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Navigating the Legal Labyrinth: A Case Study of Name Change Challenges Faced by an Individual in India

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ABSTRACT

This research paper, presents an in-depth analysis of the intricate hurdles encountered by an individual in India during their quest to change their name TOM to JERRY. Through a comprehensive case study, it illuminates the real-life journey of a person grappling with the multifaceted legal, social, and personal implications of altering their name within the Indian context.

The study initiates by meticulously dissecting the legal framework and bureaucratic intricacies governing name changes in India, illuminating the complex maze of administrative offices and legal procedures that the individual navigated in their pursuit of a new identity. By documenting the case study, it provides valuable insights into the practical challenges and setbacks encountered in this legal transformation.

The study commences by dissecting the prevailing legal framework and administrative intricacies governing name changes in India. It highlights the labyrinthine and time-consuming procedures, where individuals must navigate a complex network of bureaucratic offices, resulting in protracted delays and uncertainty. The case study provides a first-hand account of these legal challenges, offering valuable insights into the practical difficulties faced.

The study sheds light on the personal and psychological toll that navigating these social challenges can take.

In conclusion, this research underscores the urgent need for reform and simplification of the legal and administrative procedures surrounding name changes in India. It advocates for a more compassionate and efficient approach that respects individual rights and the broader implications on personal identity and societal acceptance. By using a real-life case study as a lens to understand the complexities and challenges faced, this paper offers a valuable resource for individuals, legal practitioners, and policymakers seeking to address and alleviate the hurdles associated with changing one's name in India.

Keywords: *name change, change of name, administrative intricacies, bureaucratic intricacies.*

¹ Author is a student in India.

I. INTRODUCTION

In the summer of 2014, **Mr. Tom**, a resident of Trivandrum, Kerala, India, found himself at a crossroads in his life, pondering a significant personal decision that would reshape his identity and how he interacted with the world. Born with the name Tom, he had carried it throughout his life, embracing the joys, challenges, and memories associated with it. However, as he approached age of 40, Tom began to sense an increasing misalignment between his given name and the person he had become.

Tom's decision to change his name to **Mr. Jerry** was not one made on a whim but rather the result of a thoughtful and introspective process. It was informed by several factors, including:

- **Personal Identity:** Over the years, Tom had evolved in many ways, developing new interests, values, and aspirations. He felt that his given name, Tom, no longer resonated with the person he had grown into. The name Jerry held a special significance for him, symbolizing a name that better reflected his true self and the person he aspired to be.
- **Professional Goals:** Tom was pursuing a career in the creative arts, particularly as an illustrator and graphic designer. He believed that the name Jerry would be more memorable and distinctive in his field, enhancing his professional identity and recognition among clients and peers.
- **Emotional Connection:** The name Jerry had a sentimental value for Tom, associated with fond childhood memories and personal experiences. Changing his name to Jerry felt like a way to reconnect with his past while embracing his future.
- **Alignment with Cultural Values:** Tom also recognized that name changes were not uncommon in India and were legally permissible. He considered the potential social and cultural implications of his decision, realizing that a name change would allow him to better align with his cultural and familial values.

The decision to change his name from **Tom to Jerry** was not made lightly. Tom conducted thorough research on the legal and administrative procedures necessary for this change in India. He considered the potential challenges and complexities, including the need to update official documents, inform family and friends, and adapt to the adjustment period when acquaintances would need to become accustomed to his new name.

Ultimately, Tom's decision to change his name was a deeply personal one, reflective of his evolving identity, personal and professional aspirations, and a desire to live an authentic and meaningful life. It marked the beginning of a journey to navigate the legal labyrinth and social

intricacies associated with name changes in India, a journey that would be marked by both challenges and opportunities for self-discovery and personal growth.

Procedure for Name change in Kerala, India

- Take photocopy of all the documents in your name and get it attested by a gazetted officer.
- Create an affidavit for change of name.
- Chose new name.
- Notify it in State Gazette.

Tom approached a legal practitioner who was able to help him publish the name change although it took four weeks and finally on September 02,2014 Gazette Publications his name was changed into **Jerry**.

The process is easy, but the real challenge comes after this when you start with this document for making changes in other areas of your life.

II. CHALLENGES

Mr. Jerry decided to change the initial from **T to J** of his 3 kids (Two Sons and younger daughter) studying in Kendriya Vidyalaya School which comes under the Central Government's Control. His Elder son was in the Tenth Standard.

In India the Name that appears in Tenth Class Board Examination is the Name and the spelling and initials that appear in the CBSE Board Exam is accepted across for all further documents. He understands the importance of accurate records and wishes to ensure his children's identities are correctly represented in their school documents.

As such he approached the School Vice Principal since the Principal was not posted at that time. The Vice Principal asked Mr. Jerry to bring three affidavits attested by Notary in a 100Rs. Stamp Paper (3 different one for 3 Kids) along with the gazette Notification.

1. Initial Shock and Concern.

Mr. Jerry Complied with the same and after 2 days when he produced the same document The Vice Principal refused to change the initial of his kids citing that the new Principal refuses to do the same and refused to accept the same by hand. He spoke to The Principal to promptly address the issue, only to encounter unexpected resistance.

Mr. Jerry despatched all the 3 affidavits by the post from the nearest post office via speed post and kept the receipts intact since The Principal was hard bent on not changing the initials of his

kids.

2. Frustration and Helplessness.

As Mr. Jerry provides the necessary documents, which clearly demonstrate the requirement of changing the initial from **T to J** his children's names, he is met with a wall of bureaucracy. The Principal's refusal to accept these documents in person exacerbates his frustration and feelings of helplessness. He's left wondering why such a straightforward correction is met with such resistance.

3. Emotional Toll.

Mr. Jerry 's emotional state deteriorates as he grapples with the realization that the school, an institution entrusted with his children's education, is unwilling to cooperate. He feels a growing sense of helplessness as he attempts to advocate for his children's rights.

4. Advocacy and Communication.

Mr. Jerry reaches out to other school officials, including teachers and administrative staff, in an effort to explain the situation and emphasize the importance of the name correction. He engages in numerous conversations, letters, and emails, hoping for a resolution.

5. Anguish and Anxiety.

As time passes with no resolution in sight, Mr. Jerry's anguish deepens. He worries about the potential long-term consequences for his children if their names remain incorrectly in official documents. The anxiety about the impact on their future educational and professional prospects becomes overwhelming.

6. Legal and Administrative Challenges.

Mr. Jerry begins to explore legal and administrative avenues to address the issue. He researches relevant laws and regulations, engaging in a process that should not have been necessary if the school had been more accommodating.

7. Impact on Children.

The ongoing struggle has a profound impact on Mr. Jerry's children as well. They witness their parents' distress and frustration, leading to confusion and discomfort. Their school experience is marred by the ongoing issue, and their relationship with the institution becomes strained. **His elder son was isolated in a room and was asked to write a explanation for not putting his signature in his name with old initial T.**

8. Community and Social Fallout.

The situation also impacts the family's social interactions within the school community. Mr. Jerry feels isolated and alienated, as he becomes known as the parent who is "fighting" the school over a seemingly trivial matter. **One of the Senior Teacher has been spreading the word that Mr. Jerry is against the school.**

In this scenario, the pain and agony experienced by Mr. Jerry are not only due to the bureaucratic hurdles but also because of the emotional toll it takes on his family. It underscores the importance of a responsive and compassionate educational system, where the welfare and concerns of parents and students are acknowledged and addressed promptly, even in matters seemingly as trivial as a name correction.

III. THE SOLUTION

Under above circumstances Mr. Jerry approached **Kerala State Commission for Protection of Child Rights.**

A brief about **The Kerala State Commission for Protection of Child Rights.**

It came into existence on 3rd June 2013. Created under the provisions of the Commissions for Protection of Child Rights Act 2005, and the Kerala State Commission for Protection of Child Rights Rules 2012, with the objective of protecting the rights of children and promoting their best interests, the Commission seeks to ensure that all laws, policies and programmes in the State are in accordance with the Child Rights perspective enshrined in the Constitution of India and the UN Convention on the Rights of the Child (20th November 1989) to which India became a signatory in 1992.

Needless to say, the Commission and Specifically the **Registrar Mr. S.H.JAYAKESAN** were very helpful and listened to the grievances of Mr. Jerry and advised him to change the initial in the birth Certificate by approaching the hospital and thereafter getting the change through The Panchayat. Since his two sons were born in Anchal, Kollam District in the panchayat limits. He approached the Panchayat and was able to get the required correction in the Birth Certificate and was produced before the Commission.

It will be injustice if the effort of the **Registrar Mr. S.H.JAYAKESAN** is not mentioned here in solving this issue.

Mr. Registrar, Mr. S.H. Jayakesan's dedication and effort as a government servant in India, demonstrated by his commitment to draft and type an order late into the evening, well past office hours and concluding at 9:30 PM, is commendable and indicative of his commitment to

his responsibilities.

1. **Sense of Urgency:** Mr. Jayakesan's actions reflect a profound sense of urgency in addressing the matter at hand. As a government servant, he recognized the critical nature of the task and its potential impact on individuals or the government system.
2. **Responsiveness:** His willingness to go above and beyond standard working hours underscores his responsiveness to the needs of the situation. This dedication ensures that government processes remain efficient and are not hindered by unnecessary delays.
3. **Commitment to Public Service:** Mr. Jayakesan's efforts reflect a deep commitment to public service. He understands that his role as a government servant is to serve the public and meet their needs promptly, which is an essential aspect of his job.
4. **Adherence to Duty:** By taking it upon himself to draft and type the order, Mr. Jayakesan is demonstrating his dedication to fulfilling his duties and responsibilities diligently, regardless of the time or effort required.
5. **Accountability:** Mr. Jayakesan's actions exemplify accountability. He understands that the matter at hand is under his jurisdiction and, as such, it is his responsibility to ensure it is dealt with promptly and efficiently.
6. **Exemplifying Professionalism:** His late-night efforts exemplify professionalism, as he places the requirements of his job above personal considerations and prioritizes the tasks that need to be completed.
7. **Commitment to Legal and Administrative Processes:** Mr. Jayakesan recognizes the importance of legal and administrative processes. By working late to complete the order, he ensures that these processes are followed meticulously, which is essential in government service.

In conclusion, Mr. S.H. Jayakesan's dedication to his role as a government servant in India, based on the urgency of the matter at hand, sets an example for his peers and underscores the importance of responsiveness and commitment to public service in the government sector. His efforts reflect the ideals of dedication, accountability, and professionalism that are crucial for the efficient functioning of government institutions and the delivery of public services.

IV. THE ORDER TO THE PRINCIPAL

The order sample some names are changed to keep the privacy intact.

URGENT

KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

No.2166/LA1/2014/KeSCPCR Dated, Thiruvananthapuram, 16th Oct. 2014

From**The Registrar**

To

The Principal,

Kendriya Vidyalaya,

Thiruvananthapuram – 695 316.

Sir,

Sub:- KeSCPCR – Child Rights – Order passed by the Commission – Copy

forwarding of – Reg.

Ref: -1. Complaint submitted by Shri Mr. Jerry.

2. Order of Commission in CRMP No.2166/LA1/SZ/2014/KeSCPCR dated 16-10-2014.

ORDER

1. The Petitioner has approached the Commission aggrieved by the alleged refusal by the respondent to enter correction in the initial in the names of his children, namely X. T, Y.T, and Z.R., who are studying in 10th, 8th and 7th standards respectively in the Respondent's school and also their father's name since the complainant had changed his name.
2. It is the case of the petitioner that he had changed his previous name, TOM as JERRY. Notification stating such change in name was duly published in the Kerala Gazette No.35, Vol. III dated the 2nd September 2014. The same was also published in two vernacular dailies. He had produced copies of the above records along with the Complaint.
3. Following change of complainant's name as JERRY, the complainant approached the respondent to correct the initials of his children as well as their father's name so as to make it consistent with his name. Accordingly he requested to change names of his children as X.J., Y.J and Z.J. and their father's name as JERRY. But the above said change in initials desired by the complainant and change in father's name was not

carried out by the respondent.

4. Upon receipt of the complaint, the Commission had sought a report from the Respondent. In the Report dated 07-10-2014, the respondent stated that for effecting the desired change in initials of the above said children and father's name as above original birth certificate with the desired correction incorporated and issued by the concerned Secretary and Registrar of Births and Deaths, original copy of two newspapers in which the desired change has been published, original affidavit duly sworn before the Judicial Magistrate and original copy of publication in government gazette (of any State) are necessary.
5. The Commission has considered the grievance of the complainant based on the statement filed by the respondent and also on the basis of the records produced by the petitioner. As the complainant's name has already been duly changed as JERRY, such change will take effect in all the records pertaining to him. Hence it is only just and proper to change initials of his children as well as father's name in the school records also. Such changes are inevitable to make the initials as well as father's name of the children consistent with the name of the complainant. Since name of the above said children have not already been entered in the CBSE records, it would only just and appropriate for the respondent to enter the desired change in initials and father's name and upload/sent the name of the children accordingly to the CBSE.
6. In the result, the Commission recommends that the respondent shall change the initials in the name of the complainant's children as X.J., Y.J .and Z.A. and also their father's name as JERRY on production of Birth Certificate issued by the Secretary and Registrar of Births and Deaths of the local authority concerned, together with the consent of both the parents and send the names of the children accordingly to the CBSE.
7. The respondent shall also file an Action Taken Report (ATR) within one month from the date of receipt of this order as provided under rule 45 of the Kerala State Commission for Protection of Child Rights Rules 2012, read with sec.36 of the Commissions for Protection of Child Rights Act 2005 (Central Act No.4 of 2006).

(By Order)

S.H.JAYAKESAN

Registrar

V. CONCLUSION

The variation in procedures for effecting a change in the name of a person across different departments and government bodies in India is a matter of concern. This inconsistency can lead to confusion, delays, and unnecessary bureaucratic hurdles for individuals seeking to change their names for various legitimate reasons. To address this issue, it is crucial for the courts to consider the establishment of a standard, uniform law for name change procedures across India. Here is a brief on this matter:

(A) Current Disparities:

- **Administrative Variability:** Currently, different departments and government bodies follow their own set of procedures for name changes, resulting in significant administrative variability. This leads to confusion for individuals and can hamper the timely and efficient processing of name change requests.
- **Lack of Clarity:** The lack of a uniform law creates confusion and uncertainty about the requirements and processes for name changes. It often necessitates legal intervention to decipher the right procedure, adding to the burden on the courts.

The Allahabad High Court has held that every person has a fundamental right to change his/her name and that rejecting an application for the change of name on the ground of delay is arbitrary and violates Article 21 of the Indian Constitution. (Chaturvedi, 2023)

A Single Bench of Justice Ajay Bhanot observed, *“Virtues of name are celebrated in verse and prose, in spiritual literature and secular texts. The importance of an individual’s name is experienced in all aspects of life including social interfaces and commercial transactions. Power and glory of the human name transcends time and is not fenced by boundaries. ... rejection of the application for change of name on the ground of delay is arbitrary and transgresses the fundamental rights of the petitioner vested by virtue of Article 19(1)(a) and Article 21 of the Constitution of India.”* (Chaturvedi, 2023)

- **Inefficiency and Delays:** Inconsistent procedures can lead to inefficiency and unnecessary delays, causing inconvenience and distress to individuals who need their names changed for various legitimate reasons such as marriage, gender transition, or personal choice.

(B) Benefits of a Standard Law:

- **Clarity and Consistency:** A standard law for name changes would bring much-needed clarity and consistency to the process. Individuals would know exactly what to expect,

and government departments would have a clear set of guidelines to follow.

- **Efficiency and Timeliness:** Standardization would lead to more efficient and timely processing of name change requests. This would reduce the burden on courts, as fewer legal interventions would be required to resolve disputes.
- **Protection of Rights:** A uniform law would help protect individuals' rights to choose their names, which is a fundamental aspect of personal identity. It would ensure that this right is upheld uniformly across the country.
- **Legal Certainty:** A standard law would provide legal certainty, reducing the chances of errors and misunderstandings that could arise from varying procedures.

(C) Recommendation:

Given the compelling reasons for uniformity in name change procedures, the courts should consider taking the following steps:

- **Drafting a Standard Law:** The courts, in collaboration with relevant government bodies, should draft a standard law for name changes in India. This law should encompass clear guidelines and procedures that apply uniformly across all departments and government entities.
- **Public Awareness:** The courts, along with the government, should engage in public awareness campaigns to educate individuals about the new standard procedures, ensuring a smooth transition to the new system.
- **Oversight and Compliance:** The courts should provide oversight to ensure that all departments and government bodies comply with the new standard law, and they should address any deviations or violations promptly.
- **Legal Recourse:** Individuals should have legal recourse through the courts in case of non-compliance or disputes related to name changes, ensuring their rights are protected.

The establishment of a standard law for name changes in India would simplify the process, reduce administrative burden, and protect the fundamental rights of individuals. It is a step toward a more efficient and just system that respects personal identity and choice.

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