

Assam Births And Deaths Registration Act, 1935

02 of 1935

[07 August 1935]

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PREAMBLE

An Act for registering Births and Deaths in Assam

Whereas it is expedient to provide the means for a complete register of births and deaths in Assam;

It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Assam Gazette, 1934, Part V, page 53; for Proceedings in Council, see Assam

Gazette, 1934, Part VI, page 1023, Assam Gazette, 1935, Part VI, pages 104, 663-664, 771-774; for Report of Select Committee, see Assam Gazette, 1935, Part V, pages 1-6.

1. Short title :-

(1) This Act may be called The Assam Births and Deaths Registration Act, 1935.

Commencement.

(2) It shall come into force from the first day of January 1936.

Extent.

(3) Subject to the provisions of sub-section (4) of this section it shall extend in the first instance only to the areas in Assam in which the Bengal Births and Deaths Registration Act, 1873 (Bengal Act IV of 1873), is, before the passing of this Act, in force but the [Provincial Government]¹ may, at any time, by a notification published in the [Official Gazette]² direct that all births and deaths, or all births, or all deaths, occurring within the limits of any other area after a certain date to be named in such notification shall be registered, and, for that purpose, may define the limits of such other area.

From and after such date this Act shall apply to the whole of the area so defined.

Power to direct registration of births and deaths and to define area.

(4) The [Provincial Government]¹ may further, at any time by notification published in the [Official Gazette]² direct that the principal local agents of any employers of labour, or of any class of such employers in Assam, shall after a certain date to be named in such notification cause to be registered all births and deaths or all births or all deaths, or all births and deaths among a specified class of labour, occurring upon land in the occupation of the employers.

1. Substituted by the A. O. for "Local Government".

2. Substituted by the A. O. for "Assam Gazette".

2. Magistrate may divide area into circles and may appoint registrars :-

(1) The [District Magistrate]¹ may, for the purpose of such registration, divide any such area into such and so many circles as he may think fit, and may appoint one or more persons to be registrars of births or of deaths, or of births and deaths within such circle, and may, at any time, for sufficient reason, dismiss any such

registrar and may fill up any vacancy in the office of registrar.

(2) The [District Magistrate]² shall also notify to the principal local agents of all employers of labour who may have been directed to cause births or deaths occurring on land in their occupation to be registered, the designation of the registrar to whom such births or deaths should be reported.

1. Substituted by Assam Act V of 1936 for "Magistrate of the district".

2. Substituted by Assam Act V of 1936 for "Magistrate of the district".

3. Magistrate to publish list of registrars :-

The [District Magistrate]¹ of the district shall cause to be published a list containing the name and place of office of every registrar in the area, and specifying the hours of the day during which such registrar shall attend at his office for the purpose of registration.

1. Substituted by Assam Act V of 1936 for "Magistrate of the district".

4. Every registrar to have an office with in his circle :-

Every registrar shall have an office within the [circle]¹ of which he is appointed registrar, and shall cause his name, with the addition of registrar of births (or of deaths, or of births and deaths, according to his appointment) for the [circle]¹ for which he is so appointed, and notice of the hours during which he will attend for the purpose of registration, to be affixed in some conspicuous place on or near the outer door of his office.

1. Substituted by ibid for "district".

5. Magistrate to have register-books prepared and numbered :-

The [District Magistrate]¹ of the district shall cause to be prepared a sufficient number of register-books for making entries of all births or deaths or both, according to such forms as the [Provincial Government]² may, from time to time, sanction; and the pages of such books shall be numbered progressively from the beginning to the end; and every place of entry shall be also numbered progressively from the beginning to the end of the book, and every

entry shall be divided from the following entry by a line.

1. Substituted by Assam Act V of 1936 for "Magistrate of the district".

2. Substituted by the A. O. for "Local Government".

6. Registrar to inform himself of and register births and deaths :-

Every registrar shall inform himself carefully of every birth, or of every death, or of both, according to his appointment, which shall happen in his [circle]¹ and shall register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms mentioned in the last preceding section, touching every such birth or every such death, as the case may be, which shall not have been already registered.

1. Substituted by ibid for "district".

7. Report of births and deaths on land in the occupation of an employer of labour :-

Every person who may be required to report births or deaths on land in the occupation of an employer of labour shall report monthly before the 8th of the month to the registrar all such births and deaths as have occurred within the preceding calendar month.

8. Chaukidar to obtain particulars and to report to registrar :-

Every chaukidar or other village-watchman in any area to which this Act shall apply, or, where there is no chaukidar or other village-watchman, such person as the [District Magistrate]¹ may appoint, shall be required to report every birth or death occurring within his beat to such registrar and at such periods as the [District Magistrate]¹ may direct.

He shall obtain in writing, if possible, and if it is impossible for him to obtain in writing, he shall obtain verbally, from any person who is bound to give information of the birth or death, all particulars which are required to be known and registered, and he shall report such particulars to the registrar.

1. Substituted by Assam Act V of 1936 for "Magistrate of the

district".

9. Persons bound to give information of birth :-

The father or mother of every child born within such area, or in case of the death, illness, absence or inability of the father and mother, the midwife assisting at the birth of such child, shall, within eight days next after the day of every such birth, give information, either personally or in writing, to the registrar of the [circle],¹ or by means of the chaukidar or other village-watchman or other person as provided in the last preceding section, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered, touching the birth of such child.

1. Substituted by Assam Act V of 1936 for "district".

10. Persons bound to give information of death :-

The nearest male relative of the deceased present at the death, or in attendance during the last illness of any person dying within such area, or, in the absence of any such relative, the occupier of the house, or, if the occupier be the person who shall have died, some male inmate of the house in which such death shall have happened, shall, within eight days next after the day of such death, give information, either personally or in writing, to the registrar of the [circle],¹ or by means of the chaukidar or other village-watchman or other person as provided in section 8, according to the best of his knowledge and belief, of the several particulars hereby required to be known and registered, touching the death of such person:

Provided that no person shall be bound to give the name of any female relative.

1. Substituted by Assam Act V of 1936 for "district".

11. Sections 8, 9 and 10 not to apply to births and deaths to be reported under section 7 :-

The provisions of sections 8, 9 and 10 shall not apply to births and deaths which are required to be reported under section 7.

12. Penalty for neglect :-

(1) Any chaukidar or other village-watchman or other person so

appointed under section 8 of this Act who, wilfully or negligently, refuses or omits to produce such writing, if any, or to report such birth or death, shall be punishable at the discretion of the [District Magistrate]¹ with fine which may extend to two rupees.

(2) Any person who refuses or neglects to give any information which it is his duty to give under section 9 or 10, shall be punishable with fine which may extend to five rupees:

Provided that not more than one person shall be punishable for such refusal or neglect to give information.

1. Substituted by *ibid* for "Magistrate of the District".

13. Municipality under Assam Act I of 1923 may arrange for keeping register of births or deaths or both :-

In any place to which section 259 of the Assam Municipal Act, 1923, shall have been extended, the Municipal Board or Town Committee shall, if so required by the [Provincial Government]³, arrange for keeping a register of all births or of all deaths or of all births and deaths, occurring within the municipality. The Municipal Board or Town Committee shall, in such case, be authorised to provide out of the municipal and town fund for the employment of a sufficient number of registrars, and for the expenditure necessary for the maintenance of such registers; and all the provisions of this Act shall be deemed to apply to such place [* * * * *]¹ and the Municipal Board or Town Committee shall exercise all the powers of a [District Magistrate]² under sections 2, 3 and 5 of this Act.

1. The words "as if such place were a district" omitted by Assam Act V of 1936.

2. Substituted by *ibid* for "Magistrate".

3. Substituted by the A. O. for "Local Government".

14. Penalty for registrar refusing to register :-

Any registrar who refuses or neglects to register any birth or death occurring within his [circle]¹ which he is bound to register, within a reasonable time after he shall have been duly informed thereof, or demands or accepts any fee or reward or other gratification as a consideration for making such registry, shall be punishable with fine which may extend to fifty rupees for each such offence.

1. Substituted by *ibid* for "district".

15. Penalty for wilfully giving false information :-

Whoever wilfully makes or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement touching any of the particulars required to be known and registered, shall be punishable with a fine not exceeding fifty rupees.

16. The Magistrate may depute subordinate Magistrate to discharge his functions :-

[The District Magistrate may depute any subordinate Magistrate, to exercise the powers and to perform the duties vested in him by this Act within the district or any part thereof]¹.

1. Substituted by ibid for the original section which ran as follows:-
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"The Magistrate of a district may depute any subordinate Magistrate to exercise the powers and to perform the duties vested in the Magistrate by this Act within such district or any part thereof".

17. Repeal :-

The enactment, the Bengal Births and Deaths Registration Act, 1873 (Bengal Act IV of 1873), is hereby repealed in its application to Assam.