



# THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886



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# THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

## <sup>1</sup>ACT No. VI OF 1886

[8th March, 1886]

**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.**

WHEREAS it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under Act III of 1872, ([XV of 1872](#)), or the Christian Marriage Act, 1872, ([XV of 1872](#)), and of certain marriages registered under the Parsi Marriage and Divorce Act, 1865<sup>2</sup>, (XV of 1865), and for the establishment of general registry offices for keeping registers of those births, deaths and marriages;

AND WHEREAS it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of the country in which the registers were kept, and to declare that copies of the entries in those registers shall be admissible in evidence ;

It is hereby enacted as follows :—

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1885, Pt. V, p. 12; for Report of the Select Committee, see *ibid.*, 1886, Pt. IV, p. 103; and for Proceedings in Council, see *ibid.*, 1885, Supplement, pp. 14 and 87, and *ibid.*, 1886, p. 290.

This Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications; and also extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950. This Act has been repealed to the extent of Islamabad Capital Territory, see Ord. No. 27 of 1981, s. 4 and 3rd Sch.

<sup>2</sup>See now the Parsi Marriage and Divorce Act, 1936 (3 of 1936).

## CHAPTER I

### PRELIMINARY

**1. Short title and commencement.**—<sup>1</sup>(1) This Act may be called the Births, Deaths and Marriages Registration Act, 1886 ; and

(2) It shall come into force on such day <sup>1</sup> as the <sup>2</sup>[Provincial Government], by notification in the <sup>3</sup>[official Gazette], directs.

4\*                      \*                      \*                      \*                      \*                      \*

**2. Local extent.** This Act extends<sup>5</sup> to <sup>6</sup>[the whole of Pakistan] and applies also <sup>7</sup>[to citizens of Pakistan in Acceding States].

**3. Definition.** In this Act, unless there is something repugnant in the subject or context,—

“sign” includes mark, when the person making the mark is unable to write his name:

“prescribed” means prescribed by a rule made <sup>8</sup>\* \* \* under this Act: and

“ Registrar of Births and Deaths” means a Registrar of Births and Deaths appointed under this Act.

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<sup>1</sup> The 1st October, 1888, see Gazette of India, 1888, Pt. I, p. 336.

<sup>2</sup> Subs. by F.A.O., 1975, Art. 2 and Sch., for “Central Government”, which was subs. by A.O., 1937, for “G. G. in C.”.

<sup>3</sup> Subs. by A.O., 1937, for “Gazette of India”.

<sup>4</sup> Sub-section (3) rep. by the Amending Act, 1891 (12 of 1891).

<sup>5</sup> It has been declared in force in Baluchistan by the British Baluchistan Laws Regulation (2 of 1913), s. 3 and Sch.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gaz. of India, 1937, Pt. I, p. 1499.

<sup>6</sup> Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955) for “all the Provinces and the Capital of the Federation” which had been subs. by A. O., 1949, Arts. 3(2) and 4, for “the whole of British India”.

<sup>7</sup> The original words “within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions” have successively been amended by A. O., 1937, the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and 3rd Sch., and A.O., 1961, Art. 2 and Sch., (with effect from the 23rd March, 1956), to read as above.

<sup>8</sup> The words “by the G.G. in C.” rep. by A.O., 1937.

**4. Saving of local laws.** Nothing in this Act, or in any rule made under this Act, shall affect any law herebefore or hereafter passed providing for the registration of births and deaths within particular local areas.

**5. Powers exercisable from time to time.** All powers conferred by this Act may be exercised from time to time as occasion requires.

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## CHAPTER II

### GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES

**6. Establishment of general registry offices and appointment of Registrars General.**-(1) Each<sup>1</sup>[Provincial Government]—

(a) shall establish<sup>2</sup> a general registry office for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under Act III of 1872 ([XV of 1872](#)) (*to provide a form of marriage in certain cases*) or the Christian Marriage Act, 1872, or,<sup>3</sup>\* \* \*, under the Parsi Marriage and Divorce Act, 1865<sup>4</sup> (XV of 1865), as may be sent to it under this Act, or under any of the three last-mentioned Acts, as amended by this Act; and

(b) may appoint<sup>5</sup> to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration:

6\* \* \* \* \*

**7. Indexes to be kept at general registry office.** Each Registrar General of Births, Deaths and Marriages shall cause indexes of all the certified copies of registers sent to his office under this Act, or under Act III of 1872 ([XV of 1872](#)), the Christian Marriage Act, 1872 ([XV of 1872](#)), or the Parsi Marriage and Divorce Act, 1865<sup>4</sup> (XV of 1865), as amended by this Act, to be made and kept in his office in the prescribed form.

**8. Indexes to be open to inspection.** Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection 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 persons applying for them.

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<sup>1</sup>Subs. by A.O.,1937, for "L. G.",

<sup>2</sup>For General Registry Offices established for different provinces, see local R. & O.

<sup>3</sup>The words "beyond the local limits of the ordinary original civil jurisdiction of the High Court of judicature at Bombay" omitted by A.O., 1949. Sch.

<sup>4</sup>See now the Parsi Marriage and Divorce Act, 1936 (3 of 1936).

<sup>5</sup>For Registrars General appointed for different provinces, see local R.&O.

<sup>6</sup>Sub-section (2) rep. by A.O., 1937.