

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.16865 of 2016

Date of Decision:16.11.2016

Shanti Devi

....Petitioner

Vs.

State of Haryana and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Ashok K. Sharma (Bhana), Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

RAKESH KUMAR JAIN, J.(Oral)

This petition is filed by widow of one Ram Bhagat who allegedly died on 27.7.2015. The information about his death was given by son of the petitioner to the Registrar Birth and Death and a death certificate was issued on 5.8.2015 in which name of the father of Ram Bhagat is mentioned as Ranjeet whereas according to the petitioner, Ram Bhagat was the son of Nanha Ram.

Counsel for the petitioner has submitted that due to inadvertence, name of the father of Ram Bhagat has been wrongly mentioned in the application form otherwise he was the son of Nanha Ram and in this regard, he has referred to the Ex-serviceman Identity Card of Ram Bhagat bearing No.11125565 and the document issued by the Regional Provident Fund Commissioner in which name of the father of Ram Bhagat

is mentioned as Nanha Ram.

Counsel for the petitioner has referred to Section 15 of the Registration of Births and Deaths Act, 1969 and submitted that the Registrar has the power to make correction or cancel the entry in the register of births and deaths.

Counsel for the respondents has submitted that the entry made in the death certificate cannot be changed because it is based upon the entry made in the application form filed by son of the deceased. It is also submitted that there is no provision for changing the entry in respect of the name of the father of the deceased.

I have heard both the learned counsel for the parties and examined the available record with the able assistance. In order to appreciate the contention of both the parties as to whether the power vests with the Registrar for correcting the entry in the births and deaths register, it would be relevant to refer to Section 15 of the Act which read as under:-

“15. Correction or cancellation of entry in the register of birth and deaths.-- If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry

and add thereto the date of the correction or cancellation.”

From a bare reading of the aforesaid provision, it is clear that the Registrar has to be satisfied about the error in the entry of births and deaths in any register kept by him and in case he is satisfied, then he would make suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation. Meaning thereby, the Registrar has the power to make the correction if there is an error of any entry in the birth or death certificate. The respondents have not contested the claim of the petitioner on the ground that the name of the petitioner's husband's father was not Nanha Ram. The only objection raised by the respondents is that since the application form was filed by the son of the deceased, therefore, it has to be taken as correct and also on the ground that there is no provision in the Act to make any change in the entry. The stand of the respondents is erroneous because for such kind of error, which may occur because of omission or commission, procedure is provided under the Statute for correction and in that regard, the Registrar has to be satisfied about the documents placed before him for the purpose of correction.

I have seen the documents which are not denied in which the reference is made to Nanha Ram as father of Ram Bhagat (since deceased) and there is no contrary document on record from which the respondent can prove that the name of father of Ram Bhagat was Ranjeet. Hence, in view of the facts and circumstances of the case, a direction is issued to the Registrar, Birth and Death, Jind to make necessary correction in the death certificate of Ram Bhagat in terms of the provision of Section 15 of the Act.

With these observations, the present petition is allowed. The needful shall be done within a period of one month from the date of receipt of certified copy of this order.

November 16, 2016
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No