

Bill No. 93 of 2023

THE REGISTRATION OF BIRTHS AND DEATHS (AMENDMENT)
BILL, 2023

A

BILL

further to amend the Registration of Births and Deaths Act, 1969.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration of Births and Deaths (Amendment) Act, 2023. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

18 of 1969.

2. Throughout the Registration of Births and Deaths Act, 1969 (hereinafter referred to as the principal Act), for the word “Registrar-General”, wherever it occurs, the words “Registrar General of India” shall be substituted. Construction of references of certain expressions by certain other expressions.

Amendment
of section 2.

3. In section 2 of the principal Act, in sub-section (1),—

(i) clause (a) shall be re-numbered as clause (ab) thereof, and before clause (ab) as so re-numbered, the following clauses shall be inserted, namely:—

‘(a) “Aadhaar number” shall have the same meaning as assigned to it in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016; 5
18 of 2016.

(aa) “adoption” shall have the same meaning as assigned to it in clause (2) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015;’; 2 of 2016.

(ii) clause (b) shall be re-numbered as clause (ba) thereof, and before clause (ba) as so re-numbered, the following clause shall be inserted, namely:— 10

‘(b) “database” means the organised collection of data, generally stored and accessed in electronic form from a computer network;’.

Amendment
of section 3.

4. In section 3 of the principal Act,—

(i) in the marginal heading, for the words “Registrar-General, India”, the words “Registrar General of India” shall be substituted; 15

(ii) in sub-section (1), for the words “Registrar-General, India”, the words “Registrar General of India” shall be substituted;

(iii) in sub-section (3), for the words “and submit”, the words “and the database of registered births and deaths and submit” shall be substituted;

(iv) after sub-section (3), the following sub-sections shall be inserted, namely:— 20

“(4) The Registrar General of India shall maintain the database of registered births and deaths at the National level and it shall be obligatory upon the Chief Registrar and the Registrars to share the data of registered births and deaths to such database.

(5) Subject to the proviso to sub-section (1) of section 17 and with the prior approval of the Central Government, the database of registered births and deaths maintained under sub-section (4) may, on request, be made available to the authorities dealing with the preparation or maintenance of database relating to— 25

(a) population register; 30

(b) electoral rolls;

(c) Aadhaar number;

(d) ration card;

(e) passport;

(f) driving licence; 35

(g) property registration; and

(h) such other databases at the National level as may be notified,

and the authority shall inform the action taken, within such period as may be notified from time to time, to the Central Government:

Provided that the preparation or maintenance of database relating to electoral rolls in clause (b) shall be without prejudice to the provisions of the Representation of the People Act, 1950.”. 40
43 of 1950.

Amendment
of section 4.

5. In section 4 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely:—

“(5) The Chief Registrar shall take steps to register births or deaths and maintain a unified database of registered births and deaths at the State level by using the portal as approved by the Registrar General of India and it shall be obligatory upon the Registrars to share the data of registered births and deaths to such database. 45

(6) Subject to the proviso to sub-section (1) of section 17 and with the prior approval of the State Government, the database of registered births and deaths maintained under sub-section (5) at the State level may, on request, be made available to the authority dealing with other databases at the State level and the authority shall inform action taken, within such period as may be notified from time to time, to the State Government:

Provided that the preparation or maintenance of database relating to electoral rolls shall be without prejudice to the provisions of the Representation of the People Act, 1950.”.

6. In section 7 of the principal Act,—

Amendment
of section 7.

(i) in sub-section (2),—

(a) after the words “enter in the register maintained”, the words “, electronically or otherwise,” shall be inserted;

(b) after the word and figure “section 9”, the words “in respect of births and deaths which has taken place in his jurisdiction” shall be inserted;

(ii) in sub-section (5),—

(a) for the words “appoint Sub-Registrars and”, the words “appoint Sub-Registrars and, in the event of any disaster or epidemic, appoint Special Sub-Registrars” shall be substituted;

(b) the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this sub-section, the expressions,—

(i) “disaster” shall have the same meaning as assigned to it in clause (d) of section 2 of the Disaster Management Act, 2005;

(ii) “epidemic” means the epidemic referred to in the Epidemic Diseases Act, 1897.’.

7. In section 8 of the principal Act, in sub-section (1),—

Amendment
of section 8.

(i) in the opening portion,—

(a) for the words “orally or in writing”, the words “orally or in writing with signature” shall be substituted;

(b) after the words “several particulars”, the words “including the Aadhaar number of parents and the informant, if available, in case of birth,” shall be inserted;

(ii) in clause (a), the word “male” shall be omitted;

(iii) after clause (a), the following clauses shall be inserted, namely:—

“(aa) in respect of non-institutional adoption, the adoptive parents;

(ab) in respect of birth of a child to a single parent or unwed mother from her womb, the parent;

(ac) in respect of birth of a child through surrogacy, the biological parent;”;

(iv) after clause (d), the following clauses shall be inserted, namely:—

“(da) in respect of a child who is taken on adoption from the Specialised Adoption Agency, the person in-charge of the Specialised Adoption Agency.

Explanation.—For the purposes of this clause, the expression “Specialised Adoption Agency” shall have the same meaning as assigned to it in clause (57) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015;

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43 of 1950.

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53 of 2005.

3 of 1897. 25

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2 of 2016.

(*db*) in respect of an orphan or abandoned child or surrendered child in any child care institution, the person in-charge or caretaker of the child care institution.

Explanation.—For the purposes of this clause, the expressions “abandoned child” or “child care institution” or “orphan” or “surrendered child” shall have the same meanings as respectively assigned to them in clauses (*1*), (*21*), (*42*) and (*60*) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015; 5
2 of 2016.

(*dc*) in respect of birth of a child through surrogacy in a surrogacy clinic, the person in-charge of the surrogacy clinic. 10

Explanation.—For the purposes of this clause, the expressions “surrogacy” and “surrogacy clinic” shall have the same meanings as respectively assigned to them in clauses (*zd*) and (*ze*) of sub-section (*1*) of section 2 of the Surrogacy (Regulation) Act, 2021;’. 47 of 2021.

Amendment of section 10. **8.** In section 10 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:— 15

“(2) Where death occurs in any medical institution providing specialised treatment or general treatment, every such institution, irrespective of ownership, shall, free of charge, provide a certificate of the cause of death, including the history of illness, if any, signed by the medical practitioner who attended that person during his recent illness to the Registrar in such form as may be prescribed and provide a copy of such certificate to the nearest relative. 20

(3) In the event of death of any person occurring in any place other than medical institution, and such person was, during his recent illness, attended to by a medical practitioner, such medical practitioner shall, after the death of that person, free of charge, forthwith issue, a certificate of the cause of death, including the history of illness, if any, to the person required under this Act to give information concerning the death in such form as may be prescribed, and the person, on receipt of the certificate, shall deliver the same to the Registrar at the time of giving information of the death as required under this Act.”. 25
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Amendment of section 11. **9.** In section 11 of the principal Act, for the words “place of abode, and, if he cannot write”, the words “place of abode and put his signature thereto, and, if he cannot write” shall be substituted.

Substitution of new section for section 12. **10.** For section 12 of the principal Act, the following section shall be substituted, namely:— 35

Certificate of registration of births or deaths. “12. The Registrar shall, as soon as the registration of a birth or death has been completed, but not later than seven days, give, free of charge, electronically or otherwise under his signature, to the person who gives information under section 8 or section 9, a certificate extracted from the register relating to such birth or death in such form and manner as may be prescribed.”. 40

Amendment of section 13. **11.** In section 13 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

“(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 District Registrar or such other authority, on payment of such fee and on production of self-attested document in such form and manner as may be prescribed. 45

(3) Any birth or death of which delayed information is given to the Registrar after one year of its occurrence, shall be registered only on an order made by a District

(iii) in the long line, for the words “fifty rupees”, the words “two hundred and fifty rupees” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Whoever, being a person specified in clauses (b), (c), (d), (da), (db), (dc) and (e) of sub-section (1) of section 8,—

(a) fails without reasonable cause to give any information which it is his duty to give; 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 or signature in the register as required under section 11, shall be punishable with fine which may extend to one thousand rupees in respect of each birth or death.”;

(c) in sub-section (2),—

(i) after the words “in his jurisdiction”, the words and figures “or to give a certificate to the informant under section 12” shall be inserted;

(ii) for the words “fifty rupees”, the words “two hundred and fifty rupees” shall be substituted;

(d) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Any person who neglects or refuses to provide or issue a certificate as required under sub-section (2) or sub-section (3) of section 10 or any person neglects or refuses to deliver such certificate to the Registrar, shall be punishable with fine which may extend to fifty rupees.”;

(e) in sub-section (4),—

(i) for the words “Any Person”, the words, brackets, figure and letter “Any person except the person specified in sub-section (1A)” shall be substituted;

(ii) for the words “ten rupees”, the words “two hundred and fifty rupees” shall be substituted;

(f) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) Any person specified in sub-section (1A), 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 one thousand rupees in respect of each birth or death.”;

(g) in sub-section (5), for the words and figures “Code of Criminal Procedure, 1898”, the words and figures “Code of Criminal Procedure, 1973” shall be substituted.

Amendment
of section 24.

16. In section 24 of the principal Act, in sub-section (1), for the words beginning with “proceedings under this Act” and ending with the words “fifty rupees”, the following shall be substituted, namely:—

“proceedings under this Act,—

(a) accept from the person, except the person specified in sub-section (1A) of section 23, 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 two hundred and fifty rupees;

(b) accept from the person specified in sub-section (1A) of section 23, 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 one thousand rupees in respect of each birth or death.”.

- 5 **17.** After section 25 of the principal Act, the following section shall be inserted, Insertion of new
namely:— section 25A.
- “25A. (1) Any person aggrieved by any action or order of,— Appeal.
- (i) the Registrar, may prefer an appeal to the District Registrar; or
- (ii) the District Registrar, may prefer an appeal to the Chief Registrar,
- 10 within a period of thirty days from the date of such action or receipt of such order, as
the case may be, in such form and manner as may be prescribed.
- (2) The District Registrar or the Chief Registrar, as the case may be, shall decide
the appeal referred to in sub-section (1) within a period of ninety days from the date
of preferring of such appeal.”.
- 15 **18.** In section 30 of the principal Act, in sub-section (2),— Amendment
of section 30.
- (i) for clauses (d), (e) and (f), the following clauses shall be substituted, namely:—
- “(d) the form of certificate of the cause of death under sub-sections (2)
and (3) of section 10;
- (e) the form and manner in which the certificate of birth or death may be
20 given under section 12;
- (f) the authority which may grant permission for registration of a birth or
death and the form and manner of production of self-attested document under
sub-section (2) of section 13;”;
- (ii) after clause (g), the following clauses shall be inserted, namely:—
- 25 “(ga) the form and manner in which the certificate of birth or death may be
obtained under clause (b) of sub-section (1) of section 17;
- (gb) the form and manner of preferring an appeal under sub-section (1) of
section 25A;”;
- (iii) in clause (i), for the word “extracts”, the word “certificates” shall be
30 substituted.

STATEMENT OF OBJECTS AND REASONS

The Registration of Births and Deaths Act, 1969 (18 of 1969) (the Act) was enacted to provide for the regulation of registration of births and deaths and for matters connected therewith.

2. The Act has not been amended so far since its inception. In order to keep pace with the societal change and technological advancements during the period of its operation and to make it more citizen friendly, there is a need to amend the Act. Based on the consultations held with the State Governments, general public and other stake holders, it is proposed to amend certain provisions of the Act in form of a Bill, namely the Registration of Births and Deaths (Amendment) Bill, 2023.

3. The Registration of Births and Deaths (Amendment) Bill, 2023, *inter alia*, provides for the following, namely:—

(i) to insert provisions for digital registration and electronic delivery of certificate of births and deaths for the benefit of public at large;

(ii) to create a National and State level database of registered births and deaths which would help in updating other databases resulting in efficient and transparent delivery of public services and social benefits;

(iii) to provide for use of the Birth Certificate as a single document to prove the date and place of birth of a person born on or after the date of commencement of the Registration of Births and Deaths (Amendment) Act, 2023, for admission to an educational institution, issuance of a driving licence, preparation of a voter list, registration of a marriage, appointment to a post in Central Government or State Government or a local body or public sector undertaking or in any statutory or autonomous body under the Central Government or State Government, issuance of a passport, issuance of an Aadhaar number and any other purpose as may be determined by the Central Government in order to enhance the public convenience and to avoid multiplicity of documents to prove date and place of birth in the country;

(iv) to change the ordering authority from Magistrate of the first class or Presidency Magistrate to District Magistrate or Sub-Divisional Magistrate or an Executive Magistrate authorised by the District Magistrate in the case of delayed information of any birth or death to the Registrar after one year of its occurrence and submission of self-attested document instead of an affidavit made before a Notary Public in the case of delayed information of any birth or death to the Registrar after thirty days but within one year of its occurrence;

(v) to facilitate registration process of adopted, orphan, abandoned, surrendered, surrogate child and child to a single parent or unwed mother;

(vi) to make it mandatory for all medical institutions to provide a certificate as to the cause of death to the Registrar and a copy of the same to the nearest relative;

(vii) to appoint Special "Sub-Registrars" in the event of disaster or epidemic for speedy registration of deaths and issue of certificates;

(viii) to collect Aadhaar numbers of parents and informant, if available, in case of birth registration;

(ix) to address the grievances of general public aggrieved by any action or order of the Registrar or District Registrar; and

(x) to enhance the penalties provided in the Act.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 27th June, 2023.

AMIT SHAH.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Registration of Births and Deaths (Amendment) Bill, 2023 relates to amendment of section 30. The said section empowers the State Governments to make rules in respect of certain matters mentioned in the Act. It is proposed to amend the said section empowering the State Governments to make rules in respect of the following matters also, namely:—

(i) the form of certificate of the cause of death under sub-sections (2) and (3) of section 10;

(ii) the form and manner in which the certificate of birth or death may be given under section 12;

(iii) the authority which may grant permission for registration of a birth or death and the form and manner of production of self-attested document under sub-section (2) of section 13;

(iv) the form and manner in which the certificate of birth or death may be obtained under clause (b) of sub-section (1) of section 17; and

(v) the form and manner of filing an appeal under sub-section (1) of section 25A.

2. The matters in respect of which rules may be made under the aforesaid provisions are matters of detail and it is not practicable to provide them in the Bill itself. The delegation of legislative powers is, therefore, of a normal character.

FINANCIAL MEMORANDUM

The Registration of Births and Deaths (Amendment) Bill, 2023, if enacted would not involve any expenditure either recurring or non-recurring from and out of the Consolidated fund of India.

ANNEXURE

EXTRACTS FROM THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969

(18 OF 1969)

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Definitions and interpretation.

2. (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;

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CHAPTER II

REGISTRATION ESTABLISHMENT

Registrar-General, India.

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

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(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.

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Registrars.

7. (1)* * * * *

(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.

* * * * *

(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

Persons required to register births and deaths.

8. (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;

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10. (1)* * * * *

(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.

* Duty of certain persons to notify births and deaths and to certify cause of death.

(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. 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.

Informant to sign the register.

12. 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 section 9 and extract of the prescribed particulars under his hand from the register relating to such birth or death.

Extracts of registration entries to be given to informant.

13. (1)* * * * *

(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.

* Delayed registration of births and deaths.

(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.

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CHAPTER IV

MAINTENANCE OF RECORDS AND STATISTICS

16. (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.

* Registrars to keep registers in the prescribed form.

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17. (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—

* Search of births and deaths register.

* * * * *

(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.

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Inspection of registration offices. **18.** 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.

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

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(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. 5 of 1898.

Power to compound offences. **24.** (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 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.

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Power to make rules. **30.** (1)* * * * *

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

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(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;

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(i) the search of birth and death registers and the fees payable for such search and for the grant of extracts from the registers;

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further to amend the Registration of Births and Deaths Act, 1969.

(Shri Amit Shah, Minister of Home Affairs and Cooperation)