रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—23 REGISTERED NO. DL—(N)04/0007/2003—23

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-12082023-248044
CG-DL-E-12082023-248044

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 23] नई दिल्ली, शुक्रवार, अगस्त 11, 2023/ श्रावण 20, 1945 (शक)
No. 23] NEW DELHI, FRIDAY, AUGUST 11, 2023/SRAVANA 20, 1945 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

Indiacode

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 11*th August*, 2023/*Sravana* 20, 1945 (*Saka*)

The following Act of Parliament received the assent of the President on the 11th August, 2023 and is hereby published for general information:—

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

NO. 20 OF 2023

[11*th August*, 2023.]

An Act 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:—

Short title and commencement.

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

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

Construction of references of certain expressions by certain other expressions.

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.

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; 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:—

'(*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;

(*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:—

"(*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 Registrars 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—

(*a*) population register;

(*b*) electoral rolls;

(*c*) Aadhaar number;

(*d*) ration card;

(*e*) passport;

(*f*) driving licence;

(*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.". 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.

(*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.". 43 of 1950.

Amendment of section 7.

6. In section 7 of the principal Act,—

(*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; 53 of 2005.

(*ii*) "epidemic" means the epidemic referred to in the Epidemic Diseases Act, 1897.'. 3 of 1897.

Amendment of section 8.

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

(*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; 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; 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.

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:—

"(*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.

(*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.".

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:—

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.".

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.

(*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 Magistrate or Sub-Divisional Magistrate or by an Executive Magistrate authorised by the District Magistrate, having jurisdiction over the area where the birth or death has taken place, after verifying the correctness of the birth or death and on payment of such fee as may be prescribed.

Explanation.—For the purposes of this sub-section, the expression "Executive Magistrate" means the Executive Magistrate appointed under sub-section (*1*) of section 20 of the Code of Criminal Procedure, 1973.'.

2 of 1974.

Amendment of section 16.

12. In section 16 of the principal Act, in sub-section (*1*), after the words "register of births and deaths", the words ", electronically or otherwise," shall be inserted.

Amendment of section 17.

13. In section 17 of the principal Act,—

(*i*) in sub-section (*1*), for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) obtain, electronically or otherwise, a certificate of birth or death from such register and issued in such form and manner as may be prescribed:

Provided that no certificate relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register.";

(*ii*) in sub-section (*2*), for the word "extracts" occurring at both the places, the word "certificates" shall be substituted;

(*iii*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) Notwithstanding anything contained in any other law for the time being in force, the certificate referred to in sub-section (*2*) or section 12, shall be used to prove the date and place of birth of a person who is born on or after the date of commencement of the Registration of Births and Deaths (Amendment) Act, 2023, for the purposes of—

(*a*) admission to an educational institution;

(*b*) issuance of a driving licence;

(*c*) preparation of a voter list;

(*d*) registration of a marriage;

(*e*) appointment to a post in the 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;

(*f*) issuance of a passport;

(*g*) issuance of an Aadhaar number; and

(*h*) any other purpose as may be determined by the Central Government.".

Amendment of section 18.

14. In section 18 of the principal Act, for the words "by the District Registrar", the words "in general or special order by the Chief Registrar" shall be substituted.

Amendment of section 23.

15. In section 23 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in the opening portion, 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*) in clause (*c*), after the words "thumb mark", the words "or signature, as the case may be," shall be inserted;

(*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. 5 of 1898. 2 of 1974.

Amendment of section 24.

16. In section 24 of the principal Act, in sub-section (*1*), for the portion beginning with the words "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.".

Insertion of new section 25A.

17. After section 25 of the principal Act, the following section shall be inserted, namely:—

Appeal.

"25A. (*1*) Any person aggrieved by any action or order of,—

(*i*) the Registrar, may prefer an appeal to the District Registrar; or

(*ii*) the District Registrar, may prefer an appeal to the Chief Registrar,

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.".

Amendment of section 30.

18. In section 30 of the principal Act, in sub-section (*2*),—

(*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 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:—

"(*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 substituted.

———————

DR. REETA VASISHTA,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI–110054.

Kshitiz Mohan Digitally signed by Kshitiz Mohan Date: 2023.08.12 02:16:58 +05'30'

MGIPMRND—286GI(S3)—11-08-2023.