

CHAPTER VI.

RULES.

36. (1) The President of the Union may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) fix the fees payable under this Act ;
- (b) prescribe the forms required for the purposes of this Act ;
- (c) 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) prescribe the evidence of identity to be furnished to a Registrar of Births and Deaths by persons giving notice of a birth or death in cases where personal attendance before such Registrar is dispensed with ;
- (e) 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 to the Registrar-General of Births, Deaths and Marriages true copies of the entries of births and deaths in the registers kept by them ;
- (f) prescribe the conditions and circumstances on and in which Registrars of Births and Deaths may correct entries of births and deaths in registers kept by them ;
- (g) \* \* \* \*
- (h) prescribe the custody in which those registers or records are to be kept.

(3) Every power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication.

(4) All rules made under this Act shall be published in the Gazette, and on such publication shall have effect as if enacted in this Act.

**THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1943. \***

[BURMA ACT XXVI, 1943.] (20th October, 1943.)

1. (1) This Act may be called the Births, Deaths and Marriages Registration Act, 1943.

Short title  
and opera-  
tion.

(2) It shall remain in force until the President of the Union, by notification, directs that it shall cease to have effect.

2. "Registrar" means Registrar of Births, Deaths and Marriages appointed under this Act.

Definition

\* Published in Chief Secretary's Office Notification No. 384, dated the 20th October 1943, and republished in *Burma Gazette*, 1946, Part I, p. 235.

Appointment  
of Registrar.

3. The President of the Union shall appoint a Registrar for the registration of births, deaths and marriages under this Act.

Births,  
deaths and  
marriages  
registrable  
under this  
Act.

4. Births, deaths and marriages of the following categories shall be registrable under this Act, namely:—

- (1) any birth, death or marriage which took place in the Union of Burma and registration of which was effected under the law for the time being in force in the local area where the birth, death or marriage, as the case may be, took place but the record of such registration is not now available ;
- (2) any birth, death or marriage which has taken or may take place in the Union of Burma and which should have been or should be registered in the Union of Burma under the law for the time being in force in the local area where the birth, death or marriage, as the case may be, took place or may take place, but which in fact has not been or may not be duly registered under the said law ; and
- (3) the death of any person who has died in consequence of war operations.

Duty of  
Registrar to  
register.

5. (1) The Registrar shall make entries in the proper registers of all births, deaths and marriages registrable under the provisions of section 4 of which evidence is available from official records or from any other source which the Registrar considers to be reliable.

(2) The Registrar, on receipt of an application for the registration of any birth, death or marriage registrable under the provisions of section 4, supported by an affidavit or affidavits or other evidence as to the fact of such birth, death or marriage, shall, if he is satisfied as to the contents of the application and the affidavit or affidavits or other evidence, make an entry of the birth, death or marriage, as the case may be, in the proper register :

Provided that if the Registrar is not so satisfied he may call for further proof of the fact of such birth, death or marriage from the applicant :

Provided also that if the Registrar is not so satisfied or if he has reason to believe the application to be in any respect false or inaccurate, he may refuse to register such birth, death or marriage.

(3) Any person aggrieved by an order of the Registrar either making an entry of a birth, death or marriage in the proper register, or refusing to register a birth, death or marriage, may apply for a review of the order of the Registrar to the President of the Union, and the President of the Union shall pass such order on the application as he may think fit. The decision of the President of the Union on any such application shall be final.

(4) Every order on an application under sub-section (3) shall be communicated to the Registrar, and he shall be bound thereby, and shall make such entry or entries, if any, as may be necessary to give effect to the said order in the appropriate register or registers.

6. (1) When information is received by the Registrar from the prescribed authority that a person domiciled or ordinarily resident in the Union of Burma has died in consequence of war operations such information shall be accepted by the Registrar as *prima facie* proof of such death, and the Registrar shall thereupon make an entry of the death in the proper register.

Duty to register deaths of persons in war operations.

(2) Any person claiming to be an heir or legal representative of a person whose death has been registered under sub-section (1) shall, on application to the Registrar, be granted free of any charge a certificate in the prescribed form, signed by the Registrar, of the registration of the death, and such certificate shall be admissible in evidence for the purpose of proving the death.

7. Subject to the provisions of this Act and of any rules made thereunder, the provisions of sections 20, 21, 22, 23, 27 and 28 of the Births, Deaths and Marriages Registration Act shall, so far as they can be made applicable, apply to all applications for registration, whether of births, deaths or marriages, made in pursuance of this Act; and for this purpose sections 22, 23, 27 and 28 of the said Act shall be construed as if for the words "birth or death" or "births or deaths" wherever they occur in the aforesaid sections, the words "birth, death or marriage" or "births, deaths or marriages", as the case may be, were substituted, and for the words "births and deaths", wherever they occur, the words "births, deaths and marriages" were substituted, and for the word and figures "section 19", occurring in sub-section (1) of section 22, the words "this Act" were substituted.

Application of the Births, Deaths and Marriages Registration Act, India VI, 1886.

8. (1) The Registrar shall, on payment of the prescribed fees, at all reasonable times allow searches to be made in the registers kept by him and give a copy of any entry in the same.

Searches and copies of entries in register.

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

9. (1) The President of the Union may make rules<sup>1</sup> to carry out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the fees payable under this Act;
- (b) prescribe the mode in which persons may apply for registration of births, deaths and marriages and the form in which such applications may be made;
- (c) prescribe the evidence of identity to be furnished to the Registrar by persons making applications for registration of births, deaths or marriages in cases where personal attendance before the Registrar is dispensed with;
- (d) prescribe the authority by whom information shall be given under section 6;

<sup>1</sup> For such rules see *Burma Gazette*, 1946, Part I, pp. 237 and 241.

- (e) prescribe the form of application for review under sub-section (3) of section 5 ;
- (f) prescribe the registers to be kept and the form and manner in which the Registrar is to register births, deaths and marriages ;
- (g) prescribe the forms of certificates or copies of entries to be given by the Registrar ;
- (h) prescribe the events and circumstances on and in which the Registrar may correct entries of births, deaths and marriages in the registers kept by him ; and
- (i) prescribe the custody in which the registers and records are to be kept.

Saving.

10. The expiry of this Act, in pursuance of a notification under sub-section (2) of section 1, shall not affect the validity of any action taken in pursuance thereof or of any of the registers maintained thereunder, and any certificate or certified copy of an entry given under this Act shall continue to be admissible in evidence as though this Act had continued in operation.

### THE BURMA CENSUS ACT.

[BURMA ACT V. 1940.] (16th March, 1940.)

P. esident  
may direct  
taking of  
census.

1. Subject to the provisions of this Act, the President of the Union may, from time to time, direct that a census shall be taken for the Union of Burma or any part thereof.

Appoint-  
ment of  
census-  
officers.

2. (1) The President of the Union may appoint any person to take, or aid in, or supervise the taking of, a census within any special local area.

(2) Persons so appointed shall be called census-officers.

(3) The President of the Union may delegate to such authority as he thinks fit the power of appointing census-officers which is conferred by this section.

Proof of  
appointment  
of census-  
officers and  
their status  
as public  
servants.

3. (1) A declaration in writing, signed by any officer authorized by the President of the Union in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(2) All census-officers shall be deemed to be public servants within the meaning of the Penal Code.

Discharge  
of duties of  
census-  
officers in  
certain cases.

4. (1) (a) Every officer in command of any body of men belonging to the Burma naval, military or air forces or of any vessel of war,  
(b) every person (except a pilot or harbour-master) having charge or control of a vessel,  
(c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory, training school or lock-up, or of any public, charitable, religious or educational institution,