

BENGAL BIRTHS AND DEATHS REGISTRATION ACT, 1873

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Preamble.functions.Whereas it is expedient to provide the means for a complete register of births and deaths It is hereby enacted as follows;

1. Power to direct registration of births and deaths and define area :-

The ¹[State Government] may at any time, by a notification published in the ² [Official Gazette], direct that all births and deaths, or all births, or all deaths, occurring within the limits of any area after a certain date to be named in such notification shall be registered, and for that purpose may define the limits of such area. From and after such date this Act shall apply to the whole of the area so defined.

1. Words subs, by the Government India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.
2. Words subs, by the Government of India (Adaptation of Indian Laws) Order. 1937.

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

The Magistrate of the District may, for the purpose of such registration, divide any such area into such and so many districts 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 district, and may at any time for sufficient reason dismiss any such registrar and may fill up any vacancy in the office of registrar. Magistrate to publish list of registrars. The Magistrate 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.

3. Every registrar to have an office within his district :-

Every registrar shall have an office within the district 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 district 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.

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

The Magistrate 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 ¹ [State Government] may from time to time sanction; and the pages of such book 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. Words subs, by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order. 1950.

5. 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 district, and shall register, as soon as conveniently may be after the vent, 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.

6. 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 Magistrate may appoint, shall be required to report every birth or death occurring within his beat to such registrar and at such periods as the Magistrate 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. Penalty for neglect. Any chaukidar or other village-watchman or other person so appointed 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 Magistrate with fine which may extend to two rupees.

7. 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 district, or by means of the chaukidar or other village-watchmen, or other person as provided in the last proceeding 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. Penalty for neglect. Any person who refuses or neglects to give information which it is his duty to give under this section, shall be punishable at the discretion of the Magistrate with fine which may extend to five rupees: Provided that not more than one person shall be punishable at the discretion of the Magistrate for such refusal or neglect to give information.

8. 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 district, or by means of the chaukidar or other village-watchman or other person as provided in section 6, 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 an female relative. Penalty for neglect. Any person who refuses or neglects to give any information, which it is his duty to give under this section, shall be punishable at the discretion of the Magistrate 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

9. Penalty for registrar refusing to register :-

Any registrar who refuses or neglects to register any birth or death occurring within his district, 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 at the discretion of the Magistrate with fine which may extend to fifty rupees for each such refusal or neglect.

10. 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 at the discretion of the Magistrate with a fine not exceeding fifty rupees.

11. Municipality under Ben. Act 15 of 1932 may arrange for keeping register of births or deaths or both :-

In any place to which ¹ [the Bengal Municipal Act 1932] shall have been extended, the Municipal Commissioners may, if at a meeting specially convened for considering such question they shall so determine, arrange for keeping a register of all births or of all deaths or of all births and deaths, occurring within the municipality. On and after a date to be fixed at such meeting, the Commissioners

shall in such case be authorized to provide out of the municipal fund for the employment of a sufficient number of registrars, and for the expenditure necessary for the maintenance of such registers, and shall exercise all the powers of a Magistrate under this Act; and all the provisions of this Act shall be deemed to apply to such place.

1. Words and figures subs.by Ben.Act 1 of 1939.

12. Magistrate may depute subordinate Magistrate to discharge his functions :-

The Magistrate of a district may depute any subordinate to exercise the powers and to perform the duties vested in the Magistrate by this Act, within such district or any part thereof.