

No: PCH-HA (3) 2/2000-III-B&D-Clarification- 47637-50956
Government of Himachal Pradesh
Panchayati Raj Department

From:

The Director of Panchayati Raj,
Shimla-9, H.P.

To

- All the Block Development Officers,
Himachal Pradesh.
- All the Panchayat Secretaries/Panchayat Sahayaks,
Gram Panchayat, Himachal Pradesh.

Shimla-9

dated

12 Sept. 2012

Subject:

Clarification regarding correction in the Births & Deaths Register
under Registration of Births & Deaths Act, 1969.

Sir/Madam,

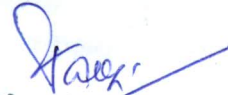
I am directed to inform that the Department is receiving various references from different quarters pertaining to change of name or date of birth of any individual in the Gram Panchayat record. The Department has taken up the matter with the Law Department, Govt. of Himachal Pradesh for seeking opinion on these issues. The Law Department has opined as under:-

Section 15 of the Act lays emphasis on the words "any entry of birth". This clearly shows that legislative intention behind section 15 is that correction of entry is not restricted to birth alone but it refers to any entry in the register/form relevant to the birth of a child. Section 15 of the Act, in substance, refers to two fold actions by the Registrar for the correction of entry (i) to correct the error or (ii) cancel the entry by suitable entry in the margin without any alteration of original entry. Since Form prescribed under Rule 12 of the H.P. Registration of Birth & Death Rules, 2003 also contain one of the entry regarding "name of the Child", therefore, it is also one of the entry in the form of register and can be cancelled by suitable entry in the margin without any alteration of original entry because Section 15, in question, lays emphasis on the words "any entry". The Section 15 has to be interpreted liberally in the light of the provisions of Rule 11 & 12 of the H.P. Registration of Birth & Death Rules, 2003 to aid the justice and not to elude or frustrate the justice. It is settled law that in interpreting any procedural law, where more than one interpretation is

possible, the one which curtail the procedure without eluding the justice is to be adopted. The procedural law is always sub subservient to and is in aid to justice.

In view of above, the Law Department has opined that the Registrar concerned is the competent authority to carry out 'any entry' which includes correction, cancellation or change of any entry in the Register of the Births & Deaths and subsequent to the Pariwar Register of the Gram Panchayat under Section 15 of the Act ibid and rule 11 made thereunder. Thus, the change of name can be affected in the manner suggested above by signing the Marginal Entry adding thereto the date of correction, change or cancellation etc. (what so ever is required) with prior publication of advertisement in the two leading News Papers and an Affidavit of the individual concerned.

Yours faithfully,

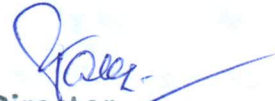


Director,

Panchayati Raj Department,
Shimla-9, H.P.

Endst. No: PCH-HA (3) 2/2000-III-B&D-Clarification-50957-102 12 Sept. 2012
Copy to:-

1. The Chief Registrar, Births & Deaths-cum-Director (Health & Family welfare), Shimla-9, H.P. for information.
2. All the S.D.Os. (C), Himachal Pradesh for information.
3. All the Chief Medical Officers, H.P. for information and further necessary action.
4. All the District Panchayat Officers, H.P. for information.
5. 05 spare copies to Guard File.



Director,

Panchayati Raj Department,
Shimla-9, H.P.

"Rao"