

# The Rajasthan Special Marriage Rules, 1955

RAJASTHAN

India

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### Rule THE-RAJASTHAN-SPECIAL-MARRIAGE-RULES-1955 of 1955

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The Rajasthan Special Marriage Rules, 1955 Published vide Notification No. F. 15(1) Jud./54, dated May, 11, 1955, Published in Rajasthan Raj-Patra, dated May, 16, 1955 in Part 4(c) at page 117 In exercise of the powers conferred by section 50 of the Special Marriage Act, 1954 (XLIII of 1954) the Government of Rajasthan is hereby pleased to make the following rules, namely:-

#### 1. Short title and commencement.

- These rules may be called the Rajasthan Special Marriage Rules, 1955 and shall come into force on their publication in the Rajasthan Gazette. [1A. Extension of Rules to Abu, Ajmer & Sunel Area & supersession of corresponding rules in force in those areas.-(1) On and from the 1st Day of April, 1957, these rules shall also extend to the Abu, Ajmer and Sunel areas of the new State of Rajasthan as formed by section 10 of the State Registration Act, 1956 (Central Act 37 of 1956) (2) The corresponding rules, in force in the Abu, Ajmer and Sunel areas of the new State shall stand superseded on and from the aforesaid date.] [Rule 1A was newly added vide Notification No. F. 6(2) LJ/B/57, dated 20.3.1957 Published in Rajasthan Gazette Part 4-C dated 28.3.1957 at Page 143 - 144 came into force w.e.f. 1.1.1957.]

#### 2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context, -(a) "Act" means the Special Marriage Act, 1954 (XLIII of 1954); (b) "Section" means section of the Act, and (c) "Form" means a form appended to these rules.

#### 3. Marriage Notice Book.

(1) There shall be maintained by each Marriage officer a bound volume of blank forms of notices (with intervening blank leaves between two printed forms known as the Marriage Notice Book

containing 200 pages numbered consecutively, in which a true copy of all notices of intended marriages shall be entered as required by sub-section (1) of section 6.(2)The copies of notice entered in the Marriage Notice Book shall be numbered consecutively, terminating the series at the close of each year.

#### **4. Paste Books for notices and Declarations.**

- Separate Paste Books, each bearing 200 butts serially numbered, shall be opened for passing the originals of notices and declarations under sections 5 and 11.

#### **5. Marriage Certificate Book.**

- There shall be two separate bound Marriage Certificate Books under section 13 and 16, each containing 100 consecutively numbered blank forms prescribed by the Fourth & Fifth Schedules to the Act respectively.

#### **6. Entries in Marriage Certificate Books.**

- The entries made in the Marriage Certificate Books shall be numbered serially in the respective books, terminating the series at the close of each year.

#### **7. Numbering of Books.**

- All books maintained by the Marriage officer shall be numbered consecutively, without terminating the series at the end of the year. The marriage officer shall endorse a certificate of the correctness of the pages on the front page before he uses any book.

#### **8. Forwarding a copy of the Notice under section 6(3).**

- The copy e notice of intended marriage, required to be transmitted to other Marriage Officer under sub-section (3) of section 6, shall be forwarded not' 6 Marriage officer as far as possible on the day of receipt of such notice in any case not later than the day following day of receipt.

#### **9. Pasting of notices and declaration in the Paste Book.**

- (1) The notices received under section 5 shall be pasted in original in the Paste Book opened under rule 4 after entering their copies in the Marriage Notice Book in accordance with rule 3.(2)A copy of the notice received under sub-section (3) of section 6 shall be pasted on the next available page of the Paste Book.(3)The declarations made under section 11 shall be pasted in a separate Paste Book opened under rule 4.

## **10. Recording of objections in Marriage Notice Books.**

(1)When an objection to an intended marriage has been recorded in writing by the Marriage officer in the Marriage Notice Book under sub-section (3) of section 7, he shall, after inquiry there into under sub-section (1) of section 8, record his decision in the said Book brief below the entry relating to such objections.(2)If an appeal is referred from the declaration of the Marriage officer under sub-section (2) of section 8,the decision of the district court on such appeal shall be recorded in brief in the Marriage Notice Book below decision of of the Marriage officer recorded under sub-rule (1).

## **11. Application for Registration of Marriage celebrated in other form.**

- The application made under section 15 shall be in Form No. 1, or as near hereto as circumstances permit.The rule prescribes the application form for the registration of Marriage under section 15 of the Act.

### **11A. Proof of Age.**

- The Marriage officer may, for the purpose of satisfying himself that the parties to the intended marriage have completed the age specified in section 4(c), require them to produce birth certificate or any other satisfactory evidence to prove their age.

## **12. Public Notice under section 16.**

- The public notice required under section 16 shall be given by publishing a copy of the application under section 15 in a conspicuous place in the office of the Marriage officer and sum publication shall be done immediately on receipt of the application in the prescribed form.

## **13. How notice under section 5 may be sent to the Marriage officer.**

(1)A notice under section 5 of an intended marriage may be sent to the Marriage officer by messenger or by registered post, or may be delivered to him personally, together with the fees prescribed under rule 17.(2)No notice shall be entered and published unless the fees prescribed by rule 17 are received.

## **14. Solemnization or Registration of marriages other than the marriage officer's office.**

- (l) When the marriage is to be solemnized or registered at a place other than the officer of the Marriage officer, the Marriage officer shall attend at the place for the purpose, on the written application of the parties, provided the fees prescribed for the purpose by rule 17 have been paid.(2)(a)The Marriage officer shall not remain absent from his office for more than 3 hours; when the marriage is to be solemnized or to be registered at any place in the city or town where his office is located.(b)The Marriage officer shall not be required to go to a place more than 30 miles distant

from his office for solemnizing or registering a marriage.(c)The restrictions contained in clauses (a) and (b)(i) shall not preclude the Marriage office from visiting any place outside his headquarters but within his jurisdiction for the purpose of solemnizing or registering a marriage, if the visit does not involve absence from his headquarters for more than 2 days at a time including the time required for the journey and no other marriage fixed during his absence, and(ii)shall not apply to any visits made out of office hours of on Sundays or other public holidays.

## 15. Seal.

- The Marriage officer shall affix his seal to all certified copies granted under the Act.

## 16. Procedure for inquiries.

- In all inquiries to be made under the Act, the Marriage officer shall follow the procedure laid down in Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (V of 1908)

## 17. Fees.

- The following fees shall be charged by Marriage officers for the performance of the various duties under the Act -

	Rs.	as. P.
For entering a notice under section 6	0	8 0
Additional fee for every copy of notice required to be sent under section 6(3)	0	8 0
For an application under section 15	1	0 0
For recording objection in writing under section 7 or 16	1	0 0
For solemnization or registration of marriage at the office of the Marriage officer	5	0 0
For solemnization or registration of marriage at a place within a radius of five miles from the office of the Marriage officer	15	0 0
For solemnization or registration of marriage at a place beyond the radius of five miles	30	0 0
For copy of applications made under section 15	1	0 0
For copy of declaration		
For copy of certificate of Marriage		
For copy of notice under section 5		
Search fee, for searching the records maintained at the office of the Marriage officer (except search of the Marriage Notice Book) -		
For the first year	0	8 0
For every additional year	0	4 0

Subject to a maximum  
fee of Rs. 2/-.

For issue of commission	5	0	0
For every other application which may be necessary under the Act	0	8	0

The fees shall be credited to the Government in full under the does head "XLVI-Miscellaneous: Other fees, fines and forfeiture". The Marriage officer may draw traveling a allowance according to rules for journey performed in the course of duties discharged under the Act.

## 18. Preservation of Books & papers.

- The books and papers listed below shall be prescribed for the periods specified against them -

1. Marriage Certificate Book under section 13	Permanent
2. Marriage Certificate Book under section 16	Permanent
3. Paste Book of declarations	Permanent
4. Marriage Notice Book	30 years
5. Paste Book for notices	30 years
6. Applications received under section 15	30 years
7. Inquiry papers	30 years
8. Applications for private attendance	5 years
9. Applications for certified copy	5 years
10. Applications for issue of commission	5 years
11. office copies of commission issued	5 years
12. Applications for summonses	5 years
13. office copies of summonses	1 year

## 19. Repeal.

- Notification No. F. 2 (147) GA (A) 52 dated the 3rd, October, 1952 of the Government of Rajasthan in the Central Administration (A) Department prescribing the fees for performance of duties by Marriage officer is hereby superseded. Form No. 1 (See rule 11) Form of application for registration of a marriage celebrated under other form. To, The Marriage Officer For The District of .... Having fulfilled the following conditions, we ABCD hereby apply to you for the registration of our marriage under section 15 of the Special Marriage Act, 1954 (43 of 1954):- (a) A ceremony of marriage has been performed between us, on dated ...) and we are living together as husband and wife ever since. (b) Neither of us has more than one spouse living. (c) Neither of us is an idiot or lunatic. (d) We have completed the age of 21 years. (e) We are not within the degrees of prohibited relationship. (f) We are residing at (place) ... from (date) ... We hereby declare that what is stated above is true to the best of our knowledge and belief. Date..... (Signed) A. B. Place..... (Signed) C. D.