

# **The Registration of Births and Deaths Act, 1969.**



8. In sub-section (1) of section 61, omit the words "margin of".

9. In section 62, for sub-section (1), substitute the following :—

"(1) When a document is presented for registration under section 19, the translation together with the true copy of the document be filed in the appropriate book."—T.N. Act 21 of 1966, section 6 (1-4-1967).

#### West Bengal :

In its application to the State of West Bengal, after S. 91, insertion of Schedule is the same as in Tamil Nadu.—W.B. Act 17 of 1978, S. 7 (1-1-1983).

92. **Burmese registration-rules confirmed.**— [Repealed by A.O., 1937] (1-4-1937).

"Repeals"

93. **Repeals.**— [Repealed by the Repealing Act, 1938 (1 of 1938), S. 2 and Sch.]

**THE SCHEDULE.**— Repeal of Enactments. [Repealed by the Repealing Act, 1938 (1 of 1938), S. 2 and Sch.]

## [THE] REGISTRATION OF BIRTHS AND DEATHS ACT, 1969

(ACT 18 OF 1969)

[The text of the Act printed here is as on 31-7-1998]

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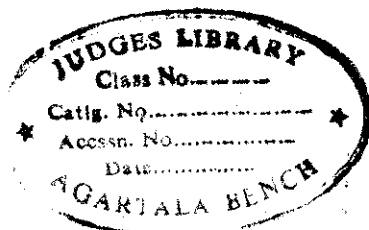
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## STATEMENT OF OBJECTS AND REASONS

At present only a few States like Assam, Madras, Kerala and West Bengal have separate legislation in regard to registration of births and deaths, while others have enabling provisions in the Municipal Act, Panchayat Act, Chowkidar Manual or Land Revenue Manual so that the matter is governed by executive orders or bye-laws setting out legal registration procedure. Such situation by its very nature, leads to diversity in practices and inefficiency of performance. Various national committees and experts, who gave attention to the problem, have strongly recommended the need for a Central Legislation to regulate registration of births and deaths in the country.

2. The Central Government needs adequate and accurate countrywide registration data for purposes of national planning, organising public health and medical activities and developing family planning programmes. Population is one of the most dynamic factors in the present economy of the country but it is here that information on trends furnished by the registration data is very defective and unreliable. The national interest requires an acceptable level of performance by the States and technical uniformity of the methods and standards used in the collection and compilation of data throughout the country. The Government, therefore, consider that in order to develop a sound and unified system of registration in the country, Central Legislation is necessary on the subject.

3. The Bill seeks to give legal status to the existing officials in the registration machinery, who are drawn from different departments to look after registration work in addition to their other normal duties and to bind them in a registration hierarchy with the Registrar-General, India, at the Centre and Chief Registrar at the State, running through District Registrars to the village and town Registrars at the periphery. The provisions of the Bill are built closely around the current registration practices, where experience of their working in several States has shown them to be practicable and inefficient. They unify the existing legal and administrative provisions. They are broad enough to permit State variation in operational details as demanded by the particular characteristics of their respective administrations but are specific enough to ensure development of the system so as to secure a minimum of uniformity and compatibility in coverage and efficiency. The Bill lays down specific principles, general lines of action and channels of authority but execution is left with the States, and accordingly details of implementation are relegated to the rules to be made by the State Governments with the approval of the Central Government so as to secure a minimum uniformity. The Bill also empowers the Central Government to issue directions to State Governments for implementing the provisions of the Bill when enacted.—Gaz. of Ind., 18-12-1967, Pt. II, S. 2, Ext., p. 1287.

## ACT HOW AFFECTED BY SUBSEQUENT LEGISLATION

—Amended by Act 4 of 1986.

## COGNATE ACTS AND PROVISIONS

Births, Deaths and Marriage Registration Act, VI of 1886.

Cantonments Act, II of 1924, S. 282.

Medical Termination of Pregnancy Act, XXXIV of 1971.

**[THE] REGISTRATION OF BIRTHS AND DEATHS ACT, 1969**  
**(ACT 18 OF 1969)\***

[31st May, 1969.]

**An Act to provide for the regulation of registration of births and deaths and for matters connected therewith.**

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

[a] For Statement of Objects and Reasons, see Gaz. of Ind., 18-12-1967, Pt. II, section 2, Ext., p. 1287.

## CHAPTER I

## PRELIMINARY

**1. Short title, extent and commencement.**—This Act may be called The Registration of Births and Deaths Act, 1969.

(2) It extends to the whole of India.

(3) It shall come into force in a State on such date as the Central Government may, by notification\* in the Official Gazette, appoint :

Provided that different dates may be appointed for different parts of a State.

[a] On 1-4-1970 in the States of Andhra Pradesh, Bihar, Gujarat, Haryana, Kerala, Madhya Pradesh, Maharashtra, Mysore, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh and the Union Territories of Chandigarh, Dadra and Nagar Haveli, Himachal Pradesh, and Laccadive, Minicoy and Aminidivi Islands — See G. S. R. 461, Gaz. of Ind., 1970, Pt. II, S. 3(i) p. 966; in Union Territory of Delhi on 1-7-1970 — See G. S. R. 973, Gaz. of Ind., 29-6-1970, Pt. II, S. 3(i), Ext., p. 585; in the whole of Assam except the entire districts of Garo Hills,

Mizo Hills, United Mikir and Cachar Hills and the United Khasi and Jaintia Hills district excluding the areas comprised within the limits of Municipality and Cantonment of Shillong on 1-4-1970; and in the whole of West Bengal except areas comprised within the limits of Calcutta Corporation, Howrah Municipality, Fort William, and areas comprised within the limits of Cantonments of Barrackpore, Labong and Jalapahar on 1-4-1970 — see G. S. R. 514, Gaz. of India, 25-3-1970, Pt. II, S. 3(i), Ext., p. 377; In the areas comprised within the jurisdictions of the police stations of (1) Rampur in Udhampur district; (2) Kupaewa in Baramulla district and Municipalities of Jammu and Srinagar and Town Area Committees of Anantnag, Kathua and Leh in Jammu and Kashmir on 1-10-1970 — See G. S. R. 1718, Gaz. of Ind., 22-12-1970, Pt. II, S. 3(i), Ext., p. 727; in the Union Territory of Goa, Daman and Diu on 1-1-1971 — See G. S. R. 1927, Gaz. of Ind., 21-11-1970, Pt. II, S. 3(i), p. 4276; in the Union Territory (now State) of Manipur on 1-1-1971 — See G. S. R. 2027, Gaz. of Ind., 19-12-1970, Pt. II, S. 3(i), p. 4623; in the State of Meghalaya on 1-11-1971 — See G. S. R. 1547, Gaz. of Ind., 1971, Pt. II, S. 3(i), Ext., p. 995; in the State of Nagaland on 1-10-1971 — See G. S. R. 1324, Gaz. of Ind., 11-9-1971, Pt. II, S. 3(i), p. 3662; in the Union Territory of Andaman and Nicobar on 1-4-1971 — See G. S. R. 106, Gaz. of Ind., 23-1-1971, Pt. II, S. 3(i), p. 284; in the State of Tripura on 1-4-1972 — See G. S. R. 202(E), Gaz. of Ind., 1972, Pt. II, S. 3(i), Ext., p. 505; in the Union Territory of Arunachal Pradesh, on 1-7-1972 — See G. S. R. 552, Gaz. of Ind., 6-5-1972, Pt. II, S. 3(i), p. 1294; Jammu and Kashmir, 1-7-1979, Gaz. of Ind., 30-6-1979, Pt. II, S. 3(ii), p. 1859; Pondicherry 1-3-1979, Gaz. of Ind., 13-1-1979, Pt. II, S. 3(ii), p. 105; Mizoram 1-5-1974 — Gaz. of Ind., 1974, Pt. II, S. 3(i) — G. S. R. 379 of 1974, Extended to Sikkim — S. O. 208(E) of 1975 — Gaz. of Ind., 16-5-1975, Pt. II, S. 3(ii), Ext., p. 1213 — Enforced on 13-9-1976 — See S. O. 3465/1976 — Gaz. of Ind., 25-9-1976, Pt. II, section 3(ii), p. 3170.

**2. Definitions and interpretation.**— (1) In this Act, unless the context otherwise requires,—

- (a) "birth" means live-birth or still-birth;
- (b) "death" means the permanent disappearance of all evidence of life at any time after live-birth has taken place;
- (c) "foetal death" means absence of all evidence of life prior to the complete expulsion or extraction from its mother of a product of conception irrespective of the duration of pregnancy;
- (d) "live-birth" means the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, and each product of such birth is considered live-born;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "State Government", in relation to a Union Territory, means the Administrator thereof;
- (g) "still-birth" means foetal death where a product of conception has attained at least the prescribed period of gestation.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

## CHAPTER II

### REGISTRATION — ESTABLISHMENT

**3. Registrar-General, India.**— (1) The Central Government may, by notification in the Official Gazette, appoint a person to be known as the Registrar-General, India.

(2) The Central Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging under the superintendence and direction of the Registrar-General such functions of the Registrar-General under this Act as he may, from time to time, authorise them to discharge.

(3) The Registrar-General may issue general directions regarding registration of births and deaths in the territories to which this Act extends, and shall take steps to co-ordinate and unify the activities of Chief-Registrars in the matter of registration of births and deaths and submit to the Central Government an annual report on the working of this Act in the said territories.

**4. Chief Registrar.**— (1) The State Government may, by notification in the Official Gazette, appoint a Chief Registrar for the State.

(2) The State Government may also appoint such other officers<sup>b</sup> with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Chief Registrar, such of his functions as he may, from time to time, authorise them to discharge.

(3) The Chief Registrar shall be the chief executive authority in the State for carrying into execution the provisions of this Act and the rules and orders made thereunder subject to the directions, if any, given by the State Government.

(4) The Chief Registrar shall take steps, by the issue of suitable instructions or otherwise, to co-ordinate, unify and supervise, the work of registration in the State for securing an efficient system of registration and shall prepare and submit to the State Government, in such manner and at such intervals as may be prescribed, a report on the working of this Act in the State along with the statistical report referred to in sub-section (2) of section 19.

- [a] Director of Statistics and Evaluation, Bihar, has been so appointed in Bihar— See Bih. Gaz., 20-5-1970, Ext. Director of Health Services, Chandigarh U.T. has been appointed as such in that territory— See Chand. Adm. Gaz., 1-4-1970, Ext. p. 63; Director of Health Services is the Chief Registrar in Delhi— See Delhi Gaz., 11-8-1970, Pt. IV, Ext., p. 514; Director of Health and Medical Services is C. R. in Gujarat— Guj. Gaz., 23-4-70, Pt. IV-A, p. 516; Director of Health Services is C. R. in Haryana— Hary. Gaz., 24-1-1970, Ext., p. 43 and p. 659, p. 943; In Kerala the Director of Panchayats is so appointed— See Ker. Gaz., 31-3-1970, Ext. No. 115; Director of Economics and Statistics is C. R. in M. P.— M. P. Gaz., 31-10-1969, Pt. I, p. 2008; Dy. Director of Economics and Statistics is Dy. C. R. in M. P.— Ibid; Director of Medical, Health and Family Planning Services is C. R. in Manipur— See Mani. Gaz., 13-5-1970, Pt. I, page 40; Director, Bureau of Economics and Statistics, Bangalore, is C. R. in Mysore State— See Mys. Gaz., 15-1-1970, Pt. IV, section 2-C(ii), p. 302; In Orissa the Director of Health and Family Planning Services is the C. R.— See Orissa Gaz., 16-7-1970, Ext., Director, Health and Family Planning, Punjab, is C. R. in Punjab— Punj. Gaz., 10-4-70, Pt. I, p. 377; Director of Health Services, is C. R. in Tripura State— See Trip. Gaz., 4-4-72, Pt. I, Ext., p. 1; Director of Medical and Health Services, U. P., Addl. Director of M. and H. Services and the Asst. Director of M. and H. Services appointed as C. R., Addl. C. R. and Dy. C. R. respectively— See U. P. Gaz., 19-9-1970, Pt. I, p. 4613; Director of Health Services, W. B., and Director of State Bureau of Health Intelligence, W. B., appointed as C. R. and Dy. C. R. in W. B.— See Cal. Gaz., 25-4-1970, Pt. I, p. 1029; Director of Health Service is C. R. in Jammu and Kashmir— See J. and K. Gaz., 4-11-1971, Pt. I-B, Ext., No. 32-c.
- [b] For such appointments, see Delhi Gaz., 11-8-1970, Pt. IV, Ext., p. 514, and ibid, 1971, p. 331; Guj. Gaz., 13-4-1970, Pt. IV-A, p. 517; Hary. Gaz., 25-3-1970, Ext., p. 349; M. P. Gaz., 13-8-1971, Pt. I, p. 1015; Mys. Gaz., 15-1-1970, Pt. IV, S. 2-C(ii), p. 301.

**5. Registration divisions.**— The State Government may, by notification in the Official Gazette, divide the territory within the State into such registration divisions as it may think fit and prescribe different rules for different registration divisions.

**6. District Registrar.**— (1) The State Government may appoint a District Registrar<sup>a</sup> for each revenue district and such number of Additional District Registrars as it thinks fit who shall, subject to the general control and direction of the District Registrar, discharge such functions of the District Registrar as the District Registrar may, from time to time, authorise them to discharge.

(2) The District Registrar shall superintend, subject to the direction of the Chief Registrar, the registration of births and deaths in the district and shall be responsible for carrying into execution in the district the provisions of this Act and the orders of the Chief Registrar issued from time to time for the purposes of this Act.

- [a] Medical Officer of Health, Chandigarh, is so appointed in that Union territory— See Chand. Adm. Gaz., 1-4-1970, Ext., p. 65; Each District Health Officer is appointed as District Registrar in Gujarat— See Guj. Gaz., 13-4-1970, Pt. IV-A, p. 518; District and Chief Medical Officers are appointed as D. Rs., within their jurisdiction in Himachal Pradesh— See H. P. Gaz., 11-9-1971, Pt. I, p. 943; All Dist. Medical Officers and District Statistical Officers in J. & K., are appointed as D. Rs. and Addl. D. Rs.— J. & K. Gaz., 4-11-1971, Pt. I-B, Ext., (No. 32-d); District Panchayat Officers are appointed as D. Rs. within their respective districts in Kerala— See Ker. Gaz., 31-3-1970, Ext., No. 115; All District Statistical Officers are appointed as D. Rs. within their respective revenue districts in M. P.— See M. P. Gaz., 31-1-1969, Pt. I, p. 2008 and ibid 1971, p. 1015; All District Medical Officers in Manipur are appointed as D. Rs. See Manipur Gaz., 13-5-1970, Pt. II, p. 41 and ibid 1971, Pt. I, p. 2; In Mysore State Dy. Commissioners in charge of Revenue Districts are D. Rs. and District Statistical Officers are Addl. D. Rs.— See Mys. Gaz., 15-1-1970, Pt. IV, S. 2-C(ii), p. 303; Each D. M. and each Collector are appointed as D. Rs. and S. D. Os as Addl. D. Rs. in Tripura State— See Trip. Gaz., 4-4-1972, Pt. I, Ext., p. 1; Civil Surgeons appointed as D. R.'s and Health Officers and Asst. to Civil Surgeons as Addl. D. R.'s in Punjab— Punj. Govt. Gaz., 11-6-1976, Pt. I, p. 1304.

**7. Registrars.**— (1) The State Government may appoint a Registrar for each local area<sup>a</sup> comprising the area within the jurisdiction of a municipality, panchayat, or other local authority or any other area or a combination of any two or more of them :

Provided that the State Government may appoint in the case of a municipality, panchayat or other local authority, any officer or other employee thereof as a Registrar.

(2) Every Registrar shall, without fee or reward, enter in the register maintained for the purpose all information given to him under section 8 or section 9 and shall also take steps to inform himself carefully of every birth and of every death which takes place in his jurisdiction and to ascertain and

register the particulars required to be registered.

(3) Every Registrar shall have an office in the local area for which he is appointed.

(4) Every Registrar shall attend his office for the purpose of registering births and deaths on such days and at such hours as the Chief Registrar may direct and shall cause to be placed in some conspicuous place on or near the outer door of the office of the Registrar a board bearing, in the local language, 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.

(5) The Registrar may, with the prior approval of the Chief Registrar, appoint Sub-Registrars and assign to them any or all of his powers and duties in relation to specified areas within his jurisdiction.

[a] For appointment as registrars for local areas in : (1) Gujarat — See Guj. Gaz., 23-4-1970, Pt. IV-A, p. 518; (2) Kerala — See Ker. Gaz., 31-3-1970, Ext., (3) Manipur — See Mani. Gaz., 7-4-1971, Pt. I, p. 2; (4) Madhya Pradesh — See M. P. Gaz., 31-10-1969, Pt. I, p. 2008 ibid 1970, p. 138 and M. P. Gaz., 13-8-1971, Pt. I, p. 1015; (5) Mysore — See Mys. Gaz., 25-11-1971, Pt. IV, S. 2-C(ii), p. 4395; (6) Tripura — See Trip. Gaz., 4-4-1972, Pt. I, Ext., p. 2.

### CHAPTER III

#### REGISTRATION OF BIRTHS AND DEATHS

**8. Persons required to register births and deaths.**— (1) It shall be the duty of the persons specified below to give or cause to be given, either orally or in writing, according to the best of their knowledge and belief, within such time as may be prescribed, information to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government under sub-section (1) of section 16,—

- (a) in respect of births and deaths in a house, whether residential or non-residential, not being any place referred to in clauses (b) to (e), the head of the house or, in case more than one household live in the house, the head of the household, the head being the person, who is so recognised by the house or the household, and if he is not present in the house at any time during the period within which the birth or death has to be reported, the nearest relative of the head present in the house, and in the absence of any such person, the oldest adult male person present therein during the said period;
- (b) in respect of births and deaths in a hospital, health centre, maternity or nursing home or other like institution, the medical officer in charge or any person authorised by him in this behalf;
- (c) in respect of births and deaths in a jail, the jailor in charge;
- (d) in respect of births and deaths in a choultry, chattram, hostel, dharmasala, boarding-house, lodging-house, tavern, barrack, toddy shop or place of public resort, the person in charge thereof;
- (e) in respect of any new-born child or dead body found deserted in a public place, the headman or other corresponding officer of the village in the case of a village and the officer in charge of the local police station elsewhere :

Provided that any person who finds such child or dead body, or in whose charge such child or dead body may be placed, shall notify such fact to the headman or officer aforesaid;

(f) in any other place, such person as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the State Government, having regard to the conditions obtaining in a registration division, may by order require that for such period as may be specified in the order, any person specified by the State Government by designation in this behalf, shall give or cause to be given information regarding births and deaths in a house referred to in clause (a) of sub-section (1) instead of the persons specified in that clause.

**9. Special provision regarding births and deaths in a plantation.**— In the case of births and deaths in a plantation, the superintendent of the plantation shall give or cause to be given to the Registrar the information referred to in section 8 :

Provided that the persons referred to in clauses (a) to (f) of sub-sec. (1) of section 8 shall furnish the necessary particulars to the superintendent of the plantation.

**Explanation.**— In this section, the expression “plantation” means any land not less than four hectares in extent which is being prepared for the production of, or actually produces, tea, coffee, pepper, rubber, cardamom, cinchona or such other products as the State Government may, by notification in the Official Gazette specify and the expression “superintendent of the plantation” means the person



having the charge or supervision of the labourers and work in the plantation, whether called a manager, superintendent or by any other name.

**10. Duty of certain persons to notify births and deaths and to certify cause of death.**— (1) It shall be the duty of—

- (i) the midwife or any other medical or health attendant at a birth or death,
  - (ii) the keeper or the owner of a place set apart for the disposal of dead bodies or any person required by a local authority to be present at such place, or
  - (iii) any other person whom the State Government may specify in this behalf by his designation,
- to notify every birth or death or both at which he or she attended or was present, or which occurred in such areas as may be prescribed, to the Registrar within such time and in such manner as may be prescribed.

(2) In any area, the State Government, having regard to the facilities available therein in this behalf, may require that a certificate as to the cause of death shall be obtained by the Registrar from such person and in such form as may be prescribed.

(3) Where the State Government has required under sub-section (2) that a certificate as to the cause of death shall be obtained, in the event of the death of any person who, during his last illness, was attended by a medical practitioner, the medical practitioner shall, after the death of that person, forthwith, issue without charging any fee, to the person required under this Act to give information concerning the death, a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death; and the certificate shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act.

**11. Informant to sign the register.**— Every person who has orally given to the Registrar any information required under this Act shall write in the register maintained in this behalf, his name, description and place of abode, and, if he cannot write, shall put his thumb mark in the register against his name, description and place of abode, the particulars being in such a case entered by the Registrar.

**12. Extracts of registration entries to be given to informant.**— The Registrar shall, as soon as the registration of a birth or death has been completed give, free of charge, to the person who gives information under S. 8 or section 9 an extract of the prescribed particulars under his hand from the register relating to such birth or death.

**13. Delayed registration of births and deaths.**— (1) Any birth or death of which information is given to the Registrar after the expiry of the period specified therefor; but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed.

(2) Any birth or death of which delayed information is given to the Registrar after thirty days but within one year of its occurrence shall be registered only with the written permission of the prescribed authority and on payment of the prescribed fee and the production of an affidavit made before a notary public or any other officer authorised in this behalf by the State Government.

(3) Any birth or death which has not been registered within one year of its occurrence, shall be registered only on an order made by a magistrate of the first class or a Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

(4) The provisions of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified therefor and any such birth or death may be registered during the pendency of any such action.

#### Section 12

(1) The entry in the birth or death extract cannot be a document to prove the paternity of a person. 1995 AIHC 5416 (5419) (Kant).

(2) The extract statutorily made available to the informant of the registration entries carries presumption value of the correctness of the information which have been entered after due enquiry by a Magistrate,

first class and should not have been thrown out from due consideration. (1990) 2 Orissa LR 268 (271).

#### Section 13

(1) Entry of date of birth made pursuant to the directions of a Magistrate is not conclusive evidence of the disputed date of birth. AIR 1976 Kant 231(233) : (1976) 1 Kant LJ 283 \*\* (1986) 99 Madh LW 738 : (1987) 1 Mad LJ 82.



**14. Registration of name of child.**— Where the birth of any child has been registered without a name, the parent or guardian of such child shall within the prescribed period give information regarding the name of the child to the Registrar either orally or in writing and thereupon the Registrar shall enter such name in the register and initial and date the entry.

**15. Correction or cancellation of entry in the register of births and deaths.**— If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect of the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable 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 or cancellation.

#### CHAPTER IV

#### MAINTENANCE OF RECORDS AND STATISTICS

**16. Registrars to keep registers in the prescribed form.**— (1) Every Registrar shall keep in the prescribed form a register of births and deaths for the registration area or any part thereof in relation to which he exercises jurisdiction.

(2) The Chief Registrar shall cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed; and a copy of such forms in the local language shall be posted in some conspicuous place on or near the outer door of the office of every Registrar.

**17. Search of births and deaths register.**— (1) Subject to any rules made in this behalf by the State Government, including rules relating to the payment of fees and postal charges, any person may—

#### Section 13 (contd.)

(2) Act is prospective in nature. Hence it is obvious that it regulates only the events that have taken place after the coming into force of the Act. Therefore no action could have been taken to enter the date of birth of the applicant who was born several decades before the coming into force of the Act. (1987) 2 Ker LT 1028 (1028) : (1988) 21 Reports 359 (DB).

(3) The Evidence Act would not apply to the verification proceedings. 1992 Mad LW (Cri) 469 (472).

(4) Where application for entry in birth register was disposed of on same day of its registration in favour of applicant and no notice was given to affected parties, order of Magistrate allowing application and further directing Municipal authorities to make entry in birth register would be illegal since Magistrate had not applied his mind. AIR 1998 Guj 42 (45).

(5) The law does not contemplate that any information that is supplied to the authorities regarding the date of birth and death will automatically find place in the register. There must be proper verification about the correctness of the date of death and birth and only on payment of prescribed fee thereunder and on the order of the Magistrate, first class, or of the Presidency Magistrate as the case may be, such date shall be registered in the Register of death and birth. (1990) 2 Orissa LR 268 (271).

(6) The function to be exercised by a Magistrate under S. 13(3), involves appreciation of evidence. In

this view of the matter also the magistrate of the first class referred to in S. 13 (3) is only a judicial magistrate. Therefore the finding of the Sessions Judge that the Judicial Magistrate first class had no jurisdiction to entertain the application under S. 13(3) would not be sustainable. 1995 Cri LJ 2820 (2822) (Kant).

(7) Registration beyond period of one year — Magistrate on whose order such registration is permissible need not go into correctness of date of birth or death to hold enquiry — Verification must be restricted to correctness of fact of birth or death. AIR 1992 Mad 224.

(8) Verification of correctness of birth — Order passed mechanically on basis of affidavit filed and without making any enquiry is not sustainable. AIR 1989 Orissa 56 (DB) : (1988) 66 Cut LT 566.

#### Section 15

(1) Where the District Magistrate under the authority of the Act directed the investigation to be made and accordingly correction was made in the Births and Deaths Register maintained in the Nagar Mahapalika and a fresh Certificate of Registration was issued indicating correct date of birth of petitioner's, rejection of petitioners representation for correcting his date of birth in the High Court Certificate would not be proper. 1992 All CJ 848 (850).

(2) A suit for declaration of the correct date of birth is maintainable in Civil Court and a decree could be passed rectifying the date of birth. AIR 1988 Kant 67 (77, 78) : ILR 1987 Kant 1843. (ILR (1985) Kan 2460, **Overruled**. (1984) 48 Fac LR 202 (Pat). **Dis-sented from**).

- (a) cause a search to be made by the Registrar for any entry in a register of births and deaths; and
- (b) obtain an extract from such register relating to any birth or death :

Provided that no extract relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register.

(2) All extracts given under this section shall be certified by the Registrar or any other officer authorised by the State Government to give such extracts as provided in section 76 of the Indian Evidence Act, 1872, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

**18. Inspection of registration offices.**— The registration offices shall be inspected and the registers kept therein shall be examined in such manner and by such authority as may be specified by the District Registrar.

**19. Registrars to send periodical returns to the Chief Registrar for compilation.**— (1) Every Registrar shall send to the Chief Registrar or to any officer specified by him, at such intervals and in such form as may be prescribed, a return regarding the entries of births and deaths in the register kept by such Registrar.

(2) The Chief Registrar shall cause the information in the returns furnished by the Registrars to be compiled and shall publish for the information of the public a statistical report on the registered births and deaths during the year at such intervals and in such form as may be prescribed.

## CHAPTER V

### MISCELLANEOUS

**20. Special provision as to registration of births and deaths of citizens outside India.**— (1) The Registrar-General shall, subject to such rules as may be made by the Central Government in this behalf, cause to be registered information as to births and deaths of citizens of India outside India received by him under the rules relating to the registration of such citizens at Indian Consulates made under the Citizenship Act, 1955, and every such registration shall also be deemed to have been duly made under this Act.

(2) In the case of any child born outside India in respect of whom information has not been received as provided in sub-section (1), if the parents of the child return to India with a view to settling therein, they may, at any time within sixty days from the date of the arrival of the child in India, get the birth of the child registered under this Act in the same manner as if the child was born in India and the provisions of section 13 shall apply to the birth of such child after the expiry of the period of sixty days, aforesaid.

**21. Power of Registrar to obtain information regarding birth or death.**— The Registrar may either orally or in writing require any person to furnish any information within his knowledge in connection with a birth or death in the locality within which such person resides and that person shall be bound to comply with such requisition.

**22. Power to give directions.**— The Central Government may give such directions to any State Government as may appear to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule or order made thereunder.

**23. Penalties.**— (1) Any person who—

- (a) fails without reasonable cause to give any information which it is his duty to give under any of the provisions of sections 8 and 9; or
- (b) gives or causes to be given, for the purpose of being inserted in any register of births and deaths, any information which he knows or believes to be false regarding any of the particulars required to be known and registered; or
- (c) refuses to write his name, description and place of abode or to put his thumb mark in the register as required by section 11,

shall be punishable with fine which may extend to fifty rupees.

(2) Any Registrar or Sub-Registrar who neglects or refuses, without reasonable cause, to register any birth or death occurring in his jurisdiction or to submit any returns as required by sub-section (1) of section 19 shall be punishable with fine which may extend to fifty rupees.

(3) Any medical practitioner who neglects or refuses to issue a certificate under sub-section (3) of section 10 and any person who neglects or refuses to deliver such certificate shall be punishable with fine which may extend to fifty rupees.

(4) Any person who, without reasonable cause, contravenes any provision of this Act for the contravention of which no penalty is provided for in this section shall be punishable with fine which may extend to ten rupees.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this section shall be tried summarily by a magistrate.

**24. Power to compound offences.**— (1) Subject to such conditions as may be prescribed any officer authorised<sup>a</sup> by the Chief Registrar by a general or special order in this behalf may, either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence a sum of money not exceeding fifty rupees.

(2) On the payment of such sum of money, such person shall be discharged and no further proceedings shall be taken against him in respect of such offence.

[a] For such authorisation in Kerala, see Ker. Gaz., 27-10-1970, Pt. III, p. 153.

**25. Sanction for prosecution.**— No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised<sup>a</sup> by the Chief Registrar by general or special order in this behalf.

[a] For such authorisation in Kerala, see Ker. Gaz., 27-10-1970, Pt. III, p. 154.

**26. Registrars and Sub-Registrars to be deemed public servants.**— All Registrars and Sub-Registrars shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**27. Delegation of powers.**— The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act (except the power to make rules under section 30) or the rules made thereunder shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the direction.

**28. Protection of action taken in good faith.**— (1) No suit, prosecution or other legal proceeding shall lie against the Government, the Registrar-General, any Registrar, or any person exercising any power or performing any duty under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

**29. Act not to be in derogation of Act 6 of 1886.**— Nothing in this Act shall be construed to be in derogation of the provisions of the Births, Deaths and Marriages Registration Act, 1886.

**30. Power to make rules.**— (1) The State Government may, with the approval of the Central Government, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

- (a) the forms of registers of births and deaths required to be kept under this Act;
- (b) the period within which and the form and the manner in which information should be given to the Registrar under section 8;
- (c) the period within which and the manner in which births and deaths shall be notified under sub-section (1) of section 10;
- (d) the person from whom and the form in which a certificate as to cause of death shall be obtained;

#### Section 26

(1) The Registrar of birth and deaths who acts or purports to act in pursuance of the provisions of the

Act or any rule or order made thereunder is deemed to be a public servant within the meaning of S. 21 of Penal Code, in view of S. 26, 1993 Cri LJ 549 (551); (1993) 2 CCJ 150 (MP).

- (e) the particulars of which extract may be given under section 12;
  - (f) the authority which may grant permission for registration of a birth or death under sub-section (2) of section 13;
  - (g) the fees payable for registration made under section 13;
  - (h) the submission of reports by the Chief Registrar under sub-section (4) of section 4;
  - (i) the search of birth and death registers and the fees payable for such search and for the grant of extracts from the registers;
  - (j) the forms in which and the intervals at which the returns and the statistical report under section 19 shall be furnished and published;
  - (k) the custody, production and transfer of the registers and other records kept by Registrars;
  - (l) the correction of errors and the cancellation of entries in the register of births and deaths;
  - (m) any other matter which has to be, or may be prescribed.
- [(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

[a] Following are Rules made by some of the States :—

- Bihar Registration of Births and Deaths Rules, 1970 (1-4-1970) — See Bihar Gaz., 8-7-1970, Pt. II, p. 1587.
  - Delhi Registration of Births and Deaths Rules, 1970 (1-1-1971) — See Delhi Gaz., 25-2-1971, Pt. IV, p. 215.
  - Goa, Daman and Diu Registration of Births and Deaths Rules, 1970 (1-1-1971) — See Goa Gaz., 31-12-1970, Srs. I, p. 373. (Additional District Registrars declared as specified authorities for purposes of R. 10(2) — Goa Gaz., 18-2-1971, Srs. II, p. 418).
  - H. P. Registration of Births and Deaths Rules, 1978 H. P. Gaz., 29-8-1979, Ext., p. 2139.
  - Kerala Registration of Births and Deaths Rules, 1970 — See Ker. Gaz., 7-7-1970, Extra. (No. 190). (District Panchayat Officers specified as authorities for the purposes of R. 10(2); R. 11(1)(b); R. 18(3); R. 12(1), (2), (3) and (5)) — See Ker. Gaz., 8-12-1970, Pt. I, S. IV, G. 2585; See also Ker. Gaz., 19-1-1971, Pt. III (No. 3); Ker. Gaz., 27-4-1971, G. 675 and Ker. Gaz., 1-2-1972, Pt. I, S. IV, C. 134 for similar notifications under Rr. 8, 15(1) and (2) and 12(2) and (3); for amendments to Forms 9 and 10, see Ker. Gaz., 2-11-1971, Pt. I, S. IV, No. 42.)
  - M. P. Registration of Births and Deaths Rules. — M. P. Gaz., 2-5-1975, Pt. IV(II), p. 220.
  - Maharashtra Registration of Births and Deaths Rules, 1976 — M. G. G. 26-2-1976, Pt. IV-A, p. 180.
  - Meghalaya Registration of Births and Deaths Rules, 1973 — Megha. Gaz. 13-4-1974, Pt. VA, p. 197.
  - Mysore Registration of Births and Deaths Rules, 1970 — See Mys. Gaz., 7-1-1971, Pt. IV, S. 2-C(i), page 1.
  - Nagaland Registration of Births and Deaths Rules, 1973 — Naga. Gaz., 24-6-1973, Ext., No. 7.
  - Orissa Registration of Births and Deaths Rules, 1970 — See Ori. Gaz., 11-8-1970, Extra (No. 979).
  - West Bengal Registration of Births and Deaths Rules, 1972 — Cal. Gaz., 15-1-1972, Pt. I, Ext., p. 72(i).
- [b] Inserted by Delegated Legislation Provisions (Amendment) Act (4 of 1986), S. 2, Sch. (15-5-86).

**31. Repeal and saving.**— (1) Subject to the provisions of section 29, as from the coming into force of this Act in any State or part thereof, so much of any law in force therein as relates to the matters covered by this Act shall stand repealed in such State or part, as the case may be.

(2) Notwithstanding such repeal, anything done or any action taken (including any instruction or direction issued, any regulation or rule or order made) under any such law shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions aforesaid, as if they were in force when such thing was done or such action was taken, and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

**32. Power to remove difficulty.**— If any difficulty arises in giving effect in a State to the provisions of this Act in their application to any area, the State Government may, with the approval of the Central Government, by order make such provisions or give such directions not inconsistent with the provisions of this Act as appears to the State Government to be necessary or expedient for removing the difficulty.

Provided that no order shall be made under this section in relation to any area in a State after the expiration of two years from the date on which this Act comes into force in that area.

