

## **The Goa Reconstruction of Registers and Records Act, 2005 and Rules, 2008**



## The Goa Reconstruction of Registers and Records Act, 2005

1. **The Goa Reconstruction of Registers and Records Act, 2005 (Goa Act No. 5 of 2005) [17-2-2005]** published in the Official Gazette Series I No. 47 (Extraordinary) dated 22nd February, 2005 and came into force at once.
2. **The Goa Reconstruction of Registers and Records Rules, 2008** published in the Official Gazette, Series I No. 1 (Extraordinary) dated 3<sup>rd</sup> April, 2008 and came into force at once.

### Arrangement of Sections

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**GOVERNMENT OF GOA**  
**Department of Law and Judiciary**  
Legal Affairs Division

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**Notification**

7/8/2005-LA

The Goa Reconstruction of Registers and Records Act, 2005 (Goa Act 5 of 2005), which has been passed by the Legislative Assembly of Goa on 14-1-2005 and assented to by the Governor of Goa on 17-2-2005, is hereby published for general information of the public.

*S. G. Marathe*, Under Secretary (Drafting).

Panaji, 22<sup>nd</sup> February, 2005.

## The Goa Reconstruction of Registers and Records Act, 2005

(Goa Act 5 of 2005) [17-2-2005]

AN

ACT

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

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 Act, 2005.

(2) It shall come into force at once.

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

(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;

(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;

(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;

(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

(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);

(i) “spoilt register” includes any register, document, part register, entry or part of any 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;

**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:

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

(2) On receipt of an application under sub-section (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.

(3) If the Chief Registrar, on consideration of the report submitted by the Registrar under sub-section (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 sub-section (1) shall be granted to the applicant within the prescribed period.

(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.

**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):

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).

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

**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.

**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.

(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-Goa.  
Dated: 22-2-2005.

V. P SHETYE,  
Secretary to the Government of Goa,  
Law, Judiciary and Legislative  
Affairs Department.

GOVERNMENT OF GOA  
**Department of Law & Judiciary**  
Law (Establishment) Division

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**Notification**

9-4-2007-LD (Estt.)/407

In exercise of the powers conferred by section 5 of the Goa Reconstruction of Registers and Records Act, 2005 (Goa Act No. 5 of 2005), the Government of Goa hereby makes the following rules, namely:—

**1. Short title and commencement.**— (1) These rules may be called the Goa Reconstruction of Registers and Records Rules, 2008.

(2) They shall come into force at once.

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

(a) “Act” means the Goa Reconstruction of Registers and Records Act, 2005 (Goa Act 5 of 2005);

(b) “document” means any matter expressed or described upon any substance by means of letters, figures or marks or by more than one of these means which is intended to be used or which may be used for the purpose of record and includes a certified copy or photo copy duly attested as true copy by the Notary Public or Gazetted Officer;

(c) Words and expressions used in these rules but not defined shall have the same meaning as respectively assigned to them in the Act.

**3. Application for reconstruction of spoilt documents/register relating to births and deaths.**— (1) Every application for reconstruction of spoilt document or record or register, as the case may be, relating to births or deaths, shall be made in Form I appended hereto, signed by or on behalf of the applicant and addressed to such officer as the Government may specify in this behalf, and it shall be accompanied by,—

(i) two photo copies of spoilt document/record duly attested as true copy by the Notary Public or Gazetted Officer, as proposed by the applicant for reconstruction with name and address of the applicant or his agent, if any;

(ii) an approximate statement describing such spoilt document or record or register, as the case may be, which the applicant proposes for reconstruction under the Act.

(2) If a person making an application under sub-rule (1) fails to furnish two photo copies of spoilt documents/record or furnishes incomplete information relating to such document/record or status of register, the Registrar, within 30 days from the date of receipt of the application, require such applicant by an order in writing, to furnish such other required information or photo copy of the documents thereof.

(3) The Registrar shall within 15 days of the receipt of relevant information under sub-rule (2) or if any documents have been called for under sub-rule (2), than within 10 days of receipt of such documents, shall make such further enquiry with the concerned competent authority having custody of such register, records, documents, as the case may be, for the purpose of verifying the correctness of the information furnished in pursuance of order under sub-rule (2) of rule 3 of the Rules:

Provided that if the application is not accompanied by document due to certain reasons as specified by the applicant, the Registrar may accept the application alongwith a single photo copy thereof provided that he is satisfied about the correctness of the contents thereof on the basis of affidavit of the applicant and any other supporting evidentiary documents submitted thereof.

(4) Summary rejection of application.— The application may be summarily rejected by the Registrar if the applicant after being given an opportunity in this behalf, fails to comply with any one of the requirements under sub-rule (2) of rule 3 of these Rules.

**4. Procedure for making an enquiry in respect of application for reconstruction of spoilt document/record/register etc.—** (1) On receipt of an application under sub-rule (1) of rule 3, the Registrar shall himself visit or may designate any of the officer under his control, accompanied by as many assistants as may be necessary, to visit the office of the concerned Office of such Registrar under the registration of Births and Deaths Act, 1969 i.e. the concerned Civil Registrar cum Sub-Registrar relating to births and deaths for period prior to 1-1-1971, the Panchayat Secretary or the Chief Officer of Municipalities or the Commissioner of Corporation of City Panaji, as the case may be, exercising jurisdiction within their respective areas under the Registration of Births and Deaths Act, 1969 (hereinafter called as the “Authority”), wherein such records or documents/registers relating to the applicant are kept and to which such application relates, for the purpose of verifying the correctness of a particulars furnished in application and for obtaining such information as may be considered necessary.

(2) The Registrar or the designated officer shall, before visiting any concerned office of the Authority for the purpose of inspection under sub-rule (1), give notice to such Authority or to any officer in charge of such office of his intention to carry out inspection relating to documents/register/record in Form II appended hereto. The Authority or officer-in-charge of such office, shall furnish to the Registrar or his designated officer, all facilities as such Registrar or officer may legitimately require for the purpose of verifying the facts thereof.

(3) The Authority or Officer-in-charge of office shall, for the purpose of inspection, place all the required documents/records/register relating to the application and shall give full co-operation to the Registrar or his officer as may be necessary in the matter of investigation.

(4) The Registrar may before and after carrying out inspection under sub-rule (2) above, require the applicant to furnish orally or in writing such information or clarification or to produce before him such documents as may be considered necessary for the purpose of investigation and may for the purpose, summon the applicant or his authorized agent to the office of the concerned Authority.

**5. Powers of Registrar.**— The Registrar or the officer designated by him under sub-rule (1) of rule 4 of these Rules, shall have the following powers, namely:—

(i) A free access at all reasonable time to the books, documents, registers, other records in the custody of such Authority under the Registration of Births and Deaths Act, 1969;

(ii) Summon any person in possession or responsible for the custody of any such books, records, registers, documents and other records to produce the same at any place specified by him;

(iii) In the event of serious irregularities discovered during the inspection, take the concerned documents, registers, etc. into his custody and shall have power to verify the factual position from all the concerned officers or employees of the said Office;

(iv) To get such other information with regard to work of the officer and other relevant information from the concerned Sub-Registrar;

(v) After carrying out inspection of the documents/records/register shall make a comprehensive report and submit the same to the Chief Registrar within a period of 30 days or such period as extended by the Chief Registrar from time to time, in this behalf.

**6. Report of the Registrar.**— (1) The Registrar shall submit his report to the Chief Registrar within specific period covering all information about natural or un-authorized destruction, defacement or spoilt documents or destruction of records/register under the charge of the office of the concerned Authority and may recommend certain steps to be taken, if any, as required thereof.

(2) The Chief Registrar shall, on receipt of report, examine the recommendations made by the Registrar under sub-rule (1) above, and if he is satisfied that the relevant spoilt/document or record or register, as the case may be, is required to be reconstructed thereof, he shall, within a period of 10 days from the date of receipt of such report, direct such Authority having jurisdiction over the area concerned by a special order to reconstruct the whole or any part of the spoilt document or record or register in the format in which the original document or register or record existed, and in case the Chief Registrar is not satisfied about the genuine grounds towards reconstruction of documents/records/register, return the copy of the report alongwith other documents to the Registrar with his observations.

(3) The Authority shall, on receipt of order from the Chief Registrar, collect the fee for reconstruction of document or record or register, as the case may be, at the rate of Rs. 20/- for single side of a page or a part thereof from the applicant against pre-receipt in T.R. 5 or in Form "T" and shall reconstruct the spoilt document or register or record as the case may be, as per the direction contained in the order of the Chief Registrar and shall make endorsement thereon with his signature, date and seal that it has been reconstructed in view of Order of the Chief Registrar, by recording number and date of such Order thereof.



(4) The fee collected by the Authority shall be credited into the Government Treasury towards the respective Heads of Account.

(5) The spoilt document/register/record shall be reconstructed by the concerned Authority and copy of such reconstructed document/record shall be made available to the applicant within a period of 10 days from the date of receipt of Order from the Chief Registrar.

**7. An application for reconstruction of spoilt registers relating to marriage and Firm.**— (1) An application for reconstruction of spoilt document or register relating to marriage under the Civil Registration Code or Firm under the Partnership Act, 1932 (Act No. 9 of 1932), shall also be made to the concerned Civil Registrar or the Registrar of Firms having respective jurisdiction, as the case may be, in Form-I appended to the Rules, accompanied by such documents or records as may be necessary thereof.

(2) The provisions of rules 3, 4, 5 and 6 of these Rules shall, mutatis, mutandis, apply for inquiry by the Civil Registrar or Registrar of Firms, as the case may be, who shall submit the report to the Chief Registrar.

(3) The Chief Registrar, after examining the report, if satisfied that it is expedient to reconstruct spoilt document or register, as the case may be, shall within 10 days from the date of receipt of report thereof, direct the concerned Civil Registrar or Registrar of Firms, as the case may be, to reconstruct the document or register, as the case may be, in the format in which the original record or register existed:

Provided that the Civil Registrar or the Registrar of Firms, on receipt of order from the Chief Registrar, reconstruct the spoilt document or register as per the direction of the Chief Registrar and issue the copy of reconstructed document or register to the applicant after charging the fee specified in sub-rule (3) of rule 6.

**8. Application for re-construction of spoilt document or register under Indian Registration Act, 1908 (Act 16 of 1908).**— (1) The application for re-construction of spoilt document/record/register under Indian Registration Act, 1908 (16 of 1908) shall be made to the concerned Sub-Registrar's Office who shall submit his report to the District Registrar as per section 4 of the Act.

(2) The Sub-Registrar for the purpose of re-construction of spoilt register and record relating to Indian Registration Act, 1908 (16 of 1908), shall exercise the powers mutatis mutandis applicable for reconstruction of spoilt registers and records relating to births and deaths and shall submit his report to the District Registrar who shall after examining the report, if satisfied that it is necessary to reconstruct spoilt documents or register, as the case may be, issue necessary direction to the concerned Sub-Registrar for reconstruction of such document or record or register, as the case may be.

(3) The Sub-Registrar, for the purpose of reconstruction of spoilt documents or record or register, as the case may be, shall exercise the powers as exercisable by Civil Registrar under rule 7 of these Rules and issue to the applicant the copies of reconstructed record within a period of 10 days of receipt of the order from the District Registrar to that effect after charging fee as specified in sub-rule (3) of Rule 6.

FORM — I

(See rule 3 and 5)

**Application for reconstruction of records or register**

- (1) Name of the applicant: .....
- (2) Father's name: .....
- (3) Residential Address: .....
- (4) Nature of spoilt register/document/record to be reconstructed (such as birth or death) register or the register of marriages or the register of firms or any other register or record or document kept and maintained under the Registration Act, 1908 (Act 16 of 1908):.....
- (5) Details of spoilt register such as registration, number and date of registration: .....
- (6) Nature of document accompanied with application in support of the request for reconstruction: .....
- (7) Copy of the register as it would appear after due reconstruction: .....
- (8) Whether request for reconstruction was earlier rejected, if yes, attach copy of order rejecting the request: .....
- (9) Whether third party interest is involved or any third party is likely to be affected by the reconstruction of the spoilt register, if yes, then give his/her name and residential address: .....  
.....
- (10) Name of the guardian if the applicant is a minor: .....
- (11) Guardian's relationship with the applicant:.....

(Signature of the applicant or of his/her guardian)

FORM — II

[See rule 4 (2)]

Office of the Registrar,  
Reconstruction of Registers and Records.  
Date:

To,  
.....  
.....

Take notice that for the purpose of reconstruction of spoilt records/register under-section 3 of the Goa Reconstruction of Registers and Records Act, 2005 (Act 5 of 2005), read with rule 4 (2) of the Goa Reconstruction of Registers and Records Rules, 2008, the Registrar hereby designate/authorize the following officers to inspect records/register/files lying in your office for the purpose of reconstruction of spoilt records/register under the Act, 2005.

- (1) Shri .....
- (2) Shri .....

It is requested that the officer deputed for duty may be rendered all facilities legitimately required for the purpose of such inspection, so as to enable him to prepare comprehensive report for onward transmission to the office of the Chief Registrar/Registrar under the Act, 2005.

**Particulars of Record**

- (1) Name of the Record creating agency:.....
- (2) Department/Office:.....
- (3) Name and particulars of the Record Officer:.....
- (4) Name of the Branch/section: .....
- (5) Year: .....
- (6) Subject matter of Records/Register: .....
- (7) Remarks:.....

( )

Signature and Seal of Registrar

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

*Shivaji B. Dessai*, Under Secretary (Estt.).

Porvorim, 2nd April, 2008.

