



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

# The Goa Reconstruction of Registers and Records Bill, 2005

(Bill No. 6 of 2005)

*AS*  
~~To be~~ introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
3RD JANUARY, 2005

# THE GOA RECONSTRUCTION OF REGISTERS AND RECORDS BILL, 2005

(BILL No. 6 of 2005)

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BILL

*to lay down the procedure for reconstruction of  
spoilt registers and records kept and maintained  
under certain statutes.*

10 BE it enacted by the Legislative Assembly of  
Goa in the Fifty-fifth Year of the Republic of India  
as follows :-

1. *Short title and commencement.*— (1) This  
Act may be called the Goa Reconstruction of  
Registers and Records Bill, 2005

15 (2) It shall come into force at once.

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

20 (a) "Chief Registrar" means an officer  
authorized by the Government to exercise the  
powers and performs the duties of the Chief  
Registrar under this Act;

(b) "Government" means the Government of  
Goa;

25 (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 India 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: 5

(f) "prescribed" means prescribed by rules made under this Act:

(g) "Registrar" means an officer authorized by the Government to exercise the powers and perform the duties of the Registrar under this Act; 10

(h) "register" means:-

(i) the birth or death register required to be kept and maintained under the Civil Registration Code or the Registration of Births and Deaths Act, 1969 (Act 18 of 1969), as the case may be; or 15

(ii) the register of marriages or the register of firms, required to be kept and maintained under the relevant laws for the time being in force relating to registration of marriages or firms, as the case may be, or any other register or document kept and maintained under the Registration Act, 1908 (Act 16 of 1908); 20 25

(i) "spoilt register" includes any register, document, part register, entry or part of an entry therein which is found, for whatever reasons, to be damaged, destroyed, obliterated, rendered illegible or totally lost so that authentic copies therefrom cannot be issued for evidentiary purposes; 30

3. *Reconstruction of spoilt registers and records relating to births and deaths*— (1) Any person who, having applied to the authorities competent to grant copies from the birth or death registers has failed to obtain the same by reason of such birth or death register, as the case may be, having become a spoilt register, may apply to the Registrar in the prescribed form, for reconstruction of such spoilt register; 5

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

(2) On receipt of an application under subsection (1), the Registrar shall conduct an enquiry in the manner prescribed and submit a report thereof to the Chief Registrar alongwith his recommendation within the prescribed period. 15

(3) If the Chief Registrar, on consideration of the report submitted by the Registrar under subsection (2), is satisfied that the relevant spoilt register has to be re-constructed, then he shall, within the prescribed period, direct the Registrar to re-construct the whole or any part of the spoilt register in the manner prescribed and the spoilt register shall accordingly be reconstructed and the copy referred to in subsection (1) shall be granted to the applicant within the prescribed period. 20 25

(4) The fees payable for reconstruction of a spoilt register under this section shall be as prescribed and shall be paid in the prescribed manner.

30 4. *Reconstruction of spoilt registers and records relating to marriages, firms or any other register or document under the Registration Act, 1908.*— The procedure for reconstruction of spoilt registers and records relating to births and deaths as

specified in section 3, shall, *mutatis mutandis*, be applicable for the reconstruction of spoilt registers and records relating to marriages, firms or any other register or document under the Registration Act, 1908 (Act 16 of 1908):

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Provided that an application for reconstruction under this section shall be made to the Sub-Registrar of the respective jurisdiction appointed under the Registration Act, 1908 (16 of 1908) who shall submit his report to the District Registrar, appointed under the said Registration Act, 1908 (16 of 1908).

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

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6. *Validity.*— The registers and or records reconstructed under the provision of this Act shall have the same validity for all purposes as the original registers and or records kept and maintained under the relevant statutes.

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7. *Repeal and saving.*— (1) On and from the date of commencement of this Act, Articles 78 to 88 of the *Codigo do Registo Civil do Estado da India* approved by Decree dated 9-11-1912 shall stand repealed.

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(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.

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### Statement of Objects and Reasons

Some old records of registration maintained in the Registration Department, specially the Birth, Death and Marriage Registers, are damaged or spoilt due to continuous handling of the registers permitted under statutes, as also on account of some papers having turned brittle over the years. Due to this fact, people are not able to get certified copies from the spoilt registers for evidentiary and other purposes. The procedure for reconstruction of Birth, Death and Marriage registers under the *Codigo do Registo Civil do Estado da India* approved by Decree dated 9-11-1912 is also expensive, lengthy and virtually impracticable after passage of much time since the enactment. The Registration of Births and Deaths Act, 1969 (18 of 1969), which is in force in Goa with effect from 1-1-1971, has no corresponding provisions for reconstruction of spoilt registers. This has resulted in difficulty in implementing the guidelines under the said Act of 1969 in respect of Births and Deaths registers generated prior to 1-1-1971 in view of the existence on the statute book of the archaic provisions regarding reconstruction under the said *Codigo do Registo Civil* as in force. The purpose of this Bill is to repeal the Articles 78 to 88 of the said *Codigo do Registo Civil* and lay down the procedure for reconstruction of spoilt registers and records under certain statutes.

30 This Bill seeks to achieve the above objects.

## Financial Memorandum

The Bill involves no financial expenditure for its implementation as the duties to be performed under the provisions of the Bill are proposed to be assigned to the existing machinery. 5

### Memorandum Regarding Delegated Legislation

Clause 2(a) of the Bill empowers the Government to authorize an Officer/Officers to exercise the powers and perform the duties of the Chief Registrar for the purpose of clause 3 of the Bill, so also it empowers the Government to authorize the District Registrar, North Goa and South Goa District, to exercise the powers and perform the duties of Chief Registrars for the purpose of clause 4 of the Bill. 10 15

Clause 2 (g) of the Bill empowers the Government to authorize an Officer having custody of spoilt registers to exercise the powers and perform the duties of the Registrar for the purpose of clause 3 of the Bill, so also it empowers the Government to authorize the Sub-Registrars of the respective jurisdiction having custody of spoilt registers to exercise the powers and perform the duties of a Registrar for the purpose of clause 4 of the Bill. 20 25

Clause 3 (1) of the Bill empowers the Government to frame rules to specify the form in which an interested person may apply to the Registrar for reconstruction of the spoilt registers. 30

Clause 3 (2) of the Bill empowers the Government to frame rules to specify the manner in which the

Registrar shall conduct an enquiry and also to specify the period within which the Registrar shall submit the report to the Chief Registrar alongwith his recommendations.

5 Clause 3(3) of the Bill empowers the Government to frame rules to specify the period within which the Chief Registrar shall direct the Registrar to reconstruct the spoilt registers in the manner to be specified in the rules. Also, said 10 clause 3 (3) empowers the Government to specify by way of rules the amount of fees to be paid for reconstruction of the spoilt register, the manner or payment thereof and the period within which the applicant shall be granted the copies applied 15 for.

Clause 5 of the Bill empowers the Government to make rules to carry out the purposes of the Act.

These delegations are of normal characters.

Assembly Hall,  
Porvorim-Goa.  
3rd January, 2005.

Francisco D'Souza  
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Assembly Hall,  
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3rd January, 2005.

Sudhir A. Narvekar  
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