

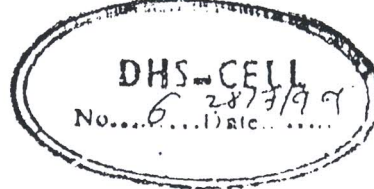
सं०/NO.1/2/88-VS(Cord.)

भारत सरकार  
GOVERNMENT OF INDIA

गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

भारत के महारजिस्ट्रार का कार्यालय  
OFFICE OF THE REGISTRAR GENERAL, INDIA

जीवनांक प्रभाग, पश्चिमी खण्ड I, रामकृष्णपुरम्  
VITAL STATISTICS DIVISION, WEST BLOCK 1, R.K. PURAM,



नई दिल्ली, दिनांक  
New Delhi, the July 14, 1999

To

The Chief Registrar of Births & Deaths and  
Director of Health Services,  
Maharashtra,  
Dental College Building, 4th Floor,  
St. George Hospital Compound,  
BOMBAY - 400001.

Sub : Registration of birth of children taken on adoption.

Sir,

The matter relating to registration and issuance of birth certificates with the name of adoptive parents in respect of children taken on adoption has been under consideration of this office for quite some time now. This problem was being increasingly posed from different quarters and was beginning to assume greater dimensions. The Supreme Court in its judgement dated 14.8.91 in the CMP No. 5704 and 8842 of 1990 in the Writ Petition No.1171 of 1982 - L.K. Pandey vs Union of India had also clearly recognized the need for issuing birth certificate to adopted children showing the name of the adoptive parents.

2. In pursuance to the Supreme Court judgements during 1984 to 1986 in the Writ Petition mentioned above, the Govt. of India in July, 1989 issued certain guidelines to facilitate the implementation of the norms, principles and procedures relating to adoption of children. Subsequent to a number of clarifactory judgements on the same case delivered by the Supreme Court between 1989 to 1991, the Govt. constituted a Task Force under the Chairmanship of Justice (Retd.) P.N. Bhagwati former Chief Justice of India to revise the earlier guideline. The report of the Task Force which was submitted in August, 1993 has been accepted by the Govt. and a Revised Guidelines for Adoption of Indian Children has been issued for information,

which inter-alia includes a set of specific procedures for registration of births of adopted children and issuance of birth certificate thereof. The salient features of the guidelines are given below:

- i) An application is to be made by the agency to the local Magistrate alongwith any other relevant material in form of an affidavit made by responsible person belonging to the agency.
- ii) The Magistrate is to pass an order approving the particulars to be entered in the birth certificate and same is to be issued by the registrar of the area where the child was found.
- iii) The Chief Medical Officer of the district is to be involved in ascertaining the age and the Magistrate would ordinarily act on the certificate granted by him.
- iv) Normally, the process should be initiated before the adoption is finalised, so that the particulars of adoptive parents are available for inclusion in the certificate.
- v) If the child has attained three years of age and adoption has not been finalised, the agency is to obtain a birth certificate, if found necessary, after informing the court in the form of an affidavit giving the following details :
  - (a) that to the best of its knowledge the child has attained the age of three years;
  - (b) that his/her adoption has not been finalised and is likely to take some time or may never be finalised in all probability;
  - (c) that a certificate is required for educational/medical/legal purposes or any other reasonable purpose which may be specified; and
  - (d) that person/persons would stand in as local parents to the child (this person/these persons should be a responsible person/responsible persons belonging to the placement agency) till such time as he/she attains majority, or is adopted, whichever is earlier.
- vi) A second birth certificate is to be issued after adoption to provide for a change in name/names of the child and the adoptive parent/parents after obtaining an order to that effect from the court which had passed order for issuing the original birth certificate.

3. It has been decided to accept in full the procedure as laid down in the above mentioned guidelines. The only area that needs further amplification in the procedures, relates to the ascertainment of age of the child. Although, under the guidelines, the CMO is to be involved in ascertainment of age and Magistrate is to act on the certificate granted by CMO, it would be necessary to decide on the exact date of birth as mere mention of age in completed years or even years and months would not be sufficient. Therefore, on the certificate granted by the CMO, the Magistrate should also arrive at a date of birth of the child while approving and ordering the other particulars to be entered in the certificate.

4. It may, however, be noted that the said guidelines pertain to only those children who are sponsored for adoption by the orphanages, child welfare agencies and other like agencies. There are large number of adoptions that take place outside these institutional arrangements, for example children taken on adoption from relatives or friends. It has been decided to extend the benefit to such children also. As formal adoptions of such nature are prevalent mostly in urban areas, it is more than likely that births of these children would have been registered and birth certificates issued. In such cases, it would be sufficient if the Magistrate having jurisdiction over the area passes an order approving the particulars of the adoptive parents to be entered/alterd in the birth register/certificate and also pass an order for issuing a second birth certificate. If in case, the birth has not been registered the Magistrate passing the order has to determine the exact date of birth, which he can do on the basis of relevant proof or declaration from the natural parents and in their absence, on the basis of the certificate granted by the Chief Medical Officer.

5. The Registrar, as he does in case of other court order, has to make an entry in the 'remarks' column giving details of the court order (including date) while entering or correcting as per the particulars approved by the Magistrate.

6. If the birth is being registered after the normal reporting period all the procedures laid down under Section 13 of the RBD Act, 1969 have to be strictly followed.

7. You are now requested to bring this to the notice of all the registration functionaries down the hierarchy right upto the level of the local registrar. This may also be circulated to all agencies in your state that sponsor adoption of children. It has also to be ensured that the local Magistrates who would be passing the orders in this regard are made aware of the procedure laid down under the guidelines through appropriate channels.

A copy of the instruction issued in this regard may be forwarded to this office by  
7.8.99.

Yours faithfully,



(R.G. Mitra)  
Deputy Registrar General.