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Identity, Dignity, and the Law: Constitutional Protection of Name Change in India

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Introduction

The law surrounding the right to change one's name has recently gained significant judicial attention. Far from being a mere administrative formality, it touches upon the very core of an individual's identity and dignity. In a recent decision, the High Court of Jammu & Kashmir and Ladakh, in Mohd. Hassan v. Union Territory of J&K & Ors. (WP(C) No. 21/2025, decided on 11 September 2025), reaffirmed that the right to change one's name is an aspect of the fundamental rights guaranteed under Articles 19(1)(a) and 21 of the Constitution of India.

Table of contents

- Introduction
- Constitutional Foundation of the Right
- Facts of the Mohd. Hassan Case
- Judicial Findings
- Broader Judicial Consensus
- Conclusion

Constitutional Foundation of the Right

The Court grounded its reasoning to the Supreme Court's authoritative judgment in Jigya Yadav v. Central Board of Secondary Education (2021) 7 SCC 535, wherein it was explicitly held that an individual must retain complete control over her name, since a name is one of the foremost indicators of identity. Article 19(1)(a) protects freedom of speech and expression, and this necessarily includes the freedom to express one's identity through the adoption of a chosen name. Simultaneously, Article 21, which guarantees the right to life and personal liberty, has consistently been interpreted to encompass the right to dignity and individuality.

The High Court emphasised that the expression of one's identity through a name is constitutionally protected, and any attempt to curtail this right must pass the test of reasonableness under Article 19(2). Except in cases involving fraud, criminality, or overriding public interest, the State and its instrumentalities cannot stand in the way of a bona fide name change.

Facts of the Mohd. Hassan Case

The petitioner was originally named Raj Wali. His name was reflected in all his educational records, including matriculation and higher secondary certificates. Feeling stigmatized by the name and desiring to adopt a new identity, he initiated the legal process of changing his name to Mohd. Hassan. He published the change in the Official Gazette of India and updated all relevant public documents, including Aadhaar, PAN, Passport, Driving Licence, and Voter ID. When he approached the Jammu & Kashmir Board of School Education seeking correction of his educational certificates, his application was rejected on the grounds that it was barred by the three-year limitation period prescribed under the Board's regulations, and further that the regulations did not provide for such a change.

Judicial Findings

The Court dismissed the Board's reasoning and set aside the impugned order. The Court clarified that there is an important distinction between correction and change. The three-year limitation period relied upon by the Board applied only to requests for correction of particulars such as typographical or transcriptional errors, and it did not extend to genuine requests for change of particulars such as the adoption of a new name. The Court also noted that Notification 06.02.1995 and Notification 16.02.2009, which the Board relied upon, must be interpreted harmoniously with constitutional rights so that administrative rules do not override fundamental rights.

The Court further held that constitutional rights must take precedence over administrative rules. Regulations cannot override the fundamental rights of an individual, and the right to change one's name, being protected under Articles 19(1)(a) and 21, cannot be curtailed by rigid technicalities.

The Court also stressed that public documents such as Aadhaar, PAN, Passport, and Gazette notifications enjoy statutory presumption of correctness under Sections 76, 79, 80 and 81 of the Indian Evidence Act, 1872 and cannot be disregarded. Once

such documents reflect the changed name, educational authorities are duty-bound to give effect to them. Consequently, the Court directed the Board to reconsider the petitioner's request considering the constitutional guarantees and to issue fresh certificates recording his name as "Raj Wali alias Mohd. Hassan," thereby balancing the petitioner's right to identity with the integrity of institutional records.

The Court also distinguished precedents relied on by the Board (such as J&K BOSE v. Janak Singh and State of Haryana v. Satish Kumar Mittal), clarifying that those cases concerned correction of dates of birth, not substantive name changes.

Broader Judicial Consensus

The judgment in Mohd. Hassan aligns with a growing body of jurisprudence across Indian High Courts. The Allahabad High Court in Kabir Jaiswal v. Union of India (AIR 2021 All 96) recognised that the right to change one's name flows directly from Article 19(1)(a). The Kerala High Court in Kashish Gupta v. CBSE (2020 SCC OnLine Ker 1590) held that a name is central to individuality and thus falls within both Articles 19(1)(a) and 21. The Delhi High Court in Rayaan Chawla v. University of Delhi (2020 SCC OnLine Del 1413) similarly upheld this right. Collectively, these rulings establish that the right to adopt or change a name is a constitutionally guaranteed entitlement, not merely a privilege. The Jammu & Kashmir High Court's reasoning is particularly notable for harmonising statutory regulations with constitutional mandates, ensuring that administrative circulars cannot dilute fundamental rights.

Conclusion

The decision in Mohd. Hassan marks another significant step in the evolution of identity rights in India. By recognising that the freedom to choose one's name is integral to personal liberty, the Court has reinforced the principle that administrative rules must operate within the framework of constitutional guarantees.

In the author's view, the recognition of name changes as a protected right represents a progressive shift towards safeguarding identity autonomy. Names are not static labels; they are reflections of individuality, culture, and dignity. Judicial affirmation of this right ensures that the law remains sensitive to personal freedom while maintaining safeguards against misuse.

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