

THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969 (18 of 1969)

[31st May, 1969]

An Act to provide for 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:-

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—(1) 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 (See pages 11 and 12) 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.

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 the 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 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 alongwith the statistical report referred to in sub-section (2) of section 19.

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 for each revenue district and such number of Additional District Registrars as it thinks fit who shall, subject to the general control and directions 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 directions 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 purpose of this Act.

7. Registrars.—(1) The State Government may appoint a Registrar for each local area comprising the area within the jurisdiction of the 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 the 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 officer 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.

CHAPTER I.

REGISTRATION OF BIRTHS AND DEATHS

8. Persons required to register births and deaths.—(1) It shall be the duty of the person 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 preferred to in clause (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 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 births or deaths 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 choultry, chattram, hostel, dharamasala, boarding-house, lodging house, haven, barack, toddy shop or place of public resort, the person in charge thereof;
- (e) in respect of any newborn 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 facts 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 the designation in his 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.

COMMENTS

In respect of any birth or death the following persons are duty bound to inform the Registrar either orally or in writing:-

- (i) the head of the house/nearest relative of the head present in the house/oldest adult male person present in the house, if birth or death take place in a house;
- (ii) the medical officer in charge or any person authorised by him, if birth or death takes place in a hospital, health centre, maternity or nursing home or other like institution;
- (iii) the jailer in charge, if birth or death takes place in a jail;
- (iv) the persons in charge of the place, if birth or death takes place in a choultry, chattram, hostel, dharamasala, boarding-house, boarding house, tavern, barrack, toddy shop or place of public resort;
- (v) the head-man or other corresponding officer of the village in the case of a village and the officer in charge of the local police station elsewhere, if any new-born child or dead body is found deserted in a public place;
- (vi) such person as may be prescribed, if birth or death takes place in any other place.

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 person referred to in clauses (a) to (f) of sub-section (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, cardamon, 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.

COMMENTS

If any birth or death takes place in a plantation, the superintendent of the plantation has to inform the Registrar provided that the persons referred to in clauses (a) to (f) of sub-section (1) of section 8 shall furnish necessary particulars to the superintendent of the plantation.

10. Duty of certain 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.

COMMENTS

The following persons are duty bound to notify every birth or death or both at which he or she attended or was present:-

- (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;
- (iii) any other person whom the State Government may specify in this behalf by his designation.

11. Informant to sign the registrar.—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.

COMMENTS

If information of any birth or death is given to the Registrar orally, then the Registrar shall write in the Register the name, description and place of abode of the informant and the informant shall put his signature or thumb impression.

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 section 8 or 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 of which information is given to the registrar after the expiry of the period specified therefore, 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 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 and therefore any such birth or death may be registered during the pendency of any such action.

COMMENTS

Where date of birth is entered as per directions of the magistrate, the entry does not tantamount to conclusive evidence of disputed date of birth; *H. Subha Rao v. Life Insurance Corporation of India*, AIR 1976 Kant 231.

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 to 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—

- (a) cause a search to be made by the Registrar for any entry in the register of births and deaths;
- (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 (1 of 1872), and shall be admissible in evidence for the purpose of providing 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 (57 of 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 section 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 provisions 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 (5 of 1898), an offence under this section shall be tried summarily by a Magistrate.

COMMENTS

If any person fails without reasonable cause to give any information which he is duty bound to give under section 8 and 9 or gives or causes to be given any information which he knows or believes to be false regarding any of the particulars required to be known and registered, or refuses to write his name, description and place of abode or to put his thumb mark in the register required by section 11, shall be punishable with fine upto fifty rupees.

24. Power to compound offences.—(1) Subject to such conditions as may be prescribed, any officer authorised 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 persons 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.

25. Sanction for prosecution.—No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by the

Chief Registrar by general or special order in this behalf.

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, 1860 (45 of 1860).

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 of 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 order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused 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 form 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;

(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 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 form 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.

1[(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature.] (Ins. by Act of 4 of 1986, sec.2 and Srh. (w.e.f. 15-5-1986)).

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.

ENFORCEMENT OF ACT

1. This Act came into force in the following areas w.e.f. 1-4-1970; vide G.S.R. 514, dated 21st March, 1970, published in the Gazette of India, Extra., Pt.II, Sec.3(i), p.377:-

(1) The whole State of Assam except-

(i) the district of United Khasi & Jaintia Hills excluding the areas comprised within the limits of-

(a) Municipality of Shillong;

(b) Cantonment of Shillong;

(ii) the entire district of Garo Hills;

(iii) the entire district of United Mikir and North Cachar Hills;

(iv) the entire district of Mizo Hills.

(2) The whole of the State of West Bengal except-

(i) the area comprised within the limits of the Corporation of Calcutta;

(ii) the area comprised within the limits of Howrah Municipality;

(iii) Fort William; and

(iv) the area comprised within the limits of the cantonments of Barrackpore, Lebong and Jalapahar.

2. The Act came into force in the whole of the following States and Union Territories w.e.f 1-4-1970; vide G.S.R. 461, dated 7th March, 1970, published in the Gazette of India, Extra., Pt.II, Sec.3(i), p.966:-

STATES

1. Andhra Pradesh

2. Bihar

3. Gujarat 10.

4. Haryana

8. Mysore

9. Orissa

Punjab

11. Rajasthan

5. Kerala

6. Madhya Pradesh

7. Maharashtra

12. Tamil Nadu

13. Uttar Pradesh

UNION TERRITORIES

1. Chandigarh

2. Dadra and Nagar Haveli

3. Himachal Pradesh

4. Laccadive, Minicoy and Amindivi Islands.

3. The Act came into force in the whole of the Union Territory of Delhi w.e.f 1-7-1970; vide G.S.R. 1718, dated 26th June, 1970, published in the Gazette of India, Extra., Pt.II, Sec.3(i), p.585:-

4. The Act came into force in the whole of the following areas in the States Jammu and Kashmir w.e.f 1-10-1970; vide G.S.R. 461, dated 22nd September, 1970, published in the Gazette of India, Extra., Pt.II, Sec.3(i), p.727:-

1. The area comprised within the jurisdiction of the police station of Ramnagar in Udhampur District.

2. The area comprised within the jurisdiction of the police station of Kupwara in Baramulla District.

3. The area comprised within the limits of Municipalities of Jammu and Srinagar.

4. The area comprised within the limits of Town Area Committees of Anantnag, Kathua and Leh.

5. The Act was extended to the State of Sikkim w.e.f. 13-9-1976, vide S.O.3465, dated 21st September, 1976.