

LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

The Goa Change of Name and Surname (Amendment) Bill, 2019.

(Bill No. 19 of 2019)

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(As Introduced in the Legislative Assembly of the State of Goa)

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GOA LEGISLATURE SECRETARIAT

ASSEMBLY HALL, PORVORIM

AUGUST, 2019.

The Goa Change of Name and Surname

(Amendment) Bill, 2019

(Bill No.19 of 2019)

A

BILL

to amend the Goa Change of Name and Surname Act, 1990 (Goa Act No. 8 of 1990).

BE it enacted by the Legislative Assembly of Goa in the Seventieth 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 (Amendment) Act, 2019.

2) It shall come into force at once.

2. Amendment of section 3. – In section 3 of the Goa Change of Name and Surname Act, 1990 (Goa Act No. 8 of 1990) (hereinafter referred to as the “principal Act”),

(i) for sub-section (1), the following sub-section shall be substituted, namely:-

“1 Any person desirous of changing his name or surname or both in the following circumstances, namely:

(a) wrong or improper entry of name or surname;

(b) correction of spelling in the name or surname or to make correct version of name or surname;

(c) unpleasant or distasteful name or surname;

(d) name or surname erroneously written;

shall apply to the Registrar of respective jurisdiction in which his birth is recorded in the prescribed form along with an affidavit for correction of name or surname or both mentioning therein details like name, date of birth, parents name, name of the spouse, residential address, etc and submit documents in which version of existing name or surname is mentioned:

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

(ii) for sub-section (2), the following sub-section shall be substituted, namely:-

“(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 and also in two local dailies/newspapers, one english and other in vernacular language, having wide circulation in the State of Goa, calling for objections, if any, on the application within thirty days from the date of the notice.”;

3. Insertion of new section 3A.- After section 3 of the principal Act, the following section shall be inserted, namely.-

“3A Penalty.- (1) Whoever changes his name or surname or both or publishes any notice/advertisement for such change without following the procedure as laid down in section 3 or procedure as laid down under any other law, shall be punished with imprisonment which shall not be less than seven days, but not exceed three months.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(Central Act 2 of 1974), the offence under this Act shall be cognizable.”

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend section 3 of the Goa Change of Name and Surname Act, 1990 (Goa Act No. 8 of 1990), so as to lay down a proper procedure for changing the name and surname of a person. The Bill also seeks to insert new section 3A in the said Act so as to prescribe penalty for not following the procedure as laid down under the law for such change of name and surname.

This Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

No Financial implication is involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated Legislation is envisaged in this Bill.

Porvorim-Goa.
____August, 2019

NILESH CABRAL
Minister for Law & Judiciary

Assembly Hall
Porvorim-Goa.
____August, 2019

NAMRATA A. ULMAN
Officiating Secretary to the
Legislative Assembly of Goa

ANNEXURE

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Extract of sections 3 of the Goa Change of Name and Surname Act, 1990
(Goa Act No. 8 of 1990)
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Section 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.

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