



Municipal Administration and
Water Supply(GI) Department,
Secretariat, Chennai-600 009.

Letter No. 34125/General/2010-2 Dated : 22.11.2010

From
Thiru A.S.Sourie Narayanan, M.A.,
Deputy Secretary to Government.

To
The Director of Municipal Administration,
Chennai – 5. (w.e)
The Director of Town Panchayat,
Chennai – 108.(w.e)
The Commissioner,
Corporation of Chennai,
Chennai – 3. (w.e)

Sir,

Sub: W.P (Civil) No.37 of 2009 before the Hon'ble Supreme
Court of India filed by Committee for Legal Aid to Poor
versus the Union of India & ORS.
Ref: From the Assistant Registrar, PIL (Writ), Supreme Court of
India, New Delhi D.No.267/2009/SC/PIL (W), dt.24.09.2010.

I am directed to enclose a copy of the reference cited along with a copy of
the order of Supreme Court of India dated 20.09.2010 with the minutes of the
Order Passed in the above writ Petition for information, compliance and
immediate necessary follow up action.

Yours faithfully,

Lenandrasu Arudigal
for Deputy Secretary to Government
22/11/10
22.11.10

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D.NO.267/2009/SC/PIL(W)

All Communications should be addressed to the Registrar, Supreme Court by designation, NOT by name
Telegraphic address: "SUPREMECO"

SUPREME COURT OF INDIA
NEW DELHI (பொலியரிவு)
DATED 24th September, 2010
13 அக
31152
தலைமை செயலகம்
சென்னை-9

From : Assistant Registrar, PIL (WRIT)

To :

1. Union of India,
Ministry of Social Justice and Empowerment
through its Secretary,
Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi - 110 001.
2. Ministry of Home Affairs
through its Secretary
2-A, Mansingh Road
New Delhi-110001
3. Office of Registrar General of India
Ministry of Home Affairs
Civil Registration Division
R.K. Puram. New Delhi-110066
4. State of Bihar,
through its Chief Secretary,
Secretariat
Patna, Bihar
5. State of Jharkhand,
through its Chief Secretary,
Secretariat Ranchi
6. State of Uttar Pradesh,
through its Chief Secretary,
Sachivalaya, Lucknow
Uttar Pradesh
7. State of Andhra Pradesh,
through its Chief Secretary,
Secretariat, Hyderabad
Andhra Pradesh
8. State of Chhattisgarh,
through its Chief Secretary,
Secretariat, Raipur
Chhattisgarh



9. State of Madhya Pradesh,
through its Chief Secretary,
Secretariat, Bhopal
Madhya Pradesh
10. State of Meghalaya,
through its Chief Secretary,
Secretariat, Shillong
Meghalaya
11. State of Rajasthan,
through its Chief Secretary,
Government Secretariat,
Jaipur, Rajasthan
12. State of Uttrakhand,
through its Chief Secretary,
Secretariat
13. State of Orissa,
through its Chief Secretary,
Secretariat, Orissa
14. State of Assam,
through its Chief Secretary,
Secretariat, Dispur
Gauhati, Assam
15. State of Manipur,
through its Chief Secretary,
Secretariat, Imphal
Manipur
16. State of Maharashtra,
through its Chief Secretary,
Secretariat, Mantralaya,
Mumbai-23
17. State of Himachal Pradesh,
through its Chief Secretary,
Secretariat,
Shimla-171002
18. State of Uttranchal,
through its Chief Secretary,
Secretariat, Dehradun,
Uttranchal

19. State of Karnataka,
through its Chief Secretary,
Vidhan Soudha, Bangalore
Karnataka
20. State of Sikkim,
through its Chief Secretary,
Secretariat
Gangtok, Sikkim
21. State of Arunachal Pradesh,
through its Chief Secretary,
Secretariat, Itanagar
Arunachal Pradesh
22. State of Nagaland,
through its Chief Secretary,
Secretariat, Kohima
Nagaland
23. State of Goa,
through its Chief Secretary,
Secretariat, Panaji, Goa
24. State of Punjab,
through its Chief Secretary,
Secretariat, Chandigarh
Punjab
25. State of Gujarat,
through its Chief Secretary,
Sachivalaya, Gandhinagar
Gujarat
- *26. State of Chhattisgarh,
through its Chief Secretary,
Secretariat, Raipur
Chhattisgarh
27. State of Tripura,
through its Chief Secretary,
Secretariat, Agartala
Tripura
28. State of Kerala,
through its Chief Secretary,
Secretariat, Trivandrum,
Kerala

29. State of West Bengal,
through its Chief Secretary,
Secretariat, Kolkata
West Bengal
30. State of Tamil Nadu,
through its Chief Secretary,
Secretariat, Madras
Tamil Nadu
31. State of Mizoram,
through its Chief Secretary,
Secretariat, Aizwal
Mizoram
32. State of Haryana,
through its Chief Secretary,
Secretariat, Chandigarh
33. Union Territory of Daman & Diu,
through its Administrator,
Moti Daman
34. Government of NCT of Delhi,
through its Chief Secretary,
New Secretariat Building,
L.P. Estate, Delhi
35. Union Territory of Dadra & Nagar Haveli,
through its Administrator,
Silvassa
36. Union Territory of Andaman & Nicobar Islands,
through its Administrator,
Port Blair
37. Union Territory of Pondicherry,
through its Administrator,
Pondicherry
38. Union Territory of Lakshadweep,
through its Administrator,
Kavaratti
39. Union Territory of Chandigarh,
through its Administrator,
Secretariat, Chandigarh

IN THE MATTER OF:

WRIT PETITION (C) NO. 37 OF 2009
(Under Article 32 of the Constitution of India)

Committee for Legal Aid to Poor

... Petitioner

Versus

Union of India & Ors.

... Respondents

Sir,

I am directed to forward herewith for your information, compliance and necessary action, a certified copy of the order of the Supreme Court as contained in the Record of Proceedings of the Court dated 20th September, 2010 alongwith consent Minutes of the Order passed in the Writ Petition above-mentioned.

Please acknowledge receipt.

Yours faithfully



Assistant Registrar

...pan..

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL NO. 37 OF 2009)

COMMITTEE FOR LEGAL AID TO POOR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 20/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.S. REDDI KRISHNAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

Certified to be true copy

Assistant Registrar (Adm.)

.....2008

Supreme Court of India

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.
Ms. Ritu Kumar, Adv.
Ms. Jyoti Mendhatta, Adv.

For Respondent(s)

Mr. P.P. Malhotra, ASG.
Mr. Anand Venkatesh Sharma, Adv.
Mr. Aarohi Sharma, Adv.
Mr. Anand Venkatesh Sharma, Adv.
Ms. Anil Katiyar, Adv.

Mr. Avijit Bhattacharjee, Adv.
Ms. Ananya Das, Adv.
Mrs. Sarbani Das, Adv.
Mr. Bidyabrata Acharya, Adv.

Ms. C.K. Suchanika, Adv.
Ms. Nirada Das, Adv.

Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.
Mr. Rituraj Dasgupta, Adv.

Ms. Hemantika Nahi, Adv.
Mr. Nupur Kataria, Adv.

.....2/-

Mr. Shreekrishna W. Terdal, Adv.
Ms. Padma Lakshmi Nigam, Adv.

Ms. Sadhana Sandhu, Adv.
Mr. S.S. Rawat, Adv.
Mr. D.S. Mishra, Adv.
Ms. Anil Kaniyar, Adv.

Mr. V.G. Pragasam, Adv.
Mr. S.J. Elliot, Adv.
Mr. Prabhu Ramasubramanian, Adv.
Mr. L.A.J. Selvam, Adv.

Mr. Anil Kumar Jha, Adv.
Mr. Santosh Kumar, Adv.

Mr. Saurabh Mishra, Adv.
Mr. B.S. Bhatia, Adv.

Mr. Khwairakpa Nobin Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.

Ms. Asha Gopalan Nair, Adv.
Mr. Sanjay V. Kharde, Adv.

Ms. Navneet Kaur, Adv.
for M/s. Corporate Law Group, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

Mr. P.V. Bhanush, Adv.

Mr. T. Harish Kumar, Adv.

Mr. Ambar Qasruddin, Adv.

Mr. Ajay Pal, Adv.
Mr. Abhinav Ram Krishna, Adv.
Mr. Prashant Shukla, Adv.

Mr. Abhishek Strey, Adv.
Mr. Vishal Yadav, Adv.

Dr. Manish Singhvi, AAG, Rajasthan.
Mr. Devanshu Kumar Devesh, Adv.
Mr. Milind Kumar, Adv.
Mr. Sahil S. Chauhan, Adv.

Mr. Ranjan Chatterjee, Adv.
Mr. S. Bhattacharya, Adv.
Mr. S.C. Ghosh, Adv.

- Mr. Edward Belho, Adv.
Ms. K. Enatola Bema, Adv.
Mr. Rituraj Biswas, Adv.
- Mr. A. Mariampathan, AG, Sikkim
Ms. Aruna Mathur, Adv.
Mr. Amarjeet Singh Girda, Adv.
- Mr. Manish Singhvi, Adv.
Mr. P.V. Yogeeswaran, Adv.
- Ms. Jayshree Anand, Adv.
Mr. K.K. Mahalik, Adv.
Mr. Ajay Pal, Adv.
- Mr. Manjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.
- Mr. Anil Shrivastav, Adv.
- Mr. A. Ramesh, Adv.
Mr. D. Mahesh Babu, Adv.
- Ms. A. Subhashini, Adv.
- Ms. Satya Singhvi, Adv.
Mr. Shalendra Kr. Mishra, Adv.
- Mr. K.N. Madhusoodhan, Adv.
Mr. R. Sathish, Adv.
- Mr. Jayank K. Srid, AAGP
Mr. Aman Rai Gandhi, Adv.
- Mr. Balaji Srinivasan, Adv.

UPON hearing counsel the Court made the following
O R D E R

This writ petition has been filed by an NGO making a grievance that Registration of Births in India is at a low level and that very few children are provided with Birth Certificates and that the provisions of Registration of Births and Death Act,

1969 (hereinafter referred to as '1969 Act') are not being implemented.

Under Section 3 of 1969 Act, the Central Government is required to appoint a Registrar General and such other officers to coordinate and unify the activities of the Chief Registrars of the States and submit an annual report to the Central Government on the working of the 1969 Act.

The main grievance of the writ petitioner is that relevant provisions of 1969 Act are not being implemented.

Today, when the matter came up for hearing, learned counsel, appearing on both sides, submitted before us by consent Minutes of the Order. The said Minutes are taken on record and marked "X".

In terms of the said Minutes we direct the States/ Union Territories to appoint full time Chief Registrars. That; States/ Union Territories will submit their Reports annually, as required under the provisions of 1969 Act. That; States/ Union Territories are directed to notify all Panchayats and Institutional Delivery Centers such as Hospitals, Nursing Homes, CRCS, PHCs and others as Local Registration Centres under Section 7(1) of the Act. That; all States/ Union Territories are

directed to notify ASHAs, Aanganwadi workers, Dai's and Headmasters of Government schools under Section 10 of 1969 Act. That; States/ Union Territories are directed to switchover to the uniform format for Birth Certificates, as suggested by the Registrar General with National Emblem on the said Certificates.

The above Directions have been given in terms of the Consent Minutes of Order.

Accordingly, the writ Petition stands disposed of in terms of the consent Minutes of the Order.

Kanchan
[Kanchan Jain]
Assistant Registrar
22/9.

On leave
[Madhu Saxena]
Assistant Registrar

Consent Minutes of Order are placed on *File*
the file. *22/9*

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A.P. 5.15 PM

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IN THE SUPREME COURT OF INDIA
WRIT PETITION (CIVIL) 37 OF 2009

COMMITTEE FOR LEGAL AID TO THE POOR
VERSUS
UNION OF INDIA AND OTHERS

MINUTES OF THE ORDER

Background

1. This petition has been filed by an NGO making a grievance that the Registration of Births in India is at a low level and that very few children are provided with birth certificates and this is due to the poor implementation of the Registration of Births & Deaths Act, 1969. Notice was issued on 6.2.2009. Thereafter the Registrar General of India and the Petitioners had a productive meeting in which the critical issues were discussed at length.
2. India is signatory to the UN Convention on the Rights of the Child, 1989 which states in Article 7 that "the child shall be registered immediately after birth". Similarly, the National Population Policy, 2000 has set a goal of achieving 100% registrations of birth by 2010.

Registration of Births and Deaths Act, 1969

3. The statute was enacted and came into force on 31.3.69. Under section 3 the Central Government is required to appoint one Registrar General, India and such other officers under his superintendence. The Registrar General is also required to coordinate and unify the activities of the Chief Registrars of the states and submit an annual report to the Central Government on the working of the Act. The relevant sections for the

purpose of this petition are set out hereafter. Under section 4, the state governments are required to appoint Chief Registrars for the state and other officers who will work under the superintendence of the Chief Registrar. Under sections 6 & 7, the state government may appoint a District Registrar and Registrars for local areas respectively such as a municipality, panchayat or other local authority. Sections 8 to 10 describes the persons who are duty bound to provide information to the registrar regarding births and deaths. Section 11 requires a register to be maintained in which entries are made. Section 12 provides for an extract of prescribed particulars from the Register relating to birth or death (commonly referred to as the birth certificate) to be given free of charge to the informant if the information is given within 21 days of the birth or death. Section 13 deals with delayed registration of births and deaths on payment of a late fee where the information is given to the registrar after 21 days but within 30 days of birth and deaths. If the information is given after 30 days but within one year, a late fee is to be paid along with an affidavit. After one year, the birth as well as the death is registered only on an order made by the First Class Magistrate/Executive Magistrate. In all such delayed registration cases, the extract of prescribed particulars from the Register relating to birth or death is to be given in format. Model Registration of Births and Deaths Rules, 1999 made under section 30 of the Act have been provided to all the States/UTs and based on which the states have framed the State Rules.

Status of Birth Registration

4. The office of the Registrar General, India has published a Special Report 2002-2005 in which the level of registration of births in the country is shown at about 68%. This is way behind the target of 100% which was to be achieved this year. Perusing the data state wise, it is observed that a few states with a large population are performing very poorly. These are Bihar (16.9%) Jharkhand (37%). The reporting efficiency also varies from state to state and the picture in respect of some of the poor.

performing states is quite disturbing. Even the quality of data emanating from some of the states suffers from deficiencies. The states are submitting their reports after a delay of 2-3 years and U.P. apparently has not submitted reports since 1996. Some of the states are not furnishing complete reports.

5. Although there is some dispute over the National Family Health Survey (NFHS-III) data for 2005-2006 it is important to set out the figures hereinafter:

State	Birth Registration Rate	Birth Certification Rate
Andhra Pradesh	38.6%	21.0%
Arunchal Pradesh	30.8%	25.6%
Bihar	6.2%	3.0%
Chatisgarh	73.9%	14.2%
Goa	93.0%	76.0%
Haryana	72.3%	46.0%
Himachal Pradesh	87.4%	44.4%
Karnataka	58.3%	48.7%
Maharashtra	79.9%	44.3%
Manipur	30.5%	12.0%
Orissa	58.3%	17.5%
Skkim	82.4%	65.0%
Tamil Nadu	85.3%	67.0%
Uttarakhand	39.0%	17.0%
Uttar Pradesh	6.8%	
West Bengal	72.8%	55.3%

6. According to NFHS-III at the all India level the birth registration rate is 41% among children below 2 years. Only 15% of the registered children were provided with birth certificates. Birth registration among children under 5 years stood at 7.1% in U.P. 16.4% in Rajasthan, 5.8% in Bihar, 6.1% in Jharkhand, 30.7% in Madhya Pradesh, 22.3% in...

Pradesh. Turning to the number of registration centers population wise it appears that the states of Assam, Bihar, Chhattisgarh, Haryana, Jammu & Kashmir, Jharkhand, Kerala, Manipur, Meghalaya, Orissa, Rajasthan, Sikkim, West Bengal, Delhi have less registration units than the national average of one registration center per 2944 population (rural) and one registration center per 65548 population (urban). Low performance in some of these states may be attributed to lack of easy access to the registration centres. Directions are therefore sought to the low performing and stagnating states like Assam, Bihar, Chhattisgarh, Jammu & Kashmir, Jharkhand, Manipur, Meghalaya, Orissa and West Bengal to review the existing number of registration centres and increase their numbers.

7. A perusal of the centers that have been notified as registration centers under the Act indicates that the trend is towards notifying such centers as are easily accessible to the people particularly those who are poor and marginalized and in the remote and rural areas. Hence PHCs, CHCs, village panchayats, institutions such as hospitals and nursing homes, government schools and the like have been notified.
8. Similarly the notifying authorities under section 10 of the Act are in the process of being diversifying in the many states to include the Aanganwadi workers, the auxiliary nurse midwives (ANMs), the Ashas under NRHM and even the Dais. The States / UTs have been requested to direct these classes of persons in not only getting the reporting forms filled in respect of the domiciliary births / deaths occurring in their area, pass the same on to the Registrar but also deliver the certificate to the household. The States / UTs have also been directed that wherever the facility of delivery of the birth certificate to the mother of the new born child before her discharge from the medical institution or delivery of the death certificate to the family of the deceased is not available in the medical institution, the medical institution may obtain a self-addressed stamped envelope from the informant and have the same forwarded along with the filled-in reporting form for registering the event and dispatch of the certificate utilizing the self-addressed stamped envelope.

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9. The lack of uniformity in the birth certificate format has resulted in much confusion in that each state has its own format with emblems. The Registrar General has taken a proactive steps in this regard by circulating a common format for all the 13 forms including birth certificate format and all the States except Madhya Pradesh, Chhattisgarh, Orissa and Lakshadweep have switched over to the recommended common formats. Madhya Pradesh and Chhattisgarh would switch over to the Standardized format from 1.1.2011. As regards Orissa, the issue is pending with the State Government. It has also been suggested that this format of the certificate should have the national emblem.

10. Due to concerted efforts taken by the Registrar General, India and the Chief Registrars in certain states it is reported that several states such as Rajasthan and Madhya Pradesh that were lagging far behind have now considerably improved together with other states that are responding positively. Hence the situation today may not be as bleak as reports made on the basis of NFHS-III. With the important changes being contemplated regarding the mode and manner of the filing up of birth registration forms and the handing over of delivery certificates to the parents of the child as discussed in above paragraphs, the situation is likely to improve further. Besides, steps are also being taken by the Registrar General to ensure the registration of birth of street children.

Late registration procedures cumbersome

11. Some of the problems faced by parents of children and other informants is that the late registration procedure currently in place (requiring payment through treasury challans and the making of affidavits and the obtaining of magistrate orders) slowed down the process of registration.

12. It is learnt by the Petitioner though this information could not be confirmed that government proposes to amend the Act to substantially relax the late registration procedures and to bring about other changes to.

inter alia, push up the level of registration of births and the prompt issuance of birth certificates. If such an amendment is done it would go a long way towards the full implementation of the statute.

Registrars holding additional charge

- 13. Another problem faced of a serious nature relates to the Registrars appointed at the state, district and local areas. They are invariably civil servants who are already holding charge of onerous posts and are given additional charge of the post of Chief Registrars, District Registrars, Registrars/Sub-Registrars etc. under the Act. They were already fully burdened with their existing responsibilities when they were given additional charge as Registrars under this Act. It is therefore imperative that the Chief Registrar in the State holds exclusive charge to do justice to the responsibilities of the post. Similarly, the District Registrars as far as possible be given exclusive charge if the objective of 100% registration of births is to be achieved.

Posts lying vacant

- 14. Another difficulty faced relates to large number of posts lying vacant in the office of Chief Registrar and also at District Registrars/Local Registrars. In Uttar Pradesh for example, the entire work is being managed by one official. It is therefore important that the posts sanctioned for the purpose and lying vacant be filled immediately.
- 15. The Registrar General and Union of India have informed this Court that amendments are proposed to be carried out in the Act and the same will be placed in the Parliament once the approval of the Central Government

is accorded to the same and that these will go a long way towards improving the enforcement of this Act.

Directions Sought

- a. For an order directing the States/UTs, as far as possible to appoint fulltime Chief Registrars exclusively to perform their statutory duties under this Act.
- b. For an order directing the State/UTs to submit their reports under sections 4(4) and 19(2) of the Act every year and on time to the Registrar General, India.
- c. For an order directing all States/UTs to notify all panchayats and institutional delivery centers such as hospitals, nursing homes, CHCs, PHCs and if required government schools also as local registration centres under 7(1) of the Act.
- d. For an order directing all States/UTs to notify classes of persons such as ASHAs, aanganwadi workers, Qaifs, headmasters of government schools and others as notifiers under 10 of the Act and to authorize them to deliver birth certificates under section 12 of the Act.
- e. For an order directing all states/UTs to forthwith switchover to the uniform format for the birth certificate as issued by the Registrar General with the national emblem on the said certificates. 8
- f. For an order directing all states/UTs to disclose to the Registrar General the posts lying vacant under the Act and to fill said posts with number of registration centres and increase their numbers. The other States/UTs may also be directed to review the number of registration centres and, if required, increase the number of registration centres.

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