

Children in the Juvenile Justice System will no longer remain deprived of their right to identity, citizenship and protection

An RTI filed by HAQ: Centre for Child Rights with Jail No.7 in Tihar, brought to light the shocking violations of Child Rights and Juvenile Justice in the Tihar Jail. It was found that within a period of 10 months [October 2010 to August 2011], 114 juveniles or children in conflict with the law, were transferred to observation homes after being first lodged in Tihar Jail. Keeping Children in adult jails is in gross violation of the laws of the country and is a major problem to be tackled in ensuring Children's Rights in India. Attention of Delhi High Court was drawn on the harms faced by juveniles in adult correctional facilities such as jails and the need for proper implementation of the juvenile justice system starting from registration and documentation of proof of birth and police sensitization in WP (C) 8889 of 2011 titled "Court on Its Own Motion vs. Department of Women and Child Development & Ors". A series of consultations were held in this regard by the Delhi State Legal services Authority, acting as the Nodal agency for ensuring compliance of Court's orders in this case. Finally, the Registrar General Birth and Death, Government of India inter alia agreed that since the JJB is also manned by the Magistrate of first class, the determination of age by JJB shall be accepted by the Registrars of Birth of Delhi or of any other State and the birth shall be registered in the register of the place of birth and birth certificate issued. On 14 January 2015, the Hon'ble High Court of Delhi accordingly passed directions for necessary procedures to be worked out for issuance of birth certificate to children in the juvenile justice system, covering issues such as waiver of the delayed registration fee and recording the birth certificates so received from outside Delhi. The first Gazette Notification in this regard thus comes from the Office of the Chief Registrar, Govt. of NCT Delhi, dated 16 October 2015. This is a huge step forward and something for other state governments to follow.

The Gazette Notification and other relevant documents are as follows:

राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार

अर्थ एवं सांख्यिकी निदेशालय

एवं

मुख्य पंजीकार (जन्म एवं मृत्यु)

विकास भवन-2, तीसरा तल, बी-विंग

अपर वेला रोड, निकट-मैटकोंफ हाउस, दिल्ली-54

पत्र सं: एफ.2(60)/बी.एस./डी.ई.एस./2015/6521-6556

दिनांक : 16/10/2015

अधिसूचना

एफ.2/60/बी.एस./डी.ई.एस./2015 :- जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 की धारा 13 की उप-धारा (3) व धारा 2 की उप-धारा (1) के प्रावधान (च) तथा दिल्ली जन्म एवं मृत्यु पंजीकरण नियम 1999 के नियम 9 के उप नियम (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत के महापंजीकार कार्यालय, गृहमंत्रालय भारत सरकार के 30 अप्रैल, 2015 के पत्र के अनुपालन में राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार द्वारा किशोर न्याय बोर्ड के प्रधान मजिस्ट्रेट तथा बाल कल्याण समिति के अध्यक्ष का उन किशोरों के विलम्बित जन्म पंजीकरण के संबंध में जिनकी आयु को इनके द्वारा सत्यापित किया गया है, राष्ट्रीय राजधानी क्षेत्र दिल्ली में जन्म आदेश जारी करने के लिये प्राधिकृत किया जाता है।

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल
के आदेश से तथा उनके नाम पर

राजेंद्र

(राजेंद्र कुमार)

प्रधान सचिव (योजना)

पत्र सं: एफ.2(60)/बी.एस./डी.ई.एस./2015/6521-6556

दिनांक : 16/10/2015

बतिलिपि सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. प्रधान सचिव (सामान्य प्रशासन विभाग), राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार, दिल्ली सचिवालय, नई दिल्ली को (डुप्लीकेट में) इस अनुरोध के साथ कि अधिसूचना को दिल्ली आसाधारण राजपत्र में प्रकाशित करने की कृपा करें।
2. प्रधान सचिव महिला एवं बाल विकास विभाग, रा. रा. क्षेत्र दिल्ली सरकार, जी.एल.एन.एस.परिसर, दिल्ली गेट नई दिल्ली - 110002.
3. भारत के महापंजीकार, गृह मंत्रालय, भारत सरकार, 2-A, मान सिंह रोड, नई दिल्ली - 110011.
4. विशेष कार्य अधिकारी, दिल्ली राज्य कानूनी सेवा प्राधिकरण, पटियाला हाउस कोर्ट्स, नई दिल्ली-03.
5. सम्स्त प्रधान मजिस्ट्रेट्स, किशोर न्याय बोर्ड्स, नई दिल्ली।
6. सम्स्त, अध्यक्ष, बाल कल्याण समिति, दिल्ली।
7. निदेशक, सूचना एवं प्रचार निदेशालय, राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार, पुराना सचिवालय, दिल्ली-110054.
8. विधायी सहायक, कानून, न्याय और कानूनी कार्य विभाग, राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार, दिल्ली सचिवालय नई दिल्ली।
9. संयुक्त निदेशक (सी.आर.एस.), जनगणना निदेशालय, सी. विंग, भूतल, पुष्पा भवन, मदनगीर रोड, दिल्ली-110062.
10. सम्स्त अतिरिक्त मुख्य पंजीकार, जन्म एवं मृत्यु, राष्ट्रीय राजधानी क्षेत्र, दिल्ली।
11. सम्स्त पंजीकार/उप-पंजीकार, जन्म एवं मृत्यु, राष्ट्रीय राजधानी क्षेत्र, दिल्ली।

राजेंद्र

(राजेंद्र कुमार)

प्रधान सचिव (योजना)

**MINUTES OF MEETING HELD ON FRIDAY, JANUARY 30, 2015 AT
5:30 P.M. AT AB-83, SHAHJAHAN ROAD, OPPOSITE NAVAL
OFFICERS MESS, NEW DELHI REG. ISSUES RELATING TO
REGISTRATION OF BIRTH OF JUVENILES & ISSUANCE OF THEIR
BIRTH CERTIFICATES IN R/O W.P.(C) No.8889/2011**

BRIEF BACKGROUND:-

In the above-referred Writ Petition, Hon'ble Division Bench of High Court of Delhi took notice of the fact that Delhi Police is passing of Juveniles as adults. Instead of treating them as Juveniles in Conflict with Law (JCLs) and referring their matter to Juvenile Justice Boards (JJBs), they were being sent to Adult Courts and Prisons.

Vide its detailed order dated 11.05.2012, several path breaking directions were issued to various stakeholders i.e. Commissioner of Police; Incharge of Districts Concerned; Nodal Head/Incharge of Special Juvenile Police Unit; Officer In Charge of the Police Station; Investigating Officers or any other Police Officer acting under the instruction of IO; Juvenile Welfare Officers (JWOs); Tihar & Rohini Jails; Juvenile Justice Boards; National Commission for Protection of Child Rights (NCPCR); Legal Aid Lawyers & Delhi State Legal Services Authority; Courts concerned and Govt. Hospitals & Medical Boards.

That Hon'ble Division Bench of High Court of Delhi was pleased to appoint Delhi State Legal Services Authority (DSLISA) as a Nodal Department to ensure strict compliance of the directions by the relevant Departments.

DSLISA had been convening meetings with all the stakeholders and submitting Progress/Compliance Report before the Hon'ble High Court of Delhi. During the course of pendency of the above matter, the issue of delayed registration of birth of Juveniles in Conflict with Law (JCL) and Child in need of Care & Protection (CNCP) was also raised by HAQ, Centre for Child Rights.

Several directions were issued by the Court in this regard. Tabulated datewise proceedings in this regard are here as under:-

Sl.No.	Date	Details
1.	11.05.2012	HAQ, Centre for Child Rights orally submitted before D.B.-I suggesting linking of age determination orders by JJBs and CWCs with birth registration system for issuance

		of birth certificates.
2.	31.05.2012	HAQ, Centre for Child Rights wrote a letter to the Chief Registrar (Birth & Death), GNCTD on the subject
3.	19.06.2012	Office of Chief Registrar (Birth & Death), GNCTD wrote letter to Registrar General, Govt. of India forwarding HAQ' s letter
4.	Un-dated	O/o Registrar General, Govt. of India wrote back to Govt. of NCT, Delhi expressing 'No Objection' of accepting order of JJB for delayed registration of birth provided it has basic details required for birth registration
5.	18.07.2012	HAQ, Centre for Child Rights filed the written submissions on the issue before Hon'ble D.B. Court mentions that NCPCR to initiate consultation process on the subject
6.	10.10.2012	Court apprised by HAQ, Centre for Child Rights that no progress is happening in the matter. Court issued directions to expedite the process.
7.	04.02.2013	Meeting held at Conference Room, NACO, Janpath. Minutes expressed need for delayed registration of births of JCL and CNCP
8.	01.08.2013	HAQ, Centre for Child Rights apprised D.B. of no progress in the matter. Court gave three months time. Registrar General (Birth & Death), Govt. of India and Govt. of NCT, Delhi made party.
9.	18/21.10.2013	Registrar General, Govt. of India (Sh.Ajay Khanna, Deputy Director) filed affidavit before D.B. stating- <ul style="list-style-type: none"> ➤ Date of birth, place of birth, name of parents required for registration; ➤ Magisterial order necessary U/s 13(3) RBD Act; ➤ As per Section 4(3) RBD Act, Chief Registrar (Birth & Death) of each State is Chief Executive Authority; ➤ Registrar General, Govt. of India does not have 'No Objection' if JJB and CWC gave power u/s 13(3) RBD Act for delayed registration; ➤ JJB and CWC are manned by First Class Magistrates as per Section 4(29) of JJ Act;
10.	29.01.2014	Upon Govt. of India' s affidavit filed before the D.B., Court ordered further deliberations
11.	05.02.2014	DSLSA convened meeting. Important conclusions are as under:- <ul style="list-style-type: none"> ➤ Parents name, not necessary for delayed registration of

		births; ➤ Delhi Police to design a web based data base of delayed registration by JJB and CWC; ➤ For other conclusions, 18 pointed out minutes be referred
12.	14.01.2015	Petition disposed of by Hon'ble D.B. while directing Nodal Agency DSLSA to evolve a procedure for delayed registration of JCL and CNCP of JJB and CWCs. Court further directed that such procedure shall be implemented by all the persons/authorities concerned.

On 14.01.2015 while disposing of this matter, Hon'ble Division Bench of High Court of Delhi issued directions to DSLSA to finalize the procedure for delayed registration of Births and issuance of birth certificates to JCLs and CNCPs.

Accordingly, this meeting was convened jointly by Sh. Surinder S. Rathi, Addl. District & Sessions Judge/Officer on Special Duty, DSLSA and Sh. Sanjay Jain, Addl. Solicitor General of India at the latter's office at AB-83, Shahjahan Road, Opposite Naval Officers Mess, New Delhi.

Following were in attendance in the meeting:

1. Dr.J.Duggal, Asstt. Chief Registrar, B & D (North MCD).
2. Dr. P.K. Sharma, MOH, NDMC.
3. Dr. S.Srivastava, Registrar, NDMC & CMO (SAG).
4. Dr. N.K. Yadav, MAO, SDMC.
5. Sh. J.B. Oli, STE, NCPCR
6. Sh. Raman K. Gaur, Registrar, NCPCR
7. Ms. Nidhi Sharma, Adv., Legal Consultant, NCPCR
8. Sh. Gulshan, Sub-Registrar, SDMC
9. Sh. Mukul Saxena, Sub-Registrar, E.D.M.C
10. Dr.(Mrs.) Anu Anand, Registrar, B & D, Delhi Cantt.
11. Ms. Pankhuri A. Mehndiratta, Program Associate, IBJ India
12. Sh. Parminder Singh, Adv., National Child Rights Commission
13. D. B.K. Sharma, Chief Registrar (B & D), Govt. of NCT of Delhi
14. Sh. D.B. Gupta, Dy. Director, O/o Chief Registrar (B & D), Govt. of NCT of Delhi
15. Sh. Anant Kumar Asthana, Adv., Petitioner in person
16. Sh. P.A. Mini, O/o Registrar General, Govt. of India
17. Sh. Ajay Khanna, O/o Registrar General, Govt. of India

During the course of the meeting, following points were considered and deliberated in detail by all the Officers:

1. Can JJB and CWC be notified as Registrars of Births U/s 7 of RBD Act so that they can themselves issue birth certificates.
2. Data can be updated with Registrar of Birth, Govt. of NCT of Delhi.
3. Name of parents, place of birth and address proof may not be insisted. Exemption be notified for JCL and CNCPC delayed registration without above three parameters.
4. Benefit of above arrangement would mean that JCL and CNCPC even if hailing from other States can get birth certificate from Delhi itself and it will save time as against sending age verification order to Registrar of Births of other States.
5. Section 13(3) RBD Act calls for Magisterial verification only of correctness of births not of place of birth and parentage necessarily.
6. The methodology of issuance of birth certificate post delayed registration after passing of age verification by JJB/CWC.
7. Waiver of late registration fees of Rs.10/- as per Rule 9(3) of Delhi RBD Rules, 1999.
8. How to harmonize different Municipal Corporations like three MCDs, Delhi Cantonment and NDMC for delayed registration records.
9. Section 7 RBD Act, 1969 provides that District Registrar can appoint any officer or other employee as a Registrar within the Municipality area a combination of Municipalities.
10. DSLSA would ask its Panel Lawyer to fill the form No.1 'Birth Report' and pay delayed Penalty, if not waived.
11. Finalization of 'Standard Operation Procedure' (SOP) for the purpose.

CONCLUSIONS UNANIMOUSLY ARRIVED AT DURING THE MEETING :-

- 1) It was agreed by the O/o Registrar General, Govt. of India and the O/o Chief Registrar (Birth & Death), Govt. of NCT of Delhi that the age inquiries conducted by Principal Magistrates of Juvenile Justice Boards (JJBs) and Chairpersons of Child Welfare Committees (CWCs) can be validly accepted as inquiries stipulated in Section 13(3) of Registration of Births & Deaths Act,

1969 (RBD Act) in respect of delayed registration of births, as they both enjoy First Class Magisterial powers. Likewise, the age inquiries conducted by the Courts of Ld. MMs, Ld. ACMMs, Ld. CMMs apart from Ld. Addl. Sessions Judges and Ld. District & Sessions Judges have been agreed to be accepted as inquires stipulated U/s 13(3) of RBD Act;

- 2) A proposal was put forth by Sh. Surinder S. Rathi to consider notifying JJBs and CWCs as Registrar of Births U/s 7(1) of RBD Act was also unanimously accepted by the O/o Registrar General, Govt. of India and the O/o Chief Registrar (Birth & Death), Govt. of NCT of Delhi after due deliberations. Once this proposal of DSLSA formally implemented, JJBs and CWCs would be empowered with a duty to issue the Birth Certificates to the JCLs and CNCs on their own under their signatures, post their age verification, subject to such JCL and CNC is born in Delhi or is not aware his/her actual place of birth. Likewise, whenever age verification is done by the Court of Ld. MMs, Ld. ACMMs, Ld. CMMs, Ld. Addl. Sessions Judges and/or Ld. District & Sessions Judges and a JCL is found to be a juvenile on the date of commission of the offence, such Judicial Court shall sent an attested copy of the same to the concerned JJB. The Principal Magistrate of such JJB would register such delayed birth registration and issue due certificate to the JCL;
- 3) As regards, JCLs and CNCs who claim or are found to have taken birth at a place other than Delhi and whose age inquiries are conducted by JJBs and CWCs, the certified copy of the age inquiry would be sent to Chief Registrar of the concerned State/U.T. The Chief Registrar (Birth & Death) would without any further inquiry of any nature would refer the matter to Registrar of the concerned District, in case name of District is available, for issuance of Birth Certificate. In cases where the actual District of birth is not ascertained or available but only State is available, then the Chief Registrar (Birth & Death) would without any further inquiry of any nature will itself or through the Local Registrar would arrange issuance of Birth Certificate to the JCLs and CNCs. Such certificates issued by other States shall be sent in duplicate to the concerned JJBs/CWCs in Delhi by post.

- 4) It was also unanimously resolved that name of the parent and actual detailed address of place of birth may not be insisted or mentioned in such Birth Certificates, if it is not available. In case a JCL or CNCP is unaware of the actual District of his/her birth in Delhi, the place of his/her apprehension may be treated as his place of birth for the purpose of filling up in the 'Birth Report Form'/Application for registration of delayed Birth.
- 5) It was also resolved on pointing out of Sh. Anant Asthana, Adv. that in terms of Section 49 of the Juvenile Justice (Care and Protection) Act, 2000, the JJBs and CWCs should not limit themselves at identifying the range of the age but shall conclude the age in the closest possible terms. As far as possible, the exact date of birth shall be assessed. The date of apprehension coupled with the mean of the range shall be considered. For eg. if age of a child is assessed between 16-18 years, as per settled legal preposition his age shall be treated as 16 years for all purposes and the exact date of birth may be ascertained from the date of apprehension.
- 6) Sh. Sanjay Jain, Ld. ASG suggested that in order to fix the identity of the holder of the Birth Certificate in the absence of father's name/parent's name and complete address, the 'Birth Report Form' can be amended by Registrar General, Govt. of India by including additional parameters like birth mark or any other identification mark on the body of the child. On the suggestion of Sh. Surinder S. Rathi, Ld. OSD, O/o Registrar General, Govt. of India also agreed to explore and include the photographs of JCLs/CNCPs in the format of Birth Certificates.

An issue was raised that in cases of registration of newly born children, the photograph of the child may not help because of common features of children. On this score, DSLSA suggested to them that any such cases, apart from the child, the photograph of mother and/or father can also be added in the Birth Certificate and its records.

- 7) It was informed by officials of Registrar General, Govt. of India and the Chief Registrar (Birth & Death), Govt. of NCT of Delhi that the registration of birth has now been digitized and whenever a new Registrar of Birth is appointed for the purpose of registration and issuance of Birth Certificates,

access of the server is provided with a facility of real time uploading of data of fresh registrations. It was agreed by all present that the access of these servers can be provided to JJBs and CWCs as well for delayed registration of births to JCLs and CNCPs.

- 8) Deliberations were done on the issue of jurisdiction as well. On this score, it was concluded that the Birth Certificates would be issued according to the concerned Districts/Zone where the child is found or has taken birth so that the District/Zone-wise sanctity of Birth Certificate record is maintained.
- 9) Since as of now, Delhi has only two JJBs and eight CWCs as against eleven Revenue/Sessions Divisions, it was resolved that the JJBs and CWCs would have to be given access to have multiple Districts/Zones Data Servers as per Division of jurisdiction done by the O/o Chief Registrar (Birth & Death), Govt. of NCT of Delhi;
- 10) As far as compliance of paper work qua delayed registration and payment of late fees, it was proposed by Sh. Surinder S. Rathi that DSLSA has its Panel Lawyers in all the CWCs and JJBs in Delhi. It was resolved that post the completion of age verification, Legal Services Advocates of DSLSA would fill up Form No.1/Birth Report Form themselves as Informant. In case the Registrar General, Govt. of India or the Chief Registrar (Birth & Death), Govt. of NCT of Delhi does not pass orders for waiver of late birth registration fees of Rs.10/- as per rule 9(3) of Delhi Registration of Births & Deaths Rules, 1999, DSLSA would bear the above cost of Rs.10/- by depositing the same with the JJBs/CWCs.
- 11) The O/o Registrar General, Govt. of India or the Chief Registrar (Birth & Death), Govt. of NCT of Delhi were requested by DSLSA that they may give Orientation Training to the Presiding Officers and Staff of JJBs and CWCs apart from DSLSA Legal Services Advocates regarding issuance of Birth Certificate of delayed registration.
- 12) Apprehension was expressed qua conflict of jurisdiction with current Registrars of Births. Since it has been resolved that the JJBs and CWCs would be issuing birth certificates only to such JCLs and CNCPs whose age

verification they would be conducting, it was agreed by all that there would be no conflict of jurisdiction as such.

- 13) It was also resolved that in order to avoid instances of issuance of double Birth Certificate, multiple registration of the same child, the JJBs and CWCs would be maintaining a separate data sheet of all such registrations. As already resolved in the minutes of the previous meeting dated 05.02.2014 at DSLSA, Special Police Unit for Women & Children (SPUW&C) and Special Juvenile Police Unit (SJPU), agencies of Delhi Police have undertaken to design a web based programme to create a Central Server and database of all such delayed registration of birth while providing access to JJBs and CWCs with a facility of cross checking.

DEPARTMENT-WISE FOLLOW UP ACTIONS TO BE TAKEN:

I. Registrar General, Govt. of India

- i. Drafting and issuance of directive/circular/notification to all States/UTs specifically stating therein that age verification is done by JJBs and CWCs under Juvenile Justice (Care & Protection) Act, 2000 and its Rules is a valid inquiry as contemplated U/s 13(3) of RBD Act. Such verification shall carry a stipulation that the JJBs and CWCs can themselves initiate age inquiries and no other permission is required from any other Authority/Office for delayed registration of birth.
- ii. Drafting and issuance of directive/circular/notification empowering/permitting the Chief Registrar (Birth & Death) of States/UTs to confer power of Registrars of Births as per Section 7(1) of RBD Act upon each of JJB and CWC.
- iii. Upon empowering them with powers for delayed Birth Registration and issuance of Birth Certificates to JCLs and CNCPs whose age verification is conducted by them, such verification shall also contain a directive to provide access to the online birth registration servers. In case a State does not have any such servers, the methodology adopted by their already notified Registrars can also be followed by JJBs and CWCs, post their notification as Registrars of Births.

- iv. Direction be issued to Chief Registrar (Birth & Death) give Orientation & Training to the Presiding Officers and Staff of JJBs and CWCs apart from SLSA Legal Services Advocates for proper registration and issuance of birth.
- v. To revisit the software being developed for the purpose of inclusion of parameters namely birth mark/sign or any other identification mark apart from inclusion of photograph of the child and/or his parents.

II. Chief Registrar (Birth & Death), Govt. of NCT of Delhi

- i. Upon issuance of directive by Registrar General, Govt. of India, Chief Registrar (Birth & Death), Delhi would issue notification conferring powers of Registrar of Births to all the JJBs and CWCs U/s 7(1) of RBD Act. Conferment of power of issuance of signing of Birth Certificates shall be in the name of Principal Magistrate of JJB and Chairperson of CWCs and these two Officers alone shall sign the respective Birth Certificates;
- ii. The Chief Registrar (Birth & Death), Delhi would give multiple access to online servers to the JJBs and CWCs as per the jurisdiction exercised by such JJB/CWC. In case no waiver of late fees happens, they be given Authority to receive and issue receipt qua late fees;
- iii. To give Orientation & Training to the Presiding Officers and Staff of JJBs and CWCs apart from DSLSA Legal Services Advocates for proper Delayed Birth Registration and issuance of Birth Certificates.

III. Delhi State Legal Services Authority

- i. DSLSA will issue directives to its empanelled Legal Services Advocates at JJBs and CWCs to fill up Form No.1/Birth Report Form upon conclusion of age verification.
- ii. If in a case orders for waiver of late birth registration fees of Rs.10/- not passed, DSLSA would bear the said cost of Rs.10/- by depositing the same with the JJBs/CWCs

IV. Juvenile Justice Boards and Child Welfare Committees

- i. Upon verification U/s 7 of RBD Act as Registrars of Births, they shall equip themselves for the same with the help of parent Department. The

parent Department shall supply necessary infrastructural, hardware and software for the purpose for strict compliance of the directions given by Hon'ble Division Bench.

- ii. They shall furnish the details of all the JCLs and CNCPs to the SLSA's Panel Lawyers for filling up of 'Birth Report Form/Form No.1'.
- iii. They shall accept such forms and shall receive the late birth registration payment (if not waived).
- iv. They shall promptly update of the registration data to the servers/multiple servers of office of Chief Registrar (B & D), GNCTD.
- v. They shall issue certificates under the signatures of their Principal Magistrate and Chairperson respectively.
- vi. They shall hand over one copy of such certificate to the JCL and CNCP or their family and one copy to the Parent Authority.
- vii. They shall gave access of the data of delayed registration of Birth Certificate done by them and the certificates issued to the SJPU and SPUW&C for proper upkeep of the database.
- viii. They alongwith their staff shall attend the Orientation Training Programme to be organized by SLSAs with the help of office of Chief Registrar (B & D) of the State.

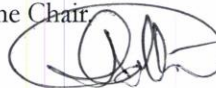
V. Municipal Bodies in State of Delhi like Municipal Corporation of Delhi, New Delhi Municipal Corporation and Delhi Cantonment Board

- i. Such like Municipal Bodies shall ensure strict compliance of directions issued by Registrar General, Govt. of India and Chief Registrar (B & D) of the State.
- ii. They shall co-operate with the concerned JJBs and CWCs in case of any assistance in the process of delayed registration of Births and issuance of Birth Certificates.

The meeting ended with the thanks to the Chair


Sanjay Jain,

Addl. Solicitor General of India



Surinder S. Rathi,
Addl. District & Sessions Judge/
Officer on Special Duty, DSLSA



DELHI STATE LEGAL SERVICES AUTHORITY

(Constituted Under the 'Legal Services Authorities Act, 1987', an Act of Parliament)

Under the Administrative Control of High Court of Delhi

Central Office, Patiala House Courts Complex, New Delhi - 110001

Ph. : 23384781, Fax : 23387267, Email : legalaidwing-dslsa@nic.in

www.dslsa.org 24x7 Toll Free Helpline No. 1516



File No. : 032/DLSA/LAW/WPC 8889 of 2011/2013 / 962)

Dated: 29.10.2015

To

Ms. Bharti Ali
HAQ : Centre for Child Rights,
B-1/2 Ground Floor,
Malviya Nagar,
New Delhi.

Ref. : Writ Petition (Civil) No. 8889/2011 – Court on its Own Motion Vs. Department of Women & Child Development

Sub. : Gazette Notification regarding delayed registration of birth of Juveniles and issuance of Birth Certificate

Madam,

May I apprise you that in the above referred Writ Petition, Hon'ble Division Bench of High Court of Delhi took *suo moto* cognizance of the fact that Police is passing of Juveniles as adults and instead of treating them as Juveniles in Conflict with Law (JCLs) and referring their matter to Juvenile Justice Boards (JJBs), they were being sent to Adult Courts and Prisons.

Suffice to point out that several directions have been passed from time to time to safeguard the legal rights of JCLs and on 14.01.2015 *inter alia* directions were issued to the DSLSA to finalize the procedure for delayed registration of Births and issuance of birth certificates to JCLs and CNCs in consultation with all the stakeholders.

Accordingly, a meeting was convened jointly by DSLSA and Sh. Sanjay Jain, Additional Solicitor General of India on dated 30.01.2015. Consequently, Minutes of Meeting were prepared and it was unanimously agreed by the O/o Registrar General, Govt. of India and the O/o Chief Registrar (Birth & Death), Govt. of NCT of Delhi that the age inquiries conducted by Principal Magistrates of Juvenile Justice Boards (JJBs), Chairpersons of Child Welfare Committees (CWCs) and Judicial Courts of Additional Sessions Judges and Metropolitan Magistrates can be validly accepted as inquiries stipulated in Section 13(3) of Registration of Birth & Deaths Act, 1969 (RBD Act) in respect of delayed registration of births, as they both enjoy First Class Magisterial powers.

It may also resolved that Birth Certificates qua such JCLs and CNCPs would be issued by Principal Magistrate JJBs and Chairpersons CWC, themselves (copy enclosed).

In this context, a Gazette Notification vide No. F.2(60)/VS/DES/2015/6521-6556 dated 16.10.2015, has been issued *inter alia* it has enumerated that Principal Magistrate of Juveniles Justice Board (JJBs)/Chairperson of Child Welfare Committee are hereby authorized to issue birth order in respect of delayed birth registration of Juveniles whose age verification is done by them, in the NCT of Delhi. The copy of the same is enclosed herewith for your kind perusal.

This is for your kind information.

Thanking you,

Encl. As above.

Yours sincerely,



(Dharmesh Sharma)
Member Secretary, DSLSA

