

# **Rajasthan Registration of Births, Deaths and Marriages Act, 1958**

RAJASTHAN

India

## **Rajasthan Registration of Births, Deaths and Marriages Act, 1958**

### **Act 33 of 1958**

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Rajasthan Registration of Births, Deaths and Marriages Act, 1958 Act No. 33 of 1958 [Published in R.G. Gazette Part IV-A (Extraordinary), dated August 18, 1958] [Received the assent of the President on the 7th day of August 1958] An Act to provide for the voluntary registration of certain births and deaths, for the establishment of General Registry Offices, for keeping registers of certain births, deaths and marriages, and for certain other purposes. Be it enacted by the Rajasthan State Legislature in the Ninth Year of the Republic of India as follows:-

## **Chapter I**

### **Preliminary**

#### **1. Short title, extent and commencement.**

(1) This Act may be called the Rajasthan Registration of Births, Deaths and Marriages Act, 1958. (2) It extends to the whole of the State of Rajasthan. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

#### **2. Interpretation.**

- In this Act, unless there is anything repugnant in the subject or context, -(a) "law relating to local authorities" includes any bye-law or rule issued under any such law; (b) "Registrar" means a Registrar of Births and Deaths appointed under this Act; (c) "Registrar General" means any officer appointed as such under section 4.

### **3. Savings regarding laws in local areas.**

- Except as otherwise expressly provided, nothing in this Act or in any rule made under this Act, shall affect any law relating to local authorities.

## **Chapter II**

## **General Registry Office of Births, Deaths and Marriages**

### **4. Establishment of general registry office and appointment of Registrar General.**

(1)The State Government-(a)shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under the Indian Christian Marriage Act, 1872 (Central Act XV of 1872) or the Parsi Marriage and Divorce Act, 1936 (Central Act III of 1936) or the Special Marriage Act, 1954 (Central Act 43 of 1954) or the Hindu Marriage Act, 1955 (Central Act 23 of 1955) as may be sent to such office under this Act, or under any of the four last mentioned Acts;(b)may appoint to the charge of that office an officer to be called the Registrar General of Births and Deaths and Marriages for the State;Provided that the State Government, if it so desires may-(i)establish a general registry office separately for keeping certified copies of registers of marriages referred to in clause (a), and(ii)appoint to the charge of such separate office an officer to be called the Registrar General of Marriages for the State.(2)Notwithstanding the provisions of any other law for the time being in force, true copies certified in the prescribed manner of all entries of births, deaths and marriages registered under any other law for the time being in force shall be sent by the prescribed officer or authority at prescribed intervals to the said registry office as soon as possible, after the entries are so made.Explanation. - In this section, "law" includes a law relating to local authorities.

### **5. Indexes to be kept at general registry office.**

- The Registrar General shall cause indexes of all the certified copies of registers sent to his office under this Act, or any of the other Acts mentioned in section 4, to be made and kept in his office in the prescribed form.

### **6. Indexes to be open to inspection.**

- Subject to the payment of the prescribed fees, the indexes so made shall be open to inspection during office hours by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all person applying for them.

## **7. Copies of entries to be admissible in evidence.**

- A copy of an entry given under section 6 shall be certified by the Registrar General or by an officer authorised in this behalf by the State Government, and shall be admissible in evidence for the purpose of proving the birth, death, or marriage to which the entry relates.

## **8. Superintendence of Registrars by Registrar General.**

- The Registrar General shall exercise a general superintendence over the Registrars in the State and over officers and authorities charged with the duty of registration of births, deaths and marriages under any law relating to local authorities.

## **Chapter III**

## **Registration of Births and Deaths**

A - Registration Establishment

## **9. Appointment of Registrars.**

- The State Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Registrars of Births and Deaths for such local areas as it may define.

## **10. Registrar to be deemed a public servant.**

- Every Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

## **11. Office and attendance of Registrar.**

(1)Every Registrar shall have an office in the local area for which he is appointed.(2)Every Registrar to whom the State Government may direct this sub-section to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General may direct and shall cause to be placed in some conspicuous place on or near the out door of office a sign board indicating the local area for which he is appointed and the days and hours of his attendance.

## **12. Absence of Registrar or vacancy in his office.**

(1)When any Registrar to whom the State Government may direct this section to apply is absent, or when his office is temporarily vacant, any person whom the Registrar General appoints in this behalf, or, in default of such appointment, the [Collector of the District] [Substituted by Rajasthan 21 of 1962.] within the local limits of whose jurisdiction the Registrar's office is situate, or such

other officer as the State Government appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the State Government fills the vacancy.(2)The Registrar General shall report to the State Government all appointments made by him under this section.

### **13. Register books to be supplied and preservation of records to be provided for.**

- The State Government shall supply every Registrar with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.B - Mode of Registration

### **14. Duty of Registrar to register births and deaths of which notice is given.**

- Every Registrar, on receipt of notice of a birth or death within the local area for which he is appointed, shall if the notice is given within the prescribed time and in the prescribed mode by a person authorised by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book:Provided that-(a)if he has reason to believe the notice to be in any respect false, he may refuse to register the birth and death, until he receives an order from the Judge of the District Court directing him to make the entry and prescribing the manner in which the entry is to be made: and(b)he shall not enter in the register the name of any person as father of an illegitimate child, except at the request of the mother and of the person acknowledging himself to be the father of the child.

### **15. Persons authorised to give notice of birth.**

- Any of the following persons may give notice of a birth, namely:-(a)the father or mother of the child;(b)any person present at the birth:(c)any person occupying, at the time of the birth, any part of the house where in the child was born and having knowledge of the child having been born in the house;(d)any medical practitioner in attendance after the birth and having personal knowledge of the birth have occurred:(e)any person having charge of the child.

### **16. Persons authorised to give notice of death.**

- Any of the following persons may give notice of a death, namely:-(a)any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death;(b)any person present at the death:(c)any person occupying, at the time of the death, any part of the house wherein the death occurred and having knowledge of the deceased having died in the house:(d)any person in attendance during the last illness of the deceased:(e)any person who has seen the body of the deceased after death.

## **17. Entry of birth or death to be signed by person giving notice.**

(1) When an entry of a birth or death has been made by the Registrar under section 14, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar: Provided that it shall not be necessary for the person giving notice to attend before the Registrar or to sign the entry in the register if he has given such notice in writing and has furnished to the satisfaction of the Registrar such evidence of his identity as may be required by the rules. (2) Until the entry has been so signed or the conditions specified in the proviso to sub-section (1) have been complied with, the birth or death shall not be deemed to be registered under this Act. (3) When the birth of an illegitimate child is registered, and the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

## **18. Grant of certificate of registration of birth or death.**

- The Registrar shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

## **19. Duty of Registrar as to sending certified copies of entries in register books to Registrar General.**

- Every Registrar shall send to the Registrar General at the prescribed intervals a true copy certified by him, in the prescribed form, of all the entries of birth and deaths in the register book kept by him since the last of those intervals.

## **20. Searches and copies of entries in register books.**

(1) Every Registrar shall, on payment of the prescribed fees, allow searches to be made during office hours in the register books kept by him and give a copy of any entry in the same. (2) Every copy of an entry in a register book given under this section shall be certified by the Registrar and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

## **21. Exceptional provision for registration of certain births and deaths.**

- Notwithstanding anything in section 14, the State Government may make rules authorising Registrars, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas for which they are appointed. C- Penalty For False Information

## **22. Penalty for wilfully giving false information.**

- If any person wilfully makes, or caused to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

D- Correction of Errors

## **23. Correction of entry in register of births or deaths.**

(1) If it is proved to the satisfaction of a Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, he may, subject to such rules as may be made by the State Government with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of correction. (2) If a certified copy of the entry has already been sent to the Registrar General, the Registrar shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

## **Chapter IV**

### **Rules**

## **24. Rules.**

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may—(a) fix the fees payable under this Act; (b) prescribe the forms required for the purposes of this Act; (c) prescribe the time within which, and the mode in which, persons authorised under this Act to give notice of a birth or death to a Registrar must give the notice; (d) prescribe the evidence of identity to be furnished to a Registrar by persons giving notice of a birth or death in cases where personal attendance before such Registrar is dispensed with; (e) prescribe the registers to be kept and the form and manner in which Registrars are to register births and deaths under this Act, and the intervals at which they are to send to the Registrar General true copies of the entries of births and deaths in the registers kept by them; (f) notwithstanding anything contained in any law relating to local authorities prescribe the registers to be kept and the form and manner in which births, deaths and marriages shall be registered under any such law; (g) prescribe the conditions on and circumstances in which Registrars may correct entries of births and deaths in registers kept by them; and (h) provide for any other matter which is to be prescribed, or to be regulated by rules.

## **25. Repeal.**

- The following enactments are hereby repealed, but not so as to affect their previous operation, namely—(i) the Registration of Births, Deaths and Marriages Act, 1886 (Central Act VI of 1886) in

force in the Ajmer area and the Abu area, and that Act as adopted for the pre-organisation State of Madhya Bharat by the Madhya Bharat Births, Deaths and Marriages Registration Act (Adoption) Act, 1953 (Madhya Bharat Act 23 of 1953) in force in the Sunel area;(ii)the Bikaner Births, Deaths and Marriages Registration Act m force in the area of the Covenanting State of Bikaner;(iii)the Jaipur Births and Deaths Registration Act, 1946 (Jaipur Act X of 1946) in force in the area of the Covenanting State of Jaipur;(iv)the Marwar Registration of Births and Deaths Act, 1945 in force in the area of the Covenanting State of Jodhpur:(v)the Mewar Registration of Births and Deaths Act, 1941 (Mewar Act XI of 1941) In force in the area of the Covenanting State of Mewar; and(vi)any other law corresponding to this Act in force in any other part of the State.