

Bill No. XXXVII of 2018

THE REGISTRATION OF BIRTHS AND DEATHS (AMENDMENT)
BILL, 2018

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BILL

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

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

- 18 of 1969.
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1. (1) This Act may be called the Registration of Births and Deaths (Amendment) Act, 2018.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In the Registration of Births and Deaths Act, 1969 (hereinafter referred to as the principal Act), in the long title, for the words "births and deaths", the words "births, marriages and deaths" shall be substituted.
3. In section 1 of the principal Act,—
- In sub section (1) for the words "Births and Death", the words "Births, Marriages and Deaths", shall be substituted.
- Short title, extent and commencement.
- Amendment of long title.
- Amendment of section 1.

Substitution of reference of certain expressions by certain other expressions.	<p>4. Throughout the principal Act (except section 8, 9 and 10) for the words "births and deaths", "births or deaths", "every birth and of every death" wherever they occur, the words "births, marriages and deaths", "births or marriages or deaths" and "every birth, every marriage and of every death", as the case may be, shall respectively be substituted; and such other consequential amendments as the rules of grammar may require shall also be made.</p>	5
Amendment of section 2.	<p>5. In section 2 of the principal Act, in sub section (1) after clause (d), the following clause shall be inserted:—</p> <p style="padding-left: 40px;">"(da) "marriage" means and includes a marriage solemnized between a male and female belonging to any caste or religion or tribe under any law for the time being in force and includes marriages solemnized under any custom or usage in any form or manner recognised by law or the marriage registered under any law for the time being in force and also includes remarriage;"</p>	10
Amendment of section 7.	<p>6. In section 7 of the principal Act after sub section (2) the following sub section shall be inserted:—</p> <p style="padding-left: 40px;">"(2A) Every Registrar shall, on payment of prescribed fees, enter in the register maintained for the purpose, all information given to him under section 8A and shall also take steps to inform himself carefully of every marriage which takes place in his jurisdiction and to ascertain and register the particulars required to be registered."</p>	15
Insertion of new sections 8A and 8B.	<p>7. After section 8 of the principal Act, the following sections shall be inserted:—</p>	20
Persons required to register marriages.	<p>8A. (1) For the purposes of facilitating the proof of marriages, the parties to the marriages, shall either themselves, or through the persons specified below, 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 and requisite documents and fees 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,—</p> <p style="padding-left: 40px;">(a) in respect of marriage in a house, whether residential or non-residential, not being any place referred to in clauses (b) and (c), the head of the house, and in the absence of any such person, the oldest adult person present therein during the said period;</p> <p style="padding-left: 40px;">(b) in respect of marriage in a temple, church, mosque, synagogue or such other religious place, the priest or such other person, by whatever name called, officiating such marriage or the trustee or any other person in charge thereof;</p> <p style="padding-left: 40px;">(c) in respect of marriage in a place specifically used for conducting marriages, including marriage halls, choultry, chattram, hotels or such other place, the person in charge thereof;</p> <p style="padding-left: 40px;">(d) in respect of marriage in an open place or field or ground, the headman or other corresponding officer in the case of a village and the officer in charge of the local police station elsewhere;</p> <p style="padding-left: 40px;">(e) in any other place, such person as may be prescribed.</p> <p>(2) It shall be the duty of the parties to the marriage and the persons referred in clauses (a) to (e) to ensure registration of the marriage and to give necessary information and documents relating to such marriage to the Registrar within such time and in such manner as may be prescribed.</p> <p>(3) Without prejudice to the provisions contained in this Act, the State Government may make rules providing that the parties to a marriage may have particulars</p>	25 30 35 40 45

relating to their marriage entered in such manner and subject to such conditions as may be prescribed.

8B. The Registrar shall not refuse to register any marriage for which a duly filled up and signed form has been received by him except on such grounds as may be prescribed:

Refusal to register marriage.

Provided that different grounds may be specified by rules for different class or classes of persons to marriage."

8. In section 23 of the principal Act,—

Amendment of section 23.

(i) in sub section (I), in clause (a), for the words and figures "section 8 and 9", the words, figures and letter "section 8 or section 8A or section 9" shall be substituted;

(ii) after sub section (I), the following sub section shall be inserted, namely:—

"(IA) Any person who contravenes the provisions of sub section (2) of section 8A, shall be punishable with fine which may extend to fifty rupees."

9. After section 29 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 29A.

"29A. The provisions of this Act relating to registration of marriage shall be in addition to, and not in derogation of, any other law for the time being in force and the registration of marriages of the parties under this Act shall not be deemed to affect any right recognised or acquired by any such party under any law, custom or usage."

Act not in derogation of any other law.

10. In section 30 of the principal Act,—

Amendment of section 30.

(i) after clause (a), the following clause shall be inserted:—

"(a.a) the fees under sub section (2A) of section 7;"

(ii) after clause (b), the following clauses shall be inserted:—

"(b.a) the period within which information should be given to the Registrar under sub section (I) of section 8A;

(b.b) the persons under clause (e) of section 8A;

(b.c) the manner and the conditions under sub section (3) of section 8A;

(b.d) the grounds under section 8B;"

(iii) after clause (c), the following clause shall be inserted:—

"(c.a) the time and the manner for giving information under sub section (2) of section 8A;"

11. After section 30 of the principal Act, the following section shall be inserted, :—

Insertion of new section 30A.

"30A (I) The Central Government may, by notification in the Official Gazette, make such provisions for implementation of the provisions of this Act and for carrying out the purposes of this Act.

Power of Central Government to make rules.

(2) The Central Government may, by notification in the Official Gazette, direct that any of the provisions of this Act specified in the notification—

(a) shall not apply to any marriages solemnised under any Act for the time being in force or any customs or usage recognised in law;

(b) shall apply to any marriages solemnised under any Act for the time being in force or any customs or usage recognised in law, with such exceptions, modifications and adaptations as may be specified in the notification."

Amendment
of section 31.

12. In section 31 of the principal Act, after sub section (2) the following sub section shall be inserted:

"(3) Nothing contained in sub-sections (1) and (2) shall apply to any matter or law relating to marriages including the Anand Marriage Act, 1909 or any State law or to any rules or notification or order making provisions for registration of marriages in any state." 7 of 1909
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STATEMENT OF OBJECTS AND REASONS

The provisions with regard to the registration of marriages seeks to prevent the abuse of the institution of marriage in the country. Countless marriages are solemnized without formal recognition or registration as the existing law does not mandate as such.

2. The Bill seeks to address issues such as child marriages, fraudulent marriages, enable married women to effectively exercise their right to claim shelter and maintenance, prevent practices whereby men desert women and particularly prevent polygamy. A number of State have in place State laws which seek to prevent the same by means of providing for compulsory registration of marriages but keeping in mind the public importance of it, a uniform law mandating the same throughout the country is required.

3. There is a need to protect the rights and interests of women and children and safeguard their position in society against fraudulent practices. The Bill seeks to ensure the same. The Supreme Court of India in *Seema v. Ashwani Kumar & Ors* (2006) had stated the necessity of compulsory registration of marriages. Furthermore, India has signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women. The Committee on the Elimination of Discrimination Against Women (CEDAW) had urged for compulsory registration of marriage in 2014. Thereby, it is necessary to ensure that a provision mandating the registration of marriages is introduced.

Hence, the Bill.

V. VIJAYASAI REDDY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

ANNEXURE

EXTRACTS FROM THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969

(18 OF 1969)

* * * * *

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

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CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Registration of Births and Deaths Act, 1969.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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2. (1) In this Act, unless the context otherwise requires,—

Definitions
and
interpretation.

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(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 show any other evidence of life, and each product of such birth is considered live-born;

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CHAPTER II

REGISTRATION ESTABLISHMENT

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7. (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 or any other area or a combination of any two or more of them:

Registrars.

Provided that the State Government may appoint in the case of a municipality, panchyat, 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 cuase 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. 1. (1) This Act may be called the Registration of Births and Deaths Act, 1969.

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;

(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.

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CHAPTER V

MISCELLANEOUS

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Penalties.

23. (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 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 (5 of 1898), an offence under this section shall be tried summarily by a magistrate.

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29. Nothing in this Act shall be construed to be in derogation of the provisions of the Births, Deaths and Marriage Registration Act, 1886.

Act not to be in derogation of Act 6 of 1886.

30. (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,

Power to make rules.

(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 deaths 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 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.

Repeal and
saving.

31. (1) Subject to the provision 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.

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RAJYA SABHA

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

(Shri V. Vijayasai Reddy, M.P.)