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ASSAM ACT II OF 1935.

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THE ASSAM BIRTHS AND DEATHS REGISTRATION ACT, 1935.

*An Act for registering Births and Deaths in
Assam.*

Preamble.

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

It is hereby enacted as follows :—

Short title.

1. (1) This Act may be called The Assam Births and Deaths Registration Act, 1935.

Commencement.

(2) It shall come into force from the first day of January 1936.

Extent.

(3) Subject to the provisions of sub-section (4) of this section it shall extend in the first instance only to the areas in Assam in which the Bengal

Bengal Act IV
of 1873.

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

Births and Deaths Registration Act, 1873, is, before the passing of this Act, in force but the Local Government may, at any time, by a notification published in the *Assam Gazette*, direct that all births and deaths, or all births, or all deaths, occurring within the limits of any other area after a certain date to be named in such notification shall be registered, and, for that purpose, may define the limits of such other area.

From and after such date this Act shall apply to the whole of the area so defined.

(4) The Local Government may further, at any time by notification published in the *Assam Gazette*, direct that the principal local agents of any employers of labour, or of any class of such employers in Assam, shall after a certain date to be named in such notification cause to be registered all births and deaths or all births or all deaths, or all births and deaths among a specified class of labour, occurring upon land in the occupation of the employers.

Magistrate may divide area into circles and may appoint registrars.

2. (1) The Magistrate of the district may, for the purpose of such registration, divide any such area into such and so many circles as he may think fit, and may appoint one or more persons to be registrars of births or of deaths, or of births and

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deaths, within such circle, and may, at any time, for sufficient reason, dismiss any such registrar and may fill up any vacancy in the office of registrar.

(2) The Magistrate of the district shall also notify to the principal local agents of all employers of labour who may have been directed to cause births or deaths occurring on land in their occupation to be registered, the designation of the Registrar to whom such births or deaths should be reported.

Magistrate to publish list of registrars. 3. The Magistrate of the district 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. 4. 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. 5. The Magistrate of the district 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 Local 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 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. 6. 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 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.

Report of births and deaths on land in the occupation of an employer of labour.

7. Every person who may be required to report births or deaths on land in the occupation of an employer of labour shall report monthly before the 8th of the month to the registrar all such births and deaths as have occurred within the preceding calendar month.

Chaukidar to obtain particulars and to report to registrar.

8. 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 of the district 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.

Persons bound to give information of birth.

9. 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-watchman 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 death.

10. 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 8, 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.

Sections 8, 9 and 10 not to apply to births and deaths to be reported under section 7.

Penalty for neglect.

11. The provisions of sections 8, 9 and 10 shall not apply to births and deaths which are required to be reported under section 7.

12. (1) Any chaukidar or other village-watchman or other person so appointed under section 8 of this Act 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 of the district with fine which may extend to two rupees.

(2) Any person who refuses or neglects to give any information which it is his duty to give under section 9 or 10, shall be punishable, 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.

Municipality under Assam Act I of 1923 may arrange for keeping register of births or deaths or both.

13. In any place to which section 259 of the Assam Municipal Act, 1923, shall have been extended, the Municipal Board or Town Committee shall, if so required by the Local Government, arrange for keeping a register of all births or of all deaths or of all births and deaths, occurring within the municipality. The Municipal Board or Town Committee shall, in such case, be authorised to provide out of the municipal or town fund for the employment of a sufficient number of registrars, and for the expenditure necessary for the maintenance of such registers; and all the provisions of this Act shall be deemed to apply to such place as if such place were a district, and the Municipal Board or Town Committee shall exercise all the powers of a Magistrate under sections 2, 3 and 5 of this Act.

Penalty for registrar refusing to register.

14. 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, with fine which may extend to fifty rupees for each such offence.

Penalty for wilfully giving false information.

15. 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 with a fine not exceeding fifty rupees.

The Magistrate may depute subordinate Magistrate to discharge his functions.

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

Repeal.

17. The enactment, the Bengal Births and Deaths Registration Act, 1878, is hereby repealed ^{Bengal Act IV of 1878.} in its application to Assam.