

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.

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, 22nd 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;

Synopsis

Officers Notified: The Government vide Notification No. 8/13/2018-LD(Estt)&(1)/1303 dated 20-7-2018 published in the Official Gazette Series-I No.17 dated 26-7-2018 notified that following officers shall exercise the powers and perform the duties of the Chief Registrar under the Act, in their respective jurisdiction :

<i>Sr. No.</i>	<i>Designation of Officers</i>	<i>Department</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
1.	State Registrar	Registration Department.
2.	Director of Panchayats	Directorate of Panchayats.
3.	Director of Municipal Administration	Directorate of Municipal Administration.

(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;

Synopsis

Officers Notified: The Government vide Notification No. 8/13/2018-LD(Estt)&(1)/1302 dated 20-7-2018 published in the Official Gazette Series-I No.17 dated 26-7-2018 notified that following officers shall exercise the powers and perform the duties of the Registrar under the Act, in their respective jurisdiction :

<i>Sr. No.</i>	<i>Designation of Officers</i>	<i>Department/Authority</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
1.	District Registrar	Registration Department.
2.	Deputy Director of Panchayats	Directorate of Panchayats.
3.	Deputy Commissioner of the Corporation of the City of Panaji	Corporation of the City of Panaji.
4.	Chief Officer of Municipality	Concerned Municipality.

(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.

Synopsis

- (i) **Form prescribed:** Application to be made in Form-I annexed to the Goa Reconstruction of Registers and Records Rules, 2008.
- (ii) **Procedure for making an enquiry: Procedure to conduct the Enquiry** by the Registrar is provided under Rules 4 of the Goa Reconstruction of Registers and Records Rules, 2008
- (iii) **Period prescribed:** Rules 3 of the Goa Reconstruction of Registers and Records Rules, 2008 provide that the Registrar to submit its report to the Chief Registrar within a period of 15 days . Further Rules 6 of the said Rules provided that the Chief Registrar shall take a decision in the matter within a period of 10 days.

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.

Synopsis

Rules : *The Government has notified the Goa Reconstruction of Registers and Records Rules, 2008.*

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.