



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE N S SANJAY GOWDA

WRIT PETITION NO. 6370 OF 2024 (LB-RES)

BETWEEN:

1. MASTER ADHRITH BHAT
D/O SUBRAHMANAYA BAHT
AGED ABOUT 2 YEARS
RESIDENT AT NO 3-3-52
MAHAKALI MARGA, AMBALPADY
UDUPI 576103

SINCE MINOR REPRESENTED BY
HER NATURAL GUARDIAN MOTHER
DEEPIKA BHAT
W/O SUBRAMANYA BHAT
AGED ABOUT 33 YEARS
RESIDING AT NO 3-3-52, MAHAKALI MARGA
AMBALPADY, UDUPI 576103

...PETITIONER

(BY SMT. SINCHANA M., ADVOCATE)

AND:

1. THE REGISTRAR OF BIRTHS AND DEATHS
UDUPI CITY MUNICIPALITY COUNCIL
UDUPI 576101

...RESPONDENT

(BY SRI. K.B.PRASAD HEGDE., ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA., PRAYING TO QUASH THE
ENDORSEMENT DATED 04.11.2023 VIDE BEARING NO.
UNS.A5.JM.CR.2880/2023-24 (ANNEXURE-C) ISSUED BY THE
RESPONDENT, ETC.





THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE N S SANJAY GOWDA

ORAL ORDER

1. Master Adhrith Bhat, the petitioner herein, is challenging the endorsement issued by the Registrar of Births, by which the Registrar has refused the request of the petitioner to change his name in the Birth Certificate.
2. It is the case of the petitioner that his parents had requested the Registrar of Births and Deaths to enter his name as **Adhrith Bhat**, but subsequently, they were informed that his name was astrologically inappropriate, and hence they made a request on 04.11.2023 to change his name as **SHRIJITH BHAT**.
3. However, the Registrar of Births has refused the said request on the ground that there is no provision under *the Registration of Births and Deaths Act, 1969* (for short, '**the Act**').



4. In order to consider the correctness of this endorsement, a brief review of the relevant provisions is necessary.
5. In the year 1969, the Registration of Births and Deaths Act was enacted to provide for regulation of the registration of births and deaths and for matters connected therewith.
6. Chapter III of the Act relates to the *Registration of Births and Deaths* and Sections 8 and 9 of the Act mandated the requirement of the persons specified therein to register births and deaths. Section 10 casts a duty on persons to notify births and deaths and also to certify cause of death.
7. Section 11 of the Act requires the informant to sign the register, while Section 12 of the Act casts a responsibility on the Registrar to furnish the extract of the registration free of charge to the informant.



8. Section 13 of the Act deals with *the delayed registration of births and deaths.*
9. Section 14 of the Act pertains to *registration of name of child*, which is relevant for this case, reads as follows:

"14. Registration of name of child.—

Where the birth of any child has been registered without a name, the parent or guardian of such child shall within the prescribed period give information regarding the name of the child to the Registrar either orally or in writing and thereupon the Registrar shall enter such name in the register and initial and date the entry."

10. As could be seen from the above, whenever the birth of a child is registered without a name, the parent or guardian of the child is required to give information within the prescribed time regarding the name of the child to the Registrar either orally or in writing and the Registrar thereafter is required to enter such name in the Register and initial and date the entry.



11. In this case, it appears that the name of the petitioner was furnished by his parents at the time of registration itself on 27.02.2021 and hence, the name had been entered in the register as *Adhrith Bhat*.
12. However, it appears that thereafter, the petitioner's parents had desired to name the petitioner as *Shrijith Bhat* for astrological reasons and in order to change the name in the Birth Certificate, the petitioner's father submitted an application dated 04.11.2023 to the Registrar of Births and Deaths, who in turn has issued an endorsement dated 04.11.2023 refusing to entertain the claim stating that no corrections could be made in the original Register in view of Section 15 of the Act and Rules 11(1) and (7) of *the Karnataka Registration of Births and Deaths Rules, 1999* (for short, '**the Rules**'), which relates to *the Correction or Cancellation of an entry in the Register of Births and Deaths*.



13. Section 15 of the Act provides for correction or cancellation of an entry in the register of births and deaths and the same reads as follows:

" 15. Correction or cancellation of entry in the register of births and deaths.—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 this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation."

14. As could be seen from the above, only if the entry in the register is found to be erroneous and if it is proved to the satisfaction of the Registrar that there



is an error, the same could be corrected. However, in the instant case, it was not the case of the parents of the petitioner that there was an error in the entry of the petitioner's name in the register. It is therefore obvious that the Registrar of Births was not wrong in relying upon Section 15 of the Act to reject the claim for change of name of the petitioner.

15. It may also be relevant to consider the Rules that have been framed relating to the entry of the name as contemplated under Section 14 of the Act.
16. Rule 10 of the Rules reads as under:

10. Period for the purpose of Section

14.- (1) Where the birth of any child had been registered without a name, the parent or guardian of such child shall, within 12 months from the date of registration of the birth of child, give information regarding the name of the child to the Registrar either orally or in writing:



Provided that if the information is given after the aforesaid period of 12 months but within a period of 15 years, which shall be reckoned. In case where the registration had been made prior to the date of commencement of these rules from such date or.-

(i) in case where the registration is made after the date of commencement of these rules, from such date, or

(ii) in case where the registration is made after the date of commencement of these rules, from the date of such registration, the Registrar shall,

(iii) if the register is in his possession forthwith enter the name in the relevant column of the concerned form in the birth register on payment of a late fee of rupees five, and

(a) if the register is not in his possession and if the information is given orally, make a report giving necessary particulars, and, if the information is given in writing, forward the same to the Tahsildar or



the Commissioner/Chief Officer of the Municipal Corporation/Municipal Council as the case may be, for making the necessary entry on payment of a late fee therein of rupees five.

(2) The parent or the guardian, as the case may be, shall also present to the Registrar the copy of the extract given to him under Section 12 or a certified extract issued to him under Section 17 and on such presentation the Registrar shall make the necessary endorsement relating to the name of the child or take action as laid down in Clause (b) of the proviso to sub-rule(1)."

17. As could be seen from above, Rule 10 provides that where the birth of any child had been registered without any name, the parent or guardian of such child is required to give information regarding the name of the child within 12 months and thereafter by virtue of Section 14 of the Act, the entries were required to be made. The proviso to Rule 10 also states the procedure to be followed if the information



is provided after the period of 12 months has lapsed but within a period of 15 years from the date of registration.

18. It would therefore be clear that under the Rules, if no name has been furnished at the time of registration of the birth, the parent can within an outer limit of 15 years from the date of registration furnish the name of the child and ensure that it had been entered in the Birth Certificate.
19. However, in the instant case, it is stated that the petitioner's father had given his son a new name and therefore, the entry in the Birth Register was also to be modified.
20. There is admittedly no provision under the Act or the Rules which provide for change of name which is already registered. This is therefore an obvious anomaly which would create unnecessary hardship to



the parents or to the child in case they desire to have the name changed.

21. It is common practice in our country that a person decides to give himself a new name or that a parent decides to change the name though he has already been given a name. In fact, it is a practice in our country that multiple names are given, but one name is entered in the records and this, at times, creates confusion regarding the identity of the person.
22. The Legislature would have to take a view on this and ensure that the citizens are not put to any hardship whenever they desire to change their names and evolve a procedure where the records of that particular person are also changed simultaneously in all the public records or at least in the relevant records.



23. In fact, the Law Commission of Karnataka in its 24th Report¹ furnished on 20.07.2013 regarding ***Change of Name***, suggesting amendments to the Act and the Rules. However, the Legislature does not appear to have taken the matter further.

¹ Law Commission of Karnataka Twenty Fourth Report, dated 20.07.2013; **Re** : Change of Name – Amendment to the Registration of Births and Deaths Act, 1969.

The relevant suggestions AND the recommendation read as under :

“SUGGESTIONS FOR CONSIDERATION:

(C) Right to change one’s name: A person who is known or described in any manner may give up describing or being known in that manner and choose any other name”

(H) Change of name recorded in the birth certificate shall be made for any of the following reasons:

- (i) *bona fide* desire of the applicant;
- (ii) marriage/remarriage,
- (iii) divorce,
- (iv) adoption;
- (v) religious conversion/re-conversion;
- (vi) change of nationality and
- (vii) change of sex.

“RECOMMENDATIONS:

29) A) For the reasons stated above, the Commission recommends to the Government of Karnataka to take steps to amend the Registration of Births and Deaths Act, 1969 after due compliance with the provisions of Article 254 of the Constitution of India, as follows:

“15A. Change of name entered in the Register of Births & Deaths: Any person whose name is entered in the Register of Births and Deaths in the State of Karnataka and whose name is entered in the Register of Births and Deaths in any other State and has been staying in the State of Karnataka for a prescribed period shall be entitled to seek change of his name in the Register of Births in accordance with the rules of procedure prescribed by the State of Karnataka in this behalf.”

B) The Commission further recommends that after Section 15A is added it shall frame exhaustive Rules for giving effect to the said provisions bearing in mind of the suggestions made by the Commission in paragraph No.28.”



24. It would therefore be appropriate for the Legislature to take necessary action pursuant to the recommendation of Law Commission in its 24th report.
25. Since there is no provision under the Act or the Rules for change of name, a piquant situation has arisen which requires to be resolved in such a manner that neither authorities nor the applicants are prejudiced.
26. Since there is no law which prescribes the procedure for changing the name of a person, it would be impermissible for the parents of a child to seek for changing the name that is already registered in the register of births and deaths until a relevant law is provided for by the Legislature.
27. This could be achieved by calling upon the parents to give a sworn affidavit to the effect that they have changed the name of the child on their own accord



and the entries in the birth register would be required to be changed accordingly.

28. On such a request being given, the authorities should verify the identity of the parents and proceed to incorporate the changed name in the Register of Births.
29. The authorities, in order to ensure that there is no attempt to create a record for ulterior purposes, should make a remark in the register stating that the name of the child had been changed subsequently pursuant to a request made by the parents. The register would therefore have an entry regarding the name which was originally entered and also a name which was entered subsequently on their request.
30. If such an endorsement is incorporated in the Birth Certificate as well, the possibility of any misuse would also be avoided.



31. In fact, even in respect of an adult who seeks for a change of name, the same procedure can be adopted. Since the original name would also be contained in the register and also the new name, the possibility of this document being misused for an ulterior purpose can easily be prevented.
32. Thus, until the appropriate provisions are made under the Rules by the State in this regard, the concerned authorities are directed to follow the aforementioned procedures and permit the change of name in the Register of Births and Deaths.
33. It has to be noticed here that, since the date of birth or the date of death and other details would remain unchanged, there can be no impediment or reason to prevent the change of name.
34. It is, however, made clear that in case of deaths, the question of changing the name would not arise and hence, these directions would be inapplicable.



35. In light of the above, the impugned endorsement dated 04.11.2023 is ***quashed***. The respondent authority is hereby directed to change the name of the petitioner as ***Shrijith Bhat*** in the Register of Births as against the originally registered name *Adhrith Bhat*.
36. As already noticed above, necessary endorsement shall be made in the Register of Births and also in the Birth Certificate that the original name of *Adhrith Bhat* was changed to ***Shrijith Bhat***, as requested in the application dated 04.11.2023 and issue a fresh Birth Certificate accordingly.
37. The writ petition is accordingly ***allowed***.

Sd/-
(N S SANJAY GOWDA)
JUDGE

RK
List No.: 1 Sl No.: 52