Speed Post

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GOVERNMENT OF INDIA
गृह मंत्रालय
MINISTRY OF HOME AFFAIRS
भारत के महारजिस्ट्रार का कार्यालय
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Dated: 12-09-2014

CIRCULAR

Sub: Procedure for Registration of Death of Missing persons in Natural Calamities affected areas in Jammu & Kashmir.

The Ministry of Home vide its D.O. letter no. 11012/5/2014-K-I dated 10.9.2014, has requested the Registrar General and Census Commissioner, India to formulate a standard procedure for issuing death certificate after due inquiry in case of the missing persons of Jammu & Kashmir and other States in J & K floods. Accordingly, the following procedure is communicated for necessary action by the concerned Chief Registrars of Births and Deaths.

2. As per the provision of Section 7(2) of the Registration of Births and Deaths (RBD) Act, 1969, the registration of birth and death has to take place at the place of occurrence of the event. In normal circumstances, the death is registered only on the reports from persons mentioned in section 8 of the RBD Act, 1969. However, in extraordinary cases like the one in Jammu & Kashmir, reports from public servants after due enquiry can be made use of for registering the deaths.

3. As regards persons whose dead body has been found, it is needless to state that the normal process of issuing Death Certificates should be followed.

4. In case of missing persons, who in all likelihood have died but the dead body is not traceable, all reasonable efforts should be made to determine that the person has in all likelihood died in the natural calamity that occurred in Jammu & Kashmir. The following process of enquiry may be followed in this regard:

Process

The missing persons can be divided into the following categories:

i. Permanent residents of the flood affected villages and permanent residents of the nearby villages of Jammu & Kashmir who were present in the flood affected villages during the catastrophe.
ii. Residents of other districts of Jammu & Kashmir who were present in the flood affected villages during the catastrophe.
iii. Tourists from other States who were present in the flood affected villages during the catastrophe.

Process to be followed in the case of permanent residents of the flood affected villages and permanent residents of the nearby villages of Jammu & Kashmir who were present in the flood affected villages during the catastrophe.

1. A FIR/Missing Person Report should be filed by close relatives or next of kin at the place of residence of the person who is missing and presumed dead.

2. The FIR/Missing Person Report should be referred to the concerned Police Station under whose jurisdiction the person went missing. Notarised Affidavit regarding 'missing' should be filed by next of kin and should be kept as a permanent record.

3. The FIR/Missing Person Report should then be forwarded to the designated officer (Tahsildar/SDM) of the concerned area in Jammu & Kashmir along with report of Police Station and supporting documents for identification like ration card, family register, bank passbook etc.

4. The designated Officer should conduct a detailed enquiry regarding the missing person.

5. Based on the enquiry as detailed above the designated officer of Jammu & Kashmir should issue a speaking order regarding the provisional presumption of death.

6. The Designated Officer should then cause publication of the list of missing persons provisionally presumed dead in the Newspaper, Government Gazette in Hindi and English and also host the same on the Government Website for the purpose of obtaining Claims and Objections.

7. Claims and Objections should be received within 30 days

8. If no claim or objection is received within the time period, the Designated Officer should issue the Death Certificate.

9. The death certificate should be made available free of cost to the next of kin. The death certificate should also be sent to the Police Station where the FIR/Missing Person Report was filed.

10. In case of Claims and Objections, an appeal would lie with the Officer immediately superior to the Designated Officer (to be nominated by the State Government). After dealing with the appeal, speaking Orders should be sent to the Designated Officer who would then take appropriate action to issue the death certificate or deny it.

Process to be followed in case of residents of other districts of Jammu & Kashmir who were present in the flood affected villages during the catastrophe

1. 'FIR/Missing Person Report' should be filed by close relatives or next of kin at the place of residence in the originating district.

2. If FIR/Missing Person Report has already been filed in calamity affected areas of Jammu & Kashmir, the designated officer should forward the same to the designated Officer/SHO of the police station at the place of usual residence in the district of origin of the missing person, for local enquiry at their end.

3. Notarised Affidavit regarding 'missing' to be filed by next of kin and to be kept as a permanent record.

4. The enquiring officer in the originating district should conduct enquiry to establish the following facts:
   a) That the family members or relatives or friends of the person concerned had filed FIR/Missing Person Report well in time (before 30th September, 2014). If it is beyond, this time limit, the reasons for approaching the police late should be enquired.
   b) That the person concerned had travelled to the affected areas of Jammu & Kashmir before 4th September 2014.
   c) That the person has been missing after his departure for affected district.
   d) The enquiry report should be sent to the concerned Designated Officer at the affected areas of Jammu & Kashmir.

5. Based on the enquiry report of the officer in the originating district, the Designated Officer in affected areas of Jammu & Kashmir should further enquire into the fact of disappearance of the persons concerned, by looking into the database of missing persons maintained by the missing persons cell at Jammu and Srinagar by the State Government. He should also take into account all available information including the Statements of witnesses if any and last call data and other relevant data from mobile phone service providers to arrive at a conclusion regarding the death of the person. All available evidences may be taken into consideration before concluding whether the person has died or not. This may include police reports, enquiries from relief camps and affidavit submitted by the close relatives/next of kin etc.

6. Based on the enquiry as detailed above the designated officer of affected areas may issue a speaking order regarding the provisional presumption of death. This order should be communicated to the Designated Officer in the Originating district.

7. On receipt of such Order, the Designated Officer in the originating district should cause publication of the list of missing persons presumed dead in the Newspaper, Government Gazette in Hindi and English and also host the same on the Government Website for the purpose of Claims and Objections.

8. Claims and Objections may be received within 30 days

9. If no claim or objection is received within the time period, the Designated Officer in the originating district should send a report to the designated Officer in affected areas of Jammu & Kashmir.

10. Based on this report, the Designated Officer in affected areas of Jammu & Kashmir should issue the Death Certificate.

11. The death certificate should be made available free of cost to the next of kin. The death certificate should also be sent to the Police Station where the FIR/Missing Person Report was filed and to the designated officer in the originating district.

12. In case of Claims and Objections, an appeal would lie with the Officer immediately superior to the Designated Officer (to be nominated by the State Government). After dealing with the appeal, speaking Orders should be sent to the Designated Officer in affected areas of Jammu & Kashmir, who would then take appropriate action to issue the death certificate or deny it.

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Process to be followed in case of Tourists from other States who were present in the flood affected villages during the catastrophe.

1. FIR/Missing Person Report', to be filed by close relatives or next of kin at the place of residence in the originating State.

2. If FIR/Missing Person Report have already been filed in Jammu & Kashmir, the designated officer of Jammu & Kashmir should forward the same to the designated Officer/SHO of the police station at the place of usual residence in the State of origin of the missing person, for local enquiry at their end.

3. Notarised Affidavit regarding 'missing' to be filed by next of kin and to be kept as a permanent record.

4. The enquiring officer in the originating State should conduct enquiry to establish the following facts:

    a) That the family members or relatives or friends of the person concerned had filed FIR/Missing Person's Report well in time (before 30th September, 2014). If it is beyond, this time limit, the reasons for approaching the police late should be enquired.
    b) That the person concerned had travelled to Jammu & Kashmir before 4th September, 2014.
    c) That the person has been missing after his departure for Jammu & Kashmir. For arriving at his conclusion, the enquiry officer should also verify with reference to the database maintained for this purpose by the Resident Commissioner of the originating State Government at New Delhi or the authorised officers of the State Government who had camped at Jammu and Srinagar during September 2014 to conduct enquiries on missing persons from their States.
    d) The enquiry report should be sent to the concerned Designated Officer at Jammu & Kashmir.

5. Based on the enquiry report of the officer in the originating State, the Designated Officer in Jammu & Kashmir should further enquire into the fact of disappearance of the persons concerned, by looking into the database of missing persons maintained by the missing persons cell at Jammu and Srinagar by the State Government. He should also take into account all available information including the Statements of witnesses if any and last call data and other relevant data from mobile phone service providers to arrive at a conclusion regarding the death of the person. All available evidences may be taken into consideration before concluding whether the person has died or not. This may include police

reports, enquiries from relief camps and affidavit submitted by the close relatives/next of kin etc.

6. Based on the enquiry as detailed above the designated officer of Jammu & Kashmir may issue a speaking order regarding the provisional presumption of death. This order should be communicated to the Designated Officer in the Originating State.

7. On receipt of such Order, the Designated Officer in the originating State should cause publication of the list of missing persons presumed dead in the Newspaper, Government Gazette in the local language of the State and English and also host the same on the Government Website for the purpose of Claims and Objections.

8. Claims and Objections may be received within 30 days

9. If no claim or objection is received within the time period, the Designated Officer in the originating State should send a report to the designated Officer in Jammu & Kashmir.

10. Based on this report, the Designated Officer in Jammu & Kashmir should issue the Death Certificate.

11. The death certificate should be made available free of cost to the next of kin. The death certificate should also be sent to the Police Station where the FIR/Missing Person Report was filed and to the designated officer in the Originating State.

12. In case of Claims and Objections, an appeal would lie with the Officer immediately superior to the Designated Officer (to be nominated by the originating State Government). After dealing with the appeal, speaking Orders should be sent to the Designated Officer in Jammu & Kashmir, who would then take appropriate action to issue the death certificate or deny it.

5. For enabling this process the designated Officer (Tahsildar/SDM) in Jammu & Kashmir may be declared as a Registrar of Death under Section 7(1) of the Registration of Births and Deaths (RBD) Act, 1969. In all the above cases, registration of death may be done at the place of occurrence of death/presumed death in accordance with provision made under Section 7(2) of RBD Act.

12/9/14

(P. A. Mini)
Deputy Registrar General

To,

The Chief Registrars of concerned States

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Speed Post

सं./No. 1/2/ (Uttarakhand)/2011 –VS -CRS

भारत सरकार/

GOVERNMENT OF INDIA

गृह मंत्रालय/

MINISTRY OF HOME AFFAIRS

भारत के महारजिस्ट्रार का कार्यालय

OFFICE OF THE REGISTRAR GENERAL, INDIA

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Dated 16-08-2013

CIRCULAR

Sub: Procedure for Registration of Death of Missing persons in Natural Calamities affected areas in Uttarakhand.

The Inter Ministerial Group (IMG) on Uttarakhand headed by the Cabinet Secretary in its meeting held on 2.08.2013, has requested the Registrar General and Census Commissioner, India to formulate a standard procedure for issuing death certificate after due inquiry in case of the missing persons of Uttarakhand and other States. Accordingly, the following procedure is communicated for necessary action by the concerned Chief Registrars of Births and Deaths.

2. As per the provision of Section 7(2) of the Registration of Births and Deaths (RBD) Act, 1969, the registration of birth and death has to take place at the place of occurrence of the event. In normal circumstances, the death is registered only on the reports from persons mentioned in section 8 of the RBD Act, 1969. However, in extraordinary cases like the one in Uttarakhand, reports from public servants after due enquiry can be made use of for registering the deaths.

3. As regards persons whose dead body has been found, it is needless to state that the normal process of issuing Death Certificates should be followed.

4. In case of missing persons, who in all likelihood have died but the dead body is not traceable, all reasonable efforts should be made to determine that the person has in all likelihood died in the natural calamity that occurred in Uttarakhand. The following process of enquiry may be followed in this regard:

Process

The missing persons can be divided into the following categories:

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(i) Permanent residents of the flood affected villages and permanent residents of the nearby villages of Uttarakhand who were present in the flood affected villages during the catastrophe.
(ii) Residents of other districts of Uttarakhand who were present in the flood affected villages during the catastrophe.
(iii) Tourists from other States who were present in the flood affected villages during the catastrophe.

Process to be followed in the case of permanent residents of the flood affected villages and permanent residents of the nearby villages of Uttarakhand who were present in the flood affected villages during the catastrophe.

1. A FIR/Missing Person Report should be filed by close relatives or next of kin at the place of residence of the person who is missing and presumed dead.
2. The FIR/Missing Person Report should be referred to the concerned Police Station under whose jurisdiction the person went missing. Notarised Affidavit regarding 'missing' should be filed by next of kin and should be kept as a permanent record.
3. The FIR/Missing Person Report should then be forwarded to the designated officer (Pargana Adhikari/SDM) of the concerned area in Uttarakhand along with report of Police Station and supporting documents for identification like ration card, family register, bank passbook etc.
4. The designated Officer should conduct a detailed enquiry regarding the missing person.
5. Based on the enquiry as detailed above the designated officer of Uttarakhand should issue a speaking order regarding the provisional presumption of death.
6. The Designated Officer should then cause publication of the list of missing persons provisionally presumed dead in the Newspaper, Government Gazette in Hindi and English and also host the same on the Government Website for the purpose of obtaining Claims and Objections.
7. Claims and Objections should be received within 30 days
8. If no claim or objection is received within the time period, the Designated Officer should issue the Death Certificate.
9. The death certificate should be made available free of cost to the next of kin. The death certificate should also be sent to the Police Station where the FIR/Missing Person Report was filed.
10. In case of Claims and Objections, an appeal would lie with the Officer immediately superior to the Designated Officer (to be nominated by the

State Government). After dealing with the appeal, speaking Orders should be sent to the Designated Officer who would then take appropriate action to issue the death certificate or deny it.

Process to be followed in case of residents of other districts of Uttarakhand who were present in the flood affected villages during the catastrophe

1. 'FIR/Missing Person Report' should be filed by close relatives or next of kin at the place of residence in the originating district.
2. If FIR/Missing Person Report has already been filed in calamity affected areas of Uttarakhand, the designated officer should forward the same to the designated Officer/SHO of the police station at the place of usual residence in the district of origin of the missing person, for local enquiry at their end.
3. Notarised Affidavit regarding 'missing' to be filed by next of kin and to be kept as a permanent record.
4. The enquiring officer in the originating district should conduct enquiry to establish the following facts:

a) That the family members or relatives or friends of the person concerned had filed FIR/Missing Person Report well in time (before 30th June, 2013). If it is beyond, this time limit, the reasons for approaching the police late should be enquired.
b) That the person concerned had travelled to the affected areas of Uttarakhand before 16th June, 2013.
c) That the person has been missing after his departure for affected district.
d) The enquiry report should be sent to the concerned Designated Officer at the affected areas of Uttarakhand.

5. Based on the enquiry report of the officer in the originating district, the Designated Officer in affected areas of Uttarakhand should further enquire into the fact of disappearance of the persons concerned, by looking into the database of missing persons maintained by the missing persons cell at Dehradun by the State Government. He should also take into account all available information including the Statements of witnesses if any and last call data and other relevant data from mobile phone service providers to arrive at a conclusion regarding the death of the person. All available evidences may be taken into consideration before concluding whether the person has died or not. This may include police reports, enquiries from relief camps and affidavit submitted by the close relatives/next of kin etc.
6. Based on the enquiry as detailed above the designated officer of affected areas may issue a speaking order regarding the provisional presumption

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of death. This order should be communicated to the Designated Officer in the Originating district.

7. On receipt of such Order, the Designated Officer in the originating district should cause publication of the list of missing persons presumed dead in the Newspaper, Government Gazette in Hindi and English and also host the same on the Government Website for the purpose of Claims and Objections.
8. Claims and Objections may be received within 30 days
9. If no claim or objection is received within the time period, the Designated Officer in the originating district should send a report to the designated Officer in affected areas of Uttarakhand.
10. Based on this report, the Designated Officer in affected areas of Uttarakhand should issue the Death Certificate.
11. The death certificate should be made available free of cost to the next of kin. The death certificate should also be sent to the Police Station where the FIR/Missing Person Report was filed and to the designated officer in the originating district.
12. In case of Claims and Objections, an appeal would lie with the Officer immediately superior to the Designated Officer (to be nominated by the State Government). After dealing with the appeal, speaking Orders should be sent to the Designated Officer in affected areas of Uttarakhand, who would then take appropriate action to issue the death certificate or deny it.

Process to be followed in case of Tourists from other States who were present in the flood affected villages during the catastrophe.

1. FIR/Missing Person Report', to be filed by close relatives or next of kin at the place of residence in the originating State.
2. If FIR/Missing Person Report have already been filed in Uttarakhand, the designated officer of Uttrakhand should forward the same to the designated Officer/SHO of the police station at the place of usual residence in the State of origin of the missing person, for local enquiry at their end.
3. Notarised Affidavit regarding 'missing' to be filed by next of kin and to be kept as a permanent record.
4. The enquiring officer in the originating State should conduct enquiry to establish the following facts:
   a) That the family members or relatives or friends of the person concerned had filed FIR/Missing Person's Report well in time (before 30th June, 2013). If it is beyond, this time limit, the reasons for approaching the police late should be enquired.
   b) That the person concerned had travelled to Uttarakhand before 16th June, 2013.

c) That the person has been missing after his departure for Uttarakhand. For arriving at his conclusion, the enquiry officer should also verify with reference to the database maintained for this purpose by the Resident Commissioner of the originating State Government at New Delhi or the authorised officers of the State Government who had camped at Dehradun during June 2013 to conduct enquiries on missing persons from their States.

d) The enquiry report should be sent to the concerned Designated Officer at Uttarakhand.

5. Based on the enquiry report of the officer in the originating State, the Designated Officer in Uttarakhand should further enquire into the fact of disappearance of the persons concerned, by looking into the database of missing persons maintained by the missing persons cell at Dehradun by the State Government. He should also take into account all available information including the Statements of witnesses if any and last call data and other relevant data from mobile phone service providers to arrive at a conclusion regarding the death of the person. All available evidences may be taken into consideration before concluding whether the person has died or not. This may include police reports, enquiries from relief camps and affidavit submitted by the close relatives/next of kin etc.
6. Based on the enquiry as detailed above the designated officer of Uttarakhand may issue a speaking order regarding the provisional presumption of death. This order should be communicated to the Designated Officer in the Originating State.
7. On receipt of such Order, the Designated Officer in the originating State should cause publication of the list of missing persons presumed dead in the Newspaper, Government Gazette in the local language of the State and English and also host the same on the Government Website for the purpose of Claims and Objections.
8. Claims and Objections may be received within 30 days
9. If no claim or objection is received within the time period, the Designated Officer in the originating State should send a report to the designated Officer in Uttarakhand.
10. Based on this report, the Designated Officer in Uttarakhand should issue the Death Certificate.
11. The death certificate should be made available free of cost to the next of kin. The death certificate should also be sent to the Police Station where the FIR/Missing Person Report was filed and to the designated officer in the Originating State.
12. In case of Claims and Objections, an appeal would lie with the Officer immediately superior to the Designated Officer (to be nominated by the originating State Government). After dealing with the appeal, speaking

Orders should be sent to the Designated Officer in Uttarakhand, who would then take appropriate action to issue the death certificate or deny it.

4. For enabling this process the designated Officer (Pargana Adhikari/SDM) in Uttarakhand may be declared as a Registrar of Death under Section 7(1) of the Registration of Births and Deaths (RBD) Act, 1969. In all the above cases, registration of death may be done at the place of occurrence of death/presumed death in accordance with provision made under Section 7(2) of RBD Act.

(P. A. Mini)
Deputy Registrar General

To,

The All Chief Registrar of Births & Deaths and
(Except North Eastern States)

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