

The Goa Change of Name and Surname Act, 1990

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<p>The Goa Change of Name and Surname Act, 1990 (Act 8 of 1990) [3-9-1990] published in the Official Gazette, Series I No. 25 dated 20-9-1990.</p>
<p>The Goa Change of Name and Surname Rules, 1991.</p>

Arrangement of sections

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GOVERNMENT OF GOA

Law (Legal and Legislative Affairs) Department

Notification

7-15-99/LA

The Goa Change of Name and Surname Act, 1990 (Goa Act No. 8 of 1990) which was passed by the Legislative Assembly of Goa on 2-8-1990 and assented to by the Governor of Goa on 3-9-1990, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 7th September, 1990.

The Goa Change of Name and Surname Act, 1990

(Goa Act No. 8 of 1990) [3-9-1990]

AN

ACT

to lay down the procedure for change of name and surname of any person born in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Goa Change of Name and Surname Act, 1990.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless the context otherwise requires.—

(a) “Chief Registrar” means an officer authorised by the Government to exercise the powers and perform the duties of the Chief Registrar under this Act;

(b) “Government” means the Government of Goa;

(c) “guardian” means a person having the care of a minor or of his property, or of both his person and property;

(d) “minor” means a person who, under the provisions of the Indian Majority Act, 1875 (Central Act 9 of 1975), is to be deemed not to have attained his majority;

(e) “Official Gazette” means the Goa Government Gazette;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “register” means a register of change of name and surname maintained under this Act;

(h) “Registrar” means an officer authorised by the Government to exercise the powers and perform the duties of the Registrar under this Act and includes the Civil Registrar exercising the powers under the Codigo do Registo Civil do Estado da India approved by Decree dated 9-11-1912.

3. Application for change of name and surname of any person.— (1) Any person desirous of changing his name or surname or both as recorded in the birth register, shall apply to the Registrar of the respective jurisdiction in which his birth is recorded in the prescribed form:

Provided that if such a person is a minor, the application shall be made by his guardian.

(2) On receipt of the application, the Registrar shall publish the notice thereof by affixing it in the notice board of his office and publish the relevant notice in the Official Gazette calling for objections, if any, on the application within thirty days from the date of the notice.

(3) On receipt of the objections, the Registrar shall conduct an enquiry in the manner prescribed and pass such order as he deems fit within sixty days of the receipt of the application.

(4) In case no objections are received, or if the order under sub-section (3) is for granting the request of the applicant, the Registrar shall call for the extract under section 17 of the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969) regarding the applicant’s birth registration, enter the relevant particulars in his register and also the changed name and surname and thereafter issue the certificate in the prescribed form.

(5) Any person aggrieved by the order of the Registrar under sub-section (3), may, within thirty days from the date of communication of the order, prefer an appeal to the Chief Registrar and the order in appeal passed by the Chief Registrar shall be final.

4. Power to make rules.— The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

5. Repeal and saving.— (1) On and from the date of commencement of this Act, Articles 178 and 179 of the Codigo do Registo Civil do Estado da India approved by Decree dated 9-11-1912 shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Articles shall be deemed to have been done or taken

in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

Secretariat Annexe,
Panaji.
Dated: 10-9-1990.

B. S. SUBBANNA,
Secretary to the Government of Goa,
Law Department (Legal Affairs).

(Published in the Official Gazette, Series I No. 25 dated 20-9-1990).

Law (Establishment) Department

Notification

7/49/90/LD(Estt.)

In exercise of the powers conferred by section 4 of the Goa Change of Name and Surname Act, 1990 (Act 8 of 1990), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa Change of Name and Surname Rules, 1991.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) ‘Act’ means the Goa Change of Name and Surname Act, 1990 (Act 8 of 1990);

(b) ‘applicant’ means a person who makes the application;

(c) ‘application’ means an application for change of name or surname or both;

(d) ‘section’ means a section of the Act;

(e) words and expressions used but not defined in these rules, shall have the same meanings as respectively assigned to them in the Act.

3. Application.— (1) An application in Form A alongwith a treasury receipt showing that a fee of thirty-six rupees for each change of name or surname has been paid into the local treasury under the Major Head 0070 — Other Administrative Services, Minor Head 60 — Other Services. Detailed Head 800 — Other receipts, 81 — other items, shall be made by a person who desires to change his name or surname or both and in case such person is a minor, by his guardian, to the Registrar having jurisdiction, in the area in which the applicant’s birth is registered.

(2) On receipt of the application, the Registrar shall affix the notice thereof in the notice board of his office and also publish the said notice in the Official Gazette calling for objections, if any on the application, within thirty days from the date of publication of the notice in the Official Gazette.

(3) In case any objections are received, the Registrar shall summon the person who has filed his objections to appear before him alongwith witnesses, if any, within ten days from the date of receipt of the summons.

(4) In case the person who has filed his objections:—

(i) fails to appear before the Registrar within the period specified in sub-rule (3), his objections shall be rejected.

(ii) appear before the Registrar within the period specified in sub-rule (3), the Registrar shall examine such person and witnesses if any and record their statements.

(5) In case where the statements regarding the objections are recorded, the Registrar shall give the applicant an opportunity of making his representation against the objections and after examining the applicant and his witnesses if any, pass such order as he deems fit within sixty days from the date of receipt of the application.

(6) In case no objections are received or if the objections are rejected under clause (i) of sub-rule (4) or if the order under sub-section (3) or sub-section (5) of section 3, is for granting the request of the applicant, the Registrar shall call for the extract under section 17 of the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969) regarding the applicant's birth registration, enter the relevant particulars and also the changed name or surname or both in his register and thereafter issue the Certificate in Form 'B'.

¹["(6a) A certified copy of the Certificate in form 'B' shall be issued to any person applying for the same, on payment of a fee of Rs. 10/-"]

(7) Any person aggrieved by the order of the Registrar under sub-section (3) of section 3, may within thirty days from the communication of the order, prefer an appeal to the Chief Registrar.

(8) On receipt of the Memorandum of Appeal, the Chief Registrar shall call for the relevant papers from the Registrar concerned and after hearing the aggrieved person, pass such order as he deems fit which shall be final.

FORM 'A'

(See Rule 3)

Application for change of name or surname or both

1. Name of the applicant as entered in his/her birth certificate:
2. Father's name:
3. Mother's name:
4. Sex:
5. Date of birth:
6. Place of birth:
7. The name, surname or both of the applicant required to be changed from
(old name/surname/both)
to
(new name/surname/both)

¹ Inserted by (Amendment) Rules, 1996 (O. G. Series I, No. 5 dated 3-5-1996).

8. Name of the applicant as it would appear after the name at serial No. 1 is changed:
9. The reasons for such change (to be supported by an affidavit):
10. Whether the applicant had applied earlier for change of name, surname or both:
11. If yes, whether the application was granted or not:
12. If the application was granted whether the certificate regarding changed name has been attached:
13. If the application was rejected, the reasons therefore:
14. Name of the guardian if the applicant is a Minor:
15. Guardian's relationship with the applicant:
- (.....)
Signature of the applicant
or of his/her guardian

Note: Birth Certificate of the applicant should be attached to the application.

FORM 'B'

(See rule 3)

Certificate under sub-section (4) of section 3

This is to certify that name of has been changed from to

His original record of birth as contained in the register for Birth of Taluka of district of the State of Goa, is as under:—

Sex

Date of Birth

Registration No.

Place of Birth

Date of Registration

Name of Father

Permanent address of Father/mother

Name of Mother

Nationality of Father

Nationality of Mother

Name of Grandfather (father's side)

Name of Grandmother (father's side)

.....
 Signature of Registrar
 SEAL

Date:

Place:

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Law).

Panaji, 23rd January, 1991.

(Published in the Official Gazette, Series I No. 45 dated 7-2-1991).

Notification

No. 7/49/90/LD(Estt.)

In exercise of the powers conferred by clause (h) of section 2 of the Goa Change of Name and Surname Act, 1990 (Act 8 of 1990) (hereinafter referred to as the 'said Act') the Government of Goa hereby authorises the Sub-Registrars appointed under the Registration Act, 1908 (Central Act 16 of 1908) to exercise the powers and perform the duties of the Registrar under the said Act, within the local areas of their respective jurisdictions.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Law).

Panaji, 23rd January, 1991.

Notification

No. 7/49/90/LD (Estt.)

In exercise of the powers conferred by clause (a) of section 2 of the Goa Change of Name and Surname Act, 1990 (Act 8 of 1990) (hereinafter referred to as the 'said Act'), the Government of Goa hereby authorises the District Registrar, Goa-cum-Head of Registers and Notary Services, appointed under the Registration Act, 1908 (Central Act 16 of 1908) to exercise the powers and perform the duties of the Chief Registrar under the said Act, in the whole of the State of Goa.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Law).

Panaji, 23rd January, 1991.

(Published in the Official Gazette, Series II No. 46 dated 14-2-1991).