

CIRCULAR

15 DEC 1992

Sub:- Instructions with regard to the procedure to be followed in the matter of applications filed under the Registration of Births and Deaths Act, 1957- Issued.

The provisions of the Registration of Births and Deaths Act, 1957 (Act No. 10 of 1957) and the Tamil Nadu Birth and Death Registration Rules, 1977 framed thereunder do not prescribe any specific procedure to be followed by the Magistrate in proceedings under Section 13 of the said Act.

It is seen that the Criminal Courts in the State are following different procedures according to the dictates of the Presiding Officer concerned. Hence, the High Court considers that it is absolutely necessary to issue the following guidelines to the Judicial Magistrates in this State, to be adopted uniformly in all cases of applications filed before Judicial Magistrates under Section 13 of the said Act.

1. As soon as the application is taken on file, a notice shall be issued by the Court to the Local Authority, Rule-10 of the Rules framed by the Tamil Nadu Government has prescribed the local authorities as follows:-

Village Panchayat and Town Panchayat.

Cantonment

Municipality

Corporation

.. Tahsildar

.. Executive Officer

.. Commissioner

.. Commissioner

The notice shall be sent by the Court directly to the concerned authority and not through the applicant or any other party.

2. At the same time, the Court shall direct publication of the notice in a local daily giving the date of hearing. The publication shall be made by the party and proof of the same shall be filed in Court.

3. On being satisfied that the publication has been made as directed and that the notice issued by the Court had been served on the local authority, the court shall take the evidence of the applicant. The Court may accept both oral and documentary evidence as may be furnished by the applicant. The Court shall also take on record the communication received from the local authority in reply to the notice served on him.

4. If any other party appearing before Court and raises any objection, each party shall be heard. The applicant and his witnesses and the opposing party shall be permitted to be cross-examined.

5. The Court shall pass orders after considering all the materials on record.

6. The Court shall keep in mind the principles laid down by this Court in Vijay V. J. (1992-3, W. (Ct.) 16) and Pavanlal V. Pariparampallam (1992-6, W. (Ct.) 162).

7. The evidence recorded, both oral and documentary, shall be kept on record along with the other papers in the case.

8. All the District and Sessions Judges, the Principal Judge, City Civil Court, Madras, Chief Metropolitan Magistrate, Egmore, Madras and the Chief Judicial Magistrates are hereby directed that the guidelines mentioned above should be brought to the notice of all the Judicial Magistrates under your control, immediately for strict compliance.

High Court, Madras
Dated: 25.11.92.

Sd. N. Natanson
Registrar.

/true copy/
/Forwarded/by order/

Sd. x x x
Assistant Registrar (Rules)

/true copy/

R.O.C.No.9776/92-A1.

Office of the Chief Judicial
Magistrate, Madurai, dt. 7-12-92.

Copy communicated to Addl. Chief Judicial Magistrate, Madurai and all the Judl. Magistrates of Madurai and Dindigul and District to the procedures given strictly.

Sd. M. Thanikachalam,
Chief Judicial Magistrate, Madurai.

/t.c.f.b.o./

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