Immigration and Refugee Board of Canada

Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's Refworld website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the Knowledge and Information Management Unit.

IND105783.E

India: Requirements and procedures to obtain a death certificate, particularly in the state of Punjab, including whether these certificates are accessible online (2008-April 2017)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

The US Department of State's "reciprocity schedule" for India states that prior to April 1, 1970, reporting of deaths [in India] was voluntary. Where no official record exists, a sworn affidavit by a close relative of the deceased giving a detailed account of the circumstances of the death is acceptable. (US n.d.)

The reciprocity schedule adds that "[s]ince April 1, 1970, Death Certificates are issued by appropriate state authorities" (US n.d.). Without providing further details, the same source also states that "Certificates of Death issued by hospital authorities are acceptable" (US n.d.).

A guide to the Civil Registration System published on the website of the Office of the Registrar General & Census Commissioner of India explains that in India the registration of births and deaths is carried out under provisions of the Registration of Birth and Death (RBD) Act, 1969 and [the] Registrar General, India is entrusted with the responsibilities of co-ordinating and unifying the activities of the Chief Registrar of Births and Deaths. [The] Chief Registrar of Births and Deaths in each State [and Union Territory (UT)] is the implementing authority and the registration of births and deaths is done by the local registrars appointed by the [s]tate [g]overnment under whose jurisdiction the event has taken place. (India n.d.a)

2. Obtaining Death Certificates in India

Instructions on how to obtain a death certificate published in 2012 on the National Portal of India, a "single window of access" for information and services from various Indian government departments (India n.d.b), state the following:

To apply for a Death Certificate, you must first register the death. The death has to be registered with the concerned local authorities within 21 days of its occurrence, by filling up the form prescribed by the Registrar. [The] Death Certificate is then issued after proper verification. (India 9 Dec. 2012)

The same source indicates that a death can be reported and registered by the head of the family, in case it occurs in a house; by the medical in-charge if it occurs in a hospital; by the jail in-charge if it occurs in a jail; and by the headman of the
village or the in-charge of the local police station in case the body is found deserted in that area. (India 9 Dec. 2012)

The same source further states that

[i]f a death is not registered within 21 days of its occurrence, permission from the Registrar/Area Magistrate, along with the fee prescribed in case of late registration, is required.

The application form in which you are required to apply is usually available with the area’s local body authorities, or with the Registrar who maintains the Register of Deaths. You might also need to submit proof of birth of the deceased, an affidavit specifying the date and time of death, a copy of the ration card, and the required fee in the form of court fee stamps. (India 9 Dec. 2012)

An overview of the Indian civil registration system found within the 2014 annual report on the status of "vital statistics" in the country published by the Office of the Registrar General & Census Commissioner of India indicates the following:

- Births and deaths are registered only at the place of their occurrence.
- [The h]ead of the household is responsible to report births and deaths that occurred in the house to the Registrar of Births and Deaths of the concerned area.
- It is the responsibility of the officer in charge or any person authorised by her/him to report the births and deaths that occur in hospitals, nursing homes, health centres etc. to the Registrar of Births and Deaths of the concerned area.

... The birth/death certificate[s] are issued free of charge by the concerned Registrar for events reported within 21 days.

- The birth/death reported after 21 days but within 30 days can be registered on payment of the prescribed fee.
- birth/death reported after 30 days but within one year of its occurrence can be registered with the written permission of the prescribed authority and on production of an affidavit made before a notary public or any other officer authorised by the State Government and on payment of the fee as prescribed.
- Births and deaths reported after one year of its occurrence shall be registered only on an order of the Magistrate of the First Class after verifying the correctness and on payment of the prescribed fee. (India 2014, ix).

Section 17 of the Registration of Birth and Death Act, 1969 states the following:

17. Search of births and deaths register

1. Subject to any rules made in this behalf by the State Government, including rules relating to the payment of fees and postal charges, any person may--
   a. cause a search to be made by the Registrar for any entry in a register of births and deaths; and
   b. obtain an extract from such register relating to any birth or death:

   Provided that no extract relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register.

2. All extracts given under this section shall be certified by the Registrar or any other officer authorised by the State Government to give such extracts as provided in section 76 of the Indian Evidence Act, 1872 (1 of 1872), and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates. (India 1969)

3. Registration of Deaths and Obtaining Death Certificates in Punjab State

In correspondence with the Research Directorate, a Chandigarh-based lawyer whose practice includes family law and who has appeared before the Punjab High Court and the Indian Supreme Court, stated that an appointed birth and death registrar in each district of Punjab is responsible for issuing birth and death certificates in the state (Lawyer 23 Apr. 2017). The same source added that the procedures to obtain a death certificate are the same throughout Punjab (Lawyer 23 Apr. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

An undated document entitled Registration of Births & Deaths, published on the website of Punjab's Department of Health and Family Welfare, states that in addition to being governed by the Registration of Births and Deaths Act, 1969 of India, birth and death registrations in the state are regulated by the Punjab
Registration of Births & Deaths Rules 2004, which are based on model rules enacted by the government of India in 1999 (Punjab n.d.a, 1).

According to the Lawyer,

[i]n urban areas, when death occurs in a hospital or health centre or other like institutions, the Medical Officer in charge is responsible to get the event entered in the office of respective local Registrar and Municipal Council.

In rural areas, in respect of deaths in a house, the head of the household, the nearest relative present in the house and the oldest adult male person present in the house during the period within which the birth or death has to be reported, can enter the event in the chowkidar's [village official] book. The chowkidar gets that event registered in the register of the concerned police station twice in a month. (Lawyer 23 Apr. 2017, italics in original)

The same source added that

[a]ls0, these [application forms for death certificates] are available at Suwidha Centres [government service centers] and can be submitted therein after duly filling it. The Cashier/Clerk/Computer Operator receives the application with the required fee and the applicant is given a receipt. The fee can also be paid in the Treasury on the Treasury Challan [receipt or invoice] form T.R.6. The required certificate can be collected personally or by post, giving a self-addressed envelope with the application. (Lawyer 23 Apr. 2017)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Availability of Online Services Regarding Death Certificates

The 2014 annual report on the "vital statistics of India" states that the district of Kapurthala in Punjab state was taking part in a pilot project initiated by the Punjab Department of Governance Reforms aimed at providing online services such as the issuance of death certificates and the delayed registration of deaths, with the services expected to be eventually offered throughout the state (India 2014, 9). The same source explains that the online services could be accessed at home or by going to "Gram suvidha kendras" (India 2014, 9). The Punjab Department of Governance Report's website indicates that the state government aims to establish 2,112 government to citizen service centres throughout rural areas under the name "Gram Suwidha Kendra[s]" (Punjab n.d.d).

In August 2015, Indian daily newspaper The Pioneer reported that citizen services offered by the Punjab state government were available online, including "birth or death certificate related services," through the Punjab State Portal (The Pioneer 11 Aug. 2015). The Punjab State Portal lets a user apply online or download a "Form for applying across the counters" for the issuance of death certificates in rural areas (Punjab n.d.b). The same website also allows a user to apply online or download a "Form for applying across the counters" for the issuance of death certificates in urban areas (Punjab n.d.c). Copies of the above forms are attached to this Response (Attachments 1 and 2).

Sources further indicate that copies of death certificates are available online on the website of the Registrar General & Census Commissioner of India (Lawyer 23 Apr. 2017; Hindustan Times 25 Nov. 2015). The Registrar General & Census Commissioner of India's website allows a user to search and verify registered deaths and to check on the status of application of a reported death (India n.d.c). In November 2015, Indian newspaper Hindustan Times reported that the administration of Chandigarh Union Territory [which also serves as the capital of Punjab state] had uploaded data on births and deaths to this website (Hindustan Times 25 Nov. 2015). Hindustan Times added that "with this, residents can now take any number of copies of the birth and death certificates sitting at home" (Hindustan Times 25 Nov. 2015). The same source also states that a feature of the online system "is that all the certificates have a unique quick response code (QR code) printed on them through which the authenticity of each certificate can easily be validated" (Hindustan Times 25 Nov. 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

However, the Lawyer explained that "[i]t is essential that the death certificate has been entered in the online records. Old deaths were not entered. However, even if the death is not entered online, one can obtain an off line copy by making an application to Registrar Birth and Deaths" (Lawyer 23 Apr. 2017). Similarly, Hindustan Times states that the data on births and death in Chandigarh Union Territory uploaded to the website of the Registrar General & Census Commissioner of India was for 1995 and after, adding that "[f]or births and deaths occurring prior to 1995, certificates will be issued manually as before" (Hindustan Times 25 Nov. 2015).
This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

*Hindustan Times*. 25 November 2015. "Now, Copy of Birth, Death Certificates in UT Just a Click Away." (Factiva)


Lawyer, Chandigarh, India. 23 April 2017. Correspondence with the Research Directorate.


Additional Sources Consulted

**Oral sources:** 4 lawyers in Punjab, India; Punjab – Department of Governance Reforms, Department of Health and Family Welfare.

**Internet sites, including:** City Air News; *The Economic Times*; Factiva; Karpurthala – Karpurthala District Portal; Progressive Punjab; Punjab – Department of Governance Reforms, e-District Sewa; Punjab News Express; Suwidha-Web; UK – Home Office; UN –Refworld, Statistics Division.

Attachments