

COURT CASE
OUT TODAY

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF ECONOMICS & STATISTICS,
AND
OFFICE OF THE CHIEF REGISTRAR (BIRTHS & DEATHS)
VIKAS BHAWAN-II, IIIrd FLOOR, 'B' WING, UPPER BELA ROAD
NEAR METCALFE HOUSE, DELHI - 110054
Tel: 23812841, 23812845 Fax: 23812851, E-Mail: dires@nic.in
Website: - www.delhi.gov.in

No. F. 2 (26)/VS/ DES/ 2011/1218 / 126441265

dated: 28-2-2012
29-2-2012

To

Dr. N.K. Yadav,
M.H.O./
Addl. Chief Registrar (B&D),
B.H.I., M.C.D.
19th floor, S.P.M. Civic Centre,
1 - J.L.N. Marg, New Delhi - 02

G328/MHO
29/02/12

Subject: - Regarding Declaratory suit for Registration of Death of Missing Person, case of Omvir Singh Vs State & ANR in the District Court (N/W) Rohini.

1294/BH2
21/03/2012

Sir,

Please refer to this office letter of even No. dated 04.01.2012 on the subject cited above. In this connection, I request that **interest of Govt. of Delhi, O/o Chief Registrar (B&D) may be watched** as the case is not being defended from our side separately. In the hearing held on 25.01.2012, Sh. Om Singh law officer, M.C.D. along with Sub- Registrar (B&D) of Rohini Zone, M.C.D. attended the court, while one officer from our side was also present.

The guidelines issued by O.R.G.I. (VS Division) from time to time on the subject are enclosed again in use for preparing the reply/ written submission for the next hearing scheduled to be held on **13.03.2012 at 10:00 AM. in room no. 217, Rohini Court Delhi.**

I, therefore, request you to send a word of conformation in this regard.

Yours faithfully



(Dr. B.K. Sharma)
Chief Registrar (B&D)

01/VS
[Signature]
2012



DR-11-6/12

तार : 'जनगणना'
Telegram : "REGGENLIND"
e-mail : rgcrs@rgi.satyam.net.in

सं0/NO.1/12/87-VS(Cord.-HP)

भारत सरकार
GOVERNMENT OF INDIA

गृह मंत्रालय
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

भारत के महारजिस्ट्रार का कार्यालय
OFFICE OF THE REGISTRAR GENERAL, INDIA
जीवनांक प्रभाग, पश्चिमी खण्ड 1, रामकृष्णपुरम्
VITAL STATISTICS DIVISION, WEST BLOCK 1, R.K. PURAM,

नई दिल्ली, दिनांक
New Delhi, the September 7, 2000

To

Chief Registrar of Births & Deaths
(H.Q.) and Director,
Bureau of Economics & Statistics,
National Capital Territory of Delhi,
Old Secretariat, Room No. 148,
DELHI - 110054.

beused
beused
beused

Sub : Clarification regarding registration of death of a missing person.

Sir,

The Office of the Registrar General, India has been receiving a number of letters from Chief Registrar's Office of the various states, seeking clarifications regarding registration of death of missing persons presumed and declared to be dead by the court of law on expiry of a period of seven years from the date of their missing. In case of registration of these persons it is not clear as to how the date and place of death of missing persons will be determined. The matter was referred to the Ministry of Law & Justice and the relevant portion of its advice is given below.

Section 107 and 108 of the Evidence Act, 1872 deals with burden of proof and presumption as to whether the person is dead or alive. The Honorable Supreme Court in Jayalakshmi Ammai vs R. Gopala Pathar AIR 1995 S.C., 999 has held that there is no presumption under Section 108 that the person died on a particular date or on expiry of seven years. Ordinarily, a person unheard of for the statutory period shall be presumed to be dead on expiry of seven years and not earlier.

So far as the determination of the date and place of death of a person who is missing for more than seven years is concerned is a question of fact and may be determined by the competent court/authority on the basis of oral and documentary evidence produced before him in this regard. Since the RBD Act and Rules are silent on the question of determination of date and place of death of a missing person, the date determined by the Court in a declaratory suit, as may be filed for this purpose can be relied upon.

Yours faithfully,

[Signature]

(Nand Lal)
Senior Research Officer

157
13/9

5343
11/9/2000

PI Circulate

11/9/2000 (VS)

11/9



सं./No. 8/4/2011- VS (CRS)

भारत सरकार

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS

भारत के महारजिस्ट्रार का कार्यालय

जीवनांक प्रभाग, पश्चिमी खण्ड-1, रामकृष्ण पुरम्, नई दिल्ली - 110066

OFFICE OF THE REGISTRAR GENERAL, INDIA

V.S. Division, West Block -I, R.K. Puram, New Delhi - 110066

Tele-fax: 26104012

E-mail - drq-crs.rgi@censusindia.gov.in

Dated - 29th December, 2011

Diary No. 29
Date 15/12/11
15/VS-DEB
04/01/12

To

The Chief Registrar of Births and Deaths
All States/UTS

Sub: Clarification regarding determination of place and date of death of a missing person.

Sir,

Please refer to this office letter no. 1/12/87 - VS (Cord - HP). dated 07.09.2000 which was issued in respect of determination of place and date of death of a missing person, wherein, It was specified that under Section 108 of Indian Evidence Act 1872, a person who is unheard for more than seven years is presumed to be dead and said section does not speak about the date and place of death, the date and place of death of a missing person has to be determined by the competent Court / authority on the basis of oral and documentary evidence produced before the Court. However, now a days, it has come to the notice of this office through various State Governments that the respective Courts are not mentioning the date and place of death of a missing person in its order which create problem in registration of death of the missing person.

2. In view of the above, this issue has been referred to the Union Ministry of Law & justice for their advice. The Ministry has advised that -

The earliest date to which the death can be presumed can only be the date when the suit or claim of that right is filed as has been held in the matter of Jeshankar vs Bai Divali, reported in (1920) 22 Bom Lr 771. The issue has been made more clear on the point of date of death in the matter reported in AIR 1945 Madras 440 Bhagat vs. LIC, Madras wherein it was observed that in the absence of probable motive of foul play or accident one has to speculate as to the cause of his disappearance, and it could not be presumed that he was dead, on the date of his disappearance and in the absence of proof that he was alive the only conclusion possible is that he was at the time the question arose (date of plaint).

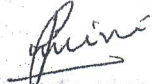
my Bkr,
pl circulate
to MCD, NDR
JCB.

13/11/2012
AD/VJ
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Sof/VJ
AS
5/1/12

In view of the foregoing when the provisions of Section 13(3) of the Act are specific that registration will be on the basis of court order, an entry be made in the relevant record on the basis of court order only and as has been held by the courts the date of death may be mentioned on which plaintiff approached to the Court.

3. In view of the above, you are therefore requested to circulate the contents of this letter to all the district and local level registration authorities to enable them to register the death of a missing person. This office may also be appraised about the action taken in this regard along with the copy of instructions issued to the registration functionaries.

Yours faithfully



(P.A. Mini)

Deputy Registrar General (CRS)