

**IN THE HIGH COURT OF MEGHALAYA AT  
SHILLONG  
: ORDER :**

**PIL No.1 of 2016**

Ms. Aneeta Synrem ..... Petitioner  
- Versus –  
State of Meghalaya and others ..... Respondents

**Date of Order:** :: **19.12.2017**

**PRESENT**

**HON'BLE SHRI JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE  
HON'BLE SHRI JUSTICE S.R. SEN**

Shri SD Upadhaya, for the petitioner  
Shri K Khan, Addl.Sr.GA,

**BY THE COURT** (per Hon'ble the Chief Justice) (ORAL):

In this petition filed as Public Interest Litigation [‘PIL’], the petitioner brought forth several such shortcomings in the operation of the Registration of Births and Deaths Act, 1969 [‘the Act of 1969’] and the Rules framed thereunder in the State of Meghalaya, which were causing hardship to the common people.

After passing of detailed orders in this matter on 11.05.2016, 16.05.2016, 20.05.2016 and 16.06.2016, the Directorate of Health Services (MCH&FW) took up the requisite measures to rectify the deficiencies and to streamline the process of registration of births and deaths in the State.

During the course of consideration of this matter, the issue regarding action against the erring hospitals also came up for consideration and we found the discharge orders as made by the District Medical and Health Officer, East Khasi Hills District, Shillong on 10.06.2016 to be rather cursory in nature and one of the hospitals, namely, Ganesh Das Hospital having not stated the explanation regarding default on its part with

requisite specifications and particulars. Thus, by the order dated 11.08.2016, we had stayed the operation and effect of the discharge order in relation to the said Ganesh Das Hospital.

Having examined the steps now taken by all the concerned, we find it just and proper to conclude the proceedings of this PIL while expecting that the Directorate shall regularly monitor the process of registration of births and deaths and shall ensure the compliance of law, while taking the requisite action, in case of any default being found now.

Before concluding, it appears apposite to observe that during the course of hearing, an ancillary but important issue relating to the registration of birth of orphan/abandoned children also came up for consideration in this matter. In response to the queries, learned Addl.Sr.GA has placed before us the guidelines issued by the Registrar General in the Ministry of Home Affairs, Government of India by way of a Circular dated 03.07.2015 under Section 3(3) of the Act of 1969, wherein it is, inter alia, provided that,-

*“(a) In case the place of birth of the orphan child is not known, the place where the orphanage is located or the child is residing may be treated as the ‘place of birth’ of the child.*

*(b) In case the date of birth of the child is not known, the age may be determined by the Chief Medical Officer (CMO) having jurisdiction over the area where the orphanage is located or the child is residing and a probable date of birth assigned. The date of birth as assigned by the CMO can be taken as the date of birth and entered in the Birth Reporting Form.*

*(c) In case the name(s) of parent(s) are known to in-charge of the institution/guardian, enter the same in the birth reporting form. In case the name(s) of parent(s) are not known, the column for name(s) of parents shall remain blank in birth reporting form.”*

Learned Addl.Sr.GA has also pointed out that for appropriate and concrete proceedings, the District Medical and Health Officer, East Khasi Hills District, Shillong has issued instructions for taking report/s of ossification test so as to determine the age and corresponding date of birth of the child concerned as near to the actual date as possible.

It would be expected of the Directorate to re-circulate the said Circular dated 03.07.2015 as also the instructions said to have been issued by the District Medical and Health Officer, East Khasi Hills District, Shillong for the guidance of, and compliance by, all the concerned.

No further orders being requisite, this PIL petition stands disposed of with the observations foregoing. The interim order dated 11.08.2016 is also vacated but with a note of caution for the hospital/s and their functionaries that any default in future may invite stern action.

**JUDGE**

**CHIEF JUSTICE**

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Item No.4