Proposed Amendments to the Registration of Births and Deaths Act, 1969

Why in news?

The Central government had invited comments on the proposed amendments to the Registration of Births and Deaths Act, 1969 (RBD Act).

What is the RBD Act about?

- The Registration of Births and Deaths Act, 1969 regulates the registration of births and deaths.
- **Registrar General of India**- The Act provides for the appointment of a Registrar General of India by the Central Government for the registration of births and deaths.
- The Act specifies that if the birth or death is not registered within the specified time period, then the Registrar shall on the payment of a late fee, register the death or birth
    - Within a period of 30 days
    - Within 1 year only with the written permission of the prescribed authority
    - After 1 year only on the order of a first class Magistrate.
- **Chief Registrar**- The State Government may by notification appoint a Chief Registrar for the State who shall be the chief executive authority in the State.
- **District Registrar-** The State Government may appoint a District Registrar for each revenue district and Additional District Registrars subject to the general control and direction of the District Registrar.
- **Registrar**- 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.
- **Sub-Registrars-** 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 within his jurisdiction.
- It shall be the duty of the specific persons to give information in oral or writing within prescribed time to the Registrar of the several particulars required to be entered in the forms prescribed by the State Government.
- **Inspection of registration offices**- The registration offices shall be inspected, and the registers shall be examined in such manner and by such authority as may be specified by the District Registrar.
- **Penalties-** Penalties with maximum fine of fifty rupees have been imposed for only persons.

What are the proposed amendments?

- **Insertion of definitions**- The amendment proposes definitions for abandoned child, orphan child, surrendered child, child care institution, Adoption, disaster, Specialised Adoption Agency, etc.
- **Database-** The Registrar General, India shall maintain the database of registered births and deaths at national level that may be used, with the approval of Central Government, to update

population register, electoral registers, passport databases, etc.
- The Chief Registrar shall maintain a unified database of civil registration records at State level.
- **Special Sub-Registrars-** The Registrar may, with the prior approval of the Chief Registrar, appoint Special Sub-Registrars in the event of disaster.
- **Aadhar number**- It shall be the duty of the specific persons to give information in oral or writing within prescribed time to the Registrar of the several particulars including the Aadhar number.
- **Death certificate-** Where the death occurs in any medical institutions, it shall be mandatory for those institutions to provide a certificate as to the cause of death to the Registrar and a copy to the nearest relative in such form as may be prescribed.
- **Inspection of registration offices**- The registration offices shall be inspected, and the registers shall be examined in such manner and by such authority as may be specified by the **Chief Registrar**.
- **Penalties-** Penalties with a maximum fine of Rs. 250 for individuals or a maximum fine of Rs. 1000 for **institutions** may be imposed.
- **Provision for Appeal-** Any person aggrieved by any action or order of the Registrar may appeal to the District Registrar within 30 days from the date of such action or receipt of such order.
- Any person aggrieved by any action or order of the District Registrar may appeal to the Chief Registrar within 30 days from the date of such action or receipt of such order.

Why is the proposed amendment considered unnecessary by the critics?

- **Communication of data to other databases-** For election and passport databases, it may be enough to get that information on a monthly or even annual basis.
- Therefore one has to examine the need for each birth and death to be communicated to other databases.
- **Collection of information from the best source-** The address in the birth and death database may be different from the current or permanent address of the mother or deceased.
- Many people are admitted to hospitals in the city where they may have a temporary contact address.
- It is this that gets recorded in the hospital and in the death register.
- **Inclusion of Aadhaar number-** This is an unnecessary amendment as the States were already directed to include the Aadhaar number of the deceased in the death reporting form.
- **National database-** Extracting part of the information from State-level database to create a national database appears an unnecessary duplication and will only create an intermediate administrative layer without any value addition.
- **Non-uniformity of State databases**- The databases maintained by the States now may not follow the same structure for various data items.
- For example, the names of many people in Kerala and Tamil Nadu have the name of the family and father’s name preceding the first name of the person while many databases use the first name/middle name/surname format.
- **Evidence of date and place of birth**- It was proposed that the birth and death certificates issued under this Act should be taken as evidence of date and place of birth for issuing Aadhaar cards, passports, driving licence, voter’s list or for school admission.
- But, till recently, the instructions regarding application for a passport contained a provision that **only birth certificates** would be accepted as proof of date and place of birth.

What must be the way forward?

- There is a need for updating the law to take care of the changes in the last decade that had taken place with computerisation.
- A bill was introduced in Parliament in 2012 to amend the RBD Act to make registration of marriages compulsory but it lapsed.
- Commission examined the issue again and recommended in its Report No. 270 that the RBD Act may be amended for including marriage registration.
- Instead of going for another amendment for this purpose, it should have been taken care of within the current proposals.

References

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3. https://prsindia.org/billtrack/the-registration-of-births-and-deaths-amendment-bill-2012

