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## Bengal Act IV of 1873

### [THE BENGAL BIRTHS AND DEATHS REGISTRATION ACT, 1873.]<sup>1</sup>

SUPPLEMENTED	..	Ben. Act III of 1884.
SHORT TITLE GIVEN	..	Act I of 1903.
AMENDED	..	Ben. Act I of 1939.
ADAPTED	..	(a) The Government of India (Adaptation of Indian Laws) Order, 1937. (b) The Adaptation of Laws Order, 1950.

{2nd July, 1873.}

#### *An Act for Registering Births and Deaths.*

WHEREAS it is expedient to provide the means for a complete register of births and deaths; Preamble.

<sup>1</sup>SHORT TITLE.—This short title was given by the Amending Act, 1903 (I of 1903), Sch. I.

LOCAL EXTENT.—Since this Act contains no local extent clause, it must be taken to have been intended to extend to the whole of the former Province of Bengal; but it applies only to areas specially notified under sec. 1.

OTHER ENACTMENTS.—As to the registration of births and deaths under the present Act, in the Municipalities, see the Bengal Municipal Act, 1932 (Ben. Act XV of 1932).

As to the registration of births and deaths in the Calcutta Municipality, see the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), Ch. XXXI.

As to the registration of births and deaths under the Bengal Local Self-Government Act of 1885 (Ben. Act III of 1885), see section 114 of that Act.

As to reports by village *chaukidars* of births and deaths, see the Village *Chaukidari* Act, 1870 (Ben. Act VI of 1870), section 39, clause 7.

As to the registration of births and deaths under the Bengal Village Self-Government Act, 1919 (Ben. Act V of 1919), see section 26(3) of that Act.

As to reports by *chaukidars* of births and deaths, see section 23(1)(vii), *ibid*.

For power to make rules as to the registration of births and deaths in Cantonments, see the Cantonments Act, 1924 (II of 1924), section 282(1).

As to the voluntary registration of births and deaths, see the Births, Deaths and Marriages Registration Act, 1886 (V. of 1886).

As to the transmission to the Registrar-General of Births and Deaths in England of registers of, or documents showing, births and deaths of officers and soldiers and their families abroad, see the Registration of Births, Deaths and Marriages (Army) Act, 1879 (42 and 43 Vict., c. 8), in the Collection of Statutes relating to India, Vol. I, 1935, page 333.

As to the duties of Registrars of Births in connection with the vaccination of children, see the Bengal Vaccination Act, 1880 (Ben. Act V of 1880), sections 18 to 24.

## (Sections 1-5.)

It is hereby enacted as follows:—

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

1. The <sup>1</sup>[State Government] may at any time, by a notification published in the <sup>2</sup>[*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.

Magistrate may divide area into districts and may appoint registrars.

2. The Magistrate of the district<sup>3</sup> 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.

Every registrar to have an office within his district.

3. 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.

Magistrate to have register-books prepared and numbered.

4. 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 <sup>1</sup>[State Government] 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.

Registrar to inform himself of, and register, births and deaths.

5. 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

<sup>1</sup>The words "Provincial Government" were first substituted for the words "Lieutenant-Governor" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937. Thereafter the word "State" was substituted for the word "Provincial" by para. 4 (1) of the Adaptation of Laws Order, 1950.

<sup>2</sup>Substituted for the words "*Calcutta Gazette*" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup>Now District Magistrate—see the Code of Criminal Procedure, 1898 (Act V of 1898), section 3(2).

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(Sections 6-8.)

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.

6. 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.

*Chaukidar* to obtain particulars and to report to registrar.

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.

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.

Penalty for neglect.

7. 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 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.

Persons bound to give information of birth.

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:

Penalty for neglect.

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. 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<sup>1</sup>, or by means of the *chaukidar*

Persons bound to give information of death.

<sup>1</sup>Or any sub-registrar appointed for a burning-ghat or burial ground—see the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), section 446.

As to duty of medical officer in charge of hospital to give notice of death, see section 447, *ibid.*

## (Sections 9-12.)

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 any 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.

Penalty for registrar refusing to register.

9. Any registrar<sup>1</sup> 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.

Penalty for wilfully giving false information.

10. 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.

Municipality under Ben. Act XV of 1932 may arrange for keeping register of births or deaths or both.

11. In any place to which [the Bengal Municipal Act 1932]<sup>2</sup> 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.

Ben. Act XV of 1932.

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.

Magistrate may depute subordinate Magistrate to discharge his functions.

12. The Magistrate of a district<sup>3</sup> 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.

<sup>1</sup>Or any sub-registrar appointed for a burning-ghat or burial ground—see the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), section 446.

<sup>2</sup>These words and figures were substituted for the words "the District Municipal Improvement Act," by s. 2 and the First Schedule of the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).

<sup>3</sup>Now District Magistrate—see the Code of Criminal Procedure, 1898 (Act V of 1898), section 3(2).