

THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969

18 of 1969

(Published in Gazette of India Extra ordinary dated 2nd June 1969)¹

(Received the assent of the President on 31st May 1969)

An Act to provide for the regulation of registration 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: -

CHAPTER 1

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 as the Central Government may, by notification in the Official Gazette, appoint*

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, breaths 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.

¹ Gazette for statement of objects and Reasons, See Gazette of India dated 18/12/1267. part 11Page 87

* Came into force into force in Kerala on 1-4-1970 See GRS.561 Gazette. Ind.1970.Part11 Page 966

** This is akin to abortion which means premature expulsion of the product of conception from the uterus before viability

- (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 designation as it thinks fit for the purpose of discharging under the superintendent and direction of the Registrar-General such functions of the Registrar-General under this act as he may, from time to time authorize them to discharge.
- (3) The Registrar-General may issue general direction 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 with such designations as it thinks fit for the purpose of discharging under the superintendence and direction of the chief Registrar, such of his function as he may, from time to time, authorize them to discharge.
- (3) The Chief Registrar shall be the chief executive authority in the State for carrying into execution the provision of this Act and the rules and orders made there under 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 coordinate, unify and supervise the work of registration in the state for securing an efficient system of registration and shall prepare and

* The Director of Panchayats has been appointed as the chief Registrar for the state of Kerala, vide SRO 144/70 published in Kerala Gazette Extra No. 115 dated 31/3/1970

** Additional Director and Deputy Director (vital Statistical) Bureau of Economics and statistics appointed as Addi. Chief Registrar and Deputy chief Registrar by SRO 81/71 published in Kerala Gazette No.9 dated 3-3-1971

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 S. 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 Registration as it thinks fit who shall, subject to the general controls and direction of the district registrar, such function of the District Register as the district may from time to time, authorize 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 direct the provision 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 a municipality, Panchayat, or other local authority, any officer or other of any two or more of them.
Provided that the State Government may appoint in the case of a community, 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 8 or 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.

* District Panchayat Officers have been appointed as District Registrars Vide SRO 145/70 published in Kerala Gazette Extra. No. 115 dated 31-3-70 redesigned as per G.O.(MS) No. 133/96lad dated 8-7-1996 AS Assistant Director of Panchayats

** Senior Research Assistants in District statistical Officers appointed as addl. District Registrars of respective revenue districts by SRO 82/71 published in Kerala Gazette. No. 9 dated 9-9-1971.

*** The following have been appointed as Registers for the local areas comprising the areas within the jurisdiction of the local authorities specified in column (1)

- (4) Every Registrar shall attend his office for the purpose of registration births and deaths on such days and 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 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 S. 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 house or the household, the head being the person, who is so recognized by the house or the household, and if he is not present in the house at any time during the period within which

(1)	(2)
1. Corporation functioning under the Kerala Municipal Corporation Act, 1961(30of1961)	Commissioners of the Corporation concerned
2. Municipalities functioning under the Kerala Municipalities Act, 1960(14of1961)	****[Health Inspectors of the Municipalities /Township concerned)
3. Panchayats functioning under the Kerala Panchayats Act	Executive Officers of the Panchayats concerned.

**** Substituted by SRO 1185/72 for the words"Commissioners of the Municipalities concerned and Executive officer of the Township, published in Gazette No. 49 dated 16th December1975.

Commissioners of Municipalities are redesigned as Secretaries and Executive Officers of Panchayats has been redesignated or Secretaries of Grama Panchayats as per Kerala Municipalities Act and Panchayat Raj Act.

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 authorized by him in his behalf,
- (c) In respect of births and deaths in a 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 public place, the headman or other corresponding officer of the village in the case of a village or 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 referred to in clause (a) of sub-section (1) instead of the person 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 S.8

Provided that the persons referred to in clauses (a) to(f) of sub-section (1) of S.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

* Class 1 & 11 Officers of State Government authorized to attest affidavits required under S.13(2) by SRO 348/71. Published in Kerala Gazette No. 37 dated 21-9-71

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 as manager, superintendent or by any other name.

10. Duty of certain persons to notify births and deaths and to certify causes 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 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 presented, 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, forth with, issue without charging any fee, to the person required under this Act to give information concerning the death, a certificate in the prescribed form standing the best of his knowledge and behalf 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. Information to sing 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 information-

The Registrar shall, as soon as the registration a birth or death has been completed, give of charge, to the person who gives information under section 8 or section 9, an extract of the prescribed particulars under his hand from the register relating to such birth or death.

13.13. 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 therefore but within thirty days of its occurrence, shall be registered on payment of such late fee as may be prescribed.

(2) Any births or deaths 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 authorized 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 Presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

(4) The provision 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 with in the time specified therefore and any such birth or death may be registered during the pendency of any such action.

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 birth or death in any register kept by him under this Act is erroneous in form or substances, 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 alternation of the original entry, shall sign the marginal entry and add thereto the date of the correction or cancellation.

CHAPTER IV

Maintenance of Recorders and Statistics

16. Registrars to keep registers in the prescribed form-

- (1) Every Registrar shall keep in the prescribed form are registrar of births and deaths for the registration area or any part thereof in relation to which he exercise 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 a register of births and deaths, and
 - (b) Obtain an extract from such register relating to any birth or deathProvided 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 authorized by the State Government to give such extracts as provided in S. 76 of the Indian Evidence act, 1872 (1of1872), 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 registrar 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 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 my child born outside India in respect of whom information has not been received as provided in sub-section (1), if there parents of the child return to India with a view to setting 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 S. 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 of give directions-

The Central Government may give such direction 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 Ss.8 and 9, or
 - (b) Givers or causes to be given, for the purposes 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 S. 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 s. 19 shall be punishable with fine which may extend to fifty rupees.
- (3) any medical practitioner who neglects or refuses to issue certificate under sub-section (3) of S. 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, 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 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.

24. Power to compound offences-

- (1) subject to such conditions as may be prescribed, any officer *authorized 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 disc hanged 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 authorized* 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 the Act or any rule or order made there under, be deemed to be public servants within the meaning of S. 21 of the Indian Penal Code (45 of 1860)

* For such authorization see Kerala Gazette dated 27-10-1970, part 111 Pages 153

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 S. 30) or the rules made there under shall, subject to such conditions if any, as may be specified in the directions, 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 order made there under.

(2) No suit, prosecution 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 there under

29. Act not to be in derogation of Act 6 of 1889.

Nothing in this act shall be constructed to be in derogation of the provisions of the Births, Deaths, and Marriage 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 S.8;

(c) the period within which and the manner in which births deaths shall be notified under subsection (1) of S. 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 S.12;

(f) the authority which may grant permission for registration of a birth or death under sub-section (2) of S.13;

** Kerala Registration of Births and Deaths Rules, 1970 See Kerala Gazette Extra No. 190 dated 1-7- 1970

- (g) The fees payable for registration made under S.13;
- (h) The submission of reports by the Chief Registrar under sub-section (4) of S.4;
- (i) The search of birth and death registrars and the fees payable for such search and for the grant of extracts from the registrars;
- (j) The forms in which and the intervals at the which the returns and other records kept by Registrars;
- (k) The custody, production and transfer of the registrars 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 is made³, before the State Legislature]

31. Repeal and Savings.

- (1) Subject to the provisions of S. 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 approval of the Central Government, by order make such provisions or give such directions not in consist with the provisions of this Act as appears to the state Government to be necessary to be expedient for removing the difficulty:

Provided that the order shall be made under this section in relation 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.

* Sub s. (3) inserted by Delegated Legislation Provisions (Amendment) Act 4 of 1986, published in gazette of India dated 14th January 1986