



Suzana

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.568 OF 2024

NANISHA DSOUZA

... PETITIONER

Versus

THE REGISTRAR OF BIRTH AND DEATH
OFFICE AT CANACONA AND 2 ORS

... RESPONDENTS

Mr. Dharmanand R. Vernekar, Advocate for Petitioner.

Mr. Pravin Faldessai, Additional Government Advocate for
Respondents.

**CORAM:- BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED :- 12th June, 2025

ORAL ORDER:

1. The grievance of the Petitioner revolves around the correction of her name in the birth certificate in view of the change of her surname. It is the claim of the Petitioner that her name should be corrected from "Nanisha Fernandes" to "Nanisha D'Souza" and her father's name in her birth certificate from "Napoliao Fernandes" to "Napolian D'Souza". This rectification is sought by her in the birth certificate registered at Canacona Municipal Council bearing Registration No.B/196/1998 dated 07/04/1998.

2. The birth certificate of the Petitioner has recorded her name as

"Nanisha Fernandes" and the name of the father as "Napoliao Fernandes". The said birth certificate is placed on record at Exhibit 'A' to the Petition.

3. The Authority under the Goa Change of Name and Surname Act, 1990, had issued a certificate to her father in Form 'B' on 17.02.2014 under Sub-section (4) of Section 3, certifying that the name of Napoliao Fernandes, has been changed to Napolian D'Souza.

Similarly, the Authority issued a certificate to her again in Form 'B' certifying that her name has been changed from Nanisha Fernandes to Nanisha D'Souza on 19.10.2016.

4. The aforesaid act on the part of the Authority do not satisfy the grievance of the Petitioner as all the while the request of the Petitioner is to effect correction in her birth certificate registered on 07.04.1998 at Canacona Municipal Council and she request for twofold corrections, i.e. correction of her name/surname and correction of the name of her father.

5. The Registration of Births & Deaths Act, 1969 is an enactment of the Parliament, which permits correction or cancellation of entry in the Register of Births & Deaths and Section 15 thereof contemplate that if it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under the Act is erroneous in form or substance, or has been fraudulently or improperly made, he

may correct the entry or direct its cancellation and shall sign the margin entry and add thereto the date of the correction or cancellation.

6. This provision is distinct from Section 3 of the Goa Change of Name and Surname Act, 1990, passed by the Legislative Assembly of Goa on 02.08.1990, laying down the procedure for change of name and surname of any person born in the State of Goa.

Section 3 of the State Legislation contemplate an application for change of name and surname of any person recorded in the Birth Register and a "Registrar" appointed under the said Act, meaning an Officer authorised by the Government to exercise the powers and perform the duties of the Registrar under the State Act including Civil Registrar exercising the powers as approved by Decree dated 19.11.2012, and authorised to process the application under Section 3.

The procedure contemplate that on receipt of the application, the Registrar shall publish the notice thereof by affixing it on the notice board and calling for objections within 30 days from the date of the notice.

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

Sub-section (4) of Section 3 then prescribe that if no objections are

received, or if the order under sub-section (3) is for granting the request of the applicant, then the Registrar shall call for the extract under section 17 of the Registration of Births and Deaths Act, 1969 regarding the applicant's birth registration, enter the relevant particulars in his register and also the change the name and surname and thereafter issue the certificate in the prescribed form.

7. We find that this process is not carried out as contemplated by statute in its entirety.

As we can see that on the application being preferred by the Petitioner to the Registrar, a Form B has been issued as it is a form which is contemplated to be a certificate under Sub-section 4 of section 3, but Sub-section (4) specifically stipulate that the Registrar shall, after completing the procedure under Sub-Sections 2 and Sub-Section 3 call for the extract under Section 17 of the Registration of Births and Deaths Act, 1969, regarding the applicant's birth registration and enter the relevant particulars in his register and also the change the name and surname and thereafter issue the certificate in the prescribed form.

This process is not followed by the Registrar while he issued the certificate under Form B.

Since the exercise carried out while issuing Form B to the

Petitioner, both correcting her name/surname as well as the name of the father, has not resulted into a final certificate being issued as contemplated in Sub-section (4), as it was imperative for the Registrar to call for the birth certificate of the Petitioner which was availed under the Registration of Births and Deaths Act, 1969, and to make the relevant entry in the register, as there is a change in the name/surname and thereafter issue a fresh certificate in Form B.

8. Since we find that the Civil Registrar-cum-Sub Registrar, Canacona Goa has left the process unfinished, upon the Petitioner appearing before him within a period of one week from today, he shall complete the process as stipulated under Sub-section (4) of Section 3 of the Goa Change of Name and Surname Act, 1990 and issue a proper certificate thereby correcting the name/surname of the Petitioner as well as the name/surname of the father of the Petitioner in the birth certificate dated 07.04.1998.

We expect the concerned Officer to ensure compliance of the said procedure within a period of six weeks upon the appearance of the Petitioner before him.

The Writ Petition is made absolute in the aforesaid terms.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.