



ABSTRACT

Revenue and Disaster Management Department - Registration of Births and Deaths Act 1969 – Amendment of the rule 9(3) of the Tamil Nadu Registration of Births and Deaths Rules, 2000 – Direction of the Hon'ble High Court of Madras dated 13.04.2017 in HCP No.3043 of 2014 – Guidelines for late Registration of Births and Deaths – Orders – Issued.

Revenue and Disaster Management Department, **Revenue Administration Wing, RA-3(2) Section**

G.O.(Ms) No.324.

Dated: 28.06.2023.

**சோபகிருது வருடம், ஆணி 13,
திருவள்ளூர் ஆண்டு 2054.**

Read :

1. G.O.(Ms) No.293, Health and Family Welfare Department, dated 02.12.2016.
2. Orders of High Court of Madras, dated 15.07.2016 and 13.04.2017 in HCP No.3043 of 2014.
3. From the Additional Chief Secretary/ Commissioner of Revenue Administration letter No.RA5(1)/927/2015, dated 18.02.2019.
4. Government letter No.4532/RA-3(2)/2022-1, Revenue and Disaster Management Department, dated 09.02.2022.
5. From the Additional Chief Secretary/ Commissioner of Revenue Administration letter No.RA-5(1)/927/2015, dated 28.06.2022.
6. Government letter No.4532/RA-3(2)/2022-3, Revenue and Disaster Management Department, dated 05.05.2023.

ORDER:

In the letter third read above, the Additional Chief Secretary/Commissioner of Revenue Administration has stated that, as per the directions of the Hon'ble High Court of Madras in H.C.P.No.3043/2014, the Government amended Rule 9(3) of the Tamil Nadu Registration of Births and Deaths Rule 2000 vide in G.O.(Ms) No.293, Health and Family Welfare (AB2) Department, dated 02.12.2016 and the word "first class Judicial Magistrate/Metropolitan Magistrate" is substituted and notified as "Executive Magistrate not below the rank of Revenue Divisional Officer" and the Government Order came into effect from 25.01.2017. He has further stated that, as per the instructions of

the Government a meeting was conducted with Department of Public Health and Preventive Medicine on 17.05.2018. Based on the outcome of the meeting, a draft guidelines was furnished to Government.

2. In the letter fourth read above, the Additional Chief Secretary/ Commissioner of Revenue Administration was requested to send his report on the modified Draft Guidelines to be followed by the Executive Magistrates for Late Registration of Births and Deaths. Accordingly, it is sent that the timeline for receipt of objection be reduced to 30 days and in the supporting documents of Aadhaar card may be included and has requested that necessary orders may be issued for the guidelines on Late Registration of Births and Deaths under section 13(3) of the Registration of Births and Deaths Act, 1969.

3. The Government after careful examination, based on the direction of Hon'ble High Court of Madras in H.C.P. No.3043/2014, dated 13.4.2017 and the proposal of the Additional Chief Secretary/Commissioner of Revenue Administration hereby issue the Guidelines for late Registration of Births and Deaths as annexed to this order.

4. The Additional Chief Secretary/ Commissioner of Revenue Administration is requested to issue instructions to all the District Collectors to follow these guidelines for late registration of Births and Deaths and also requested to ensure that the Time Chart and Review Chart prescribed by the Government are scrupulously adhered to by the Subordinate Officers.

5. The Additional Chief Secretary/ Commissioner of Revenue Administration is also requested to Co-ordinate with the Commissioner, Tamil Nadu e-Governance Agency, Chennai-2 to create an online module for managing the application and workflow for late registration of Births and Deaths.

(BY ORDER OF THE GOVERNOR)

**KUMAR JAYANT
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.**

To

The Additional Chief Secretary/ Commissioner of Revenue Administration,
Chepauk, Chennai-600 005.
All District Collectors.

Copy to

The Principal Secretary to Government,
Health and Family Welfare Department, Secretariat, Chennai-600 009.
The Director of Public Health and Preventive Medicine /
Chief Registrar Births and Deaths,
359, Anna Salai, Teynampet, Chennai-600 006.

The Commissioner,
Tamil Nadu e-Governance Agency(TNeGA),
807, Anna Salai, Chennai-600 002.
The Revenue and Disaster Management [OP-II] Department,
Secretariat, Chennai-600 009.
Stock File/Spare Copy.

// Forwarded by Order //

[Handwritten Signature] 28/6/2023
Section Officer.

[Handwritten Signature]
28/6/23

Annexure to G.O.(Ms) No.324, Revenue and Disaster Management [RA-3(2)] Department, dated 28.06.2023

Guidelines and Procedures for Ordering Late Registration of Birth and Death which has not been registered within one year of its occurrence by the Executive Magistrate (not below the rank of Revenue Divisional Officer)

These guidelines are applicable for ordering all cases of Late registration of Births and Deaths which have not been registered within one year of its occurrence. As ordered by the High Court of Judicature of Madras in HCP.No.3043 of 2014 dated 13.04.2017, any order for late registration of birth/death passed by Judicial/Metropolitan magistrate after 25.01.2017 is not valid. From the above said date the late registration is being done by the Revenue Divisional Officers as the jurisdictional Executive Magistrates. These guidelines are being issued to streamline the system to ensure that same process is followed throughout the state.

1. The petitioner shall apply to the Revenue Divisional Officer in whose jurisdiction the Birth or Death occurred, specifying the purpose for late registration of Birth or Death.
2. If the petitioner approaches the Revenue Divisional Officer with the copy of the order of Judicial / Metropolitan Magistrate issued prior to 25.01.2017, the Revenue Divisional Officer shall once again issue order without enquiry based on the Judicial/Metropolitan Magistrate order passed earlier.
3. The application should be accompanied with Non Availability Certificate (NAC). The Non Availability Certificate is to be obtained from the jurisdictional Birth and Death Registrars through the authority prescribed below:

Area of Occurrence	Authority to be approached
Village Panchayat	Tahsildar/Village Administrative Officer
Town Panchayat	Executive Officer
Municipality	Commissioner
Corporation	Commissioner
Cantonment	Executive Officer

Note: Due to upgrading or merging of local bodies, over years, if the place of occurrence of the event (Birth/Death) has been upgraded/ converted/merged in any of the area of occurrence mentioned above then the applicant shall approach the respective authority as upgraded area of occurrence.

The petitioner is to obtain and should submit the Non Availability Certificate for the years.

- i. On which year the birth and death have occurred.
 - ii. For the preceding one year of occurrence of Birth / Death.
 - iii. For the succeeding one year of occurrence of Birth / Death.
4. The petitioner should submit the application for Delayed Registration in the form of Affidavit affixed with Court fee stamp of value of Rs.10/- along with Non Availability Certificate and the following documents:-

The supporting documents to be submitted(as per availability) by the petitioner in addition to the Non Availability Certificate are:

A. In case of Birth Registration

- i. Mark sheets and Transfer Certificates in which Date of Birth is recorded
- ii. Passport
- iii. Driving license
- iv. Voter ID
- v. Aadhaar Card
- vi. School record extracts obtained from Head Masters of the schools

In case the above records are not available then

In case of occurrence of birth in hospital, Hospital record.

In case of occurrence of birth is at home, a written statement from the head of the house or the nearest relative of the head present in the house and in the absence of any such person, the oldest adult male person present therein during the said period.

B. In case of Death registration

As a proof of identity:

- i. Aadhaar Card of the deceased and spouse
- ii. Driving License
- iii. Passport
- iv. Voter ID
- v. Family Card

Apart from the above, as a proof of death, the following documents:

- i. Cremation ground report. In case of burial, then burial slip obtained from Crematorium incharge.
 - ii. If the death occurred at Hospital then Hospital Record.
 - iii. In case of Accident, Murder, Suicide and any dead body found in a deserted place then copy of FIR and Post Mortem Report.
 - iv. If death occurred at Home, a written statement from the head of the house or the nearest relative of the head present in the house and in the absence of any such person, the oldest adult male person present therein during the said period.
5. The petitioner should provide a written self declaration to the effect that if any information/documents furnished are found to be false, he/she shall be liable for prosecution for furnishing false information under section 177 and 199 of the Indian Penal Code.
 6. The Revenue Divisional Officer should scrutinize and ensure that the documents have been submitted by the applicant. After this initial scrutiny, the details should be sent to the concerned Village Administrative Officer (Revenue Inspector in case of Chennai District). The Village Administrative Officer should enquire and verify the genuineness of the event/documents and send the report to Revenue Inspector within two weeks, Revenue Inspector should send the report to Tahsildar within a week and Tahsildar should send the report to the Revenue Divisional Officer within 2 weeks.
 7. At the time of submitting application to the Revenue Divisional Officer, the petitioner shall be directed to publish the facts of the birth/death events in local edition of Regional papers and the time limit for receipt of objections shall be 30 days from the date of the publication. The proof of such publication should be submitted directly during Revenue Divisional Officer enquiry.
 8. Upon receipt of enquiry report from the Village Administrative Officer, the Revenue Divisional Officer shall summon the applicant and any other witnesses as required for enquiry and pass orders for registering the birth/death or reject the application, subject to his satisfaction. The Revenue Divisional Officer shall pass order within 60 days from the date of receipt of all the required documents by the applicant.

9. The Revenue Divisional Officer shall communicate the delayed registration order to the applicant mentioning to approach the Registrar concerned for remitting the late fee of Rs.500/- in the relevant head of account pertaining to the jurisdictional area where it is to be registered. The delayed registration order copy is to be marked to the Jurisdictional Birth and Death Registrar, District Revenue Officer (District Registrar) and to Deputy Director of Health Services at Revenue District (Additional District Registrar).

10. Adoption:

In case of Adoption through Institutions recognized by Central Adoption Resource Authority, based on the District Magistrate order (as per Adoption Regulation 2022) the registration of birth of the adopted child is to be carried out.

In case adoption took place within relatives or acquaintances, the registration of adopted child is to be carried out with the adoption deed duly registered before the Sub-Registrar.

If the birth of adopted child (adoption within relatives or acquaintances) has not been registered then as per the procedure of ordering delayed registration by Executive Magistrate (not below the rank of Revenue Divisional Officer) it should be registered.

11. Appeal:

Against the order passed by Revenue Divisional officer an appeal can be filed by the aggrieved persons within a period of 60 days from the date of issue of order to District Revenue Officer for revision of orders. District Revenue Officer shall summon the applicant and any other witnesses as required for enquiry and pass orders for registering the birth/death or reject the application subject to his satisfaction within 60 days of receipt of the application.

12. General Instructions

1. Separate registers for ordering delayed registration of birth and death by the Revenue Divisional Officer should be maintained.
2. The Revenue Divisional Officer shall not resort to any correction of age if the applicant had already recorded the age in Birth Certificate/School Certificate/Age Certificate submitted at the time of employment.
3. In case of Missing persons for a period of 7 years the delayed registration of death is to be carried out by the Civil Court order declaring as dead.

4. When it comes to notice that delayed registration order has been obtained by suppression of the fact the same shall be cancelled by the Revenue Divisional Officer and the cancellation orders to be marked to Additional District Registrar (Deputy Director of Health Services of Revenue District).

KUMAR JAYANT
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.

// True Copy //

By not 35/1016
28/6/2023
Section Officer.
28/6/23