

## An overview of Lacunas in the Births and Deaths Registration Act 2023

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### Abstract

The Registration of Births and Deaths Act 1969, amended in 2023 which came into force on 1 October 2023. It is an important piece of legislation responsible for maintaining vital demographic records like births and deaths. The Registration of Births and Deaths Act 1969, amended in 2023 which came into force on 1 October 2023. It is an important piece of legislation responsible for maintaining vital demographic records like births and death. Over the years it has become evident that this law is not without its lacunae especially in the issues related to Allopathic and AYUSH practitioners like arriving at a definite diagnosis before person succumbs to death, standard classification of diseases for AYUSH practitioners, issuance of death certificate in the absence of treating doctor etc. This article is an attempt to highlight the implications of these deficiencies in various aspects of government, public, health and social development.

This paper underscores urgent need for comprehensive reforms in the Registration of Births and Death (Amendment) Act 2023, outlining the imperatives and analysing implications of the same.

**Keywords:** Registration of birth and deaths; Demographic; Practitioners; Lacunae

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### Introduction:

The Registration of Births and Deaths (RBD) Act, 2023 provides for compulsory registration of births and deaths under a uniform law across India. The following Act of Parliament received the assent of the President on the 11th of August 2023.

Provisions of the are as follows:

National Database: Compulsory for the Registrar General of India to maintain a national level database of births and deaths.

State-level Database: The Chief Registrar

of births and deaths in every State will maintain the database using the portal approved by the Registrar General of India  
At Birth: In the case of birth, it provides for collecting the Aadhaar number of the parents.

At Death: A cause of death certificate be sent to the Registrar of Births and Deaths and a copy of the certificate should be provided to the closest relative.

Significance of the Database:

Provides up to date information, the national population register, the Aadhar database, electoral rolls, ration card, passport and other databases at the national level, as maybe notified.

section 10 – clause (2) and (3) provide provisions for providing the Cause of Death certificate free of cost by the last attending medical practitioners. But this provision not

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provided for other than treating medical practitioners.

The attending medical practitioners might not always have arrived at a definite diagnosis before the person's passing. The time period of recent illness not mentioned.

**Lacunae:**

- Missing Deceased: Nothing is mentioned about the Aadhaar number of the deceased.
- Amendments Required by the Notified Database Accessing Authorities: If they require access to information from this database, it requires amendment in the laws.
- Diagnosis: The attending medical practitioner might not always have arrived at a definite diagnosis before the person's passing. Time period of recent illness is not mentioned, or duration of recent illness is not defined in the Act.
- Standard Classification: The forms used for mentioning the cause of death are in conformity with the World Health Organization recommendations while the AYUSH (Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homoeopathy) systems of medicine are non-classifiable under the International Classification of Diseases
- Issue of Death Certificate in the Absence of Practitioner: If a person undergoing treatment dies from an entirely different cause outside of a medical facility in the absence of the attending medical practitioner, then how can the practitioner be expected to issue a certificate of cause of death in such cases.

- Only Certificate of Proof: Only the birth certificate would be accepted as proof of date and place of birth for many purposes.
- A Long-presumed Death: Under natural calamities or accidents, the families of missing persons would have to wait for seven years to request for a certificate that says 'presumed dead'.

**Conclusion:**

The Registration of Births and Deaths (RBD) Act, 2023 is one of the most concrete steps taken by the Indian government to maintain a huge statistical database to monitor the population of the country. It helps in providing necessary certificates regarding Births and Deaths happening in the country through out a year. It helps in calculating health parameters like Mortality rate, Birth rate, Death rate, Fertility rate and other parameters in a particular area, which helps in monitoring health standards of the country. Mainly, the act enables to have a certificate which certifies his place of birth and date and time of birth. And in regard to death certificate, it certifies the cause of death.

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