



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 7<sup>TH</sup> DAY OF NOVEMBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO. 6605 OF 2023 (LB-BMP)**



**BETWEEN:**

SMT. SAI LAKSHMI

... PETITIONER

(BY SRI. PUNEETH KUMAR A., ADVOCATE)

**AND:**

1. CHIEF REGISTRAR OF BIRTHS AND DEATHS  
7<sup>TH</sup> FLOOR, VISHVESHWARAYA MAIN TOWER  
DR B R AMBEDKAR VEEDHI  
BANGALORE-560 001
2. CHIEF COMMISSIONER  
BBMP, N R SQUARE  
BENGALURU-560 002
3. JOINT DIRECTOR(STATISTICAL)  
BIRTHS AND DEATHS  
BEHIND UPPARPETE POLICE STATION  
SUBHASH NAGAR  
BENGALURU-560 009
4. ASSISTANT JOINT DIRECTOR  
BIRTHS AND DEATHS  
BBMP, JAYANAGAR ZONE



JAYANAGAR  
BENGALURU-560 011

... RESPONDENTS

(BY SMT. B.P. RADHA, AGA FOR R1;  
SRI PAWAN KUMAR, ADVOCATE FOR R2 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH AND SETTING ASIDE THE IMPUGNED ENDORSEMENT BEARING NO.AA.Y(JANA)35/2022-23 DATED 23/01/2023 AT ANNEXURE-J AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

1. The petitioner is before this Court seeking for the following reliefs;
  - a. *Issue a writ in the nature of Certiorari quashing and setting aside the impugned endorsement bearing No.Aa.Y(Jana)/35/2022-23 dated 23.1.2023 at Annexure-J.*
  - b. *Issue a writ in the nature of mandamus directing Respondent No.3 and 4 to rectify the errors in the said Death Certificate at Annexure-D and to issue a fresh certificate after rectifying the said errors.*
  - c. *Pass such other relief as this Hon'ble Court deems fit to grant based on the facts and circumstances of the case in the interest of justice and equity.*
  
2. The petitioner is the wife of one late Lakshmi Kantha.S. P who was a Primary School Assistant Master at the Government school in Bagepalli, Chickballapura District who expired on 22.11.2022 at



Jayadeva Institute of Cardiology at Jayanagar. The death event was registered on 30.11.2022 by the hospital in terms of the medical certificate issued in Form No.4 and subsequent thereto, the BBMP issued a death certificate on 9.12.2022.

3. On the receipt of the said death certificate, the petitioner realized several discrepancies in the death certificate in as much as the name of the mother of the deceased was shown as "Vijaya Lakshmi Kantha" when it ought to be "Vijaya Lakshmi", the name of the father of the deceased was recorded as "late P. Reddanna" when it ought to have been "late Peddanna" and the name of the wife ought to have been recorded as "Sai Lakshmi" but has been recorded as "Peddanna". Hence an application was made on 9.1.2023 for correction of those details enclosing the original Medical Certificate, Family Certificate, Aadhar, Voter ID.



4. By endorsement dated 23.1.2023, the request made by the petitioner has been rejected on the ground that these are the details entered by the hospital and no correction can be made by the BBMP, unless an order from the jurisdictional Court is obtained. It is in that background that the petitioner is before this Court seeking for the aforesaid reliefs.
  
5. On service of notice, the BBMP has been represented by a counsel who was directed to file an affidavit of the jurisdictional officer explaining the process which is followed in issuance of the death certificate. An affidavit of Sri.H.N.Madhusudan who is a Medical Officer of Health, Jayanagar Sub-Division has been filed, which reads as under;

**AFFIDAVIT**

*I, H.N.Madhusudhan, aged about 37 years, Working as Medical Officer of Health (M.O.H), Jaya Nagar Sub-Division, Bruhat Bengaluru Mahanagara Palike, Bengaluru, do hereby solemnly affirm and state on oath as follows:*

*1. I submit that I am serving as, Medical Officer of Health (M.O.H) J.P. Nagar Sub-Division, Bruhat Bengaluru Mahanagara Palike, Bengaluru. I am aware of the facts*



*and circumstances of the present case. Hence, I am swearing to this affidavit.*

*2. I submit that I am filing this affidavit in pursuance of the direction passed by this Hon'ble Court dated 25-09-23*

*an affidavit detailing out the steps taken by the Bruhat Bengaluru Mahanagara Palike (B.B.M.P) while issuing death certificate.*

*3. I submit that there are three types of circumstances under which death is reported in the office of the BBMP, the first one is death in hospital, the second one is House death and third one is other place of deaths i.e., Accidental deaths etc. (Excluding Hospital and House).*

*4. I submit that in case of Hospital deaths within the jurisdiction of BBMP, the Death Registration is done by the hospital by using [ejanma.com](http://ejanma.com) (Govt. Website) by using their user id, and said registration of death information (data) will be E- transferred to jurisdictional M.O.H office by way of hard copy ie in Form- No.2 and the same will be sent to Sakala website and the said registration of death in hospital, the BBMP has to clear and register within 7 days from its registration.*

*5. I submit that further the death registration number and Death Certificate and free copy of death certificate can be collected TAR ashere centre and the same information will be sent to the relative mobile number. One free copy of registration of death certificate will be issued to the relative who has applied in allotted centres or they can collect the same by paying the requisite fees from anywhere in Karnataka.*

*6. I submit that the information given to the hospital by relative of the deceased at the time of the registration of death in the hospital the responsibility lies upon the hospital to verify such information given by relative of deceased.*

*7. I submit that in case of any correction in death certificate, the person who applies for correction he should be a blood relative or informant of the death and he has to submit the following documents for correction.*



*a) the Hospital Correction Letter*

*b) the documentary proof such as Aadhar card, Voter id, Family Tree, Educational certificates in case of name correction, Affidavit, Marriage Certificate in case of spouse name required. NOTAR*

*c) Declaration by any of two credential persons who knows the fact of the mistake*

*d) the Cremation Report by Burial Ground/or issued by BBMP/or Local Municipal Authorities/ Village Accountant/PDO and if any body part donated to any Medical Institute /or Full body donated then the appreciation letter of such medical institutes.*

*8. I submit that in case of House Deaths following procedure is followed*

*(a). In case of residential death reported to BBMP Jurisdictional M.O.H office (Medical officer of Health) by producing the Medical Certificate in Form-4A and Form-2, Aadhar Card, Voter Id is mandatory and Ration card /Ration Card Declaration.*

*(b) After obtaining the said documents one designated person will visit to spot for mahazar for verification documents along with the application and after confirmation of death, signatures are obtained on to the mahazar by neighbours also.*

*(c) the information of death ie date of death and names mentioned in Form-2 will be verified at the time mahazar and will be compared to documents submitted by the informant.*

*9. I submit that in case of corrections of death certificate (house death) the following documents are required*

*(a) the documentary proof such as Aadhar card, Voter id, Family Tree, Educational certificates in case of name correction, affidavit, marriage certificate in case of spouse name required along with the application.*

*(b) Declaration by any of two credential persons who knows the fact of the mistake.*



*10. I submit that in case of other place deaths (Other than hospital and house) such as un-known deaths/known deaths/En-counter deaths/road accidents deaths/homicide/murders, deaths which are under police investigation. Such deaths are reported to jurisdictional M.O.H office by the police by submitting the information in Form No. -2 (Death Registration form), F.I.R copy and Postmortem reports.*

*11. I submit that no mahazar or enquiry will be made from BBMP in these cases. Further in case of corrections of in the above circumstances following documents are required.*

*a) Correction letter from the investigating Police officer,*

*(b) the documentary proof such as Aadhar card, Voter id, Family Tree, Educational certificates in case of name correction, affidavit, marriage certificate in case of spouse name required along with the application.*

*(12) I submit that in the case of correction of death certificate in the above said cases such as house, hospital or other place of death, the application of the concerned persons is verified along with documents submitted by the applicant in accordance with the "The Registration of Birth and Death Act (Section 15 and 11) read with The Registration of Birth and Death Rules.*

*What is stated in the above paragraph is true and correct to the best of my knowledge, belief and information.*

*Identified by me,*

*Advocate  
Bangalore Date: 05.11.2023*

*deponent*

6. Relying on the above Sri.Pawan Kumar learned counsel appearing for respondent submit that in the event of a death occurring in a hospital the details of



the person who has expired is entered by the hospital authority in the E-janma portal ([www.ejanma.com](http://www.ejanma.com)) and these data which has been entered by the hospital is acted by the jurisdictional officer and a death certificate is issued within seven days therefrom under the SAKALA portal.

7. His submission is that since entries are made by the hospital authorities there is no cross verification which is done by the BBMP under the premise that the entries made by the hospital is proper and correct and it is based on the record which is available with the hospital and as such on basis of the entries made a death certificate is issued. He submits on instructions that unless a Court order is made, correction of a death certificate already issued cannot be made.
8. On enquiry with Sri.Pawan Kumar as to the verification which has been done at the time of entry by the hospital and if the website namely [www.ejanma.com](http://www.ejanma.com) provides for any cross checking





and verification of the details entered into, he submits that it does not and that the said website has been designed and implemented by the NIC.

9. Heard Sri.Puneeth Kumar., learned counsel appearing for the petitioner, Smt.B.P.Radha., learned AGA for respondent No.1 and Sri.Pawan Kumar., learned counsel appearing for respondent No.2.

Perused papers.

10. Rule 11 of the Karnataka Registration of Birth and Death Rule, 1999 reads as under;

**11. Correction or cancellation of entry in the register of births and deaths:-**

- 1) *If it is reported to the registrar that a clerical or formal error has been made in the register or if such error is otherwise noticed by him and if the register is in his possession, the Registrar shall enquire into the matter and if he is satisfied that any such error has been made, he shall correct the error (by correcting or cancelling the entry) as provided in section 15 and shall send an extract of the entry showing the error and how it has been corrected to the State Government or the Tahsildar or Commissioner/Chief Officer of the Municipal Corporation/Municipal Council, as the case may be .*
- 2) *In the case referred to in sub rule (1) if the register is not in his possession the Registrar shall make a report to the State Government or the Tahsildar or Commissioner/Chief Officer of the Municipal*



*Corporation/Municipal Council, as the case may be, and call for the relevant register and after enquiring into the matter, if he is satisfied that any such error has been made, make the necessary correction.*

- 3) Any such correction as mentioned in sub-rule (2) shall be countersigned by the State Government or the Tahsildar or Commissioner/Chief Officer of the Municipal Corporation/Municipal Council, as the case may be when the register is received from the Registrar.*
- 4) If any person asserts that any entry in the register of births and deaths is erroneous in substance, the Registrar may correct the entry in the manner prescribed under section 15 upon production by that person a declaration setting forth nature of the error and true facts of the case made by two credible persons having knowledge of the facts of the case.*
- 5) Notwithstanding anything contained in sub rule (1) or sub-rule (4), the Registrar shall report of any correction of the kind referred to therein giving necessary details to the State Government or the Tahsildar or Commissioner/Chief Officer of the Municipal Corporation /Municipal Council, as the case may be.*
- 6) If it is proved to the satisfaction of the Registrar that any entry in the register of births and deaths has been fraudulently or improperly made, he shall make a report giving necessary details to the officer authorised by the Chief Registrar by General or special order in this behalf under section 25 and on hearing from him take necessary action in the matter.*
- 7) In every case in which an entry is corrected or cancelled under this rule, intimation thereof shall be sent to the permanent address of the person who has given information under section 8 or section 9.*

11. In terms of sub-Rule (1) of Rule 11 whenever it is reported to the Registrar that a clerical or formal



error has been made in the register, the Registrar shall enquire into the matter and if satisfied that any such error has been made, he shall correct the error, by correcting or cancelling the entry as provided in Section 15 and shall send an extract of entry showing the error now corrected to the State Government or Tahsildar or Commissioner or Chief Officer, Municipal Corporation/Council.

12. Sub rule (2), (3) and (4) provide the further process and procedure which are to be followed by the Registrar. The said Rule 11 on a reading in its entirety does not require any order passed by a Court of law directing the Registrar to make correction before such correction is made. The Registrar has been conferred with enough and sufficient powers to examine the documents concerned and make corrections and there are checks and balances which have been incorporated in the said rule that once such correction is made it is



to be forwarded to the concerned authorities, so that the same is to their knowledge and they could take any action, if a false correction is made.

13. The issuance of the birth certificate or death certificate has several civil connotations in as much as without a birth certificate, a person cannot be said to be born, and without a death certificate, a person cannot be said to be dead in order to obtain legal remedies in relation thereto. Thus, even though a person may be actually dead, a certificate of death is required for the purposes of accessing the Bank Account, availing any benefit under a scheme propounded by the government, claiming insurance etc. Thus, it would be of paramount importance that these certificates are issued in a proper and required manner so as to enable a citizen of the country to make use of the said certificates for any purpose that it may be required.



14. In the present case the contention of the Sri.Pawan Kumar and the statement on Oath made by Medical Officer of Health, Jayanagar is that whenever a death occurs in a hospital the entries made by the hospital are taken to be sacrosanct and the death certificate issued. I am of the considered opinion that the said process can give rise to several anomalies and can be misused.
  
15. It would be required that even at the stage when initial entry is made, the identity of the person who has expired is established and the necessary documentation is made in a proper way. It would therefore be required for the Chief Commissioner, BBMP in association with the Secretary of e-governance to come up with a system of verifying the identification of the person who is dead on the basis of e-KYC like usage of Aadhar etc. so that no error occurs in the details which are entered firstly by the hospital and secondly while issuing the death



certificate. It would also be required that certificates like birth and death certificates are credentialised and digitized to enable e-verification as also to be used in the DigiLocker application so that any third party before such certificate is produced can easily verify the same to be genuine or not.

16. In the present case the endorsement dated 23.1.2023 which has been issued by referring to Rule 11 of the Karnataka Registration of Birth and Death Rule, 1999 in my considered opinion, is not in accordance with the said Rule 11 in as much as Rule 11 provides enough and sufficient powers to the Registrar's of births and deaths to make necessary enquiry and correct any clerical or formal error which has been made in the register.
17. The petitioner having applied for such correction by enclosing necessary documentation, the Registrar ought to have exercised the powers under Rule 11



and corrected these errors which on the face of it appears to be clerical/typographical errors. Since, in the name of father of the deceased there is a spelling error, as regards the name of the wife the name of the "father" has been inserted instead of name of "wife" and as regard the name of the mother there is error made in so far as the first name is concerned which could also have been corrected on the basis of the documents which have been furnished.

18. In the present case there is no error in the name of the deceased, but the error is in the name of the mother, father and wife of the deceased which should have been clearly verified from the documents submitted by them and necessary corrections to be made. The same not having been made, the demand made by the Medical Officer of Health that an order of Court is required to be obtained is not justifiable, minor errors in data entry need not result in a litigation for courts of law to



consider them. Every aspect of human life being digitized and the existence or otherwise of a human being now being determined on the basis of electronic and digital data available, there are bound to be some genuine/bonafide data entry errors which would have to be rectified by the concerned officers instead of constraining citizens to approach a court of law.

19. As such I pass the following;

**ORDER**

- i. The writ petition ***allowed***.
- ii. A certiorari is issued, the endorsement dated 23.1.2023 at Annexure-J is hereby quash.
- iii. A mandamus is issued, the respondents No.3 and 4 are directed to consider the documents which have been submitted by the petitioners verify the authenticity thereof and thereafter carry out the necessary correction in death certificate in question and issue a fresh death





certificate within period of 20 days from the date of receipt of copy of this order.

- iv. Though the above matter is disposed, for reporting compliance with the directions issued to the Chief Commissioner, BBMP and the Secretary e-governance, re-list on **14.12.2023** at 2.30 p.m.

**Sd/-**  
**JUDGE**

SR