
TWO YEARS, ONE MAGISTRATE: WHAT THE BIRTHS AND DEATHS (AMENDMENT) BILL, 2026 ACTUALLY CHANGES - EXAMINING THE PROPOSED AMENDMENT TO SECTION 13(3) OF THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969

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ABSTRACT

Civil registration is often treated as the invisible precondition of citizenship in India, the record that makes a birth or a death legally exist. The Registration of Births and Deaths (Amendment) Bill, 2026, introduced in the Lok Sabha on 29 July 2026 during the Monsoon Session, proposes to rewrite Section 13(3) of the Registration of Births and Deaths Act, 1969, which governs registrations reported more than a year after the event occurred. Under the Bill, that threshold moves to two years, and the power to authorise such late entries shifts entirely away from District Magistrates, Sub-Divisional Magistrates, and executive magistrates to Judicial Magistrates of the First Class. This paper traces that shift and ask what it means for the people who rely on the system. It situates the 2026 Bill against the 2023 Amendment Act, which digitised civil registration and created a national database and against judicial criticism, notably from the Allahabad and Madhya Pradesh High Courts, of how loosely executive magistrates verified delayed claims in the past. The rationale for tighter oversight is clear a national database is only as trustworthy as the records that feed it. But the paper argues that routing every delayed registration through an overburdened judiciary risks turning a routine administrative correction into a quasi-judicial ordeal, with real costs in time, money, and legal representation.

I. INTRODUCTION

The right to be registered at birth and to have one's death officially recorded is not merely an administrative procedure. In India, a birth certificate is more than just a paper; it is a vital key needed for enrolling in school, college and document verification for govt jobs, applying for a passport, verifying age marriage, and increasingly for accessing welfare programs delivered via digital systems.

A death certificate is the important document required to settle an estate, claim insurance, and allow a family to legally conclude a chapter in life. Delays in registration have tangible consequences, and the law has long admitted that not all births or deaths are reported within standard timeframes. The government scheduled the introduction, consideration, and passage of the Registration of Births and Deaths (Amendment) Bill, 2026 in both Houses of Parliament during the Monsoon Session, beginning on 20 July 2026.¹

Unlike the 2023 amendment, which rebuilt the entire civil registration system by establishing a national digital database², the 2026 Bill affects Section 13(3) of the parent Act concerning the registration of births and deaths reported more than two years late. Analyzing this provision reveals a major shift in institutional power that changes how accessible this process is for citizens.

II. STATUTORY BACKGROUND

A. The Registration of Births and Deaths Act, 1969

The 1969 Act³ serves as the primary legislation overseeing civil registration in India. It sets up a graded system of registration authorities: a Registrar-General at the national level, Chief Registrars appointed by each State, and local Registrars who handle record-keeping within their specific areas. Sections 8 and 9 require individuals like heads of households,

¹Parliament's Monsoon Session, Kashmir Vision (July 17, 2026); Monsoon Session: FCRA, Education Bills in Parliament, NewKerala.com (July 16, 2026); Parliament Monsoon Session: FCRA, Education Bills on Agenda, Republic World (July 16, 2026); Monsoon Session 2026: Rajya Sabha to Introduce Supreme Court, Income Tax and MSME Reform Bills, IBTimes India (July 17, 2026); Govt to Introduce Income Tax, MSME Reforms Among 5 New Bills in Monsoon Session, Prokerala News (July 19, 2026); Monsoon Session To Begin Amid Political Flashpoints, Seven Bills On Govt Agenda, Outlook India (July 18, 2026); Govt Lists Five New Bills, Including MSME and Income-tax Amendments, in Tentative Monsoon Session Agenda, A2Z Taxcorp LLP (July 17, 2026).

²The Registration of Births and Deaths (Amendment) Act, 2023, No. 20, Acts of Parliament, 2023 (India).

³The Registration of Births and Deaths Act, 1969, No. 18, Acts of Parliament, 1969 (India).

medical officers, and jailors to report births and deaths within a specified timeframe, typically twenty-one days. Section 13 prescribes requirements based on deadlines: within thirty days requires a late fee; between thirty days and one year requires written approval with an affidavit; and beyond one year requires a Magistrate's order.

B. The 2023 Amendment: Digitisation and the National Database

The Registration of Births and Deaths (Amendment) Act, 2023 transformed a paper-based system into a single digital platform. The Registrar-General was granted authority to oversee a national database of registered births and deaths, with State and local Registrars legally needed to contribute data. The 2023 Act permitted electronic certificates, required parent/informant details in certain situations, and expanded reporting mandates to include adoptive and surrogate parents to create a unified, authoritative credential.

III. THE 2026 BILL: WHAT IS BEING PROPOSED

The Registration of Births and Deaths (Amendment) Bill 2026 aims to modify Section 13(3) of the 1969 Act “to strengthen provisions related to delayed registrations”⁴.

Currently, a birth or death reported more than one year after occurrence may be registered upon an order from a DM, SDM, or executive magistrate following verification. The proposed Bill resets this threshold to two years, transferring the authorization power beyond that timeframe from executive magistrates to a JMFC:

“It has been suggested that births and deaths reported more than two years later can be registered only with the authorization of a JMFC, replacing the existing rule that permits such cases to be approved by DM, SDM, or executive magistrate.”

IV. RATIONALE: WHY SHOULD DELAYED REGISTRATION BE SUBJECT TO JUDICIAL REVIEW?

The goal of the 2026 Bill is to strengthen provisions used to create birth and death records lacking solid evidence. Executive magistrates have historically handled high volumes

⁴The Registration of Births and Deaths (Amendment) Bill, 2026, Statement of Objects and Reasons (India).

of delayed registration applications with limited opportunity for independent fact-verification.

Judicial decisions highlight this issue:

In **Nawab Kazim Ali Khan v. Mohd. Abdullah Azam Khan (2019)**⁵, the Allahabad High Court observed that delayed birth certificates issued without strict adherence to Section 13(3) could facilitate misuse.

Another case, where the Madhya Pradesh High Court in **Kallu Khan v. State of Madhya Pradesh (2022)**⁶ criticised the practice of issuing delayed birth certificates based on summary enquiries conducted by Executive Magistrates and emphasised the need for proper judicial scrutiny.

This shift aligns with the 2023 digital framework. A secure national database depends on accurate records; allowing local executives to approve late registrations with minimal oversight compromises credibility. The 2026 Bill acts as a second phase: first digitizing the record, then tightening controls to restrict unreliable entries.

V. POINTS OF CONCERN

A. Access to Justice and the Burden on the Judicial Magistracy

The most immediate concern is practical. India's subordinate judiciary already faces substantial case pendency, a challenge consistently reflected in the National Judicial Data Grid (NJDG) and recognised by the Law Commission of India in its 245th Report on *arrears and backlog*⁷. Routing every delayed registration through a judicial magistrate converts what has been, for many families, an administrative correction accompanied by an affidavit into a quasi-judicial proceeding that may require legal representation, multiple appearances, and may involve additional litigation expenses and procedural costs. For landless labourers or displaced families, this shift changes the practical cost of accessing a basic right.

⁵Nawab Kazim Ali Khan v. Mohd. Abdullah Azam Khan, Election Petition No. 8 of 2017 (Allahabad H.C. Dec. 16, 2019), AIRONLINE 2019 ALL 2087.

⁶Kallu Khan v. State of Madhya Pradesh, Writ Appeal No. 120 of 2021 (M.P. H.C. Feb. 11, 2022), 2022 SCC OnLine MP 243.

⁷Law Commission of India, Arrears and Backlog: Creating Additional Judicial (Wo)Manpower, Report No. 245 (2014).

B. Disproportionate Impact on Vulnerable Groups

Delayed registration does not affect all portions of the population equally. It supervises to concentrate among the very groups least able to manage a more formal procedure. Internal migrants whose children were born outside any registration site, families in remote or tribal regions lacking easy access to healthcare or registration services, and elderly individuals whose births, decades ago, were never officially recorded. A reform intended to prevent the abuse of Section 13(3) by a small number of applicants could inadvertently increase the hurdles for the much larger group of legitimate, registrants, unless it is accompanied by protective measures like easier evidentiary requirements, fee exemptions, or mobile judicial sittings in under-served regions, none of which are currently reflected in the available reports.

C. Interaction with the 2023 Digital Framework

If registration after two years increasingly demands a court order before a Registrar can proceed, and if court processes remain disconnected from the digital reporting system that updates the national database, a de-facto two-tier system could arise: automated registration for timely submissions, and a slow, paper-based, court-reliant pathway for delayed filings.

VI. A COMPARATIVE NOTE

India is not the only country tightening its civil registration system in 2026. Earlier this year, Kenya amended its Births and Deaths Registration Act⁸, aligning with a wider regional movement to bolster civil registration systems as a cornerstone for digital identity and social service provision. While both countries focus on civil register trust, India's move toward judicial oversight positions it at a more stringent end of the spectrum. The core test is maintaining accessibility for citizens who filed late due to factors outside their control.

VII. CONCLUSION AND SUGGESTED SAFEGUARDS

The Registration of Births and Deaths (Amendment) Bill, 2026 aims for a reasonable goal: minimizing unverified or fraudulent registrations in a national database. However, shifting approval authority to FCJM imposes burdens that fall unequally on vulnerable groups.

⁸Births and Deaths Registration Act (Kenya), as amended by the Births and Deaths Registration (Amendment) Act, 2026, No. 2 of 2026 (Kenya).

To protect legitimate late registrants, the rollout should be supported by:

- Straightforward evidentiary guidelines for judicial magistrates.
- Minimal or free court fees for late registration submissions.
- Deployment of mobile courts in underserved areas.
- Direct digital connection between judicial orders and the national registration database.

The final enacted version will reveal whether Parliament addresses these accessibility concerns directly or leaves them to delegated administrative rules.

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