Persons authorized to give notice of birth.
18. Persons authorized to give notice of death.
19. Entry of birth or death to be signed by person giving notice.
20. Grant of certificate of registration of birth or death.
21. Duty of Registrars as to sending certified copies of entries in register books to Registrar General.
22. Searches and copies of entries in register books.

D.—Penalties.

23. Penalty for wilfully giving false information.
24. Penalty for omission to enter birth or death in register, or loss of register.

E.—Correction of Errors.

25. Correction of entry in register of births and deaths.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS, 1872.

26. Addition of new section after section 13, Act III of 1872.
27. Amendment of the Indian Christian Marriage Act, 1872.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING
REGISTERS.

SECTION.

28. Permission to persons having custody of certain records to send them within one year to Registrar General.
29. Appointment of Commissioners to examine registers.
30. Duties of Commissioners.

SECTION.

31. Searches of lists prepared by Commissioners and grant of certified copies of entries.

CHAPTER VI.

RULES.

32. Power for Governor General in Council to make rules.
33. Procedure for making and publication of rules.

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter I.—Preliminary—Sections 1-4. Chapter II.—General Registry Offices of Births, Deaths and Marriages.—Sections 5-6).

A Bill to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

WHEREAS it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under Act III of 1872 or the Indian Christian Marriage Act, 1872, and for the establishment of general registry offices for keeping registers of those births, deaths and marriages;

And whereas it is also expedient to provide for the collection and preservation of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of the country in which the register was kept, and to declare that copies of the entries in those registers shall be admissible in evidence;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Births, Deaths and Marriages Registration Act, 1885; and

(2) It shall come into force on such day as the Governor General in Council, by notification in the *Gazette of India*, directs.

2. This Act extends to the whole of British India, and, so far only as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty.

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

“prescribed” means prescribed by a rule made by the Governor General in Council under this Act; and

“Registrar of Births and Deaths” means a Registrar of Births and Deaths appointed under this Act.

4. Nothing in this Act, or in any rule made under this Act, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS
AND MARRIAGES.

Establishment of general registry offices and appointment of Registrars General.

5. (1) Each Local Government—

[Cf. 6 & 7 Wm. IV, c. 86, s. 2.]

(a) shall establish a general registry office, for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under Act III of 1872 (to provide a form of marriage in certain cases), or the Indian Christian Marriage Act, 1872, as may be sent to it under this Act, or under either of the two last-mentioned Acts as amended by this Act; and

(b) may, from time to time appoint to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration.

(2) Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, establish two general registry offices and appoint two Registrars General of Births, Deaths and Marriages for the territories under his administration; one of such general registry offices and of such Registrars General being established and appointed for Sindh and the other for the other territories under the administration of the Governor of Bombay in Council.

6. Each Registrar General of Births, Deaths and Marriages shall cause indexes to be kept at general registry office, indexes of all the certified copies of registers sent to his office under this Act, Act III of 1872, or the Indian Christian Marriage Act, 1872, as amended by this Act, to be made and kept in his office in the prescribed form.

[Cf. 6 & 7 Wm. IV, c. 67, ss. 37 & 38. See also Act III of 1877, s. 77.]
XV of 1872.

XV of 1872.

[Act XV of 1872, s. 1.]

XV of 1872.

[Cf. Act III of 1877, s. 4.]

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter II.—General Registry Offices of Births, Deaths and Marriages.—Sections 7-9.)

(Chapter III.—Registration of Births and Deaths.—Sections 10-16.)

7. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which they relate shall be given to all persons applying for them.

8. A copy of an entry given under the last foregoing section shall be signed by the Registrar General of Births, Deaths and Marriages, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

9. Each Registrar General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths in the territories for which he is appointed.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

10. The persons whose births and deaths shall be registrable under this chapter are as follows, namely:—

(a) in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion;

(b) in the dominions of Princes and States in India in alliance with Her Majesty, subjects of Her Majesty being members of a like race, sect or tribe or professing the Christian religion.

B.—Registration Establishment.

11. (1) The Local Government may, from time to time, appoint, either by name or by virtue of their office, so many persons as it thinks fit to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may, from time to time, define.

(2) The Local Government may suspend, remove or dismiss any person appointed under this section and appoint another person in his stead.

(3) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

12. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, appoint, either by name or by virtue of

their office, so many persons as he thinks fit to be Registrars of Births and Deaths for such local areas within the territories of any Prince or State in India in alliance with Her Majesty as he may, from time to time, define.

13. (1) Every Registrar of Births and Deaths shall have an office in the local area for which he is appointed.

(2) Every Registrar of Births and Deaths to whom the Local Government may direct this subsection to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General of Births, Deaths and Marriages may, from time to time, direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office, his name, with the addition of Registrar of Births and Deaths for the local area for which he is appointed, and the days and hours of his attendance.

14. (1) When any Registrar of Births and Deaths to whom the Local Government may direct this section to apply, not being a Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay, is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(2) When any such Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(3) The Registrar General of Births, Deaths and Marriages shall report all appointments made under this section to the Local Government.

15. The Local Government shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

16. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book.

C.—Mode of Registration.

17. (1) The Local Government may, from time to time, appoint, either by name or by virtue of their office, so many persons as it thinks fit to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may, from time to time, define.

(2) The Local Government may suspend, remove or dismiss any person appointed under this section and appoint another person in his stead.

(3) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

Indexes to be open to inspection.

fees, the indexes so made shall be at all reasonable times open to inspection

by any person applying to inspect them, and copies of entries in the certified copies of the registers to which they relate shall be given to all persons applying for them.

8. A copy of an entry given under the last foregoing section shall be signed by the Registrar General of Births, Deaths and Marriages, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

9. Each Registrar General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths in the territories for which he is appointed.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A.—Application of this Chapter.

10. The persons whose births and deaths shall be registrable under this chapter are as follows, namely:—

(a) in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion;

(b) in the dominions of Princes and States in India in alliance with Her Majesty, subjects of Her Majesty being members of a like race, sect or tribe or professing the Christian religion.

B.—Registration Establishment.

11. (1) The Local Government may, from time to time, appoint, either by name or by virtue of their office, so many persons as it thinks fit to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may, from time to time, define.

(2) The Local Government may suspend, remove or dismiss any person appointed under this section and appoint another person in his stead.

(3) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

12. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, appoint, either by name or by virtue of

their office, so many persons as he thinks fit to be Registrars of Births and Deaths for such local areas within the territories of any Prince or State in India in alliance with Her Majesty as he may, from time to time, define.

13. (1) Every Registrar of Births and Deaths shall have an office in the local area for which he is appointed.

(2) Every Registrar of Births and Deaths to whom the Local Government may direct this subsection to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General of Births, Deaths and Marriages may, from time to time, direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office, his name, with the addition of Registrar of Births and Deaths for the local area for which he is appointed, and the days and hours of his attendance.

14. (1) When any Registrar of Births and Deaths to whom the Local Government may direct this section to apply, not being a Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay, is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(2) When any such Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(3) The Registrar General of Births, Deaths and Marriages shall report all appointments made under this section to the Local Government.

15. The Local Government shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

16. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book.

C.—Mode of Registration.

17. (1) The Local Government may, from time to time, appoint, either by name or by virtue of their office, so many persons as it thinks fit to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may, from time to time, define.

(2) The Local Government may suspend, remove or dismiss any person appointed under this section and appoint another person in his stead.

(3) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

X of 1865.

[Cf. Act III of 1877, s. 13.]

[Cf. 37 & 38 Vic., c. 88, s. 26.]

[Cf. Act III of 1877, s. 10, also 37 & 38 Vic., c. 88, ss. 24 & 25.]

[Cf. Act III of 1877, s. 13.]

[Cf. 6 & 7 Wm. IV, c. 86, ss. 17 & 18; also Act III of 1877, s. 16.]

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter III.—Registration of Births and Deaths.—Sections 17-25.)

[Cf. 37 & 38
Vic., c. 88,
s. 10.]

17. The following persons are hereby authorized to give notice of a birth, namely, the father or mother of the child, or, in default of the father or mother, the occupier of the house in which to his knowledge the child is born, or any person present at the birth, or the person having charge of the child.

Churches of England, Rome and Scotland, the Registrar may send the certified copies in the first instance to his ecclesiastical superior, who shall send them to the proper Registrar General of Births, Deaths and Marriages.

In this sub-section, "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

[Cf. 37 & 38
Vic., c. 88,
s. 10.]

18. The following persons are hereby authorized to give notice of a death, namely:—

(a) In the case of any person dying in a house after the date on which this Act comes into force, the nearest relatives of the deceased present at the death or in attendance during the last illness of the deceased, or, in default of such relatives, any other relative of the deceased dwelling or being in the local area of the Registrar of Births and Deaths within which the deceased was at the time of his death, or, in default of such relatives, any person present at the death, or the occupier of the house in which to his knowledge the death took place, or, in default of the persons hereinbefore in this section mentioned, any inmate of that house; and

(2) The provisions of sub-section (1) shall apply to every Registrar of Births and Deaths in the territories of any Prince or State in India in alliance with Her Majesty, with this modification, that the certified copies referred to in that sub-section shall be sent to such one of the Registrars General of Births, Deaths and Marriages as the Governor General in Council, from time to time, by notification in the *Gazette of India*, appoints in this behalf.

[Cf. 37 & 38
Vic., c. 88,
s. 11.]

(b) in the case of any person dying in a place which is not a house, or of a dead body being found elsewhere than in a house after the date on which this Act comes into force, any relative of the deceased person having knowledge of any of the particulars required to be registered concerning the death, or, in default of such relative, any person present at the death, or finding, or taking charge of, the body.

22. (1) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

(2) Every copy of an entry in a register book given under this section shall be signed by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

D.—Penalties.

19. (1) When an entry of a birth or death to be signed by person giving notice. has been made by the Registrar of Births and Deaths as required by section 16, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar.

(2) Until the entry has been so signed, the birth or death shall not be deemed to be registered under this Act.

23. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years and with fine.

24. If any Registrar of Births and Deaths enters birth or death in register, or loss of register. refuses, or without reasonable cause omits, to make an entry in the proper register of any birth or death which he ought so to enter under this Act, or if any person having the custody of any register book of births or deaths carelessly loses or injures or allows the injury of the book, he shall be punished with fine which may extend to five hundred rupees.

[Cf. 37 & 38
Vic., c. 88,
s. 30.]

20. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

[Cf. 6 & 7
Wm. IV, c.
86, ss. 32 &
34; also Act
111 of 1877, s.
56.]

21. (1) Every Registrar of Births and Deaths in British India shall send to the Registrar General of Births, Deaths and Marriages for the territories within which the local area for which he is appointed is situate, at the prescribed intervals, a true copy, certified by him under his hand, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals:—

Provided that, in the case of Registrars of Births and Deaths who are clergymen of the

(2) If a Registrar of Births and Deaths discovers any error in the form or substance of any entry of a birth or death in any register kept by him under this Act, he may, in the presence of the persons who gave the notice of the birth or death, or, in case of their death or absence, in the presence of two other credible witnesses, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction.

E.—Correction of Errors.

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter IV.—Amendment of Marriage Acts, 1872.—Sections 26-27. Chapter V.—Special Provisions as to certain existing Registers.—Sections 28-30).

(2) Every entry made under this section must be attested by the witnesses in whose presence it was made.

(3) If a certified copy of the entry has already been sent to the Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS, 1872.

26. After section 13 of Act III of 1872 (to provide a form of marriage in certain cases), the following section shall be inserted:—

Addition of new section after section 13, Act III of 1872.

“13A. The Registrar shall send to the Registrar General of Births, Deaths and Marriages for the territories within which his district is situate, at such intervals as the Governor General in Council, from time to time, directs, a true copy certified by him under his hand, in such form as the Governor General in Council, from time to time, prescribes, of all entries made by him in the said marriage-certificate book since the last of such intervals.”

Transmission of certified copies of entries in marriage-certificate book to the Registrar General of Births, Deaths and Marriages.

27. In the Indian Christian Marriage Act, 1872, the following amendments shall be

made, namely:—

- (a) at the end of section 3 the words “Registrar General of Births, Deaths and Marriages” means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1885,” shall be added;
- (b) for the words “Secretary to the Local Government”, wherever they occur, and for the words “Secretary to a Local Government” in section 79, the words “Registrar General of Births, Deaths and Marriages” shall be substituted;
- (c) for the words “at such places as the Local Government directs” in section 62, the words “in the office of the Registrar General of Births, Deaths and Marriages for the territories of the Local Government by which the person who keeps the register-book was licensed” shall be substituted;
- (d) in section 81, after the words “Registrar General of Births, Deaths and Marriages” the words “in England” shall be added.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

28. If any person in British India, or in the dominions of any Prince or State in India in alliance with Her Majesty, has for the time being the custody of any register or record of birth, baptism, naming, dedication, death or burial of any persons of the classes specified in section 10, or of any register or record of marriage of persons of the class of those to whom Act III of 1872 or the Indian Christian Marriage Act, 1872, applies, and, if such register or record has been made by him otherwise than in performance of a duty specially enjoined by the law of the country in which the register or record was kept, he may, within one year from the date on which this Act comes into force, send the register or record to the office of the Registrar General of Births, Deaths and Marriages for the territories within which he resides, or, if he resides within the dominions of any such Prince or State as aforesaid, to such one of the Registrars General as aforesaid as the Governor General in Council, by notification in the *Gazette of India*, from time to time, directs in this behalf.

[Cf. 3 & 4 Vic., c. 92, s. 1.]

XV of 1872.

29. (1) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar General of Births, Deaths and Marriages under the last foregoing section.

Appointment of Commissioners to examine registers.

[Cf. 3 & 4 Vic., c. 94, s. 2.]

(2) The Commissioners so appointed shall hold office for such period as the Governor General in Council, by the order of appointment, or any subsequent order, directs.

30. (1) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar General of Births, Deaths and Marriages under section 28,

[Cf. 3 & 4 Vic., c. 92, ss. 2 and 4.]

and shall, from time to time, deliver to the Registrar General a descriptive list or lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful.

(2) The list or lists shall contain the prescribed particulars and refer to the registers or records, or to the portions of the registers or records, in the prescribed manner.

(3) The Commissioners shall also certify in writing, upon some part of every separate book or volume containing any such register or record, or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that

The Births, Deaths and Marriages Registration Bill, 1885.

(Chapter V.—Special Provisions as to certain existing Registers.—Section 31.
Chapter VI.—Rules.—Sections 32-33).

it is one of the registers or records, or portions of registers or records, referred to in the said list or lists.

[Cf. 3 & 4
Vic., c. 92, s.
5.]

31. (1) Subject to the payment of the prescribed fees the descriptive list or lists of registers or records, or portions of registers or records delivered by the Commissioners to the Registrar General of Births, Deaths and Marriages shall be, at all reasonable times, open to inspection by any person applying to inspect them, and copies of entries in those registers or records shall be given to all persons applying for them.

(2) A copy of an entry given under this section shall be signed by the Registrar General of Births, Deaths and Marriages, and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

CHAPTER VI.

RULES.

32. The Governor General in Council may, from time to time, make rules—
Power for Governor General in Council to make rules—

- (a) to fix the fees payable under this Act ;
(b) to prescribe the forms required for the purposes of this Act ;
(c) to prescribe the time within which, and the mode in which, persons authorized under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice ;

(d) to prescribe the registers to be kept, and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send true copies of the entries of births and deaths in the registers kept by them ;

(e) to prescribe the particulars which the descriptive list or lists to be prepared by the Commissioners appointed under Chapter V are to contain, and the manner in which they are to refer to the records or registers, or portions of records or registers to which they relate ; and

(f) generally to carry out the purposes of this Act.

33. (1) The Governor General in Council shall, before making rules under the last foregoing section, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

(2) There shall be published with the draft a note specifying a date at or after which the draft will be taken into consideration.

(3) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(4) Every rule made under this section shall be published in the *Gazette of India*, and the publication in the *Gazette of India* of a rule purporting to be made under the last foregoing section shall be conclusive evidence that it has been duly made.

STATEMENT OF OBJECTS AND REASONS.

It is proposed by this Bill (1) to establish a system of voluntary registration of births and deaths for the benefit of such classes of the community as would be likely to avail themselves of such registration, (2) to establish general registry offices for keeping registers of the births and deaths so registered, and of marriages registered under Act III of 1872 or the Indian Christian Marriage Act, 1872 (XV of 1872), and (3) to provide machinery for giving evidential value to certain existing registers of births, baptisms, deaths, burials and marriages, which have been kept under no law.

2. The subject of the registration of births and deaths among Europeans in India has been long under the consideration of the Government, whose attention has, moreover, been frequently directed to it by memorials from various Christian religious bodies urging very strongly the need for legislation.

3. The Indian Statute-book contains at present no general law for the registration of births and deaths. There are, indeed, enactments which provide for the registration of births and deaths within certain specified areas, principally municipalities and cantonments, but, in the first place, these enactments are strictly local in their nature, leaving the greater portion of the country unprovided for, and, in the next place, their provisions, being directed primarily to statistical purposes, are not of such a nature as to make the registers of births and deaths kept under them of value for purposes of evidence.

4. As to the numerous registers of baptisms and burials which are kept by ministers of religion in all parts of the country, it is doubtful how far they can be relied on for giving accurately the requisite particulars as to births and deaths, and most of them would, moreover, be inadmissible in evidence.

5. This being the state of the law, and considering the importance of the subject generally, and the memorials above referred to, and having regard to the fact that references are frequently made to

the Secretary of State for India and to the Government of India for proof of age or of deaths in connection with questions involving large individual interests such as rights to property, the Government of India is of opinion that it is expedient to enact a permissive law under which full facilities for registering births and deaths should be given to persons valuing unimpeachable evidence of these events.

6. As to the second object of the Bill, it is obvious that no system of registration of births and deaths can be complete or of practical value unless it provides for the establishment, at certain centres, of general offices where the information registered at the various local offices shall be collected and so arranged as to be readily available for public reference.

7. In this connection, the attention of the Government of India has been directed to the unsatisfactory nature of the system of registration of marriages under the Indian Christian Marriage Act, 1872, and Act III of 1872.

Documentary evidence of all marriages under the former Act is, by the provisions of the Act or the orders thereunder, sent to the Secretary to the Local Government, who is also empowered to grant certified copies which are receivable in evidence. It would seem, therefore, at first sight, that nothing further was required. But, as a matter of fact, not only are no arrangements made for maintaining an index to the marriages the records of which are retained in the local Secretariat, but the greater portion of the marriage records which are received in the local Secretariat have, under section 81 of the Act and the orders in force, to be sent on *in original* to the Government of India in the Home Department for transmission to the Secretary of State; so that the greater number of the marriage records which reach the local Secretariat do not remain there for purposes of reference, and such as do remain are, owing to the absence of an index, practically valueless.

As to Act III of 1872, this Act makes no provision for the marriages solemnized under it being reported to any central authority. The marriage-certificate books for which it provides are retained by the Registrar, who is not even required to index them. Their value as records of the marriages to which they refer is accordingly much diminished.

8. The Government of India have, therefore, availed themselves of the opportunity of the proposed legislation for the registration of births and deaths to remove these defects in the marriage-registration law, by providing for general registry offices for keeping registers, not only of the births and deaths which may be registered under the proposed law, but also of marriages which may be registered under Act III of 1872 or the Indian Christian Marriage Act, 1872.

9. The present Bill extends (section 2) to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty.

10. As there seems to be no way of utilizing for the special purposes in view the compulsory system of registration of births and deaths which is prescribed by the local laws referred to in paragraph 3 above, or of separating the registration of the limited classes affected by the Bill from that of the general population which is required under those laws, it has been found necessary to save the laws providing for the registration of births and deaths within particular local areas at present in force or which may hereafter be passed; and this is done by section 4. The result of this section will, therefore, be that the persons to whom the provisions of the Bill relating to the registration of births and deaths are applicable will be bound, as heretofore, to satisfy the statistical requirements of such local Acts, and will be at liberty to re-register births and deaths under the Bill for evidential purposes.

11. Chapter II provides (section 5) for the establishment by the Local Governments of general registry offices of births, deaths and marriages, and the appointment of Registrars General of Births, Deaths, and Marriages. By section 6 indexes are to be kept at the general registry offices of all the certified copies of registers which may be sent to them under the Bill or under Act III of 1872 or the Indian Christian Marriage Act, 1872. These indexes (section 7) are to be opened to public inspection, and copies of the entries in the certified copies of the registers to which they relate are to be given to all persons applying for them; and such copies are (section 8) to be admissible in evidence. By section 9 the Registrar General is given the superintendence of the Registrars of Births and Deaths.

12. Chapter III deals with the subject of registration of births and deaths. Section 10 defines the persons whose births and deaths are registrable as, in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion, and in Native States all like persons who are British subjects. These provisions of the Bill will therefore, generally speaking, apply to East Indians, Jews, Armenians and Parsis as well as to Europeans and Native Christians. These are believed to be the only classes of persons in the country who are likely to avail themselves of the benefits of a law of this nature.

13. The chapter then provides for a registration establishment, empowering (sections 11 and 12) the Local Government in British India and the Governor General in Council in Native States to appoint either by name or by virtue of their office fit persons to be Registrars of Births and Deaths for definite local areas. It is proposed to appoint under the general powers given by these sections persons authorized or licensed to perform marriages under either Act III of 1872 or the Indian Christian Marriage Act, 1872, and, in order to provide for the receipt of notices from persons who may prefer not to resort to the Marriage Registrars, other suitable persons, one of whom it is intended should be appointed for each local area for which a person who is also a Marriage Registrar is appointed. It is to the latter class of Registrars that sections 13 and 14, which lay down certain provisions as to the

office of such Registrars, and for the filling up temporary vacancies in the office of such Registrars, are intended to apply. Section 15 provides for the supply of register books and the preservation of records.

14. The chapter next treats of the mode of registration. It imposes (section 16) a duty on every Registrar of Births and Deaths to make an entry in his register book of all births and deaths of which notice may be given to him within the prescribed time and in the prescribed mode by a person authorized to give him such notice. It then (sections 17 and 18) specifies the persons who shall be authorized to give notice of births and deaths respectively.

Section 19 provides that the entry of the birth or death is to be signed by the person giving notice, and declares that until it is so signed the birth or death shall not be deemed to be registered. By section 20 every Registrar of Births and Deaths is required to give on application made at the time of registering any birth or death by the person giving notice of the same, and on payment by him of the prescribed fee, a certificate of having registered the birth or death.

Section 21 provides for the sending by every Registrar of Births and Deaths at prescribed intervals to the Registrar General of Births, Deaths and Marriages of certified copies of all entries in his register books. In the case of Registrars in British India, the copies are to be sent to the Registrar General within whose jurisdiction the local areas for which the Registrar is appointed is situate, an exception being made in the case of Registrars who are clergymen of the Churches of England, Rome and Scotland, who may send them to their ecclesiastical superiors to be forwarded by them to the Registrar General. In the case of Registrars in Native States, the copies are to be sent to such one of the Registrars General as the Governor General in Council may, by notification in the *Gazette of India*, direct in this behalf. Section 22 provides for searches, and grant of copies of entries in register books which shall be admissible in evidence.

15. Sections 23 and 24 prescribe penalties of imprisonment which may extend to three years and fine for wilfully giving false information to a Registrar of Births and Deaths, and of fine, which may extend to five hundred rupees, for Registrars of Births and Deaths omitting to enter births or deaths in the register or losing or injuring register books.

16. Lastly, section 25 prescribes the procedure by which errors in the form or substance of any entry in a register book of births and deaths may be corrected.

17. Chapter IV (sections 26 and 27) makes the amendments in Act III of 1872 and the Indian Christian Marriage Act, 1872, which are necessary in order to make the provisions of these Acts fit in with the scheme of the Bill, under which certified copies of entries in the registers kept under these Acts are in future to be sent to the Registrar General of Births, Deaths and Marriages.

18. Chapter V deals with the last of the three subjects referred to in the first paragraph of this Statement. As noted above, registers of births or baptisms and deaths or burials are at present kept in all parts of the country by ministers of religion. Registers of marriages were also similarly kept before the marriage-registration law came into force. Most of these registers are, as the law now stands, inadmissible in evidence, and possibly many of them should never be admitted in evidence owing to the irregular manner in which they have been compiled. At the same time, others are probably fit for admission as public registers. Under these circumstances, it seems advisable to follow the analogy of what was done in England (see 3 & 4 Vic., c. 92) and provide a procedure under which such of these registers as are worthy of recognition may be validated and certified copies of entries made in them declared admissible in evidence. This is accordingly done by Chapter V.

19. That chapter first (section 28) declares that any person having custody of any such records may, within one year from the date on which the Bill comes into force, send them to the Registrar General of Births, Deaths and Marriages for the territories within which the person resides, or, if he resides in a Native State, to such one of those Registrars General as the Governor General in Council, by notification, directs. It then (section 29) provides for the appointment by the Governor General in Council of Commissioners to examine the registers so sent to the various Registrars General, and prescribes (section 30) the duties of the Commissioners, which are to inquire into the state, custody and authenticity of every register submitted to them, and to prepare lists of all such registers or portions of registers as they find to be accurate and faithful, and to certify upon some part of every book or volume containing any such register or portion of a register as is referred to in any such list that it is one of the registers referred to in the list. Section 31 permits, on payment of a fee, searches to be made of the lists so prepared, and provides for the grant of certified copies of the entries in the registers which shall be admissible in evidence.

20. Finally, Chapter VI (sections 32 and 33) empowers the Governor General in Council to make rules with regard to certain matters connected with the purposes of the Act, and prescribes the usual procedure for the making and publication of such rules.

(Signed) C. P. ILBERT.

R. J. CROSTHWAITE,

Officiating Secretary to the Government of India.

The 2nd January 1885.